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federal register

Friday
May 7, 1999

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WASHINGTON, DC

WHEN: May 18, 1999 at 9:00 am.

WHERE: Office of the Federal Register
Conference Room
800 North Capitol Street, NW.
Washington, DC
(3 blocks north of Union Station Metro)

RESERVATIONS: 202–523–4538

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Reader Aids
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Presidential Documents

Title 3—

The President

Presidential Determination No. 99–22 of April 29, 1999

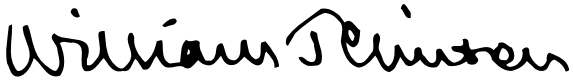
Determination Pursuant to Section 2(c)(1) of the Migration and Refugee Assistance Act of 1962, as Amended

Memorandum for the Secretary of State

Pursuant to section 2(c)(1) of the Migration and Refugee Assistance Act of 1962, as amended, 22 U.S.C. 2601(c)(1), I hereby determine that it is important to the national interest that up to $20 million be made available from the U.S. Emergency Refugee and Migration Assistance Fund to meet urgent and unexpected needs relating to the program under which the United States will provide refuge in the United States to refugees fleeing the Kosovo crisis.

These funds may be used to meet the urgent and unexpected needs of refugees, displaced persons, victims of conflict, and other persons at risk due to the Kosovo crisis. These funds may be used, as appropriate, to provide contributions to international and nongovernmental organizations.

You are authorized and directed to inform the appropriate committees of the Congress of this determination and the use of funds under this authority, and to arrange for the publication of this determination in the **Federal Register**.



THE WHITE HOUSE,
Washington, April 29, 1999.

[FR Doc. 99–11722
Filed 5–6–99; 8:45 am]
Billing code 4710–10–M

Rules and Regulations

Federal Register
Vol. 64, No. 88
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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR PART 330

RIN 3206–AI56

Interagency Career Transition Assistance for Displaced Former Panama Canal Zone Employees

AGENCY: Office of Personnel Management.

ACTION: Interim rule with request for comments.

SUMMARY: The Office of Personnel Management is issuing interim regulations that provide certain displaced employees of the former Panama Canal Zone with interagency priority consideration for vacant competitive service positions in the continental United States. These regulations are applicable to eligible displaced employees of the former Panama Canal Zone who are now being separated.

DATES: These interim regulations are effective May 7, 1999. Written comments will be considered if received no later than July 6, 1999.

ADDRESSES: Send written comments to Mary Lou Lindholm, Associate Director for Employment, Office of Personnel Management, Room 6F08, 1900 E Street, NW, Washington, DC 20415–9000.

FOR FURTHER INFORMATION CONTACT: Thomas A. Glennon or Jacqueline R. Yeatman, 202–606–0960, FAX 202–606–2329.

SUPPLEMENTARY INFORMATION:

Background

The Panama Canal Treaty of 1977, as implemented through Public Law 96–70 (93 Stat. 452, The Panama Canal Act of 1979, approved September 27, 1979, and generally effective October 1, 1979), provides for the final transfer of Panama Canal operations and full control of the former Canal Zone geographic area from the Government of the United States to the Republic of Panama on December 31, 1999. This action will result in the involuntary separation, or geographic relocation, of most United States citizens presently working as Federal employees in the Canal Area.

Section 1212(a) of the Panama Canal Act, as codified in 22 U.S.C. 3652, authorized the President to establish the *Panama Canal Employment System* in accordance with applicable Treaty requirements and other provisions of law. Most Federal employees in the Canal Area hold excepted service positions under the Panama Canal Employment System. However, § 1212(a) requires full interchange between these excepted service Panama Canal Employment System positions and positions in the competitive service.

Section 1232 of the Panama Canal Act, as codified in 22 U.S.C. 3672, provides certain employees of the former Canal Zone with priority consideration for continuing vacant Federal positions.

Specifically, § 1232(a) of the Act authorizes special selection priority for any citizen of the United States who, on March 31, 1979, was an employee of the Panama Canal Company or the Canal Zone Government, who is involuntarily separated. This priority is not available to otherwise eligible employees who are placed in another appropriate Federal position that is located in the Republic of Panama.

Similarly, § 1232(b) of the Act authorizes special selection priority for any citizen of the United States who, on March 31, 1979, was employed in the Canal Zone under the Panama Canal Employment System as an employee of an executive branch agency (including the Smithsonian Institution), and whose position was eliminated as the result of the Panama Canal Treaty of 1977 and related agreements. This priority is not available to otherwise eligible employees who are appointed to another appropriate Federal position that is located in the Republic of Panama.

Section 1232(c) of the Act mandates that OPM establish and administer a Government-wide special selection priority program for all eligible displaced employees of the former Canal Zone.

New Interagency Career Transition Assistance Program for Displaced Panama Canal Zone Employees

Eligible displaced employees of the former Panama Canal Zone are eligible for interagency special selection priority consideration in this new program on a similar basis as that provided to many displaced Federal employees under the *Interagency Career Transition Assistance Plan,* which is authorized by 5 CFR 330, subpart G. However, eligible displaced employees of the former Canal Zone receive special selection priority when applying for vacant positions throughout the continental United States, while the Interagency Career Transition Assistance Plan provides priority consideration to other displaced Federal employees only in the local commuting area where the displaced employee last worked.

Waiver of Notice of Proposed Rulemaking and Delay in Effective Date

Pursuant to 5 U.S.C. 553(b)(3)(B), I find that good cause exists for waiving the general notice of proposed rulemaking because it would be contrary to the public interest to delay access to benefits provided by law. Also, pursuant to 5 U.S.C. 553(d)(3), I find that good cause exists to waive the effective date and make this amendment effective in less than 30 days in order to provide eligible displaced employees of the former Canal Zone with special selection priority at the earliest practicable date.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it affects only certain Federal employees.

Executive Order 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with Executive Order 12866.

List of Subjects in 5 CFR Part 330

Armed Forces reserves, Government employees.

Office of Personnel Management.

Janice R. Lachance,

Director.

Accordingly, OPM is amending part 330 of title 5, Code of Federal Regulations, as follows:

PART 330—RECRUITMENT, SELECTION, AND PLACEMENT (GENERAL)

1. The authority citation for part 330 is revised to read as follows:

Authority: 5 U.S.C. 1302, 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp., p. 218; § 330.102 also issued under 5 U.S.C 3327; subpart B also issued under 5 U.S.C. 3315 and 8151; § 330.401 also issued under 5 U.S.C. 3310; subpart I also issued under sec. 4432 of Pub. L. 102–484, 106 Stat. 2315; subpart K also issued under sec. 11203 of Pub. L. 105–33, 111 Stat. 738; subpart L also issued under sec. 1232 of Pub. L. 96–70, 93 Stat. 452.

2. Subpart L of part 330 is added to read as follows:

Subpart L—Interagency Career Transition Assistance for Displaced Former Panama Canal Zone Employees

Sec.
330.1201 Purpose.
330.1202 Definitions.
330.1203 Eligibility
330.1204 Selection.

Subpart L—Interagency Career Transition Assistance for Displaced Former Panama Canal Zone Employees

§ 330.1201 Purpose.

This subpart implements Section 1232 of Public Law 96–70 (the Panama Canal Act of 1979) and provides eligible displaced employees of the former Panama Canal Zone with interagency special selection priority consideration for continuing Federal vacant positions in the continental United States.

§ 330.1202 Definitions.

For purposes of this subpart:

(a) *Agency* means an Executive Department, a Government corporation, and an independent establishment as cited in 5 U.S.C. 105. For the purposes of this program, the term ''agency'' includes all components of an organization, including its Office of Inspector General.

(b) *Canal Zone* is the definition set forth in 22 U.S.C. 3602(b)(1), and means the areas and installations in the Republic of Panama made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements;

(c) *Eligible displaced employee of the former Panama Canal Zone* means a citizen of the United States who:

(1) Holds or held a position in the Panama Canal Employment System that is in retention tenure group 1 or 2, as defined in § 351.501(a) of this chapter;

(2)(i) Was an employee of the Panama Canal Company or the Canal Zone Government on March 31, 1979, and has been continuously employed in the former Panama Canal Zone under the Panama Canal Employment System; or

(ii) Has been continuously employed since March 31, 1979, in the former Panama Canal Zone under the Panama Canal Employment System as an employee of an executive agency, or as an employee of the Smithsonian Institution;

(3) Holds or held a position that is eliminated as the result of the implementation of the Panama Canal Treaty of 1977 and related agreements;

(4) Is not appointed to another appropriate Federal position located in the Republic of Panama; and

(5) Has received a specific notice of separation by reduction in force, and meets the additional eligibility criteria covered in § 330.1203.

(d) *Special selection priority* means that an eligible displaced employee of the former Panama Canal Zone who applies for a competitive service vacancy, and who the hiring agency in the continental United States determines is well-qualified, has the same special selection priority as a current or former displaced Federal employee who is eligible under 5 CFR 330, subpart G (the Interagency Career Transition Assistance Plan), or under 5 CFR 330, subpart K (Federal Employment Priority Consideration for Displaced Employees of the District of Columbia Department of Corrections). Eligible displaced employees of the former Panama Canal Zone have special selection priority under this subpart to positions throughout the continental United States.

(e) *Vacancy* means a competitive service position to be filled for a total of 121 days or more, including all extensions, which the agency is filling, regardless of whether the agency issues a specific vacancy announcement.

(f) *Well-qualified* employee means an eligible displaced former employee of the Panama Canal Zone who possesses the knowledge, skills, and abilities which clearly exceed the minimum qualification requirements for the position. A well-qualified employee will not necessarily meet the agency's definition of *highly or best qualified,* when evaluated against other candidates who apply for a particular vacancy, but must satisfy the following criteria, as determined and consistently applied by the agency:

(1) Meets the basic qualification standards and eligibility requirements for the position, including any medical qualifications, suitability, and minimum educational and experience requirements;

(2) Satisfies one of the following qualifications requirements:

(i) Meets all selective factors where applicable. Meets appropriate quality rating factor levels as determined by the agency. Selective and quality ranking factors cannot be so restrictive that they run counter to the goal of placing displaced employees. In the absence of selective and quality ranking factors, selecting officials will document the job-related reason(s) the eligible employee is or is not considered to be well-qualified; or

(ii) Is rated by the agency to be above minimally qualified in accordance with the agency's specific rating and ranking process. Generally, this means that the individual may or may not meet the agency's test for highly qualified, but would in fact, exceed the minimum qualifications for the position;

(3) Is physically qualified, with reasonable accommodation where appropriate, to perform the essential duties of the position;

(4) Meets any special qualifying condition(s) that OPM has approved for the position; and

(5) Is able to satisfactorily perform the duties of the position upon entry.

§ 330.1203 Eligibility.

(a) In order to be eligible for special selection priority, an eligible displaced employee of the former Panama Canal Zone must:

(1) Have received a specific notice of separation by reduction in force;

(2) Have not been appointed to another appropriate position in the Government of the United States in Panama;

(3) Apply for a vacancy within the time frames established by the hiring agency; and

(4) Be found by the hiring agency as well-qualified for that specific vacancy.

(b) Eligibility for special selection priority as an eligible displaced employee of the former Panama Canal Zone begins on the date that the employee receives a specific notice of separation by reduction in force.

(c) Eligibility for special selection priority as an eligible displaced employee of the former Panama Canal Zone expires on the earliest of:

(1) One year after the effective date of the reduction in force;

(2) The date that the employee receives a career, career-conditional, or excepted appointment without time limit in any agency at any grade level; or

(3) The date that the employee is separated involuntarily for cause prior to the effective date of the reduction in force action.

§ 330.1204. Selection.

If two or more individuals apply for a vacancy and the hiring agency determines the individuals to be well-qualified, the agency has the discretion to select any of these employees eligible for priority under subpart G of this part (the Interagency Career Transition Assistance Plan), under subpart K of this part (Federal Employment Priority Consideration for Displaced Employees of the District of Columbia Department of Corrections), or under subpart L of this part (Interagency Career Transition Assistance for Displaced Former Panama Canal Zone Employees).

[FR Doc. 99–11513 Filed 5–6–99; 8:45 am]

BILLING CODE 6325–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–53–AD; Amendment 39–11161; AD 99–10–08]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 767 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 767 series airplanes, that requires a detailed visual inspection to detect corrosion inside the forward trunnion joint of the main landing gear (MLG); follow-on actions; and repair, if necessary. This amendment also provides for optional terminating action for the repetitive inspections. This amendment is prompted by reports of corrosion at the forward trunnion thrust face, tabs, and the internal threads of the forward trunnion of the MLG due to moisture in the forward trunnion joint. The actions specified by this AD are intended to prevent corrosion of the forward trunnion joint, which could lead to a stress corrosion fracture of the forward trunnion and possible consequent collapse of the MLG.

DATES: Effective June 11, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 11, 1999.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: James G. Rehrl, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington; telephone (425) 227–2783; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Boeing Model 767 series airplanes was published in the **Federal Register** on August 5, 1998 (63 FR 41739). That action proposed to require a detailed visual inspection to detect corrosion inside the forward trunnion joint of the main landing gear (MLG); follow-on actions; and repair, if necessary. That action also proposed to provide for optional terminating action for the repetitive inspections.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Support for the Proposal

Two commenters support the proposal.

Request to Clarify Certain Requirements

One commenter, the manufacturer, requests that paragraph (b) of the proposal be revised to clarify that the addition of corrosion-inhibiting compound to the trunnion joint is also needed to terminate the proposed inspections.

The FAA concurs. Although the appropriate service information for this AD provides procedures to apply corrosion-inhibiting compound to the trunnion joint whenever the chrome plate is applied to the trunnion, this was not explicitly stated in the wording of the AD. Therefore, the FAA has revised paragraphs (a)(1), (a)(2), and (b) of the final rule (where discussion of terminating actions occurs) to clarify that the terminating action will consist of applying chrome plate to the trunnion tabs and applying corrosion-inhibiting compound to the trunnion joint.

Request to Withdraw the NPRM or Require the Latest Modification

One commenter requests that the FAA withdraw the proposal, or at least revise the requirements to mandate the latest modification as the terminating action. The commenter states that the terminating action specified in the proposed rule will not prevent corrosion. The commenter states that its own inspections of other trunnions on which the terminating modification has been accomplished indicate that the terminating modification is inadequate to prevent corrosion. The commenter further notes that the proposed modification (which consists of applying chrome plate) does not address the areas of the joint that have proved to be the most susceptible to corrosion, e.g., the threads on the internal diameter of the trunnion and the aft surface of the joint. The commenter concludes that, in light of the fact that Boeing has recently abandoned its design philosophy for this joint, the proposed terminating modification is ''dated.'' Specifically, the commenter notes that the latest Boeing design entails removing the threads of the joint altogether. Further, the commenter states that mandating the proposal would impose costly and disruptive maintenance requirements if the proposal requires incorporating an ineffective modification when better solutions exist.

The FAA does not concur with the commenter's request to withdraw the proposal or to revise the terminating action specified in the AD. The FAA considers that, in this case, there are three factors that make stress corrosion cracking of the forward trunnion a safety concern. First, the material (i.e., 4340M high strength steel) is known to be highly susceptible to stress corrosion cracking; second, the material is in an environment that allows corrosion to form (as has been demonstrated numerous times); and third, the material is at times exposed to sustained tensile stresses. Since an unsafe condition has been identified, the FAA considers it appropriate and necessary to issue the final rule. Although the commenter's position is that the terminating modification is inadequate in preventing corrosion, the FAA has received no reports of corroded trunnions being identified after the terminating modification has been accomplished. The FAA has determined that since the release of Boeing Alert Service Bulletin 767–32A0127, dated January 29, 1996 (the appropriate service information for this final rule), an insufficient amount of time has passed that would allow corrosion to re-

initiate on a MLG forward trunnion that has been removed from an airplane, then disassembled, inspected, cleaned, chrome-plated, and re-installed with corrosion inhibiting compound. Therefore, no change is necessary to this final rule in that regard.

The FAA acknowledges that the internal diameter of the trunnion and the aft surface of the joint are susceptible to corrosion, and that the modification specified in this final rule does not specifically address applying chrome plating to those areas. However, the FAA has determined that the required inspections for corrosion and the modification specified by this final rule are adequate to detect or prevent corrosion of the forward trunnion joint. If information becomes available that indicates that the terminating action may be inadequate, the FAA may initiate further rulemaking.

The commenter also asserts that the proposal would impose costly and disruptive maintenance requirements if it requires incorporating an ineffective modification when better solutions already exist. As explained previously, the FAA has received no information indicating that the modification is ineffective. Additionally, the FAA is aware that Boeing has developed a new design for the forward trunnion joint, which entails, among other things, the removal of the internal threads. The FAA also notes that the service information relating to the new design is not available for FAA review and approval at the current time. However, under the provisions of paragraph (c) of the final rule, the FAA will consider requests for approval of an alternative method of compliance if sufficient data are submitted to substantiate that such a design change would provide an acceptable level of safety.

Request to Withdraw the Proposal or Add Further Requirements

This same commenter requests that if the proposal is not withdrawn, it should simply require operators to remove and report any corrosion at overhaul (not to exceed 10 years), with aggressive lubrication intervals of 250 flight cycles or less. The FAA infers that the commenter is basing its request on a statement (of the commenter's) that contends that the stress levels in the forward trunnion area are below the stress corrosion cracking threshold for crack formation. Therefore, the commenter concludes that no risk exists for stress corrosion cracking to start.

The FAA does not concur with the commenter's request to withdraw the NPRM. For reasons specified in the discussion of the previous comment, the FAA finds that this rule is appropriate and necessary. Further, the FAA does not concur with the request to require removal of corrosion during overhaul. The FAA finds that the concept of stress corrosion threshold is not applicable to this situation because the affected structure is already corroded. The use of a stress corrosion threshold is only applicable during the material selection phase of a new design; it is not useful for predicting the behavior of corroded structure. Therefore, the FAA has determined that no change to the final rule is necessary.

Request to Revise the Compliance Time

One commenter states that the 18-month initial compliance time is too aggressive and will cause unnecessary costs and scheduling problems.

The FAA infers that the commenter would like the compliance time to be extended to correlate with the airplane's next scheduled overhaul. The FAA does not concur that the compliance time should be revised. In developing an appropriate compliance time, the FAA considered the safety implications, and normal maintenance schedules for timely accomplishment of the inspection and follow-on actions. In consideration of these items, as well as the reports of corrosion at the forward trunnion thrust face, tabs, and internal threads of the forward trunnion of the MLG, the FAA finds that a period of 18 months represents an appropriate compliance threshold wherein the inspection and follow-on actions can be accomplished during scheduled maintenance for the majority of affected operators and an acceptable level of safety can be maintained. However, under the provisions of paragraph (c) of the final rule, the FAA may approve requests for adjustments to the compliance time if data are submitted to substantiate that such adjustments would provide an acceptable level of safety.

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Cost Impact

There are approximately 455 Boeing Model 767 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 151 airplanes of U.S. registry will be affected by this AD.

It will take approximately 8 work hours per airplane to accomplish the visual inspection, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the required inspection on U.S. operators is estimated to be $72,480, or $480 per airplane, per inspection cycle.

The cost impact figures above do not account for the time to gain access to the forward trunnion joint or to return a main landing gear to service. In this case, however, the access and close-up work hours may account for the predominant portion of the total cost impact of this AD. It is estimated that it will take approximately 65 work hours to gain access to both forward trunnion joints, and 89 work hours to return the airplane to service. If these costs are included, the cost impact for the required inspections will be approximately $1,467,720, or $9,720 per airplane, per inspection cycle.

Repair of the forward trunnions (two per airplane), if accomplished (which may include both corrosion blend-out repairs as well as the application of chrome plate to certain portions of the forward trunnion), will take approximately 72 work hours to accomplish, at an average labor rate of $60 per work hour. The cost of the repair kits will be approximately $16,000 per airplane. Based on these figures, the cost impact of the repair on U.S. operators is estimated to be $3,068,320, or $20,320 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (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) will not have a significant economic

impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

99–10–08 Boeing: Amendment 39–11161. Docket 97–NM–53–AD.

Applicability: Model 767 series airplanes, manufacturer's line positions 001 through 455 inclusive, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent corrosion of the forward trunnion joint of the main landing gear (MLG), which could lead to a stress corrosion fracture of the forward trunnion and possible consequent collapse of the MLG, accomplish the following:

(a) Within 6 years since the outer cylinder of the MLG was new, last overhauled, or installed (replaced) after the last corrosion repair in accordance with Boeing Alert Service Bulletin 767–32A0127, dated January 29, 1996; or within 18 months after the effective date of this AD; whichever occurs later: Perform a detailed visual inspection to detect corrosion inside the forward trunnion joint and the internal threads of the MLG; in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 767–32A0127, dated January 29, 1996.

(1) If no corrosion of the forward trunnion joint is found, prior to further flight, accomplish either paragraph (a)(1)(i) or (a)(1)(ii) of this AD.

(i) Apply chrome plating to the forward trunnion thrust and tab faces and apply corrosion-inhibiting compound to the trunnion joint in accordance with the alert service bulletin. Accomplishment of this application of chrome plating constitutes terminating action for the requirements of this AD.

(ii) Apply corrosion-inhibiting compound to the forward trunnion joint in accordance with the Accomplishment Instructions of the alert service bulletin. Repeat the detailed visual inspection thereafter at intervals not to exceed six years or until chrome plating is applied to the forward trunnion thrust and tab faces and corrosion-inhibiting compound is applied to the trunnion joint, in accordance with the alert service bulletin.

(2) If any corrosion of the forward trunnion joint is found, prior to further flight, accomplish either paragraph (a)(2)(i) or (a)(2)(ii) of this AD.

(i) Repair the forward trunnion, apply chrome plating to the forward trunnion thrust and tab faces, and apply corrosion-inhibiting compound; in accordance with the alert service bulletin. Accomplishment of this application of chrome plating and corrosion-inhibiting compound constitutes terminating action for the requirements of this AD.

(ii) Repair the forward trunnion and apply corrosion-inhibiting compound to the forward trunnion joint in accordance with the alert service bulletin. Repeat the detailed visual inspection thereafter at intervals not to exceed six years or until chrome plating is applied to the forward trunnion thrust and tab faces in accordance with the alert service bulletin.

(b) Replacement, repair, or overhaul of the outer cylinder of the MLG that includes the application of chrome plating to the forward trunnion thrust and tab faces and application of corrosion-inhibiting compound, in accordance with Boeing Alert Service Bulletin 767–32A0127, dated January 29, 1996, constitutes terminating action for the requirements of this AD.

Alternative Methods of Compliance

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

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

Special Flight Permits

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

Incorporation by Reference

(e) The actions shall be done in accordance with Boeing Alert Service Bulletin 767–32A0127, dated January 29, 1996. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on June 11, 1999.

Issued in Renton, Washington, on April 30, 1999.

D. L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–11468 Filed 5–6–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–CE–17–AD; Amendment 39–11160; AD 99–10–06]

RIN 2120–AA64

Airworthiness Directives; Raytheon Aircraft Corporation Model Beech 2000 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain Raytheon Aircraft Corporation (Raytheon) Model Beech 2000 airplanes. This AD requires immediately incorporating temporary revisions to the Limitations Section of the Airplane Flight Manual (AFM) that include requirements of not allowing flap operation during takeoff, accomplishing the preflight visual checks (referred to as visual inspections in the AFM temporary revisions) of the aft cove panel of the wing for delamination prior to each flight, and incorporating a repair scheme if delamination is found. This AD also requires repetitively inspecting the trailing edge of the wing by looking for

delamination (debonding) (also referred to as cracks in the service information) through the thickness of the trailing edge of the wing cove skin panels, and modifying the center flap track rib attachment when delamination (debonding) is found. This AD is the result of a report of the wing cove skin panel separating from the wing while in flight on one of the affected airplanes. The actions specified by this AD are intended to detect and correct delamination of the wing cove skin in the area of the support rib, which could result in the delamination propagating to the trailing edge of the wing with the wing cove skin panel possibly separating from the wing.

DATES: Effective June 3, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 3, 1999.

Comments for inclusion in the Rules Docket must be received on or before July 9, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 99–CE–17–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Service information that applies to this AD may be obtained from the Raytheon Aircraft Company, P.O. Box 85, Wichita, Kansas 67201–0085; telephone: (800) 429–5372 or (316) 676–3140. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 99–CE–17–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Steve E. Potter, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone: (316) 946–4124; facsimile: (316) 946–4407.

SUPPLEMENTARY INFORMATION:

Discussion

The FAA has received a report that the wing cove skin panel separated from the wing while in flight on a Raytheon Model Beech 2000 airplane. Examination of this incident revealed delamination of the aft cove wing skin panel in the area of the support ribs, which then propagated to the wing aft cove panel until it separated.

Raytheon has reported to the FAA other wing skin delaminations in this area on the affected airplanes.

Relevant Service Information

Raytheon has issued the following:

—Safety Communique No. 158, dated March 1999, which includes procedures for inspecting the trailing edge of the wing by looking for delamination (debonding) through the thickness of the trailing edge of the wing cove skin panels;

—Raytheon Temporary Changes to the FAA Approved Airplane Flight Manual (AFM), part number (P/N) 122–590013–37BTC3, Rev. 1, dated March 12, 1999, which include requirements of not allowing flap operation during takeoff, and accomplishing preflight visual checks (referred to as visual inspections in the AFM temporary revisions) of the aft cove panel of the wing for delamination prior to each flight and incorporating a repair scheme if delamination is found;

—Field Repair drawing FR–SS–00010, Reinforcement of Aft cove panel of Flap Cove Assy P/N 122–100079–1/2, which includes procedures for modifying the aft cove panel of the flap cove assembly when delamination (debonding) is found; and

—Kit 122–4019, Rev. B, dated March 12, 1999, which includes the procedures and parts necessary for modifying the attachment of the support rib at the center flap track when delamination (debonding) (referred to as cracks in the Safety Communique) is found.

The FAA's Determination

After examining the circumstances and reviewing all available information related to the incidents described above, including the relevant service information, the FAA has determined that AD action should be taken to detect and correct delamination of the wing cove skin in the area of the support rib, which could result in the delamination propagating to the trailing edge of the wing with the wing cove skin panel possibly separating from the wing.

Explanation of the Provisions of the AD

Since an unsafe condition has been identified that is likely to exist or develop in other Raytheon Model Beech 2000 airplanes of the same type design, the FAA is taking AD action. This AD requires immediately incorporating temporary revisions to the Limitations Section of the Airplane Flight Manual (AFM) that disallow flap operation during takeoff, and specify inspecting the aft cove panel of the wing for delamination prior to each flight and incorporating a repair scheme if delamination is found. This AD also requires repetitively inspecting the trailing edge of the wing by looking for delamination (debonding) (referred to as cracks in the service information) through the thickness of the trailing edge of the wing cove skin panels, and modifying the center flap track rib attachment when delamination (debonding) is found.

Accomplishment of the actions specified in this AD is required in accordance with the service information previously referenced.

Determination of the Effective Date of the AD

Since a situation exists (the wing cove skin panel possibly separating from the wing) that requires the immediate adoption of this regulation, it is found that notice and opportunity for public prior comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting immediate flight safety and, thus, was not preceded by notice and opportunity to comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to

Docket No. 99–CE–17–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and is not a significant regulatory action under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket (otherwise, an evaluation is not required). A copy of it, if filed, may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

99–10–06 Raytheon Aircraft Company: Amendment 39–11160; Docket No. 99–CE–17–AD.

Applicability: Model Beech 2000 airplanes, serial numbers NC–4 through NC–53, certificated in any category, that do not have Raytheon Kit 122–4019, Rev. B, dated March 12, 1999, incorporated.

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

Compliance: Required as indicated in the body of this AD, unless already accomplished.

To detect and correct delamination of the wing cove skin in the area of the support rib, which could result in the delamination propagating to the trailing edge of the wing with the wing cove skin panel possibly separating from the wing, accomplish the following:

(a) Prior to further flight, incorporate Raytheon Temporary Changes to the FAA Approved Airplane Flight Manual (AFM), part number (P/N) 122–590013–37BTC3, Rev. 1, dated March 12, 1999, into the Limitations Section of the AFM. The requirements of the AFM temporary revisions include not allowing flap operation during takeoff and accomplishing preflight visual checks (referred to as visual inspections in the AFM temporary revisions) of the aft cove panel of the wing for delamination (debonding) prior to each flight and incorporating a repair scheme if delamination (debonding) is found.

Note 2: The visual checks referenced in the AFM temporary revisions may be performed by the pilot.

(b) Visually inspect the trailing edge of the wing by looking for delaminations (debonding) (also referred to as cracks in the service information) through the thickness of the trailing edge of the wing cove skin panel, in accordance with Raytheon Safety Communique No. 158, dated March 1999, at the compliance times specified in paragraphs (b)(1) and (b)(2) of this AD.

(1) *Initial Inspection*: Within the next 10 hours time-in-service (TIS) after the effective date of this AD or prior to further flight after any delamination (debonding) is found during any preflight visual check specified in the AFM temporary revisions required by paragraph (a) of this AD, whichever occurs first; and

(2) *Repetitive Inspections*: Thereafter (after each inspection) at intervals not to exceed 50 hours TIS or prior to further flight after any delamination (debonding) is found during any preflight check specified in the AFM temporary revisions required in paragraph (a) of this AD, whichever occurs first.

(c) If any delamination (debonding) is found during any of the preflight checks or inspections of the aft cove panel of the wing required by paragraphs (a) and (b) of this AD, prior to further flight, accomplish the following:

(1) *Delamination (Debonding) Found During the Preflight Visual Checks Specified in the AFM Revisions Required by Paragraph (a) of This AD*: In addition to the inspection required by paragraph (b) of this AD, incorporate one of the following:

(i) Raytheon Field Repair drawing FR-SS–00010, Reinforcement of Aft cove panel of Flap Cove Assy P/N 122–100079–1/2, as referenced in Raytheon Safety Communique No. 158, dated March 1999; or

(ii) Raytheon Kit 122–4019, Rev. B, dated March 12, 1999. This kit includes the procedures and parts necessary for modifying the attachment of the support rib at the center flap track.

(2) *Delamination (Debonding) Found During Any Inspection Required by Paragraph (b) of This AD*: Incorporate Raytheon Kit 122–4019, Rev. B, dated March 12, 1999. This kit includes the procedures and parts necessary for modifying the rib attachment center flap track.

(d) Incorporating Raytheon Kit 122–4019, Rev. B, dated March 12, 1999, as specified in paragraphs (c)(1)(ii) and (c)(2) of this AD constitutes terminating action for the AFM and repetitive inspection requirements of paragraphs (a) and (b) of this AD, respectively. This kit may be incorporated at any time, but must be incorporated if any delamination is found during any inspection required by paragraph (b) of this AD.

(e) Incorporating the AFM temporary revisions as required by paragraph (a) of this AD may be performed by the owner/operator holding at least a private pilot certificate as authorized by § 43.7 of the Federal Aviation Regulations (14 CFR 43.7), and must be entered into the aircraft records showing compliance with this AD in accordance with § 43.9 of the Federal Aviation Regulations (14 CFR 43.9).

(f) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the inspections and modifications required by paragraphs (b) and (c) of this AD can be accomplished. The AFM temporary revisions required by paragraph (a) of this AD must be incorporated prior to this flight.

(g) An alternative method of compliance or adjustment of the initial or repetitive compliance times that provides an equivalent level of safety may be approved by the Manager, Wichita Aircraft Certification Office (ACO), 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Wichita ACO.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Wichita ACO.

(h) The inspections required by this AD shall be done in accordance with Raytheon Safety Communique No. 158, dated March 1999. The modification required by this AD shall be done in accordance with Raytheon Field Repair drawing FR–SS–00010, Revision A, dated February 24, 1999, as referenced in Raytheon Safety Communique No. 158, dated March 1999; or Raytheon Field Service Kit 122–4019, Revision B, dated March 12, 1999.

(1) This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from the Raytheon Aircraft Company, P.O. Box 85, Wichita, Kansas 67201–0085.

(2) Copies may be inspected at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

(i) This amendment becomes effective on June 3, 1999.

Issued in Kansas City, Missouri, on April 29, 1999.

James E. Jackson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–11320 Filed 5–6–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–ACE–7]

Amendment to Class E Airspace; Stockton, MO

AGENCY: Federal Aviation Administration, DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This document confirms the effective date of a direct final rule which revised Class E airspace at Stockton, MO.

DATES: The direct final rule published at 64 FR 10939 is effective on 0901 UTC, July 15, 1999.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Airspace Branch, ACE–520C, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106; telephone: (816) 426–3408.

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with a request for comments in the **Federal Register** on March 8, 1999 (64 FR 10939). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on July 15, 1999. No adverse comments were received, and thus this notice confirms that this direct final rule will become effective on that date.

Issued in Kansas City, MO on April 21, 1999.

Jack L. Skelton,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 99–11543 Filed 5–6–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–ACE–22]

Amendment to Class E Airspace; Harlan, IA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This action amends the Class E airspace area at Harlan Municipal Airport, Harlan, IA. The FAA has developed Global Positioning System (GPS) Runway (RWY) 15 and GPS RWY 33 Standard Instrument Approach Procedures (SIAPs) to serve Harlan Municipal Airport, IA. Additional controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to accommodate these SIAPs and for Instrument Flight Rules (IFR) operations at this airport. The enlarged area will contain the new GPS RWY 15 and GPS RWY 33 SIAPs in controlled airspace.

The intended effect of this rule is to provide controlled Class E airspace for aircraft executing GPS RWY 15 and GPS RWY 33 SIAPs, and to segregate aircraft using instrument approach procedures in instrument conditions from aircraft operating in visual conditions.

DATES: This direct final rule is effective on 0901 UTC, September 9, 1999.

Comments for inclusion in the Rules Docket must be received on or before June 28, 1999.

ADDRESSES: Send comments regarding the rule in triplicate to: Manager, Airspace Branch, Air Traffic Division, ACE–520, Federal Aviation Administration, Docket Number 99–ACE–22, 601 East 12th Street, Kansas City, MO 64106.

The official docket may be examined in the Office of the Regional Counsel for the Central Region at the same address between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

An informal docket may also be examined during normal business hours in the Air Traffic Division at the same address listed above.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Airspace Branch, ACE–520C, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106; telephone: (816) 426–3408.

SUPPLEMENTARY INFORMATION: The FAA has developed GPS RWY 15 and GPS RWY 33 SIAPs to serve the Harlan Municipal Airport, Harlan, IA. The amendment to Class E airspace at Harlan, IA, will provide additional controlled airspace at and above 700 feet AGL in order to contain the new SIAPs within controlled airspace, and thereby facilitate separation of aircraft operating under Instrument Flight Rules.

The amendment at Harlan Municipal Airport, IA, will provide additional controlled airspace for aircraft operating under IFR. The area will be depicted on appropriate aeronautical charts. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9F, dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and, therefore, is issuing it as a direct final rule. Previous actions of this nature have not been controversial and have not resulted in adverse comments or objections. The amendment will enhance safety for all flight operations by designating an area where VFR pilots may anticipate the presence of IFR aircraft at lower altitudes, especially during inclement weather conditions. A greater degree of safety is achieved by depicting the area on aeronautical charts. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulations will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document

withdrawing the direct final rule will be published in the **Federal Register,** and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

Although this action is in the form of a final rule and was not preceded by a notice of proposed rulemaking, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES.** All communications received on or before the closing date for comments will be considered and this rule may be amended or withdrawn in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of this action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy-related aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this action will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 99–ACE–22.'' The postcard will be stamped and returned to the commenter.

Agency Findings

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that 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) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

Accordingly, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATIONS OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; 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 Federal Aviation Administration Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ACE IA E5 Harlan, IA [Revised]

Harlan Municipal Airport, IA
(Lat. 41°35′04″ N., Long. 95°20′23″ W.)
Harlan NDB
(Lat. 41°34′45″ N., Long. 95°20′26″ W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Harlan Municipal Airport and within 2.6 miles each side of the 135° bearing from the Harlan NDB extending from the 6.4-mile radius to 7.4 miles southeast of the airport.

* * * * *

Issued in Kansas City, MO, on April 26, 1999.

Donovan D. Schardt,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 99–11542 Filed 5–6–99; 8:45 am]

BILLING CODE 4910–13–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 60 and 63

[AD–FRL–6338–3]

RIN 2060–AH47

National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins and Group IV Polymers and Resins and Standards of Performance for Volatile Organic Compound (VOC) Emissions From the Polymer Manufacturing Industry

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of amendment in direct final rule.

SUMMARY: Due to an adverse comment, the EPA is withdrawing an amendment from the March 9, 1999 direct final rule for the National Emission Standards for Hazardous Air Pollutants (NESHAP): Group I Polymers and Resins and Group IV Polymers and Resins and Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry (64 FR 11536). This amendment deals with the oxygen correction factor requirements when complying with the 20 parts per million by volume (ppmv) control device outlet concentration compliance option for continuous front-end process vents. The withdrawal of the amendment from the direct final rule will only affect sources subject to the Group I Polymers and Resins NESHAP.

DATES: Amendment 6 in the direct final rule, which amends § 63.485, published on March 9, 1999 (64 FR 11542), is withdrawn as of May 7, 1999. The remaining amendments will be effective May 10, 1999 as stated in the March 9 rule.

ADDRESSES: Docket No. A–92–44 containing supporting information used in the development of this notice is available for public inspection and copying between 8 a.m. and 5:30 p.m., Monday through Friday, excluding holidays. The docket is located in the EPA's Air and Radiation Docket and Information Center, Waterside Mall, Room M–1500, 401 M Street, SW, Washington, DC 20460, or by calling (202) 260–7548. A reasonable fee may be charged for copying docket materials.

FOR FURTHER INFORMATION CONTACT: Mr. Robert E. Rosensteel at (919) 541–5608, Emission Standards Division (MD–13), Environmental Protection Agency, Research Triangle Park, North Carolina 27711, electronic mail address ''rosensteel.bob@epa.gov''.

SUPPLEMENTARY INFORMATION: On March 9, 1999, the EPA published a direct final rule (64 FR 11536) and a parallel proposal (64 FR 11555) to amend portions of the Group I and Group IV Polymers and Resins NESHAP. Also on March 9, 1999, the EPA published a notice (64 FR 11560) proposing amendments to the Group I and Group IV Polymers and Resins NESHAP (40 CFR part 63, subparts U and JJJ, respectively) to make changes to the 1996 promulgated rules, in response to technical issues raised through a 1996 petition for review.

The EPA stated in the direct final rule (64 FR 11536, March 9, 1999) that if relevant, adverse comments were received by April 8, 1999, the EPA would publish a notice to withdraw the affected portions of the direct final rule before its effective date of May 10, 1999. The EPA received an adverse comment on Amendment 6 in the direct final rule and, therefore, is withdrawing Amendment 6. This withdrawal of Amendment 6 only affects sources subject to the Group I Polymers and Resins NESHAP (40 CFR part 63, subpart U). Amendment 6 would have changed the requirements in § 63.485(a) to reference a new paragraph (§ 63.485(v)), which would have adjusted the control device outlet concentration of 20 ppmv using a 3 percent oxygen correction factor.

The adverse comment stated that § 63.485(a) in the direct final rule makes reference to paragraphs in separate proposed amendments (64 FR 11560, March 9, 1999), which respond to a 1996 petition for review, rather than to paragraphs in the 1996 promulgated NESHAP (40 CFR part 63, subpart U). The commenter said that Amendment 6 in the direct final rule caused confusion in interpreting the intent of the regulation. The EPA will address this comment on the withdrawn amendment in the subsequent final action on the proposed amendments. The 25 amendments for which we did not receive adverse comments will become effective on May 10, 1999, as provided in the March 9, 1999 direct final rule (64 FR 11536).

Dated: April 29, 1999.

Robert Perciasepe,

Assistant Administrator for Air and Radiation.

[FR Doc. 99–11561 Filed 5–6–99; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA–7713]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register**.

EFFECTIVE DATES: The effective date of each community's suspension is the third date (''Susp.'') listed in the third column of the following tables.

ADDRESSES: If you wish to determine whether a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

FOR FURTHER INFORMATION CONTACT: Robert F. Shea Jr., Division Director, Program Support Division, Mitigation Directorate, 500 C Street, SW., Room 417, Washington, DC 20472, (202) 646–3619.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the National Flood Insurance Program, 42 U.S.C. 4001 et seq., unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59 et seq. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**.

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Associate Director finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications have been made, this final rule may take effect within less than 30 days.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Associate Director has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as

amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless they take remedial action.

Regulatory Classification

This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Paperwork Reduction Act

This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 et seq.

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, October 26, 1987, 3 CFR, 1987 Comp., p. 252.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778, October 25, 1991, 56 FR 55195, 3 CFR, 1991 Comp., p. 309.

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

1. The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 64.6 [Amended]

2. The tables published under the authority of § 64.6 are amended as follows:

State/location	Community No.	Effective date of eligibility	Current effective map date	Date certain Federal assistance no longer available in special flood hazard areas
Region V				
Michigan: Ionia, township of, Ionia County	260832	Jan. 22, 1991, Emerg; May 2, 1999, Reg; May 2, 1999, Susp.	May 2, 1999	May 2, 1999.
Region VI				
Oklahoma:				
Pryor Creek, city of, Mayes County	400117	Apr. 21, 1975, Emerg; July 16, 1987, Reg; May 4, 1999, Susp.	May 4, 1999	May 4, 1999.
Mayes County, unincorporated areas	400458	Apr. 8, 1987, Emerg; Dec. 1, 1989, Reg; May 4, 1999, Susp.	do	Do.
Region IX				
California: Los Angeles, city of, Los Angeles County.	060137	June 19, 1970, Emerg; Dec. 2, 1980, Reg; May 4, 1999, Susp.	do	Do.
Region II				
New York:				
Camillus, village of, Onondaga County	360571	July 17, 1974, Emerg; Aug. 3, 1981, Reg; May 18, 1999, Susp.	May 18, 1999	May 18, 1999.
Camillus, town of, Onondaga County	360570	July 23, 1975, Emerg; June 15, 1981, Reg; May 18, 1999, Susp.	do	Do.
Region III				
Pennsylvania:				
Bedminster, township of, Bucks County	421049	Feb. 5, 1976, Emerg; Dec. 1, 1983, Reg; May 18, 1999, Susp.	do	Do.
Bensalem, township of, Bucks County	420181	Dec. 15, 1972, Emerg; July 17, 1978, Reg; May 18, 1999, Susp.	do	Do.
Bridgeton, township of, Bucks County	420182	Dec. 10, 1971, Emerg; Sept. 30, 1977, Reg; May 18, 1999, Susp.	do	Do.
Bristol, township of, Bucks County	420984	Nov. 10, 1972, Emerg; Sept. 29, 1978, Reg; May 18, 1999, Susp.	do	Do.
Buckingham, township of, Bucks County	420985	Jan. 15, 1974, Emerg; Mar. 15, 1979, Reg; May 18, 1999, Susp.	do	Do.
Chalfont, borough of, Bucks County	420184	Feb. 25, 1972, Emerg; Dec. 28, 1976, Reg; May 18, 1999, Susp.	do	Do.
Doylestown, township of, Bucks County	420185	Dec. 22, 1972, Emerg; Sept. 29, 1978, Reg; May 18, 1999, Susp.	do	Do.
Durham, township of, Bucks County	420186	Sept. 8, 1972, Emerg; Aug. 15, 1978, Reg; May 18, 1999, Susp.	do	Do.
East Rockhill, township of, Bucks County.	420187	Jan. 26, 1973, Emerg; Aug. 1, 1977, Reg; May 18, 1999, Susp.	do	Do.
Falls, township of, Bucks County	420188	July 21, 1972, Emerg; Sept. 30, 1980, Reg; May 18, 1999, Susp.	do	Do.
Haycock, township of, Bucks County	421127	July 28, 1975, Emerg; Sept. 3, 1980, Reg; May 18, 1999, Susp.	do	Do.
Hilltown, township of, Bucks County	420189	Oct. 6, 1972, Emerg; Jan. 30, 1981, Reg; May 18, 1999, Susp.	do	Do.

State/location	Community No.	Effective date of eligibility	Current effective map date	Date certain Federal assistance no longer available in special flood hazard areas
Hulmeville, borough of, Bucks County	420190	Aug. 16, 1973, Emerg; Sept. 30, 1977, Reg; May 18, 1999, Susp.	.....do	Do.
Langhorne, borough of, Bucks County	421074	Jan. 24, 1975, Emerg; July 2, 1980, Reg; May 18, 1999, Susp.	.....do	Do.
Lower Makefield, township of, Bucks County.	420191	Dec. 1, 1972, Emerg; Sept. 30, 1977, Reg; May 18, 1999, Susp.	.....do	Do.
Lower Southampton, township of, Bucks County.	420192	Sept. 15, 1972, Emerg; Mar. 15, 1977, Reg; May 18, 1999, Susp.	.....do	Do.
Milford, township of, Bucks County	422337	June 17, 1975, Emerg; June 1, 1982, Reg; May 18, 1999, Susp.	.....do	Do.
Morrisville, borough of, Bucks County	420194	Sept. 1, 1972, Emerg; Sept. 30, 1977, Reg; May 18, 1999, Susp.	.....do	Do.
New Britain, borough of, Bucks County	420986	Dec. 6, 1973, Emerg; April 2, 1979, Reg; May 18, 1999, Susp.	.....do	Do.
New Hope, borough of, Bucks County	420195	Jan. 19, 1973, Emerg; Dec. 15, 1977, Reg; May 18, 1999, Susp.	.....do	Do.
Newtown, borough of, Bucks County	420196	Feb. 5, 1975, Emerg; Dec. 18, 1979, Reg; May 18, 1999, Susp.	.....do	Do.
Newtown, township of, Bucks County	421084	Mar. 16, 1999, Emerg; Dec. 18, 1979, Reg; May 18, 1999, Susp.	.....do	Do.
Nockamixon, township of, Bucks County	420197	Feb. 2, 1973, Emerg; Nov. 2, 1977, Reg; May 18, 1999, Susp.	.....do	Do.
Northampton, township of, Bucks County.	420988	Sept. 26, 1973, Emerg; Feb. 15, 1980, Reg; May 18, 1999, Susp.	.....do	Do.
Perkasie, borough of, Bucks County	420198	Sept. 8, 1972, Emerg; Mar. 1, 1977, Reg; May 18, 1999, Susp.	.....do	Do.
Plumstead, township of, Bucks County	420199	Feb. 25, 1973, Emerg; Sept. 29, 1978, Reg; May 18, 1999, Susp.	.....do	Do.
Quakertown, borough of, Bucks County	420200	Feb. 2, 1973, Emerg; July 5, 1977, Reg; May 18, 1999, Susp.	.....do	Do.
Richland, township of, Bucks County	421095	May 15, 1974, Emerg; June 15, 1981, Reg; May 18, 1999, Susp.	.....do	Do.
Riegelsville, borough of, Bucks County	420201	Aug. 25, 1972, Emerg; Apr. 17, 1978, Reg; May 18, 1999, Susp.	.....do	Do.
Sellersville, borough of, Bucks County	420203	July 9, 1973, Emerg; Feb. 15, 1978, Reg; May 18, 1999, Susp.	.....do	Do.
Silverdale, borough of, Bucks County	422338	Feb. 17, 1977, Emerg; Jan. 5, 1984, Reg; May 18, 1999, Susp.	.....do	Do.
Solebury, township of, Bucks County	420202	Oct. 29, 1971, Emerg; Apr. 15, 1977, Reg; May 18, 1999, Susp.	.....do	Do.
Springfield, township of, Bucks County	420204	June 14, 1973, Emerg; Jan. 3, 1979, Reg; May 18, 1999, Susp.	.....do	Do.
Tinicum, township of, Bucks County	420205	Nov. 12, 1971, Emerg; Feb. 1, 1979, Reg; May 18, 1999, Susp.	.....do	Do.
Tullytown, borough of, Bucks County	420206	Aug. 15, 1974, Emerg; Feb. 1, 1980, Reg; May 18, 1999, Susp.	.....do	Do.
Upper Makefield, township of, Bucks County.	420207	Dec. 3, 1971, Emerg; Oct. 17, 1978, Reg; May 18, 1999, Susp.	.....do	Do.
Upper Southampton, township of, Bucks County.	420989	Oct. 4, 1973, Emerg; Apr. 3, 1978, Reg; May 18, 1999, Susp.	.....do	Do.
Warminster, township of, Bucks County	420990	Oct. 4, 1973, Emerg; Mar. 1, 1978, Reg; May 18, 1999, Susp.	.....do	Do.
Warrington, township of, Bucks County	420208	Aug. 18, 1972, Emerg; Sept. 29, 1978, Reg; May 18, 1999. Susp.	.....do	Do.
Warwick, township of, Bucks County	420209	Feb. 18, 1972, Emerg; Sept. 29, 1978. Reg; May 18, 1999, Susp.	.....do	Do.
West Rockhill, township of, Bucks County.	421123	June 1, 1979, Emerg; July 5, 1984, Reg; May 18, 1999, Susp.	.....do	Do.
Wrightstown, township of, Bucks County	421045	Feb. 5, 1974, Emerg; Aug. 15, 1978, Reg; May 18, 1999, Susp.	.....do	Do.
Yardley, borough of, Bucks County	420210	Dec. 10, 1971, Emerg; Aug. 1, 1977, Reg; May 18, 1999, Susp.	.....do	Do.
Region VI				
Arkansas: Clarksville, city of, Johnson County.	050112	June 26, 1975, Emerg; Sept. 30, 1982, Reg; May 18, 1999, Susp.	.....do	Do.
Texas: Chambers County, unincorporated areas.	480119	July 10, 1975, Emerg; June 15, 1983, Reg; May 18, 1999, Susp.	.....do	Do.

Code for reading third column: Emerg.—Emergency; Reg.—Regular; Rein.—Reinstatement; Susp.—Suspension.

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance'')

Issued: April 28, 1999.

Michael J. Armstrong,

Associate Director for Mitigation.

[FR Doc. 99–11529 Filed 5–6–99; 8:45 am]

BILLING CODE 6718–04–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: Modified base (1% annual chance) flood elevations are finalized for the communities listed below. These modified elevations will be used to calculate flood insurance premium rates for new buildings and their contents.

EFFECTIVE DATES: The effective dates for these modified base flood elevations are indicated on the following table and revise the Flood Insurance Rate Map(s) (FIRMs) in effect for each listed community prior to this date.

ADDRESSES: The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: Matthew B. Miller, P.E., Chief, Hazards Study Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–3461, or (email) matt.miller@fema.gov.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency makes the final determinations listed below of modified base flood elevations for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Associate Director has resolved any appeals resulting from this notification.

The modified base flood elevations are not listed for each community in this notice. However, this rule includes the address of the Chief Executive Officer of the community where the modified base flood elevation determinations are available for inspection.

The modifications are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified base flood elevations are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program.

These modified elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, state or regional entities.

These modified elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

The changes in base flood elevations are in accordance with 44 CFR 65.4.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Associate Director, Mitigation Directorate, certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the National Flood Insurance Program. No regulatory flexibility analysis has been prepared.

Regulatory Classification

This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 65 is amended to read as follows:

PART 65—[AMENDED]

1. The authority citation for part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 65.4 [Amended]

2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community no.
Virginia: Prince William (FEMA Docket No. 7281).	City of Manassas	January 22, 1999, January 29, 1999, *Manassas Journal Messenger.*	The Honorable Marvin L. Gillum, Mayor of the City of Manassas, P.O. Box 560, Manassas, Virginia 20108.	April 29, 1999	510112

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance'')

Dated: April 22, 1999.

Michael J. Armstrong,

Associate Director for Mitigation.

[FR Doc. 99–11526 Filed 5–6–99; 8:45 am]

BILLING CODE 6718–04–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA–7285]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Interim rule.

SUMMARY: This interim rule lists communities where modification of the base (1% annual chance) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base flood elevations for new buildings and their contents.

DATES: These modified base flood elevations are currently in effect on the dates listed in the table and revise the Flood Insurance Rate Map(s) (FIRMs) in effect prior to this determination for each listed community.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Associate Director reconsider the changes. The modified elevations may be changed during the 90-day period.

ADDRESSES: The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: Matthew B. Miller, P.E., Chief, Hazards Study Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–3461, or (email) matt.miller@fema.gov.

SUPPLEMENTARY INFORMATION: The modified base flood elevations are not listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified base flood elevation determinations are available for inspection is provided.

Any request for reconsideration must be based upon knowledge of changed conditions, or upon new scientific or technical data.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified base flood elevations are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program.

These modified elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, state or regional entities.

The changes in base flood elevations are in accordance with 44 CFR 65.4.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Associate Director, Mitigation Directorate, certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the National Flood Insurance Program. No regulatory flexibility analysis has been prepared.

Regulatory Classification

This interim rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 65 is amended to read as follows:

PART 65—[AMENDED]

1. The authority citation for part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 65.4 [Amended]

2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Florida: Pinellas ...	City of St. Petersburg.	February 18, 1999, February 25, 1999, *St. Petersburg Times.*	The Honorable David J. Fischer, Mayor of the City of St. Petersburg, P.O. Box 2842, One 4th Street, North, St. Petersburg, Florida 33731–2842.	Feb. 11, 1999	125148 C
Georgia: Richmond.	Unincorporated Areas.	February 10, 1999, February 17, 1999, *The Augusta Chronicle.*	The Honorable Bob Young, Mayor of Richmond County, City-County Municipal Building, 530 Greene Street, Room 806, Augusta, Georgia 30911.	May 18, 1999	130158

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Illinois: DuPage	Unincorporated Areas.	February 16, 1999, February 23, 1999, *Daily Herald*.	Mr. Robert Schillerstrom, Chairman of the DuPage County Board, DuPage Center, 421 North County Farm Road, Wheaton, Illinois 60187.	May 24, 1999	170197 D
Minnesota:					
Olmsted	City of Rochester	February 19, 1999, February 26, 1999, *Post-Bulletin*.	The Honorable Chuck Canfield, Mayor of the City of Rochester, City Hall, Room 281, 201 4th Street, SE, Rochester, Minnesota 55904.	Feb. 11, 1999	275246 E
Olmsted	Unincorporated Areas.	February 19, 1999, February 26, 1999, *Post-Bulletin*.	Mr. Richard Devlin, Olmsted County Administrator, 151 4th Street, SE, Rochester, Minnesota 55904.	Feb. 11, 1999	270626 E
North Carolina: Guilford.	City of Greensboro	January 20, 1999, January 27, 1999, *News and Record*.	The Honorable Carolyn S. Allen, Mayor of the City of Greensboro, One Governmental Plaza, P.O. Box 3136, Greensboro, North Carolina 27402.	Apr. 27, 1999	375351 C
Tennessee: Shelby.	City of Germantown.	February 12, 1999, February 19, 1999, *The Commercial Appeal*.	The Honorable Sharon Goldsworthy, Mayor of the City of Germantown, 1930 South Germantown Road, Germantown, Tennessee 38183–0809.	Feb. 2, 1999	470353
Virginia: Albemarle	Unincorporated Areas.	February 9, 1999, February 16, 1999, *The Daily Progress*.	Mr. Robert W. Tucker, Jr., Albemarle County Administrator, 401 McIntire Road, Charlottesville, Virginia 22901.	Feb. 3, 1999	510006 B

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance'')

Dated: April 21, 1999.

Michael J. Armstrong,

Associate Director for Mitigation.

[FR Doc. 99–11527 Filed 5–6–99; 8:45 am]

BILLING CODE 6718–04–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: Base (1% annual chance) flood elevations and modified base flood elevations are made final for the communities listed below. The base flood elevations and modified base flood elevations are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATES: The date of issuance of the Flood Insurance Rate Map (FIRM) showing base flood elevations and modified base flood elevations for each community. This date may be obtained by contacting the office where the maps are available for inspection as indicated on the table below.

ADDRESSES: The final base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Matthew B. Miller, P.E., Chief, Hazards Study Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–3461, or (email) matt.miller@fema.gov.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA or Agency) makes final determinations listed below of base flood elevations and modified base flood elevations for each community listed. The proposed base flood elevations and proposed modified base flood elevations were published in newspapers of local circulation and an opportunity for the community or individuals to appeal the proposed determinations to or through the community was provided for a period of ninety (90) days. The proposed base flood elevations and proposed modified base flood elevations were also published in the **Federal Register**.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67.

The Agency has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and Flood Insurance Rate Map available at the address cited below for each community.

The base flood elevations and modified base flood elevations are made final in the communities listed below. Elevations at selected locations in each community are shown.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Associate Director, Mitigation Directorate, certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because final or modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the National Flood Insurance Program. No regulatory flexibility analysis has been prepared.

Regulatory Classification

This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is amended as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.11 [Amended]

2. The tables published under the authority of § 67.11 are amended as follows:

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
CONNECTICUT	
Ridgefield (Town), Fairfield County (FEMA Docket No. 7267)	
Miry Brook:	
Approximately 0.25 mile downstream of George Washington Highway	*470
Approximately 240 feet upstream of North Ridgebury Road	*560
Norwalk River:	
Approximately 365 feet downstream of Portland Avenue	*344
Approximately 840 feet upstream of footbridge (at revised cross section L)	*368
Unnamed Tributary to Saugatuck River:	
Approximately 0.73 mile downstream of Rock Dam	*530
At Windwing Lake Dam	*603
South Branch Unnamed Tributary to Saugatuck River:	
At confluence with Unnamed Tributary to Saugatuck River	*537
At upstream side of Fox Hill Lake Dam	*557
Lake Windwing:	
For its entire shoreline within the community	*603
Fox Hill Lake:	
For its entire shoreline within the community	*557
Split Flow:	
At confluence with Unnamed Tributary to Saugatuck River	*587
At Lake Windwing	*603
Cooper Pond Brook:	
At confluence with the Norwalk River	*349
Approximately 115 feet downstream of Shopping Center Access Road	*349
Maps available for inspection at Ridgefield Town Hall, 66 Prospect Street, Ridgefield, Connecticut.	
Vernon (Town), Tolland County (FEMA Docket No. 7267)	
Tankerhoosen River:	
At confluence with Hockanum River	*181
Approximately 2,025 feet upstream of Tunnel Road	*290
Lower Hockanum River:	
Approximately 700 feet downstream of Wells Road	*176
Approximately 2,250 feet upstream of Windsorville Road	*216
Upper Hockanum River:	
Approximtely 640 feet downstream of Union Street	*238
Approximately 650 feet upstream of River Street Bridge	*258
Maps available for inspection at the Vernon Town Hall, 14 Park Place, Vernon, Connecticut.	
GEORGIA	
Bibb County (Unincorporated Areas) (FEMA Docket No. 7275)	
Tobesofkee Creek Tributary No. 1:	
Approximately 2,600 feet upstream of confluence with Tobesofkee Creek	*305
Approximately 180 feet upstream of Eisenhower Parkway (U.S. 80)	*353
Maps available for inspection at the Bibb County Engineering Office, 780 Third Street, Macon, Georgia.	
Coweta County (Unincorporated Areas) (FEMA Docket No. 7275)	
White Oak Creek:	
Downstream side of State Highway 54	*770
Approximately 1,300 feet upstream of Interstate 85	*882
Paradise Lakes Branch:	
At confluence with White Oak Creek	*788
Approximately 1,050 feet downstream of McGahee Road	*788
Chandlers Creek:	
At confluence with White Oak Creek	*789
Approximately 0.49 mile upstream of confluence with White Oak Creek	*789
Turkey Creek:	
At confluence with White Oak Creek	*791
Approximately 70 feet downstream of Southern Railroad	*791
Sullivans Lake Branch:	
At confluence with White Oak Creek	*797
Approximately 400 feet upstream of confluence with White Oak Creek	*797
Maps available for inspection at the Coweta County Planning and Zoning Office, 22 East Broad Street, Newnan, Georgia.	
Gilmer County (Unincorporated Areas) (FEMA Docket No. 7275)	
Briar Creek:	
At confluence with the Ellijay River	*1,348
Approximately 1.18 miles upstream of Briar Creek Road	*1,389
Ellijay River:	
Approximately 1,450 feet upstream of confluence of Ross Creek	*1,314
Approximately 3.23 miles upstream of confluence of Boardtown Creek	*1,479
Maps available for inspection at the Gilmer County Planning Commission, #1 Westside Square, Ellijay, Georgia.	
Macon (City), Bibb County (FEMA Docket No. 7275)	
Tobesofkee Creek Tributary No. 1:	
Approximately 625 feet downstream of Interstate 80	*346
Approximately 600 feet downstream of Interstate 80	*346
Maps available for inspection at the Macon City Hall, 700 Poplar Street, Macon, Georgia.	
ILLINOIS	
Romeoville (Village), Will County (FEMA Docket No. 7271)	
Lily Cache Slough:	
At the upstream side of the Interstate Route 55 culvert	*611
Approximately 1,400 feet upstream of Weber Road	*617

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at the Romeoville Village Hall Annex, 17 Montrose Drive, Romeoville, Illinois.	
Will County (Unincorporated Areas) (FEMA Docket No. 7271)	
Lily Cache Slough:	
At the upstream side of the Interstate Route 55 culvert	*611
Approximately 1,400 feet upstream of Weber Road	*617
Maps available for inspection at the Will County Land Use Department, 501 Ella Avenue, Joliet, Illinois.	
MAINE	
Rangeley (Town), Franklin County (FEMA Docket No. 7279)	
Cupsuptic Lake:	
Entire length of shoreline within community	*1,469
Dodge Pond:	
Entire length of shoreline within community	*1,529
Dodge Pond Stream:	
Approximately 1,185 feet downstream of State Routes 4 and 16	*1,520
Upstream side of Dodge Pond Dam	*1,529
Haley Brook:	
Approximately 473 feet downstream of Maine Street	*1,520
Upstream side of Haley Pond Dam	*1,528
Haley Pond:	
Entire length of shoreline within community	*1,528
Kennebago River:	
Approximately 1,625 feet downstream of State Route 16	*1,469
Approximately 75 feet upstream of State Route 16	*1,479
Mooselookmeguntic Lake:	
Entire length of shoreline within community	*1,469
Quimby Brook:	
Approximately 825 feet downstream of State Routes 4 and 16	*1,520
Approximately 275 feet upstream of Quimby Pond Road	*1,682
Quimby Pond:	
Entire length of shoreline within community	*1,682
Rangeley Lake:	
Entire length of shoreline within community	*1,520
Round Pond:	
Entire length of shoreline within community	*1,550
Round Pond Outlet:	
Approximately 430 feet downstream of Dodge Pond Road	*1,529
Approximately 10 feet upstream of Round Pond Dam	*1,550
Rangley River:	
Approximately 4,345 feet downstream of Rangeley Dam	*1,469
Approximately 35 feet upstream of State Route 4	*1,520
Maps available for inspection at the Rangeley Town Office, 3 School Street, Rangeley, Maine.	
MASSACHUSETTS	
Bourne (Town), Barnstable County (FEMA Docket No. 7255)	
Buzzards Bay:	
At the intersection of Captain's Row and Mooring Road on Mashnee Island	*23
Approximately 600 feet south of the intersection of Scraggy Neck Road and Hospital Cove Road	*15
Cape Cod Bay:	
Approximately 800 feet north of the intersection of Norris Road and Hillside Avenue	*16
At the intersection of Pilgrim Road and Phillips Road	*11
Maps available for inspection at the Bourne Town Hall, 24 Perry Avenue, Buzzards Bay, Massachusetts.	
Boxborough (Town), Middlesex County (FEMA Docket No. 7275)	
Beaver Brook:	
Approximately 530 feet downstream of corporate limits	*227
Approximately 750 feet upstream of corporate limits	*227
Elizabeth Brook:	
Approximately 330 feet downstream of Boxborough/Harvard corporate limits	*244
Approximately 1,700 feet upstream of Massachusetts Avenue	*272
Maps available for inspection at the Boxborough Town Hall, 29 Middle Road, Boxborough, Massachusetts	
Bridgewater (Town), Plymouth County (FEMA Docket No. 7271)	
Town River:	
At the confluence with the Taunton River	*30
Approximately 1,185 feet upstream of High Street	*48
Taunton River:	
Approximately 300 feet downstream of Mill Street	*30
At the confluence of the Town and Matfield Rivers	*30
Tributary A to Sawmill Brook:	
At the confluence with Sawmill Brook	*23
Approximately 100 feet upstream of Colonial Drive	*35
Sawmill Brook:	
Approximately 40 feet downstream of SR 18 & 28 (Bedford Street)	*23
Approximately 4,800 feet upstream of SR 18 & 28 (Bedford Street)	*29
Matfield River:	
At the confluence with the Taunton River	*30
Approximately 300 feet upstream of Bridge Street	*34
South Brook:	
At the confluence with Town River	*31
Approximately 30 feet downstream of Water Street	*39
Maps available for inspection at the Town of Bridgewater Department of Inspectional Services, Academy Building, 66 Central Square, Bridgewater, Massachusetts.	
MISSISSIPPI	
Holmes County (Unincorporated Areas) (FEMA Docket No. 7275)	
Black Creek (Before Levee Overtopping):	
Approximately 1.77 miles downstream of Yazoo Street	*189
At downstream side of State Route 12	*210
Black Creek (After Levee Overtopping):	
Approximately 1,700 feet downstream of State Route 12	*206
Approximately 200 feet downstream of State Route 12	*209
Maps available for inspection at the Holmes County Courthouse, Court Square, Lexington, Mississippi.	
NEW HAMPSHIRE	
Concord (City), Merrimack County (FEMA Docket No. 7263)	
Merrimack River:	
Approximately 850 feet downstream of Garvins Falls Dam	*204
At upstream corporate limits	*252
Soucook River:	
At confluence with Merrimack River	*204
Approximately 1,850 feet upstream of confluence with Merrimack River	*204
Maps available for inspection at the Concord City Hall Lobby, Engineering Office and Code Enforcement Office, 41 Green Street, Concord, New Hampshire.	
NEW JERSEY	
Absecon (City), Atlantic County (FEMA Docket No. 7267)	
Absecon Bay:	

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
At the intersection of Mill Road and Mays Landing Road	*9
Approximately 500 feet east of the intersection of Delilah Road and Absecon Boulevard	*12
Atlantic City Reservoir:	
Approximately 200 feet north of the intersection of Mays Landing Road and Mill Road	*14
Maps available for inspection at the City of Absecon Municipal Complex, 500 Mill Road, Absecon, New Jersey 08201.	
New York	
Buffalo (City), Erie County (FEMA Docket No. 7267)	
Buffalo River:	
Approximately 150 feet downstream of downstream bridge of Norfolk and Western Railway	*581
Approximately 650 feet upstream of South Ogden Street	*591
Maps available for inspection at the Buffalo City Hall, Planning Division, Room 901, Buffalo, New York.	
Chaumont (Village), Jefferson County (FEMA Docket No. 7275)	
Chaumont River and Chaumont Bay:	
Entire shoreline within community	*250
Sawmill Bay:	
Entire shoreline within community	*250
Maps available for inspection at the Village of Chaumont Municipal Building, 27994 Old Town Springs Road, Chaumont, New York.	
Ilion (Village), Herkimer County (FEMA Docket No. 7271)	
Mohawk River:	
At downstream corporate limits	*394
Approximately 1,700 feet upstream of Central Avenue	*394
Maps available for inspection at the Village of Ilion Fire Station, Otsego Street, Ilion, New York.	
LaGrange (Town), Dutchess County (FEMA Docket No. 7267)	
Wappinger Creek:	
Approximately 4,500 feet downstream of New Hackensack Road	*122
Approximately 13,700 feet upstream of Daria Drive	*192
Maps available for inspection at the LaGrange Town Hall, Zoning Office, Stringham Road, LaGrangeville, New York.	
Mohawk (Village), Herkimer County (FEMA Docket No. 7279)	
Mohawk River:	
Approximately 480 feet downstream of Mohawk Dam	*392
Approximately 1,500 feet upstream of confluence of Fulmer Creek	*394
Fulmer Creek:	
At confluence with Mohawk River	*394
Approximately 1,700 feet upstream of confluence with Mohawk River	*394
Maps available for inspection at the Village of Mohawk Hall, Village Clerk's Office, 28 Columbia Street, Mohawk, New York.	
Oswego (City), Oswego County (FEMA Docket No. 7275)	
Gardenier Creek:	
Approximately 75 feet downstream of Gardenier Hill Road	*315
Approximately 570 feet upstream of Fifth Street	*324
Wine Creek:	
Approximately 30 feet downstream of Penn Central Railroad	*262
Approximately 400 feet upstream of East Seneca Street	*280
Maps available for inspection at the Oswego City Hall, Office of Planning and Zoning, 13 West Oneida Street, Oswego, New York.	
Poughkeepsie (Town), Dutchess County (FEMA Docket No. 7267)	
Wappinger Creek:	
Approximately 320 feet downstream of New Hamburg Road	*9
Approximately 1.4 miles upstream of the confluence of Branch 6 Wappinger Creek	*192
Branch 4 Wappinger Creek:	
At confluence with Wappinger Creek	*120
Approximately 900 feet upstream of confluence with Wappinger Creek	*122
Maps available for inspection at the Poughkeepsie Town Hall, Department of Planning, 1 Overocker Road, Poughkeepsie, New York.	
Wappinger (Town), Dutchess County (FEMA Docket No. 7275)	
Wappinger Creek:	
Approximately 317 feet downstream of New Hamburg Road Bridge	*9
At corporate limits	*123
Maps available for inspection at the Wappinger Town Hall, 20 Middlebush Road, Wappingers Falls, New York.	
Wappingers Falls (Village), Dutchess County (FEMA Docket No. 7275)	
Wappinger Creek:	
Approximately 50 feet downstream from downstream corporate limits	*10
At corporate limits	*91
Maps available for inspection at the Wappingers Falls Zoning Office, 7 Spring Street, Wappingers Falls, New York.	
NORTH CAROLINA	
Trent Woods (Town), Craven County (FEMA Docket No. 7271)	
Trent River Tributary:	
At Country Club Road	*9
Approximately 100 feet upstream of Canterbury Road	*16
Jimmies Creek:	
Approximately 1,100 feet upstream of the confluence with Wilson Creek	*10
At Trent Road	*19
Maps available for inspection at the Trent Woods Town Hall, 912 Country Club Drive, Trent Woods, North Carolina.	
Wilkes County (Unincorporated Areas) (FEMA Docket No. 7271)	
Reddies River:	
Approximately 530 feet downstream of U.S. Highway 421–A	*965
At confluence with Hoopers Branch	*997
Maps available for inspection at the Wilkes County Planning Office, 110 North Street, Wilkesboro, North Carolina.	
OHIO	
Ashville (Village), Pickaway County (FEMA Docket No. 7247)	
Walnut Creek:	
Just upstream of Cromley Road	*687
Approximately 700 feet downstream of Lockbourne Eastern Road	*694
Maps available for inspection at the Village of Ashville Municipal Building, 91 West Main Street, Ashville, Ohio.	

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Circleville (City), Pickaway County (FEMA Docket No. 7247)	
Hargus Creek:	
At Island Road	*670
Approximately 50 feet upstream of Stoutsville Pike	*700
Hominy Creek:	
Approximately 350 feet upstream of confluence with Hargus Creek	*686
Approximately 0.68 mile downstream of Bolender-Pontius Road	*704
McHenry Ditch:	
At confluence with Hargus Creek	*676
Approximately 750 feet upstream of Nicholas Drive	*702
Scioto River:	
Area between U.S. Route 23 and CSX Transportation	*666
Maps available for inspection at the City of Circleville Public Service Office, 127 South Court Street, Circleville, Ohio.	
Pickaway County (Unincorporated Areas) (FEMA Docket No. 7247)	
Hargus Creek:	
At CSX Transportation	*670
Approximately 700 feet upstream of Bolender-Pontius Road	*753
Hominy Creek:	
Approximately 0.78 mile downstream of Bolender-Pontius Road	*703
Approximately 600 feet upstream of CONRAIL	*752
Scioto River:	
At the downstream county boundary	*651
Approximately 1,600 feet upstream of confluence of Big Walnut Creek	*694
Mud Run:	
At upstream side of State Route 316 (Ashville Road)	*680
Approximately 1.4 miles upstream of State Route 752	*695
Scioto Overflow to Mud Run:	
At confluence with Mud Run	*683
At downstream side of Weigand Road	*687
Big Run:	
At county boundary	*809
Big Walnut Creek:	
Approximately 1.1 miles upstream of confluence with Scioto River	*694
Maps available for inspection at the Pickaway County Commissioners Office, 207 South Court Street, Circleville, Ohio.	
South Bloomfield (Village), Pickaway County (FEMA Docket No. 7247)	
Mud Run:	
At a point approximately 2,000 feet downstream of Ashville Road (State Route 316)	*679
At State Route 752	*680
Scioto River:	
At a point approximately 0.5 mile downstream of State Route 316	*682
At a point approximately 1,400 feet downstream of State Route 316	*682
Maps available for inspection at the Village of South Bloomfield Municipal Building, 5023 South Union Street, South Bloomfield, Ohio.	
PENNSYLVANIA	
Chanceford (Township), York County (FEMA Docket No. 7275)	
Susquehanna River:	
At upstream corporate limits	*244
Approximately 2.6 miles upstream from Safe Harbor Dam	*230
Maps available for inspection at the Chanceford Township Office, Muddy Creek Forks Road, Brogue, Pennsylvania.	
Columbia (Borough), Lancaster County (FEMA Docket No. 7275)	
Susquehanna River:	
At downstream corporate limits	*244
At upstream corporate limits	*247
Strickler Run:	
At confluence of Susquehanna River	*245
Approximately 100 feet upstream of CONRAIL culvert	*245
North Branch Strickler Run:	
Approximately 350 feet upstream from confluence with Strickler Run	*280
Approximately 1,100 feet upstream of confluence with Strickler Run	*290
Maps available for inspection at the Columbia Borough Hall, 308 Locust Street, Columbia, Pennsylvania.	
Hellam (Township), York County (FEMA Docket No. 7275)	
Susquehanna River:	
At the downstream corporate limits	*245
Approximately 800 feet upstream of U.S. Route 30	*247
Maps available for inspection at the Hellam Township Office, 44 Walnut Springs Road, York, Pennsylvania.	
Lower Windsor (Township), York County (FEMA Docket No. 7275)	
Susquehanna River:	
At downstream corporate limits	*244
At upstream corporate limits	*245
Canadochly Creek:	
At the confluence with the Susquehanna River	*244
Approximately 1,950 feet upstream of Route 624	*244
Maps available for inspection at the Lower Windsor Township Municipal Building, 111 Walnut Valley Court, Wrightsville, Pennsylvania.	
Manor (Township), Lancaster County (FEMA Docket No. 7275)	
Susquehanna River:	
Approximately 2.5 miles upstream of Safe Harbor Dam	*230
Approximately 9.8 miles upstream of Safe Harbor Dam	*245
Maps available for inspection at the Manor Township Municipal Building, 950 West Fairway Drive, Lancaster, Pennsylvania.	
Tunkhannock (Township), Wyoming County (FEMA Docket No. 7275)	
Tunkhannock Creek:	
Approximately 900 feet downstream of new U.S. Route 6 and State Route 92	*611
Approximately 1.93 miles upstream of old U.S. Route 6	*642
Maps available for inspection at the Tunkhannock Township Building, 438 SR 92 S, Tunkhannock, Pennsylvania.	
Upper Merion (Township), Montgomery County (FEMA Docket No. 7247)	
Abrams Run:	
At confluence with Crow Creek	*141
Unnamed Creek A:	
Approximately 420 feet upstream of Falcon Road	*234
At confluence with Matsunk Creek	*76
Approximately 80 feet upstream of Flint Hill Road	*114
Crow Creek:	
At upstream side of CONRAIL	*81
Approximately 80 feet upstream of Croton Road	*287
Frog Run:	
At Flint Hill Road	*92
Approximately 440 feet upstream of South Henderson Road	*188
Gulph Mills Creek:	
Approximately 130 feet downstream of I–76	*127
Approximately 330 feet upstream of Gypsy Road	*270
Abrams Creek:	
At upstream side of CONRAIL	*80

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Approximately 60 feet upstream of Brownlee Road	*116
Matsunk Creek:	
Approximately 120 feet upstream of confluence with Schuylkill River	*69
Approximately 140 feet upstream of School Line Drive	*211
Gulph Mills Tributary A:	
At confluence with Gulph Mills Creek	*154
Approximately 80 feet upstream of Arden Road	*155
Gulph Mills Tributary B:	
At confluence with Gulph Mills Creek	*161
Approximately 65 feet upstream of Lantern Lane	*173
Maps available for inspection at the Upper Merion Public Works Department, 175 West Valley Forge Road, King of Prussia, Pennsylvania.	
Wrightsville (Borough), York County (FEMA Docket No. 7275)	
Susquehanna River:	
At downstream corporate limits	*245
At upstream corporate limits	*247
Kreutz Creek:	
At confluence with Susquehanna River	*246
Approximately 180 feet downstream of State Route 624	*246
Maps available for inspection at the Wrightsville Borough Office, 129 South 2nd Street, Wrightsville, Pennsylvania.	
SOUTH CAROLINA	
Horry County (Unincorporated Areas) (FEMA Docket No. 7259)	
Eden Saltworks Creek:	
At the end of Route 236, approximately 0.4 mile from its intersection with Little River Neck Road	*14
Approximately 400 feet east of the most southeast end of Route 236	*13
Waccamaw River:	
Approximately 5.8 miles downstream of Sea Gull Trail	*15
Approximately 3.5 miles upstream of the confluence of Mill Swamp	*19
Socastee Creek:	
Approximately 100 feet upstream of the mouth of the Intracoastal Waterway	*7
At the CSX Transportation crossing	*24
Cross Swamp:	
Confluence with Socastee Creek	*24
Approximately 650 feet downstream of U.S. Route 501	*24
Maps available for inspection at the Horry County Code Enforcement Office, 801 Main Street, Suite 121, Conway, South Carolina.	
Sumter County (Unincorporated Areas) (FEMA Docket No. 7275)	
Long Branch:	
At U.S. Route 76/378	*174
To a point approximately 2,890 feet upstream of U.S. Route 76/378	*181
Maps available for inspection at the Planning and Zoning Department, 33 North Main Street, Sumter, South Carolina.	
VIRGINIA	
Luray (Town), Page County (FEMA Docket No. 7251)	
Dry Run:	
Approximately 100 feet downstream of U.S. Route 211 Bypass	*792
Approximately 0.3 mile upstream of U.S. Route 211 Business Route	*873
Maps available for inspection at the Luray Town Hall, 45 East Main Street, Luray, Virginia 22835.	
WISCONSIN	
Blue River (Village), Grant County (FEMA Docket No. 7267)	
Wisconsin River:	
Approximately 1 mile downstream of East Street	*667
Approximately 0.2 mile upstream of East Street	*669
Maps available for inspection at the Community Building, 201 Clinton Street, Blue River, Wisconsin.	
Muscoda (Village), Grant and Iowa Counties (FEMA Docket No. 7271)	
Wisconsin River:	
Downstream corporate limits	*678
Upstream corporate limits	*680
Maps available for inspection at the Muscoda Village Hall, 206 North Wisconsin Avenue, Muscoda, Wisconsin.	

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance.'')

Dated: April 21, 1999.

Michael J. Armstrong,

Associate Director for Mitigation.

[FR Doc. 99–11525 Filed 5–6–99; 8:45 am]

BILLING CODE 6718–04–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97–233; RM–9162]

Radio Broadcasting Services; East Brewton, AL and Navarre, FL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document grants a Petition for Reconsideration of the *Report and Order* in this proceeding, 63 FR 64877 (November 24, 1998), and grants the request of 550–AM, the permittee of Station WGCX(FM), East Brewton, Alabama, to substitute Channel 239C3 for Channel 239A at East Brewton, reallot Channel 239C3 to Navarre, Florida, and modify the license of Station WGCX accordingly. The new allotment to Navarre is preferred over the existing allotment at East Brewton because it will provide a first local transmission service to a more populous community. This document terminates the proceeding.

EFFECTIVE DATE: June 14, 1999.

FOR FURTHER INFORMATION CONTACT: R. Barthen Gorman, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Memorandum Opinion and Order*, MM Docket No. 97–233, adopted April 30, 1999, and released April 30, 1999. The full text of this Commission decision will be available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY–A257, 445 12th Street, SW Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

2. Section 73.202(b), the Table of FM Allotments under Alabama, is amended by removing East Brewton, Channel 239A.

3. Section 73.202(b), the Table of Allotments under Florida, is amended by adding Navarre, Channel 239C3.

Federal Communications Commission.

Charles W. Logan,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 99–11500 Filed 5–6–99; 8:45 am]

BILLING CODE 6717–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 73 and 74

[MM Docket No. 97–234, GC Docket No. 92–52, and GEN Docket No. 90–264; FCC 99–74]

Implementation of Competitive Bidding for Commercial Broadcast and Instructional Television Fixed Service Licenses

AGENCY: Federal Communications Commission.

ACTION: Final rule; petitions for reconsideration.

SUMMARY: In this document, the Federal Communications Commission resolves numerous petitions for reconsideration filed against the Commission's earlier report and order in this proceeding that implemented provisions of the Balanced Budget Act of 1997 expanding the Commission's competitive bidding authority to include the commercial broadcast services. The document generally upholds the Commission's earlier determinations, but does amend the rules and procedures previously adopted with respect to the application of the general auction anti-collusion rule to broadcast service auctions and the eligibility standards for the new entrant bidding credit.

EFFECTIVE DATE: July 6, 1999.

FOR FURTHER INFORMATION CONTACT: Jerianne Timmerman, Video Services Division, Mass Media Bureau at (202)418–1600; Lisa Scanlan, Audio Services Division, Mass Media Bureau at (202)418–2700; Lee Martin, Office of General Counsel at (202)418–1720.

SUPPLEMENTARY INFORMATION:

Summary

1. In this *Memorandum Opinion and Order* adopted April 15, 1999, and released April 20, 1999, the Federal Communications Commission resolves petitions for reconsideration of the rules and procedures adopted in the *First Report and Order,* 63 FR 48615 (September 11, 1998), to implement provisions of the Balanced Budget Act of 1997 expanding the Commission's competitive bidding authority to include the commercial broadcast services and the Instructional Television Fixed Service (ITFS). The *Memorandum Opinion and Order* denies most issues presented in the petitions for reconsideration, but grants certain aspects of the petitions, most notably amending the applicability of the general anti-collusion rule to broadcast service auctions and refining the standards for applicants to qualify for the new entrant bidding credit.

Issues Pertaining to Pending Competing Applications

2. The *Memorandum Opinion and Order* upholds the Commission's determinations made in the *First Report and Order* with respect to pending competing full service commercial broadcast applications. Specifically, the *Memorandum Opinion and Order* denies reconsideration petitions: (1) challenging the Commission's decision to use auctions to decide among pending competing broadcast applications; (2) requesting the reimbursement of all expenses incurred by pending applicants who filed with the expectation that the Commission would use a comparative hearing to select among competing broadcast applications; (3) questioning the determination to defer until after the auction the resolution of basic qualifications issues raised against pending applicants; (4) challenging the determination that new Section 309(l) of the Communications Act permits the opening of a new filing window with respect to singleton analog television applications (with freeze waiver requests) filed by September 20, 1996; and (5) requesting some provision for a specific situation in which a competing applicant with interim operating authority has been allowed to operate a contested FM station for profit.

Filing and Other Procedural Issues

3. The *Memorandum Opinion and Order* upholds the Commission's determinations made in the *First Report and Order* regarding the following filing and procedural issues: (1) the utilization of a uniform window filing system for all auctionable broadcast services, including the FM translator and AM services; (2) allowing applicants the option of submitting a set of preferred site coordinates on their short-form applications (FCC Form 175) to participate in an FM auction; and (3) continuing to use for the filing of short-form applications in broadcast auctions the Wide Area Network utilized in previous Commission auctions for the filing of short-forms. In response to one petition, the *Memorandum Opinion and Order* extends from 10 to 15 days the filing period for petitions to deny against the long-form applications filed by winning bidders for construction permits in the secondary broadcast services. The *Memorandum Opinion and Order* also clarifies the applicability of Section 1.2112(a) of the general Part 1 auction rules to broadcast transfer and assignment applications, so as to reduce the repetitive submission of similar ownership information.

Competitive Bidding Issues

4. With regard to competitive bidding issues, the *Memorandum Opinion and Order* rejects the assertion that the imposition of reserve prices or minimum opening bids is not in the public interest in the broadcast context, and declines to adopt a proposal to resolve any remaining competing June 1, 1998 low power television displacement applications by means of various suggested priorities. The *Memorandum Opinion and Order* also rejects the contention that the Commission should adopt a post-auction procedure where, upon petition by a winning bidder, the Commission would consider evidence that the winning bidder was the sole qualified applicant for a broadcast authorization, and, in cases in which such a demonstration was made that the unsuccessful competing bidders for that authorization were unqualified, the winning bidder should be relieved of its obligation to remit the payment of its winning bid.

5. A number of petitioners called for an exception to the general auction anti-collusion rule to allow, after the filing of short-form applications in broadcast auctions, an opportunity for negotiated settlements and/or for technical and engineering solutions to remove mutual exclusivities before proceeding to auction. Although the *Memorandum Opinion and Order* rejects the contention that the Commission is statutorily required to allow such a settlement opportunity prior to broadcast service auctions, it concludes that allowing the resolution of mutual exclusivities by engineering solutions or other means following the submission of short-form applications would serve the public interest in the secondary broadcast services, and in ITFS as well.

6. Several petitioners objected to various aspects of the new entrant bidding credit, which provides a tiered credit for broadcast auction winning bidders with no, or very few, other media interests. In response to these petitions, and to promote the clear and consistent application of the eligibility standards for the bidding credit, the *Memorandum Opinion and Order:* (1) amends the eligibility standards for the bidding credit to be consistent with the

Commission's general broadcast attribution standards; (2) amends the eligibility standards for the credit so that a winning bidder's attributable interests in existing secondary broadcast stations are not counted among the bidder's other mass media interests in determining eligibility; and (3) refines the standards for determining whether a winning bidder's proposed broadcast station and the bidder's existing station(s) serve the ''same area,'' thereby rendering the bidder ineligible for a bidding credit. In addition, the *Memorandum Opinion and Order* declines to increase the size of the tiered new entrant bidding credit, and clarifies that the credit applies only to broadcast service auctions (and not to ITFS auctions). Finally, the *Memorandum Opinion and Order* states that the Commission will consider in a further order in this proceeding an additional refinement to the new entrant eligibility standards; specifically, this further order will consider whether to attribute debt and/or equity above a certain level, based on the Commission's review of the record in the pending broadcast attribution proceeding.

7. The complete text of this *Memorandum Opinion and Order,* including any statements, is available for inspection and copying during normal business hours in the Federal Communications Commission Reference Center (Room CY–A257), 445 12th Street, S.W., Washington, D.C., and it may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, N.W., Washington, D.C. 20036 (202) 857–3800.

Supplemental Final Regulatory Flexibility Analysis

Summary

8. As required by the Regulatory Flexibility Act (RFA), 5 U.S.C. 603, a Final Regulatory Flexibility Analysis (FRFA) was incorporated in the *First Report and Order* in this proceeding. The Commission's Supplemental Final Regulatory Flexibility Analysis (Supplemental FRFA) in this *Memorandum Opinion and Order* reflects revised or additional information to that contained in the FRFA. This Supplemental FRFA is thus limited to matters raised in response to the *First Report and Order* that are granted on reconsideration in the *Memorandum Opinion and Order.* This Supplemental FRFA conforms to the RFA, as amended by the Contract with America Advancement Act of 1996.

Need For and Objectives of Action

9. The actions taken in this *Memorandum Opinion and Order* are in response to petitions for reconsideration or clarification of the rules and policies adopted in the *First Report and Order* to implement provisions of the Balanced Budget Act of 1997 expanding the Commission's competitive bidding authority to include the broadcast services and the Instructional Television Fixed Service (ITFS). The petitions are denied, with certain limited exceptions.

Significant Issues Raised by Public in Response to Final Regulatory Flexibility Analysis

10. No petitions or comments were received in response to the FRFA. Small business-related issues were, however, raised indirectly by some petitioners, who asked for reconsideration on certain issues affecting low power television and television and FM translator applicants (most of whom are small businesses).

Description and Estimate of the Number of Small Entities Involved

11. *Definition of a ''Small Business''.* Under the RFA, small entities may include small organizations, small businesses, and small governmental jurisdictions. 5 U.S.C. 601(6). The RFA, 5 U.S.C. 601(3), generally defines the term ''small business'' as having the same meaning as the term ''small business concern'' under the Small Business Act, 15 U.S.C. 632. A small business is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA). Pursuant to 5 U.S.C. 601(3), the statutory definition of a small business applies ''unless an agency after consultation with the Office of Advocacy of the SBA and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the **Federal Register**.''

12. In the FRFA, we utilized the definition of ''small business'' promulgated by the SBA, even though, as discussed in detail in the FRFA, we tentatively believed that the SBA's definition of ''small business'' overstated the number of radio and television broadcast stations that were small businesses and was not particularly suitable for our purposes. No petitions or comments were received concerning the Commission's use of the SBA's small business definition for the purposes of the FRFA, and we will therefore continue to employ such definition for this Supplemental FRFA.

13. *Issues in Applying the Definition of a ''Small Business''.* As discussed below, we could not precisely apply the foregoing definition of ''small business'' in developing our estimates of the number of small entities affected by the revised application and selection procedures adopted in the *First Report and Order* for the broadcast services and for ITFS. Our estimates reflect our best judgments based on the data available to us.

14. An element of the definition of ''small business'' is that the entity not be dominant in its field of operation. We are unable at this time to define or quantify the criteria that would establish whether a specific radio or television station is dominant in its field of operation. Accordingly, the following estimates of the number of broadcasting stations that constitute small businesses do not exclude any radio or television station from the definition of small business on this basis and are therefore overinclusive to that extent. An additional element of the definition of ''small business'' is that the entity must be independently owned and operated. As discussed further below, we could not fully apply this criterion, and our estimates of small businesses to which the amended application and selection procedures may apply may be overinclusive to this extent.

15. With respect to applying the revenue cap, the SBA has defined ''annual receipts'' specifically in 13 CFR 121.104, and its calculations include an averaging process. We do not currently require submission of financial data from licensees that we could use in applying the SBA's definition of a small business. Thus, for purposes of estimating the number of small entities to which the rules apply, we are limited to considering the revenue data that are publicly available, and the revenue data on which we rely may not correspond completely with the SBA definition of annual receipts.

16. Under SBA criteria for determining annual receipts, if a concern has acquired an affiliate or been acquired as an affiliate during the applicable averaging period for determining annual receipts, the annual receipts in determining size status include the receipts of both firms. 13 CFR 121.104(d)(1). The SBA defines affiliation in 13 CFR 121.103. In this context, the SBA's definition of affiliate is analogous to our attribution rules. Generally, under the SBA's definition, concerns are affiliates of each other when one concern controls or has the

power to control the other, or a third party or parties controls or has the power to control both. 13 CFR 121.103(a)(1). The SBA considers factors such as ownership, management, previous relationships with or ties to another concern, and contractual relationships, in determining whether affiliation exists. 13 CFR 121.103(a)(2). Instead of making an independent determination of whether television stations were affiliates based on SBA's definitions, we relied on the databases available to us to provide us with that information.

17. *Estimates Based on Census Data.* The rules and policies adopted in the *First Report and Order* will apply to the various broadcast and secondary broadcast services and to ITFS. The SBA defines a television broadcasting station that has no more than $10.5 million in annual receipts as a small business. Television broadcasting stations consist of establishments primarily engaged in broadcasting visual programs by television to the public, except cable and other pay television services. Included in this industry are commercial, religious, educational, and other television stations. Also included are establishments primarily engaged in television broadcasting and which produce taped television program materials. Separate establishments primarily engaged in producing taped television program materials are classified under another SIC number.

18. There were 1,509 television stations operating in the nation in 1992. That number has remained fairly steady as indicated by the approximately 1,590 operating television broadcasting stations in the nation as of January 1999. For 1992, the number of television stations that produced less than $10.0 million in revenue was 1,155 establishments. Thus, of the 1,590 television stations approximately 77%, or 1,224, of those stations are considered small businesses. As of January 1999, 2136 low power television stations and 4921 television translator stations were also licensed, and we believe the vast majority of these stations are small businesses. These estimates may overstate the number of small entities since the revenue figures on which they are based do not include or aggregate revenues from non-television affiliated companies.

19. The SBA defines a radio broadcasting station that has no more than $5 million in annual receipts as a small business. A radio broadcasting station is an establishment primarily engaged in broadcasting aural programs by radio to the public. Included in this industry are commercial, religious, educational and other radio stations. Radio broadcasting stations that primarily are engaged in radio broadcasting and that produce radio program materials are similarly included. However, radio stations that are separate establishments and are primarily engaged in producing radio program material are classified under another SIC number. The 1992 census indicates that 96% (5,861 of 6,127) of radio station establishments produced less than $5 million in revenue in 1992. Official Commission records indicate that 11,334 individual radio stations were operating in 1992. As of January 1999, official Commission records indicate that 12,496 radio stations were operating. We conclude that a similarly high percentage (96%) of current radio broadcasting licensees are small entities. As of January 1999, there were also 3171 FM translator/booster stations licensed, and we believe the vast majority of these stations are small businesses. These estimates may overstate the number of small entities since the revenue figures on which they are based do not include or aggregate revenues from non-radio affiliated companies.

20. In addition, there are presently 2032 ITFS licensees. All but 100 of these licenses are held by educational institutions. Educational institutions may be included in the definition of a small entity. ITFS is a non-pay, non-commercial educational microwave service that, depending on SBA categorization, has, as small entities, entities generating either $10.5 million or less, or $11.0 million or less, in annual receipts. However, we do not collect, nor are we aware of other collections of, annual revenue data for ITFS licensees. Thus, we conclude that up to 1932 of these licensees are small entities.

21. *Pending and Future Applicants Affected by Rulemaking.* The auction selection procedures set forth in the *First Report and Order* will affect pending and future competing applicants for the various commercial broadcast services and for ITFS. We estimate that there are currently pending before the Commission the following mutually exclusive applications: (1) approximately 620 mutually exclusive applications for full power commercial radio stations, and 165 competing applications for full power commercial analog television stations; (2) approximately 275 mutually exclusive applications for low power television stations and television translator stations, and 20 competing applications for FM translator stations; and (3) approximately 200 or more mutually exclusive applications for ITFS stations. The Commission has no data on file as to whether entities with pending permit applications, which are subject to the new competitive bidding selection procedures adopted for the broadcast services, meet the SBA's definition of a small business concern. However, we conclude that, given the smaller size of the markets at issue in the pending applications, most of the entities with pending applications for a permit to construct a new primary or secondary broadcast station are small entities, as defined by the SBA rules. It is not possible, at this time, to estimate the number of markets for which mutually exclusive applications will be received, nor the number of entities that in the future may seek a construction permit for a new broadcast station. Given the fact that fewer new stations (particularly fewer analog television stations) will be licensed in the future and that these stations generally will be located in smaller, more rural areas, we conclude that most of the entities applying for these stations will be small entities, as defined by the SBA rules.

Description of Projected Reporting, Recordkeeping and Other Compliance Requirements

22. The *First Report and Order* adopted a number of rules that included reporting, recordkeeping and compliance requirements. These requirements were described in detail in the FRFA, and generally remain unchanged by the rule amendments adopted in this *Memorandum Opinion and Order.* The rules adopted in this *Memorandum Opinion and Order* do amend the applicability of the general auction anti-collusion rule (*see* 47 CFR 1.2105(c)) so that mutually exclusive applicants in the secondary broadcast services may discuss settlement or other means of resolving their mutual exclusivities following the short-form application filing deadline. The *Memorandum Opinion and Order* also amends our rules to clarify that certain ownership disclosure requirements set forth in Section 1.2112(a) of the general Part 1 auction rules will not apply to applicants seeking consent to assign or transfer control of broadcast construction permits or licenses.

Steps Taken to Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

23. The FRFA described in considerable detail the steps taken in the *First Report and Order* to minimize significant economic impact on small entities and the alternatives considered. The rule amendments adopted in this *Memorandum Opinion and Order*

should also serve to minimize the adverse impact of our broadcast auction rules on small entities. First, the *Memorandum Opinion and Order* amends the applicability of the general auction anti-collusion rule so that competing low power television, television and FM translator, and ITFS applicants will have an opportunity to settle or otherwise resolve their mutual exclusivities following the short-form application filing deadline (and thereby avoid the need to go to auction). Second, the *Memorandum Opinion and Order* refines in various ways the eligibility standards for the new entrant bidding credit, which provides a tiered credit for broadcast auction winning bidders with no, or very few, other mass media interests. Third, the *Memorandum Opinion and Order* also lengthens from 10 to 15 days the period for the filing of petitions to deny against the long-form applications filed by winning bidders in the secondary broadcast services and in ITFS. Finally, the *Memorandum Opinion and Order* reduces the burden on all broadcast applicants (including small businesses) seeking consent to assign or transfer control of broadcast construction permits or licenses by clarifying that the ownership disclosure requirements set forth in Section 1.2112(a) of the general auction rules are not applicable to such transactions.

Report to Congress

24. The Commission will send a copy of the *Memorandum Opinion and Order,* including this Supplemental FRFA, in a report to be sent to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996. See 5 U.S.C. 801(a)(1)(A). In addition, the Commission will send a copy of the *Memorandum Opinion and Order,* including the Supplemental FRFA, to the Chief Counsel for Advocacy of the Small Business Administration.

Authority for issuance of this *Memorandum Opinion and Order* is contained in Sections 4(i) and (j), 301, 303(f), 303(g), 303(h), 303(j), 303(r), 307(c), 308(b), 309(j), 309(l) and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 301, 303(f), 303(g), 303(h), 303(j), 303(r), 307(c), 308(b), 309(j), 309(l) and 403.

List of Subjects in 47 CFR Parts 73 and 74

Radio broadcasting, Reporting and recordkeeping requirements, Television broadcasting.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

Rule Changes

Parts 73 and 74 of Chapter 1 of Title 47 of the Code of Federal Regulations are amended as follows:

PART 73—RADIO BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, and 336.

2. Section 73.5002 is amended by revising paragraphs (c) and (d) to read as follows:

§ 73.5002 Bidding application and certification procedures; prohibition of collusion.

* * * * *

(c) Applicants in all broadcast service or ITFS auctions will be subject to the provisions of § 1.2105(b) of this chapter regarding the modification and dismissal of their short-form applications. Notwithstanding the general applicability of § 1.2105(b) of this chapter to broadcast and ITFS auctions, the following applicants will be permitted to resolve their mutual exclusivities by making amendments to their engineering submissions following the filing of their short-form applications:

(1) applicants for all broadcast services and ITFS who file major modification applications that are mutually exclusive with each other;

(2) applicants for all broadcast services and ITFS who file major modification and new station applications that are mutually exclusive with each other; or

(3) applicants for the secondary broadcast services and ITFS who file applications for new stations that are mutually exclusive with each other.

(d) The prohibition of collusion set forth in § 1.2105(c) of this chpater, which becomes effective upon the filing of short-form applications, shall apply to all broadcast service or ITFS auctions. Notwithstanding the general applicability of § 1.2105(c) of this chapter to broadcast and ITFS auctions, the following applicants will be permitted to resolve their mutual exclusivities by means of engineering solutions or settlements during a limited period after the filing of short-form applications, as further specified by Commission public notices:

(1) applicants for all broadcast services and ITFS who file major modification applications that are mutually exclusive with each other;

(2) applicants for all broadcast services and ITFS who file major modification and new station applications that are mutually exclusive with each other; or

(3) applicants for the secondary broadcast services and ITFS who file applications for new stations that are mutually exclusive with each other.

3. Section 73.5006 is amended by revising paragraphs (b) and (c) to read as follows:

§ 73.5006 Filing of petitions to deny against long-form applications.

* * * * *

(b) Within ten (10) days following the issuance of a public notice announcing that a long-form application for an AM, FM or television construction permit has been accepted for filing, petitions to deny that application may be filed. Within fifteen (15) days following the issuance of a public notice announcing that a long-form application for a low power television, television translator or FM translator construction permit or ITFS license has been accepted for filing, petitions to deny that application may be filed. Any such petitions must contain allegations of fact supported by affidavit of a person or persons with personal knowledge thereof.

(c) An applicant may file an opposition to any petition to deny, and the petitioner a reply to such opposition. Allegations of fact or denials thereof must be supported by affidavit of a person or persons with personal knowledge thereof. In the AM, FM and television broadcast services, the time for filing such oppositions shall be five (5) days from the filing date for petitions to deny, and the time for filing replies shall be five (5) days from the filing date for oppositions. In the low power television, television translator and FM translator broadcast services and in ITFS, the time for filing such oppositions shall be fifteen (15) days from the filing date for petitions to deny, and the time for filing replies shall be ten (10) days from the filing date for oppositions.

* * * * *

4. Section 73.5007 is revised to read as follows:

§ 73.5007 Designated entity provisions.

(a) *New entrant bidding credit.* A winning bidder that qualifies as a ''new entrant'' may use a bidding credit to lower the cost of its winning bid on any broadcast construction permit. Any winning bidder claiming new entrant status must have *de facto,* as well as *de jure,* control of the entity utilizing the bidding credit. A thirty-five (35) percent bidding credit will be given to a

winning bidder if it, and/or any individual or entity with an attributable interest in the winning bidder, have no attributable interest in any other media of mass communications, as defined in § 73.5008. A twenty-five (25) percent bidding credit will be given to a winning bidder if it, and/or any individual or entity with an attributable interest in the winning bidder, have an attributable interest in no more than three mass media facilities. No bidding credit will be given if any of the commonly owned mass media facilities serve the same area as the proposed broadcast or secondary broadcast station, or if the winning bidder, and/or any individual or entity with an attributable interest in the winning bidder, have attributable interests in more than three mass media facilities. Attributable interests held by a winning bidder in existing low power television, television translator or FM translator facilities will not be counted among the bidder's other mass media interests in determining eligibility for a bidding credit.

(b) The new entrant bidding credit is not available to a winning bidder if it, and/or any individual or entity with an attributable interest in the winning bidder, have an attributable interest in any existing media of mass communications in the same area as the proposed broadcast or secondary broadcast facility.

(1) Any existing media of mass communications will be considered in the ''same area'' as a proposed broadcast or secondary broadcast facility if the relevant defined service areas of the existing mass media facilities partially overlap, or are partially overlapped by, the proposed broadcast or secondary broadcast facility's relevant contour.

(2) For purposes of determining whether any existing media of mass communications is in the ''same area'' as a proposed broadcast or secondary broadcast facility, the relevant defined service areas of the existing mass media facilities shall be as follows:

(i) AM broadcast station—principal community contour (see § 73.3555(a)(4)(i));

(ii) FM broadcast station—principal community contour (see § 73.3555(a)(4)(i));

(iii) Television broadcast station—television duopoly contour (see § 73.3555(b));

(iv) Cable television system—the franchised community of a cable system;

(v) Daily newspaper—community of publication; and

(vi) Multipoint Distribution Service station—protected service area (see §§ 21.902(d) or 21.933 of this chapter).

(3) For purposes of determining whether a proposed broadcast or secondary broadcast facility is in the ''same area'' as an existing mass media facility, the relevant contours of the proposed broadcast or secondary broadcast facility shall be as follows:

(i) AM broadcast station—principal community contour (see § 73.3555(a)(4)(i));

(ii) FM broadcast station—principal community contour (see § 73.3555(a)(4)(i));

(iii) FM translator station—predicted, protected contour (see § 74.1204(a) of this chapter);

(iv) Television broadcast station—television duopoly contour (see § 73.3555(b)); and

(v) Low power television or television translator station—predicted, protected contour (see § 74.707(a) of this chapter).

(c) *Unjust enrichment.* If a licensee or permittee that utilizes a new entrant bidding credit under this subsection seeks to assign or transfer control of its license or construction permit to an entity not meeting the eligibility criteria for the bidding credit, the licensee or permittee must reimburse the U.S. Government for the amount of the bidding credit, plus interest based on the rate for ten-year U.S. Treasury obligations applicable on the date the construction permit was originally granted, as a condition of Commission approval of the assignment or transfer. If a licensee or permittee that utilizes a new entrant bidding credit seeks to assign or transfer control of a license or construction permit to an entity that is eligible for a lower bidding credit, the difference between the bidding credit obtained by the assigning party and the bidding credit for which the acquiring party would qualify, plus interest based on the rate for ten-year U.S. Treasury obligations applicable on the date the construction permit was originally granted, must be paid to the U.S. Government as a condition of Commission approval of the assignment or transfer. The amount of the reimbursement payments will be reduced over time. An assignment or transfer in the first two years after issuance of the construction permit to the winning bidder will result in a forfeiture of one hundred (100) percent of the value of the bidding credit; during year three, of seventy-five (75) percent of the value of the bidding credit; in year four, of fifty (50) percent; in year five, twenty-five (25) percent; and thereafter, no payment. If a licensee or permittee who utilized a new entrant bidding credit in obtaining a broadcast license or construction permit acquires within this five-year reimbursement period an additional broadcast facility or facilities, such that the licensee or permittee would not have been eligible for the new entrant credit, the licensee or permittee will generally not be required to reimburse the U.S. Government for the amount of the bidding credit.

5. Section 73.5008 is amended by revising paragraphs (b) and (c) to read as follows:

§ 73.5008 Definitions applicable for designated entity provisions.

* * * * *

(b) A *medium of mass communications* means a daily newspaper; a cable television system; or a license or construction permit for a television broadcast station, an AM or FM broadcast station, a direct broadcast satellite transponder, or a Multipoint Distribution Service station.

(c) An *attributable interest* in a winning bidder or in a medium of mass communications shall be determined in accordance with § 73.3555 and Note 2.

6. Section 73.5009 is revised to read as follows:

§ 73.5009 Assignment or transfer of control.

The reporting requirement contained in § 1.2111(a) of this chapter shall apply to an applicant seeking approval for a transfer of control or assignment of a broadcast construction permit or license within three years of receiving such permit or license by means of competitive bidding.

PART 74—EXPERIMENTAL RADIO, AUXILIARY, SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

7. The authority citation for part 74 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 307, and 554.

8. Section 74.912 is revised to read as follows:

§ 74.912 Petitions to deny.

(a) Petitions to deny against the long-form applications filed by winning bidders in ITFS auctions must be filed in accordance with § 73.5006 of this chapter. Petitions to deny against applications for transfers of control of ITFS licensees, or for assignments of ITFS station licenses, must be filed not later than 30 days after issuance of a public notice of the acceptance for filing of the transfer or assignment application. In the case of applications for renewal of license, petitions to deny may be filed after the issuance of a public notice of acceptance for filing of the applications and up until the first day of the last full calendar month of the expiring license term. Any party in interest may file a petition to deny any notification regarding a low power ITFS

signal booster station, within the 60 day period provided for in § 74.985(e).

(b) The applicant or notifier may file an opposition to any petition to deny, and the petitioner a reply to such opposition in which allegations of fact or denials thereof shall be supported by affidavit of a person or persons with personal knowledge thereof. Except with regard to petitions to deny against the long-form applications of ITFS auction winners, the times for filing such oppositions and replies shall be those provided in § 1.45 of this chapter.

[FR Doc. 99–11503 Filed 5–6–99; 8:45 am]

BILLING CODE 6712–01–U

DEPARTMENT OF DEFENSE

48 CFR Part 213

[DFARS Case 98–D031]

Defense Federal Acquisition Regulation Supplement; Applicability of Buy American Clauses to Simplified Acquisitions

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Director of Defense Procurement has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to clarify the use of contract clauses that implement the Buy American Act. The rule applies to acquisitions that use the Federal Acquisition Regulation (FAR) clause containing a list of clauses that most commonly apply to simplified acquisitions.

EFFECTIVE DATE: May 7, 1999.

EFFECTIVE DATES: Ms. Amy Williams, Defense Acquisition Regulations Council, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0131; telefax (703) 602–0350. Please cite DFARS Case 98–D031.

SUPPLEMENTARY INFORMATION:

A. Background

This final rule revises DFARS 213.302–5 to clarify that, when using the clause at FAR 52.213–4, Terms and Conditions-Simplified Acquisitions (Other Than Commercial Items), the contracting officer must delete the reference to the clause at FAR 52.225–3, Buy American Act-Supplies. In accordance with DFARS 225.109(d), the clause at FAR 52.225–3 does not apply to DoD. This rule instead requires the contracting officer to use the appropriate Buy American Act clause prescribed by the DFARS.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

This final rule does not constitute a significant revision within the meaning of FAR 1.501 and Public Law 98–577 and publication for public comment is not required. However, comments from small entities concerning the affected DFARS subpart will be considered in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 98–D031.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 213

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Part 213 is amended as follows:

1. The authority citation for 48 CFR Part 213 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 213—SIMPLIFIED ACQUISITION PROCEDURES

2. Section 213.302–5 is revised to read as follows:

§ 213.302–5 Clauses.

(a) Use the clause at 252.243–7001, Pricing of Contract Modifications, in all bilateral purchase orders.

(d) When using the clause at FAR 52.213–4, delete the reference to the clause at FAR 52.225–3, Buy American Act-Supplies. Instead, if the Buy American Act applies to the acquisition, use the clause at—

(i) 252.225–7001, Buy American Act and Balance of Payments Program, as prescribed at 225.109(d); or

(ii) 252.225–7036, Buy American Act-North American Free Trade Agreement Implementation Act-Balance of Payments Program, as prescribed at 225.408(a)(vi).

[FR Doc. 99–11549 Filed 5–6–99; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

48 CFR Parts 225 and 252

[DFARS Case 98–D310]

Defense Federal Acquisition Regulation Supplement; Para-Aramid Fibers and Yarns

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Director of Defense Procurement has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to permit the procurement of articles containing para-aramid fibers and yarns manufactured in the Netherlands. This rule finalizes the interim rule that was published in the **Federal Register** on January 15, 1999, to implement Section 807 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999.

EFFECTIVE DATE: May 7, 1999.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, Defense Acquisition Regulations Council, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0131; telefax (703) 602–0350. Please cite DFARS Case 98–D310.

SUPPLEMENTARY INFORMATION:

A. Background

An interim rule with request for comments was published in the **Federal Register** at 64 FR 2599 on January 15, 1999. The rule implemented Section 807 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261). Section 807 provides that the Secretary of Defense may waive the foreign source restrictions for para-aramid fibers and yarns under certain conditions. The Secretary of Defense delegated this waiver authority to the Under Secretary of Defense (Acquisition and Technology). On February 12, 1999, the Under Secretary of Defense (Acquisition and Technology) issued a determination authorizing the procurement of articles containing para-aramid fibers and yarns manufactured in the Netherlands. Synthetic fabric containing the para-aramid fibers and yarns still must be manufactured in the United States.

Three sources submitted comments in response to the interim rule. All comments were considered in the development of the final rule.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD certifies that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et. seq.*, because the only known U.S. manufacturer of para-aramid fibers and yarns is DuPont, which is a large business concern.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 225 and 252

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Interim Rule Adopted as Final With Changes

Accordingly, the interim rule amending 48 CFR Parts 225 and 252, which was published at 64 FR 2599 on January 15, 1999, is adopted as a final rule with the following changes:

1. The authority citation for 48 CFR Parts 225 and 252 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 225—FOREIGN ACQUISITION

2. Section 225.7002–2 is amended by revising paragraph (j) and removing paragraph (k). The revised text reads as follows:

§ 225.7002–2 Exceptions.

* * * * *

(j) Purchases of fibers and yarns that are for use in synthetic fabric or coated synthetic fabric (but not the purchase of the synthetic or coated synthetic fabric itself), if—

(1) The fabric is to be used as a component of an end item that is not a textile product. Examples of textile products, made in whole or in part of fabric, include—

(i) Draperies, floor coverings, furnishings, and bedding (Federal Supply Group 72, Household and Commercial Furnishings and Appliances);

(ii) Items made in whole or in part of fabric in Federal Supply Group 83, Textile/leather/furs/apparel/findings/tents/flags, or Federal Supply Group 84, Clothing, Individual Equipment and Insignia;

(iii) Upholstered seats (whether for household, office, or other use); and

(iv) Parachutes (Federal Supply Class 1670); or

(2) The fibers and yarns are para-aramid fibers and yarns manufactured in—

(i) The Netherlands; or

(ii) Another qualifying country (see 225.872) if the Under Secretary of Defense (Acquisition and Technology) makes a determination in accordance with section 807 of Pub. L. 105–261 that—

(A) Procuring articles that contain only para-aramid fibers and yarns manufactured from suppliers within the United States or its possessions would result in sole source contracts or subcontracts for the supply of such para-aramid fibers and yarns;

(B) Such sole source contracts or subcontracts would not be in the best interest of the Government or consistent with the objectives of the Competition in Contracting Act (10 U.S.C. 2304); and

(C) The qualifying country permits U.S. firms that manufacture para-aramid fibers and yarns to compete with foreign films for the sale of para-aramid fibers and yarns in that country.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

3. Section 252.225–7012 is amended by revising the clause date and paragraphs (b)(3) and (b)(4), and by removing paragraph (b)(5). The revised text reads as follows:

252.225–7012 Preference for Certain Domestic Commodities.

* * * * *

Preference for Certain Domestic Commodities (May 1999)

* * * * *

(b) * * *

(3) To chemical warfare protective clothing produced in the countries listed in subsection 225.872–1 of the Defense FAR Supplement; or

(4) To fibers and yarns that are for use in synthetic fabric or coated synthetic fabric (but does apply to the synthetic or coated synthetic fabric itself), if—

(i) The fabric is to be used as a component of an end item that is not a textile product. Examples of textile products, made in whole or in part of fabric, include—

(a) Draperies, floor coverings, furnishings, and bedding (Federal Supply Group 72, Household and Commercial Furnishings and Appliances);

(B) Items made in whole or in part of fabric in Federal Supply Group 83, Textile/leather/furs/apparel/findings/tents/flags, or Federal Supply Group 84, Clothing, Individual Equipment and Insignia;

(C) Upholstered seats (whether for household, office, or other use); and

(D) Parachutes (Federal Supply Class 1670); or

(ii) The fibers and yarns are para-aramid fibers and yarns manufactured in the Netherlands.

(End of clause)

[FR Doc. 99–11550 Filed 5–6–99; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

48 CFR Parts 225 and 252

[DFARS Case 96–D016]

Defense Federal Acquisition Regulation Supplement; Antiterrorism Training

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Director of Defense Procurement is adopting as final, without change, the interim rule published in the **Federal Register** on June 11, 1998, that amended the Defense Federal Acquisition Regulation Supplement (DFARS) to add guidance pertaining to DoD antiterrorism/force protection policy. The rule requires DoD contractors and their subcontractors to take appropriate security precautions when performing or traveling outside the United States.

EFFECTIVE DATE: May 7, 1999.

FOR FURTHER INFORMATION CONTACT: Ms. Melissa Rider, Defense Acquisition Regulations Council, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0131; telefax (703) 602–0350. Please cite DFARS Case 96–D016.

SUPPLEMENTARY INFORMATION:

A. Background

An interim rule with request for comments was published in the **Federal Register** at 63 FR 31963 on June 11, 1998. The rule added a new DFARS subpart and a new contract clause pertaining to antiterrorism/force protection policy for DoD contracts that require performance or travel outside the United States. No comments were received in response to the interim rule. The interim rule is converted to a final rule without change.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD certifies that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory

Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule applies only to contracts that require performance or travel outside the United States, and any costs related to compliance with the rule should be included in the contract price.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 225 and 252

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Interim Rule Adopted as Final Without Change.

PART 225—FOREIGN ACQUISITION, AND PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

Accordingly, the interim rule amending 48 CFR Parts 225 and 252, which was published at 63 FR 31936 on June 11, 1998, is adopted as a final rule without change.

[FR Doc. 99–11548 Filed 5–6–99; 8:45 am]

BILLING CODE 5000–04–M

Proposed Rules

Federal Register
Vol. 64, No. 88
Friday, May 7, 1999

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.

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 1, 2, 7, 9, 50, 51, 52, 60, 62, 72, 75, 76, 100, and 110

RIN 3150–AG07

Electronic Availability of NRC Public Records and Ending of NRC Local Public Document Room Program

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing amendments to its regulations that would reflect a change in the way its records are made available to the public. The amendments are intended to reflect the NRC's decision to implement a new document management system that would permit the electronic storage, retrieval, and on-line ordering of publicly available NRC official records through the NRC Web site.

DATES: Submit comments by June 21, 1999. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESSES: Submit comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Attention: Rulemaking and Adjudications staff.

Deliver comments to 11555 Rockville Pike, Rockville, Maryland, between 7:30 am and 4:15 pm on Federal workdays.

You may also provide comments via the NRC's interactive rulemaking web site through the NRC home page (http://www.nrc.gov). This site provides the capability to upload comments as files (any format), if your web browser supports that function. For information about the interactive rulemaking web site, contact Ms. Carol Gallagher, (301) 415–5905 (email: CAG@nrc.gov).

FOR FURTHER INFORMATION CONTACT: Russell A. Powell, Chief, Information Services Branch, Information Management Division, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555–0001, telephone (301) 415–6527, email: RAP1@nrc.gov.

SUPPLEMENTARY INFORMATION: The Nuclear Regulatory Commission is proposing to amend its regulations to reflect the use of a new electronic record keeping system for NRC records. The NRC is establishing the Agencywide Documents Access and Management System (ADAMS) to provide for the electronic submission, storage, and retrieval of NRC official records. When ADAMS becomes operational, any NRC official records that are normally publicly available under the Commission's regulations will be available electronically through ADAMS. The regulations governing which records are publicly available will be unaffected by this proposed rule. Publicly available records will be accessible electronically from the ADAMS Public Library component on the NRC Web site, http://www.nrc.gov, (the Electronic Reading Room).

When ADAMS becomes operational, NRC intends to discontinue furnishing paper and microfiche copies of its publicly available records to the NRC Public Document Room (PDR), located in Washington, D.C., and the Local Public Document Rooms (LPDRs), located near nuclear power plants and other nuclear facilities. Under ADAMS, NRC would initially begin making available electronically through the Electronic Reading Room on the NRC Internet Web site, imaged copies of its newly received and created publicly available official records that are in paper form. However, ultimately, NRC's newly created official records will all be stored in ADAMS only in electronic form, and NRC will maintain only its pre-ADAMS records as paper copies. Because of budget constraints and the improved access to newly received and created records via the NRC Web site under ADAMS, the Commission decided to discontinue funding of the LPDR program beyond Fiscal Year 1999.

Although the Commission has already made a decision to eliminate the LPDRs because of the future electronic availability of these records, the Commission is soliciting comment through this proposed rule to clarify any questions regarding the time and process for the electronic availability of records and to identify any potential unique situations where the electronic availability of records may not provide adequate records availability.

The NRC currently maintains 86 LPDRs in the vicinity of nuclear reactor and materials licensees: 72 support power reactors; 2 support gaseous diffusion plants; 3 support high-level waste repositories; and the remaining 9 support fuel-cycle, low-level waste, and other facilities. A survey of the facilities where LPDRs are currently located revealed that all but six now provide, or will provide Internet access to its patrons by the end of 1999. Additionally, although NRC plans to discontinue the LPDR program, it plans to offer each of the current LPDR libraries the opportunity to keep their current LPDR document collections so the pre-ADAMS LPDR collections can continue to be available in the local communities. The decision to accept this offer to transfer ownership of these collections and the length of time they will be maintained will be at the sole discretion of each library.

ADAMS will provide the following added benefits that should preclude or minimize any public concerns regarding the impact from discontinuing the LPDR program:

1. ADAMS Internet access will provide access to new records in full text and image.

2. ADAMS will provide an improved electronic search capability. Under the existing system, only the bibliographic indexes and abstracts for most records are available from the online BRS and NUDOCS.

3. Some new records will be available to the public within days instead of the two weeks or longer it now takes for LPDRs to receive microfiche or paper copies of new accessions.

4. Internet public access to the NRC Web site will provide direct access to a much broader range of the public than just to those who, because of their close proximity, have access to the PDR and LPDRs.

The NRC PDR would still keep pre-ADAMS paper and microfiche records on site and available to the public for viewing and copying. The PDR would also have computer terminals available for the public to access new documents on the NRC Web site. The public would still be able to obtain paper copies of

new electronic records by printing them from the NRC Internet Web site, by ordering them for a fee from the PDR directly from the NRC Web site, or by using current ordering methods. The current methods are: in-person at the PDR, mail, e-mail, fax or by calling the PDR Reference Services on the toll-free 800 telephone number. Bibliographic descriptions of documents currently identified in the PDR's Bibliographic Retrieval System (BRS) and in NUDOCS will be posted on the NRC Web site. This would also allow the public to order copies of pre-ADAMS paper and microfiche records. The public would also have access to the NRC Web site from any computer with Internet access, and would be able to download the records to the computer they are using for printing or other supported functions.

Because records would be released electronically to the public rather than in paper or microfiche, this rule would amend the regulations in 10 CFR parts 1, 2, 7, 9, 50, 51, 52, 60, 62, 72, 75, 76, 100, and 110 to reflect the manner in which these records would be made publicly available.

To reflect the anticipated discontinuance of NRC support of libraries serving as LPDRs, references to NRC LPDRs would be deleted in 10 CFR 2.1231 (a)(1)(ii), and (b); 9.35 (b) and (e); 50.30(a)(5); part 50, appendix Q, section 4; 51.120; part 52, appendix O, section 5; part 52, appendix Q, section 4, and 76.37(a).

In addition, several other minor conforming changes would be made. The definition of the PDR in 10 CFR 2.4, 60.2, and 110.2 is now in a new paragraph and would be revised to reflect that records newly created or received since the implementation of ADAMS that are publicly available are now available in the PDR in electronic form for inspection and copying, and that copies can be ordered from the PDR. A new paragraph would define the NRC Web site as the Internet location where NRC records are made available for public inspection and copying and that the public can also order copies of documents from the PDR through the NRC Web site.

Section 9.2(a) would be revised to delete the reference to the availability of records on 48x microfiche through the National Technical Information Service (NTIS). When NRC begins making its records available from the NRC Web site, microfiche copies will no longer be produced. The address for the NTIS and a statement that certain listed documents can be ordered from the NTIS would be added to § 9.21(a). Section 9.21(d) would be deleted because the publication Title List of Documents Made Publicly Available, NUREG–0540, will no longer be published. Section 9.21(e) would be revised to show that only the published versions of final opinions and orders, referred to in § 9.2(c)(1), are available from the NTIS in the publication, Nuclear Regulatory Issuances (NUREG–0750). The reference to interpretations in § 9.21(c)(2) would be deleted because they are not available from NTIS.

Section 9.23(a)(2) would be deleted because it repeats information included in the revised § 9.21(a). Section 51.123 (a) and (b) would be revised to reflect the correct address where requests for draft environmental impact statements and draft findings of no significant hazard can be submitted.

Changes would be made in several sections to reflect the correct name of the NRC PDR. In addition, several misspelling corrections would be made.

Plain Language

The Presidential Memorandum dated June 1, 1998, entitled, ''Plain Language in Government Writing,'' directed that the Federal government's writing be in plain language. The NRC requests comments on this proposed rule specifically with respect to the clarity and effectiveness of the language used. Comments should be sent to the address listed above.

Environmental Impact—Categorical Exclusion

The NRC has determined that this proposed rule is the type of action described in categorical exclusion 10 CFR 51.22(c) (1) and (2). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this proposed rule.

Paperwork Reduction Act Statement

This proposed rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.). Existing requirements were approved by the Office of Management and Budget, approval numbers 3150–0043, 3150–0011, 3150–0021, 3150–0151, 3150–0127, 3150–0143, 3150–0132, 3150–0055, 3150–0093, and 3150–0036.

Public Protection Notification

If a means used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

Regulatory Analysis

This proposed rule implements a new NRC procedure for making records available for public inspection and copying. The rule would not have any adverse economic impact on any class of licensee or the NRC. To the contrary, the proposed rule with its new provisions allowing Internet access from homes, offices, schools, and public libraries to NRC publicly released records would provide some new and additional benefits to those seeking access to NRC records. A survey of the facilities where LPDRs are currently located revealed that all but six now provide, or will provide Internet access to its patrons by the end of 1999. Additionally, although NRC plans to discontinue the LPDR program, it plans to offer each of the current LPDR libraries the opportunity to keep their current LPDR document collections so the pre-ADAMS LPDR collections can continue to be available in the local communities. This constitutes the regulatory analysis for this rule.

Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission certifies that this rule, if adopted, will not have a significant economic impact upon a substantial number of small entities. The proposed rule would implement a new procedure for making records available to the public. The NRC believes that the proposed changes would not have an adverse economic impact on any class of licensee, including small entities, or the general public. On the contrary, the NRC believes that the proposed rule would provide wider opportunities and make it easier for interested persons to obtain or review publicly available NRC records.

Any small entity subject to this regulation that determines, because of its size, it is likely to bear a disproportionate adverse economic impact should notify the Commission of this in a comment that indicates—

(a) The licensee's size and how the proposed regulation would result in a significant economic burden upon the licensee as compared to the economic burden on a larger licensee;

(b) How the proposed regulations could be modified to take into account the licensee's differing needs or capabilities;

(c) The benefits that would accrue, or the detriments that would be avoided, if

the proposed regulations were modified as suggested by the licensee; and

(d) How the proposed regulation, as modified, would more closely equalize the impact of NRC regulations or create more equal access to the benefits of Federal programs as opposed to providing special advantages to any individual or group.

Backfit Analysis

The NRC has determined that the backfit rule does not apply to this proposed rule; and therefore, a backfit analysis is not required for this proposed rule because these amendments do not involve any provisions that would impose backfits as defined in 10 CFR Chapter I.

List of Subjects

10 CFR Part 1

Organization and functions (Government Agencies).

10 CFR Part 2

Administrative practice and procedure, Antitrust, Byproduct material, Classified Information, Environmental protection, Nuclear materials, Nuclear power plants and reactors, Penalties, Sex discrimination, Source material, Special nuclear material, Waste treatment and disposal.

10 CFR Part 7

Advisory committees, Sunshine Act.

10 CFR Part 9

Criminal Penalties, Freedom of Information, Privacy, Reporting and recordkeeping requirements, Sunshine Act.

10 CFR Part 50

Antitrust, Classified information, Criminal penalties, Fire protection, Intergovernmental relations, Nuclear power plants and reactors, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements.

10 CFR Part 51

Administrative practice and procedure, Environmental impact statement, Nuclear materials, Nuclear power plants and reactors, Radiation protection, Reactor siting criteria, Reporting and records.

10 CFR Part 52

Administrative practice and procedure, Antitrust, Backfitting, Combined license, Early site review, Emergency planning, Fees, Inspection, Limited Work Authorization, Nuclear power plants and reactors, Probabilistic risk assessment, Prototype, Reactor siting criteria, Redress of site, Reporting and recordkeeping requirements, Standard design, Standard design certification.

10 CFR Part 60

Criminal penalties, High-level waste, Nuclear power plants and reactors, Nuclear materials, Reporting and recordkeeping requirements, Waste treatment and disposal.

10 CFR Part 62

Administrative practice and procedure, Denial of access, Emergency access to low-level waste disposal, Low-level radioactive waste, Low-level radioactive treatment and disposal, Low-level waste policy amendments act of 1985, Nuclear materials, Reporting and recordkeeping requirements.

10 CFR Part 72

Intergovernmental relations, Manpower training programs, Nuclear materials, Nuclear power plants and reactors, Reporting and recordkeeping requirements, Security measures.

10 CFR Part 75

Criminal penalties, Intergovernmental relations, Nuclear materials, Nuclear power plants and reactors, Reporting and recordkeeping requirements, Security measures.

10 CFR Part 76

Certification, Criminal penalties, Radiation protection, Reporting and recordkeeping requirements, Security measures, Special nuclear material, Uranium enrichment by gaseous diffusion.

10 CFR Part 100

Nuclear power plants and reactors, Reactor siting criteria.

10 CFR Part 110

ministrative practice and procedure, Classified Information, Criminal penalties, Export, Import, Intergovernmental relations, Nuclear materials, Nuclear power plants and reactors, Reporting and recordkeeping requirements, Scientific equipment.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 553; the NRC is proposing to adopt the following amendments to 10 CFR parts 1, 2, 7, 9, 50, 51, 52, 60, 62, 72, 75, 76, 100 and 110.

PART 1—STATEMENT OF ORGANIZATION AND GENERAL INFORMATION:

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

Authority: Secs. 23, 161, 68 Stat. 925, 948, as amended (42 U.S.C. 2033, 2201); sec. 29, Pub. L. 85–256, 71 Stat. 579, Pub. L. 95–209, 91 Stat. 1483 (42 U.S.C. 2039); sec. 191, Pub. L. 87–615, 76 Stat. 409 (42 U.S.C. 2241); secs. 201, 203, 204, 205, 209, 88 Stat. 1242, 1244, 1245, 1246, 1248, as amended (42 U.S.C. 5841, 5843, 5844, 5845, 5849); 5 U.S.C. 552, 553; Reorganization Plan No. 1 of 1980, 45 FR 40561, June 16, 1980.

2. In § 1.3, paragraph (a) is revised to read as follows:

§ 1.3 Sources of additional information.

(a) A statement of the NRC's organization, policies, procedures, assignments of responsibility, and delegations of authority is in the Nuclear Regulatory Commission Management Directives System and other NRC issuances, including local directives issued by Regional Offices. Letters and memoranda containing directives, delegations of authority and the like are also issued from time to time and may not yet be incorporated into the Management Directives System, parts of which are revised as necessary. Copies of the Management Directives System and other delegations of authority are available for public inspection and copying for a fee at the NRC Public Document Room, 2120 L Street, NW., Washington, DC, and at each of NRC's Regional Offices. Information may also be obtained from the Office of Public Affairs or from Public Affairs Officers at the Regional Offices. In addition, NRC Functional Organization Charts, NUREG–0325, contains detailed descriptions of the functional responsibilities of NRC's offices. It is revised annually and is available for public inspection at the NRC Web site, *http://www.nrc.gov*, and/or at the NRC Public Document Room, or for purchase from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 37082, Washington, D.C. 20013–7082; and from the National Technical Information Service, Springfield, VA 22161.

* * * * *

PART 2—RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS AND ISSUANCE OF ORDERS

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

Authority: Secs. 161, 181, 68 Stat. 948, 953, as amended (42 U.S.C. 2201, 2231); sec

191, as amended, Pub. L. 87–615, 76 Stat. 409 (42 U.S.C. 2241); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); 5 U.S.C. 552.

Section 2.101 also issued under secs. 53, 62, 63, 81, 103, 104, 105, 68 Stat. 930, 932, 933, 935, 936, 937, 938, as amended (42 U.S.C. 2073, 2092, 2093, 2111, 2133, 2134, 2135); sec. 114(f), Pub. L. 97–425, 96 Stat. 2213, as amended (42 U.S.C. 10143(f)). sec. 102, Pub. L. 91–190, 83 Stat. 853, as amended (42 U.S.C. 4332); sec. 301, 88 Stat. 1248 (42 U.S.C. 5871). Sections 2.102, 2.103, 2.104, 2.105, 2.721 also issued under secs. 102, 103 104, 105, 183i, 189, 68 Stat. 936, 937, 938, 954, 955, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2233, 2239). Section 2.105 also issued under Pub. L. 97–415, 96 Stat. 2073 (42 U.S.C. 2239). Sections 2.200–2.206 also issued under secs. 161 b, i, o, 182, 186, 234, 68 Stat. 948–951, 955, 83 Stat. 444, as amended (42 U.S.C. 2201(b), (i), (o), 2236, 2282); sec. 206, 88 Stat. 1246 (42 U.S.C. 5846). Sections 2.205(j) also issued under Pub. L. 101–410, 104 Stat. 90, as amended by section 3100(s), Pub. L. 104–134, 110 Stat. 1321–373 (28 U.S.C. 2461 note). Sections 2.600–2.606 also issued under sec. 102, Pub. L. 91–190, 83 Stat. 853, as amended (42 U.S.C. 4332). Sections 2.700a, 2.719 also issued under 5 U.S.C. 554. Sections 2.754, 2.760, 2.770, 2.780 also issued under 5 U.S.C. 557. Section 2.764 also issued under secs. 135, 141, Pub. L. 97–425, 96 Stat. 2232, 2241 (42 U.S.C. 10155,10161). Section 2.790 also issued under sec. 103, 68 Stat. 936, as amended (42 U.S.C. 2133) and 5 U.S.C. 552. Sections 2.800 and 2.808 also issued under 5 U.S.C. 553. Section 2.809 also issued under 5 U.S.C. 553 and sec. 29, Pub. L. 85–256, 71 Stat. 579, as amended (42 U.S.C. 2039). Subpart K also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239). Sec. 134, Pub. L. 97–425, 96 Stat. 2230 (42 U.S.C. 10154). Subpart L also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239). Subpart M also issued under sec. 184 (42 U.S.C. 2234) and sec. 189, 68 Stat. 955 (42 U.S.C. 2239). Appendix A also issued under sec. 6, Pub. L. 91–560, 84 Stat. 1473 (42 U.S.C. 2135).

4. Section 2.4 is amended by adding the definition of *NRC Public Document Room* and *NRC Web site* to read as follows:

§ 2.4 Definitions.

* * * * *

NRC Public Document Room means the facility at 2120 L Street, NW., Washington, D.C. where certain public records of the NRC that were made available for public inspection in paper or microfiche prior to the implementation of the NRC Agencywide Documents Access and Management System, commonly referred to as ADAMS, will remain available for public inspection. It is also the place where NRC makes computer terminals available to access the Electronic Reading Room component of ADAMS on the NRC Web site, http://www.nrc.gov, and where copies can be made or ordered as set forth in § 9.35of this chapter. The facility is staffed with reference librarians to assist the public in identifying and locating documents and in using the NRC Web site and ADAMS. The NRC Public Document Room is open from 7:45 am to 4:15 pm, Monday through Friday, except on Federal holidays. Reference service and access to documents may also be requested by telephone (202–634–3273 or 800–397–4209) between 8:30 am and 4:15 pm, or by e-mail (PDR@nrc.gov), fax (202–634–3343), or letter (NRC Public Document Room, LL–6, Washington, DC 20555–0001).

* * * * *

NRC Web site, http://www.nrc.gov, is the Internet uniform resource locator name for the Internet address of the Web site where NRC will ordinarily make available its public records for inspection.

* * * * *

5. In § 2.101, paragraph (a)(2) is revised to read as follows:

§ 2.101 Filing of application.

(a) * * *

(2) Each application for a license for a facility or for receipt of waste radioactive material from other persons for the purpose of commercial disposal by the waste disposal licensee will be assigned a docket number. However, to allow a determination as to whether an application for a construction permit or operating license for a production or utilization facility is complete and acceptable for docketing, it will be initially treated as a tendered application. A copy of the tendered application will be available for public inspection at the NRC Web site, *http://www.nrc.gov*, and/or at the NRC Public Document Room. Generally, the determination on acceptability for docketing will be made within a period of thirty (30) days. However, in selected construction permit applications, the Commission may decide to determine acceptability on the basis of the technical adequacy of the application as well as its completeness. In these cases, the Commission, pursuant to § 2.104(a), will direct that the notice of hearing be issued as soon as practicable after the application has been tendered, and the determination of acceptability will be made generally within a period of sixty (60) days. For docketing and other requirements for applications pursuant to part 61 of this chapter, see paragraph (g) of this section.

* * * * *

6. In § 2.110, paragraph (c) is revised to read as follows:

§ 2.110 Filing and administrative action on submittals for design review or early site review of site-suitability issues.

* * * * *

(c) Upon completion of review by the NRC staff and the ACRS of a submittal of the type described in paragraph (a)(1) of this section, the Director of the Office of Nuclear Reactor Regulation shall publish in the **Federal Register** a determination as to whether or not the design is acceptable, subject to conditions as may be appropriate, and shall make available at the NRC Web site, *http://www.nrc.gov*, a report that analyzes the design.

7. In § 2.206, paragraph (a) is revised to read as follows:

§ 2.206 Requests for action under this subpart.

(a) Any person may file a request to institute a proceeding pursuant to § 2.202 to modify, suspend, or revoke a license, or for any other action as may be proper. Requests must be addressed to the Executive Director for Operations and must be filed either by delivery to the NRC Public Document Room at 2120 L Street, NW, Washington, DC., or by mail or telegram addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC. 20555–0001. The request must specify the action requested and set forth the facts that constitute the basis for the request. The Executive Director for Operations will refer the request to the Director of the NRC office with responsibility for the subject matter of the request for appropriate action in accordance with paragraph (b) of this section.

* * * * *

8. In § 2.701, paragraph (a)(1) is revised to read as follows:

§ 2.701 Filing of documents.

* * * * *

(a) * * *

(1) By delivery to the NRC Public Document Room at 2120 L Street, NW., Washington, DC, or

* * * * *

9. In § 2.740, paragraph (b) (1) is revised to read as follows:

§ 2.740 General provisions governing discovery.

* * * * *

(b) * * *

(1) *In general*. Parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the proceeding, whether it relates to the claim or defense of any other party,

including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter. When any book, document or other tangible thing sought is reasonably available from another source, such as at the NRC Web site, *http://www.nrc.gov*, and/or the NRC Public Document Room, sufficient response to an interrogatory involving such materials would be the location, the title and a page reference to the relevant book, document or tangible thing. In a proceeding on an application for a construction permit or an operating license for a production or utilization facility, discovery begins only after the prehearing conference provided for in § 2.751a and relates only to those matters in controversy which have been identified by the Commission or the presiding officer in the prehearing order entered at the conclusion of that prehearing conference. In such a proceeding, no discovery may take place after the beginning of the prehearing conference held pursuant to § 2.752 except upon leave of the presiding officer upon good cause shown. It is not ground for objection that the information sought will be inadmissible at the hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

* * * * *

10. In § 2.750, paragraph (a) is revised to read as follows:

§ 2.750 Official reporter; transcript.

(a) A hearing will be reported under the supervision of the presiding officer, stenographically or by other means, by an official reporter who may be designated by the Commission or may be a regular employee of the Commission. The transcript prepared by the reporter is the sole official transcript of the proceeding. Except as limited pursuant to section 181 of the Act or order of the Commission, the transcript will be available for inspection at the NRC Web site, *http://www.nrc.gov*, and/or at the NRC Public Document Room. Copies of transcripts are available to parties and to the public from the official reporter on payment of the specified charges.

* * * * *

11. In § 2.790, the introductory text of paragraph (a) and paragraph (c) are revised to read as follows:

§ 2.790 Public inspections, exemptions, requests for withholding.

(a) Subject to the provisions of paragraphs (b), (d), and (e) of this section, final NRC records and documents, including but not limited to correspondence to and from the NRC regarding the issuance, denial, amendment, transfer, renewal, modification, suspension, revocation, or violation of a license, permit, or order, or regarding a rulemaking proceeding subject to this part shall not, in the absence of a compelling reason for nondisclosure after a balancing of the interests of the person or agency urging nondisclosure and the public interest in disclosure, be exempt from disclosure and will be made available for inspection and copying at the NRC Web site, *http://www.nrc.gov*, and/or at the NRC Public Document Room, except for matters that are:

* * * * *

(c) If a request for withholding pursuant to paragraph (b) of this section is denied, the Commission will notify an applicant for withholding of the denial with a statement of reasons. The notice of denial will specify a time, not less than thirty (30) days after the date of the notice, when the document will be available at the NRC Web site, *http://www.nrc.gov*. If, within the time specified in the notice, the applicant requests withdrawal of the document, the document will not be available at the NRC Web site, *http://www.nrc.gov*, and will be returned to the applicant: Provided, that information submitted in a rule making proceeding which subsequently forms the basis for the final rule will not be withheld from public disclosure by the Commission and will not be returned to the applicant after denial of any application for withholding submitted in connection with that information. If a request for withholding pursuant to paragraph (b) of this section is granted, the Commission will notify the applicant of its determination to withhold the information from public disclosure.

* * * * *

12. In § 2.802, paragraphs (e) and (g) are revised to read as follows:

§ 2.802 Petition for rulemaking.

* * * * *

(e) If it is determined that the petition includes the information required by paragraph (c) of this section and is complete, the Director, Division of Administrative Services, Office of Administration, or designee, will assign a docket number to the petition, will cause the petition to be formally docketed, and will make a copy of the docketed petition available at the NRC Web site, *http://www.nrc.gov*. Public comment may be requested by publication of a notice of the docketing of the petition in the **Federal Register**, or, in appropriate cases, may be invited for the first time upon publication in the **Federal Register** of a proposed rule developed in response to the petition. Publication will be limited by the requirements of section 181 of the Atomic Energy Act of 1954, as amended, and may be limited by order of the Commission.

* * * * *

(g) The Director, Division of Administrative Services, Office of Administration, will prepare on a semiannual basis a summary of petitions for rulemaking before the Commission, including the status of each petition. A copy of the report will be available for public inspection and copying at the NRC Web site, *http://www.nrc.gov*, and/or at the NRC Public Document Room.

13. In § 2.804, paragraph (b)(2) is revised to read as follows:

§ 2.804 Notice of proposed rulemaking.

* * * * *

(b) * * *

(2) The manner and time within which interested members of the public may comment, and a statement that copies of comments may be examined will be made available at the NRC Web site, *http://www.nrc.gov*;

* * * * *

14. In § 2.809, paragraph (a) is revised to read as follows:

§ 2.809 Participation by the Advisory Committee on Reactor Safeguards.

(a) In its advisory capacity to the Commission, the ACRS may recommend that the Commission initiate rulemaking in a particular area. The Commission will respond to such rulemaking recommendation in writing within 90 days, noting its intent to implement, study, or defer action on the recommendation. In the event the Commission decides not to accept or decides to defer action on the recommendation, it will give its reasons for doing so. Both the ACRS recommendation and the Commission's response will be made available at the NRC Web site, *http://www.nrc.gov*, following transmittal of the Commission's response to the ACRS.

* * * * *

15. In § 2.1007, paragraph (a)(3) is removed and reserved and paragraph (a)(2) is revised to read as follows:

§ 2.1007 Access.

(a) * * *

(2) A system to provide electronic access to the Licensing Support

Network shall be provided at the NRC Web site, *http://www.nrc.gov*, and/or at the NRC Public Document Room beginning in the pre-license application phase.

(3) [Reserved].

* * * * *

16. In § 2.1231, paragraphs (a)(1)(ii), (a)(2), and (b) are revised to read as follows:

§ 2.1231 Hearing file; prohibition on discovery.

(a) * * *

(1) * * *

(ii) Making the file available at the NRC Web site, *http://www.nrc.gov*.

(2) The hearing file also must be made available for public inspection and copying at the NRC Web site, *http://www.nrc.gov*, and/or at the NRC Public Document Room.

(b) The hearing file will consist of the application and any amendment thereto, any NRC environmental impact statement or assessment relating to the application, and any NRC report and any correspondence between the applicant and the NRC that is relevant to the application. Hearing file documents already available at the NRC Web site, *http://www.nrc.gov*, and/or at the NRC Public Document Room when the hearing request is granted may be incorporated into the hearing file at those locations by a reference indicating where at those locations the documents can be found. The presiding officer shall rule upon any issue regarding the appropriate materials for the hearing file.

* * * * *

17. In § 2.1301, paragraphs (a) and (c) are revised to read as follows:

§ 2.1301 Public notice of receipt of a license transfer application.

(a) The Commission will notice the receipt of each application for direct or indirect transfer of a specific NRC license by placing a copy of the application at the NRC Web site, *http://www.nrc.gov*.

* * * * *

(c) Periodic lists of applications received may be obtained upon request addressed to the NRC Public Document Room, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

18. In § 2.1303, the section heading and the introductory paragraph are revised to read as follows:

§ 2.1303 Availability of documents.

Unless exempt from disclosure under part 9 of this chapter, the following documents pertaining to each application for a license transfer requiring Commission approval will be placed at the NRC Web site, *http://www.nrc.gov*, when available:

* * * * *

19. In § 2.1306, paragraph (c)(2) is revised to read as follows:

§ 2.1306 Hearing request or intervention petition.

* * * * *

(c) * * *

(2) 45 days after notice of receipt is placed at the NRC Web site, *http://www.nrc.gov*, for all other applications; or

* * * * *

20. In § 2.1330, paragraph (b) is revised to read as follows:

§ 2.1330 Reporter and transcript for an oral hearing.

* * * * *

(b) Except for any portions that must be protected from disclosure in accordance with law and policy as reflected in 10 CFR 2.790, transcripts will be placed at the NRC Web site, *http://www.nrc.gov*, and copies may be purchased from the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

* * * * *

PART 7—ADVISORY COMMITTEES

21. The authority citation for part 7 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); Pub. L. 92–463, 86 Stat. 770 (5 U.S.C. App.).

22. In § 7.10, paragraph (b)(6) is revised to read as follows:

§ 7.10 The NRC Advisory Committee Management Officer.

* * * * *

(b) * * *

(6) Ensure that, subject to the Freedom of Information Act and NRC's Freedom of Information Act regulations at 10 CFR part 9, subpart A, copies of the records, reports, transcript minutes, appendices, working papers, drafts, studies, agenda, or other documents that were made available to or prepared for or by each NRC advisory committee are available for public inspection and copying at the NRC Web site *http://www.nrc.gov*, and/or at the NRC Public Document Room, until the advisory committee ceases to exist.

* * * * *

23. In § 7.11, paragraph (d)(5) is revised to read as follows:

§ 7.11 The Designated Federal Officer.

* * * * *

(d) * * *

(5) Make copies of committee documents required to be maintained for public inspection and copying pursuant to § 7.14(b) available at the NRC Web site, *http://www.nrc.gov*, and/or at the NRC Public Document Room.

24. Section 7.14 is revised to read as follows:

§ 7.14 Public information on advisory committees.

(a) The Nuclear Regulatory Commission shall maintain systematic information on the nature, functions, and operations of each NRC advisory committee. A complete set of the charters of NRC advisory committees and copies of the annual reports required by § 7.17(a) will be maintained for public inspection at either the NRC Web site, *http://www.nrc.gov;* and/or at the NRC Public Document Room.

(b) Subject to the provisions of the Freedom of Information Act (5 U.S.C. 552) and NRC's Freedom of Information Act regulations at 10 CFR part 9, subpart A, copies of NRC advisory committees' records, reports, transcripts, minutes, appendices, working papers, drafts, studies, agenda, and other documents shall be maintained for public inspection and copying at the NRC Web site, *http://www.nrc.gov;* and/or at the NRC Public Document Room.

25. In § 7.17, paragraphs (a) and (b) are revised to read as follows:

§ 7.17 Reports required for advisory committees.

(a) The Commission shall furnish a report on the activities of NRC advisory committees annually to the Administrator and the GSA Secretariat on a fiscal year basis. The report must contain information regarding NRC advisory committees required by section 6(c) of the Act for the President's annual report to the Congress and be consistent with instructions provided by the GSA Secretariat. A copy of the report is made available at the NRC Web site, *http://www.nrc.gov*, and/or at the NRC Public Document Room.

(b) Any NRC advisory committee holding closed meetings shall issue a report, at least annually, setting forth a summary of its activities consistent with the policy of the Government in the Sunshine Act (5 U.S.C. 552b), as implemented by 10 CFR 9.104. A copy of the report is made available at the NRC Web site, *http://www.nrc.gov*, and/or at the NRC Public Document Room.

* * * * *

PART 9—PUBLIC RECORDS

26. The authority citation for part 9 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

Subpart A is also issued under 5 U.S.C. 552; 31 U.S.C. 9701; Pub. L. 99–570. Subpart B is also issued under 5 U.S.C. 552a. Subpart C is also issued under 5 U.S.C. 552b.

27. Section 9.21 is revised to read as follows:

§ 9.21 Publicly available records.

(a) Single copies of NRC publications in the NUREG series, NRC Regulatory Guides, and Standard Review Plans can be ordered from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia, 22161.

(b) For the convenience of persons who may wish to inspect without charge, or purchase copies of a record or a limited category of records for a fee, publicly available records of the NRC's activities described in paragraph (c) of this section are also made available at the NRC Web site, *http://www.nrc.gov*, and/or at the NRC Public Document Room located at 2120 L Street, NW, Washington, DC, open between 7:45 am and 4:15 pm on Monday through Friday, except Federal holidays.

(c) The following records of NRC activities are available for public inspection and copying:

(1) Final opinions including concurring and dissenting opinions as well as orders of the NRC issued as a result of adjudication of cases;

(2) Statements of policy and interpretations that have been adopted by the NRC and have not been published in the **Federal Register**;

(3) Nuclear Regulatory Commission rules and regulations;

(4) Nuclear Regulatory Commission Manuals and instructions to NRC personnel that affect any member of the public;

(5) Copies of records that have been released to a person under the Freedom of Information Act that, because of the nature of their subject matter, the NRC determines have become or are likely to become the subject of subsequent requests for substantially the same records.

(6) A general index of the records released under the FOIA.

(d) The published versions of the records made publicly available under paragraph (c)(1) of this section are available under the title, *Nuclear Regulatory Issuances*, NUREG–0750, for purchase through the National Technical Information Service.

28. In § 9.23, paragraph (a)(2) is removed and reserved and paragraphs (a)(1), (c), (d)(2), and (e) are revised to read as follows:

§ 9.23 Requests for records.

(a)(1) A person may request access to records routinely made available by the NRC under § 9.21 in person or by telephone, e-mail, fax, or U.S. mail from the NRC Public Document Room, 2120 L Street, NW, Washington, DC 20555–0001.

(i) Each record requested must be described in sufficient detail to enable the NRC Public Document Room staff to locate the record.

(ii) In order to obtain copies of records expeditiously, a person may open an account at the NRC Public Document Room with the private contracting firm that is responsible for duplicating NRC records.

(2) [Reserved]

* * * * *

(c) If a requested agency record that has been reasonably described is located at a place other than at the NRC Web site, *http://www.nrc.gov*, the NRC Public Document Room, or the NRC headquarters, the NRC may, at its discretion, make the record available for inspection and copying at either of the locations.

(d) * * *

(2) If the requested record has been placed on the NRC Internet Web site, under § 9.21, the NRC may inform the requester that the record is available at the NRC Web site, *http://www.nrc.gov*, and/or at the NRC Public Document Room, and that the record may be obtained in accordance with the procedures set forth in paragraph (a) of this section.

(e) The Freedom of Information Act and Privacy Act Officer will promptly forward a Freedom of Information Act request made under paragraph (b) of this section for an agency record to the head of the office(s) primarily concerned with the records requested, as appropriate. The responsible office will conduct a search for the agency records responsive to the request and compile those agency records to be reviewed for initial disclosure determination and/or identify those that have already been made publicly available at the NRC Web site, *http://www.nrc.gov*, and/or at the NRC Public Document Room.

29. In § 9.35, paragraph (e) is removed, paragraphs (a)(2), (a)(5) and (b), introductory text, are revised to read as follows:

§ 9.35 Duplication fees.

(a) * * *

(2) Self-service duplicating machines are available at the NRC Public Document Room for the use of the public. Paper to paper copy is $0.08 per page. Microfiche to paper is $0.10 per page on the reader printers.

* * * * *

(5) Any change in the costs specified in this section will become effective immediately pending completion of the final rulemaking that amends this section to reflect the new charges. The Commission will post the charges that will be in effect for the interim period at the NRC Public Document Room. The Commission will publish a final rule in the **Federal Register** that includes the new charges within 15 working days from the beginning of the interim period.

(b) The NRC will assess the following charges for copies of records to be duplicated by the NRC at locations other than the NRC Public Document Room located in Washington, DC.:

* * * * *

30. In § 9.45 paragraph (b) is revised to read as follows:

§ 9.45 Annual reports to the Attorney General of the United States.

* * * * *

(b) The NRC will make a copy of the most recent report available to the public at the NRC Web site, *http://www.nrc.gov*.

31. In § 9.105, paragraph (b) is revised to read as follows:

§ 9.105 Commission procedures.

* * * * *

(b) Within one day of any vote taken pursuant to paragraph (a) of this section, § 9.106(a), or § 9.108(c), the Secretary shall make publicly available at the NRC Web site, *http://www.nrc.gov*, a written copy of such vote reflecting the vote of each member on the question. If a portion of a meeting is to be closed to the public, the Secretary shall, within one day of the vote taken pursuant to paragraph (a) of this section or § 9.106(a), make publicly available at the NRC Web site, *http://www.nrc.gov*, a full written explanation of its action closing the portion together with a list of all persons expected to attend the meeting and their affiliation.

32. In § 9.107, paragraph (d)(1) is revised to read as follows:

§ 9.107 Public announcement of Commission meetings.

* * * * *

(d) * * *:

(1) Publicly posting a copy of the document at the NRC Web site, *http://www.nrc.gov,;* and, to the extent appropriate under the circumstances;

* * * * *

33. In § 9.108, paragraph (b) is revised to read as follows:

§ 9.108 Certification, transcripts, recordings and minutes.

* * * * *

(b) The Commission shall make promptly available to the public at the NRC Web site, *http://www.nrc.gov,* the transcript, electronic recording, or minutes (as required by paragraph (a) of this section) of the discussion of any item on the agenda, or of any item of the testimony of any witness received at the meeting, except for such item or items of such discussion or testimony as the Commission determines pursuant to paragraph (c) of this section to contain information which may be withheld under § 9.104 or § 9.105(c). Copies of such transcript, or minutes, or a transcription of such recording disclosing the identity of each speaker, shall be furnished to any person upon payment of the actual cost of duplication or transcription as provided in § 9.14. The Secretary shall maintain a complete verbatim copy of the transcript, a complete copy of the minutes, or a complete electronic recording of each meeting, or portion of a meeting, closed to the public, for a period of at least two years after such meeting, or until one year after the conclusion of any Commission proceeding with respect to which the meeting or portion was held, whichever occurs later.

* * * * *

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

34. The authority citation for part 50 continues to read as follows:

Authority: Secs. 102, 103, 104, 105, 161, 182, 183, 186, 189, 68 Stat. 936, 937, 938, 948, 953, 954, 955, 956, as amended, sec. 234, 83 Stat. 1244, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2201, 2232, 2233, 2236, 2239, 2282); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended 1244, 1246, (42 U.S.C. 5841, 5842, 5846).

Section 50.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 50.10 also issued under secs. 101, 185, 68 Stat. 955 as amended (42 U.S.C. 2131, 2235), sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332). Sections 50.13, 50.54(dd) and 50.103 also issued under sec. 108, 68 Stat. 939, as amended (42 U.S.C. 2138). Sections 50.23, 50.35, 50.55 and 50.56 also issued under sec. 185, 68 Stat. 955 (42 U.S.C. 2235). Section 50.33am 50.55a and Appendix Q also issued under sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332). Sections 50.34 and 50.54 also issued under sec. 204, 88 Stat. 1245 (42 U.S.C. 5844). Section 50.37 also issued under E.O. 12829, 3 CFR 1993 Comp., p. 570, E.O. 12958, as amended, 3 CFR 1995 Comp., p. 333, E.O. 12968, 3 CFR 1995 Comp., p. 391). Sections 50.58, 50.91, and 50.92 also issued under Pub. L. 97–415, 96 Stat. 2073 (42 U.S.C. 2239). Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80–50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Appendix F also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

35. In § 50.30, paragraph (a)(5) is revised to read as follows:

§ 50.30 Filing of application for licenses; Oath or affirmation.

(a) * * *

(5) At the time of filing an application, the Commission will make available at the NRC Web site, *http://www.nrc.gov,* a copy of the application, subsequent amendments, and other records pertinent to the facility for public inspection and copying.

* * * * *

36. In § 50.44, paragraph (c)(3)(iv)(C) is revised to read as follows:

§ 50.44 Standards for combustible gas control systems in light-water-cooled power reactors.

* * * * *

(c) * * *

(3) * * *

(iv) * * *

(C) Subsubarticle NE—3220, Division 1, and Subsubarticle CC—3720, Division 2, of Section III of the ASME Boiler and Pressure Vessel Code, referenced in paragraphs (c)(3)(iv)(B)(*1*) and (c)(3)(iv)(B)(*2*) of this section, have been approved for incorporation by reference by the Director of the Office of the Federal Register. A notice of any changes made to the material incorporated by reference will be published in the **Federal Register**. Copies of the ASME Boiler and Pressure Vessel Code may be purchased from the American Society of Mechanical Engineers, United Engineering Center, 345 East 47th Street, New York, N.Y. 10017. It is also available for inspection at the NRC Technical Reference Library, Two White Flint North, Room 2B9, 11545 Rockville Pike, Rockville, MD.

* * * * *

37. In § 50.66, the introductory text of paragraph (a), paragraph (a)(2), the introductory text of paragraph (f)(2), and paragraph (f)(3) are revised to read as follows:

§ 50.66 Requirements for thermal annealing of the reactor pressure vessel.

(a) For those light water nuclear power reactors where neutron radiation has reduced the fracture toughness of the reactor vessel materials, a thermal annealing may be applied to the reactor vessel to recover the fracture toughness of the material. The use of a thermal annealing treatment is subject to the requirements in this section. A report describing the licensee's plan for conducting the thermal annealing must be submitted in accordance with § 50.4 at least three years prior to the date at which the limiting fracture toughness criteria in § 50.61 or appendix G to part 50 would be exceeded. Within three years of the submittal of the Thermal Annealing Report and at least thirty days prior to the start of the thermal annealing, the NRC will review the Thermal Annealing Report and make available the results of its evaluation at the NRC Web site, *http://www.nrc.gov.* The licensee may begin the thermal anneal after:

* * * * *

(2) The NRC makes available the results of its evaluation of the Thermal Annealing Report at the NRC Web site, *http://www.nrc.gov;* and

* * * * *

(f) * * *

(2) Within 15 days after the NRC's receipt of the licensee submissions required by paragraphs (c)(1), (c)(2) and (c)(3)(i) through (iii) of this section, the NRC staff shall make available at the NRC Web site, *http://www.nrc.gov,* a summary of its inspection of the licensee's thermal annealing, and the Commission shall hold a public meeting:

* * * * *

(3) Within 45 days of NRC's receipt of the licensee submissions required by paragraphs (c)(1), (c)(2) and (c)(3)(i) through (iii) of this section, the NRC staff shall complete full documentation of its inspection of the licensee's annealing process and make available this documentation at the NRC Web site, *http://www.nrc.gov.*

38. In appendix O to part 50, paragraph 5 is revised to read as follows:

Appendix O to Part 50—Standardization of Design; Staff Review of Standard Designs

* * * * *

5. Upon completion of their review of a submittal under this appendix, the NRC regulatory staff shall publish in the **Federal Register** a determination as to whether or not the preliminary or final design is acceptable, subject to such conditions as may be appropriate, and make available at the NRC

Web site, *http://www.nrc.gov,* an analysis of the design in the form of a report. An approved design shall be utilized by and relied upon by the regulatory staff and the ACRS in their review of any individual facility license application which incorporates by reference a design approved in accordance with this paragraph unless there exists significant new information which substantially affects the earlier determination or other good cause.

* * * * *

39. In Appendix Q to Part 50, paragraph 4 is revised to read as follows:

Appendix Q to Part 50—Pre-application Early Review of Site Suitability Issues.

* * * * *

4. Upon completion of review by the NRC staff and, if appropriate by the ACRS, of a submittal under this appendix, the NRC staff shall prepare a Staff Site Report which shall identify the location of the site, state the site suitability issues reviewed, explain the nature and scope of the review, state the conclusions of the staff regarding the issues reviewed and state the reasons for those conclusions. Upon issuance of an NRC Staff Site Report, the NRC staff shall publish a notice of the availability of the report in the **Federal Register** and shall make the report available at the NRC Web site, *http://www.nrc.gov*. The NRC staff shall also send a copy of the report to the Governor or other appropriate official of the State in which the site is located, and to the chief executive of the municipality in which the site is located or, if the site is not located in a municipality, to the chief executive of the county.

* * * * *

PART 51—ENVIRONMENTAL PROTECTION REGULATIONS FOR DOMESTIC LICENSING AND RELATED REGULATORY FUNCTIONS

40. The authority citation for part 51 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended, sec. 1701, 106 Stat. 2951, 2952, 2953, (42 U.S.C. 2201, 2297f); secs. 201, as amended, 202, 88 Stat. 1242, as amended 1244 (42 U.S.C. 5841, 5842). Subpart A also issued under National Environmental Policy Act of 1969, secs. 102, 104, 105, 83 Stat. 853–954, as amended (42 U.S.C. 4332, 4334, 4335); and Pub. L.95–604, Title II, 92 Stat. 3033–3041; and sec. 193, Pub. L. 101–575, 104 Stat. 2835 (42 U.S.C. 2243). Sections 51.20, 51.30, 51.60, 51.80, and 51.97 also issued under secs. 135, 141, Pub. L. 97–425, 96 Stat. 2232, 2241, and sec. 148, Pub. L. 100–203, 101 Stat. 1330–223 (42 U.S.C. 10155, 10161, 10168). Section 51.22 also issued under sec. 274, 73 Stat. 688, as amended by 92 Stat. 3036–3038 (42 U.S.C. 2021) and under Nuclear Waste Policy Act of 1982, sec. 121, 96 Stat. 2228 (42 U.S.C. 10141). Sections 51.43, 51.67, and 51.109 also issued under Nuclear Waste Policy Act of 1982, sec. 114(f) 96 Stat. 2216, as amended (42 U.S.C. 10134(f)).

41. In § 51.62, paragraph (a) is revised to read as follows:

§ 51.62 Environmental report—Land disposal of radioactive waste licensed under 10 CFR part 61.

(a) Each applicant for issuance of a license for land disposal of radioactive waste pursuant to part 61 of this chapter shall submit with its application to the Director of Nuclear Material Safety and Safeguards the number of copies, as specified in § 51.66 of a separate document, entitled ''Applicant's Environmental Report—License for Land Disposal of Radioactive Waste.'' The environmental report and any supplement to the environmental report may incorporate by reference information contained in the application or in any previous application, statement or report filed with the Commission provided that such references are clear and specific and that copies of the information so incorporated are available at the NRC Web site, *http://www.nrc.gov,* and/or at the NRC Public Document Room.

* * * * *

42. Section 51.120 is revised to read as follows:

§ 51.120 Availability of environmental documents for public inspection.

Copies of environmental reports, draft and final environmental impact statements, environmental assessments, and findings of no significant impact, together with any related comments and environmental documents, will be made available at the NRC Web site, *http://www.nrc.gov,* and/or at the NRC Public Document Room.

43. In § 51.123, paragraph (a) and (b) are revised to read as follows:

§ 51.123 Charges for environmental documents; distribution to governmental agencies.

(a) *Distribution to public.* Upon written request to the Reproduction and Distribution Services Section, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to the extent available, single copies of draft environmental impact statements and draft findings of no significant impact will be made available to interested persons without charge. Single copies of final environmental impact statements and final findings of no significant impact will also be provided without charge to the persons listed in § 51.93(a) and § 51.119(c), respectively. When more than one copy of an environmental impact statement or a finding of no significant impact is requested or when available NRC copies have been exhausted, the requestor will be advised that the NRC will provide copies at the charges specified in § 9.35 of this chapter.

(b) *Distribution to governmental agencies.* Upon written request to the Reproduction and Distribution Services Section, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to the extent available, copies of draft and final environmental impact statements and draft final findings of no significant impact will be made available in the number requested to Federal, State and local agencies, Indian tribes, and State, regional and metropolitan clearinghouses. When available NRC copies have been exhausted, the requester will be advised that the NRC will provide copies at the charges specified in § 9.35 of this chapter.

* * * * *

PART 52—EARLY SITE PERMITS; STANDARDS DESIGN CERTIFICATIONS; AND COMBINED LICENSES FOR NUCLEAR POWER PLANTS

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

Authority: Secs. 103, 104, 161, 182, 183, 186, 68 Stat. 936, 948, 953, 954, 955, 956, as amended, sec. 234, 83 Stat. 1244, as amended (42 U.S.C. 2133, 2201, 2232, 2233, 2236, 2239, 2282); secs. 201, 202, 206, 88 Stat. 1242, 1244, 1246, as amended (42 U.S.C. 5841, 5842, 5846).

45. In Appendix A to part 52, Section VI, paragraph E.1.b. is revised to read as follows:

Appendix A to Part 52—Design Certification Rule for the U.S. Advanced Boiling Reactor

* * * * *

VI. Issue Resolution.

* * * * *

E. * * *

1. * * *

b. The reason why the information currently available to the public at the NRC Web site, *http://www.nrc.gov,* and/or at the NRC Public Document Room, is insufficient;

* * * * *

46. In Appendix B to part 52, Section VI, paragraph E.1.b. is revised to read as follows:

Appendix B to Part 52—Design Certification Rule for the System 80+ Design

* * * * *

E. * * *

1. * * *

b. The reason why the information currently available to the public at the NRC Web site, *http://www.nrc.gov,* and/or at the NRC Public Document Room, is insufficient.

47. In Appendix O to Part 52, paragraph 5 is revised to read as follows:

Appendix O to part 52—Standardization of Design; Staff Review of Standard Designs

* * * * *

5. Upon completion of their review of a submittal under this appendix, the NRC regulatory staff shall publish in the **Federal Register** a determination as to whether or not the preliminary or final design is acceptable, subject to such conditions as may be appropriate, and make available at the NRC Web site, *http://www.nrc.gov*, an analysis of the design in the form of a report. An approved design shall be utilized by and relied upon by the regulatory staff and the ACRS in their review of any individual facility license application which incorporates by reference a design approved in accordance with this paragraph unless there exists significant new information which substantially affects the earlier determination or other good cause.

* * * * *

48. In Appendix Q to part 52, paragraph 4 is revised to read as follows:

Appendix Q to Part 52—Pre-Application Early Site Review of Site Suitability Issues

* * * * *

4. Upon completion of review by the NRC staff and, if appropriate by the ACRS, of a submittal under this appendix, the NRC staff shall prepare a Staff Site Report which shall identify the location of the site, state the site suitability issues reviewed, explain the nature and scope of the review, state the conclusions of the staff regarding the issues reviewed and state the reasons for those conclusions. Upon issuance of an NRC Staff Site Report, the NRC staff shall publish a notice of the availability of the report in the **Federal Register** and shall make available a copy of the report at the NRC Web site, *http://www.nrc.gov*. The NRC staff shall also send a copy of the report to the Governor or other appropriate official of the State in which the site is located, and to the chief executive of the municipality in which the site is located or, if the site is not located in a municipality, to the chief executive of the county.

* * * * *

PART 60—DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTE IN GEOLOGIC REPOSITORIES

49. The authority citation for Part 60 continues to read as follows:

Authority: Secs. 51, 53, 62, 63, 65, 81, 161, 182, 183, 68 Stat. 929, 930, 932, 933, 935, 948, 953, 954, as amended (42 U.S.C. 2071, 2073, 2092, 2093, 2095, 2111, 2201, 2232, 2233); secs. 202, 206, 88 Stat. 1244, 1246 (42 U.S.C. 5842, 5846); secs. 10 and 14, Pub. L. 95–601, 92 Stat. 2951 (42 U.S.C. 2021a and 5851); sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332); secs. 114, 121, Pub. L. 97–425, 96 Stat. 2213g, 2228, as amended (42 U.S.C. 10134, 10141), and Pub. L. 102–486, sec. 2902, 106 Stat. 3123 (42 U.S.C. 5851).

50. In § 60.2, the definition of *NRC Public Document Room* is revised and the definition of *NRC Web site* is added to read as follows:

§ 60.2 Definitions.

* * * * *

NRC Public Document Room means the facility at 2120 L Street, NW., Washington, DC where certain public records of the NRC that were made available for public inspection in paper or microfiche prior to the implementation of the NRC Agencywide Documents Access and Management System, commonly referred to as ADAMS, will remain available for public inspection. It is also the place where computer terminals are available to access the Electronic Reading Room component of ADAMS on the NRC Web site, *http://www.nrc.gov*, where copies can be made or ordered as set forth in § 9.35. The facility is staffed with reference librarians to assist the public in identifying and locating documents and in using the NRC Web site and ADAMS. The NRC Public Document Room is open from 7:45 am to 4:15 pm, Monday through Friday, except on Federal holidays. Reference service and access to documents may also be requested by telephone (202–634–3273 or 800–397–4209) between 8:30 am and 4:15 pm, or by e-mail (*PDR@nrc.gov*), fax (202–634–3343), or letter (NRC Public Document Room, LL–6, Washington, DC 20555–0001).

NRC Web site, *http://www.nrc.gov* is the Internet uniform resource locator name for the Internet address of the Web site where NRC will ordinarily make available its public records for inspection.

* * * * *

51. In § 60.18, paragraph (f) is revised to read as follows:

§ 60.18 Review of site characterization activities.

* * * * *

(f) The Director shall publish in the **Federal Register** a notice of availability of the site characterization analysis and a request for public comment within a reasonable period, as specified (not less than 90 days). The notice along with copies of the site characterization analysis shall be available at the NRC Web site, *http://www.nrc.gov*, and copies of any comments received will also be made available there.

* * * * *

52. In § 60.61, paragraph (d) is revised to read as follows:

§ 60.61 Provision of information.

* * * * *

(d) Copies of all communications by the Director under this section are available at the NRC Web site, *http://www.nrc.gov*, and/or at the NRC Public Document Room, and copies are furnished to DOE.

53. In § 60.63, paragraphs (b)and (f) are revised to read as follows:

§ 60.63 Participation in license reviews.

* * * * *

(b) In addition, whenever an area has been approved by the President for site characterization, a State or an affected Indian Tribe may submit to the Director a proposal to facilitate its participation in the review of a site characterization plan and/or license application. The proposal may be submitted at any time and must contain a description and schedule of how the State or affected Indian Tribe wishes to participate in the review, or what services or activities the State or affected Indian Tribe wishes NRC to carry out, and how the services or activities proposed to be carried out by NRC would contribute to such participation. The proposal may include educational or information services (seminars, public meetings) or other actions on the part of NRC, such as employment or exchange of State personnel under the Intergovernmental Personnel Act.

* * * * *

(f) Proposals submitted under this section, and responses thereto, shall be made available at the NRC Web site, *http://www.nrc.gov*, and/or at the NRC Public Document Room.

PART 62—CRITERIA AND PROCEDURES FOR EMERGENCY ACCESS TO NON-FEDERAL AND REGIONAL LOW-LEVEL WASTE DISPOSAL FACILITIES

54. The authority citation for part 62 continues to read as follows:

Authority: Secs. 81, 161, as amended, 68 Stat. 935, 948, 949, 950, 951, as amended (42 U.S.C. 2111, 2201); secs. 201, 209, as amended, 88 Stat. 1242, 1248, as amended (42 U.S.C. 5841, 5849); secs. 3, 4, 5, 6, 99 Stat. 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1855, 1856, 1857, (42 U.S.C. 2021c, 2021d, 2021e, 2021f).

55. In § 62.11, paragraph (b) is revised to read as follows:

§ 62.11 Filing and distribution of a determination request.

* * * * *

(b) Upon receipt of a request for a determination, the Secretary of the Commission shall publish a notice acknowledging receipt of the request in

the **Federal Register**. The notice must require that public comment on the request be submitted within 10 days of the publication date of the notice. A copy of the request will be made available for inspection or copying at the NRC Web site, *http://www.nrc.gov*, and/or at the NRC Public Document Room. The Secretary of the Commission shall also transmit a copy of the request to the U.S. Department of Energy, to the Governors of the States of the Compact region where the waste is generated, to the Governors of the States with operating non-Federal low-level radioactive waste disposal facilities, to the Compact Commissions with operating regional low-level radioactive waste disposal facilities, and to the Governors of the States in the Compact Commissions with operating disposal facilities.

* * * * *

56. In § 62.22, paragraph (c) is revised to read as follows:

§ 62.22 Notice of issuance of a determination.

* * * * *

(c) The Secretary of the Commission shall make a copy of the final determination available for inspection at the NRC Web site, *http://www.nrc.gov*.

PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE

57. The authority citation for part 72 continues to read as follows:

Authority: Secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 68 Stat. 929, 930, 932, 933, 934, 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2232, 2233, 2234, 2236, 2237, 2238, 2282); sec. 274, Pub. L. 86–373, 73 Stat. 688, as amended (42 U.S.C. 2021); sec. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846), Pub. L. 95–601, sec. 10, 92 Stat. 2951, as amended by Pub. L. 102–486, sec. 7902, 106 Stat. 3123 (42 U.S.C. 5851); sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332); secs. 131, 132, 133, 135, 137, 141, Pub. L. 97–425, 96 Stat. 2229, 2230, 2232, 2241, sec. 148, Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10151, 10152, 10153, 10155, 10157, 10161, 10168).

Secs. 72.44(g) also issued under secs. 142(b) and 148(c), (d), Pub. L. 100–203, 101 Stat. 1330–232, 1220–236 (42 U.S.C. 10162(b), 10168(c), (d)). Section 72.46 also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134, Pub. L. 97425, 96 Stat. 2230 (42 U.S.C. 10154). Section 72.96(d) also issued under sec. 145(g), Pub. L. 97–100–203, 101 Stat. 1330–235 (42 U.S.C. 10165(g)). Subpart J also issued under secs. 2(2), 2(15), 2(19), 117(a), 141(h), Pub. L. 97–425, 96 Stat. 2202, 2203, 2204, 2222, 2224, (42 U.S.C. 10101, 10137(a), 10161(h)). Subparts K and L are also issued under sec. 133, 98 Stat. 2230 (42 U.S.C. 10153) and sec. 218(a), 96 Stat. 2252 (42 U.S.C. 10198).

58. In § 72.200, paragraph (c) is revised to read as follows:

§ 72.200 Provision of MRS information.

* * * * *

(c) Copies of all communications by the Director or the Director's designee under this section must be made available at the NRC Web site, *http://www.nrc.gov*, and/or at the NRC Public Document Room, and must be furnished to DOE.

PART 75—SAFEGUARDS ON NUCLEAR MATERIAL—IMPLEMENTATION OF US/IAEA AGREEMENT

59. The authority citation for part 75 continues to read as follows:

Authority: Secs. 53, 63, 103, 104, 122, 161, 68 Stat. 930, 932, 936, 937, 939, 948, as amended (42 U.S.C. 2073, 2093, 2133, 2134, 2152, 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

Section 75.4 also issued under secs. 135, 141, Pub. L. 97–425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161).

60. In § 75.2, paragraph (b) is revised to read as follows:

§ 75.2 Scope.

* * * * *

(b) The United States eligible list is a list of installations eligible for IAEA safeguards under the US/IAEA Safeguards Agreement which the Secretary of State or his designee files with the Commission. A copy of this list is available for inspection at the NRC Web site, *http://www.nrc.gov*, and/or at the NRC Public Document Room. In accordance with the provisions of the Agreement, the following activities are excluded from the United States eligible list:

(1) Activities having direct national security significance.

(2) Activities involving mining and ore processing.

* * * * *

PART 76—CERTIFICATION OF GASEOUS DIFFUSION PLANTS

61. The authority citation for part 76 continues to read as follows:

Authority: Secs. 161, 68 Stat. 948, as amended, secs. 1312, 1701, as amended, 106 Stat. 2932, 2951, 2952, 2953, 110 Stat. 1321–349 (42 U.S.C. 2201, 2297b-11, 2297f); secs. 201, as amended, 204, 206, 88 Stat. 1244, 1245, 1246 (42 U.S.C. 5841, 5842, 5845, 5846). Sec 234(a), 83 Stat. 444, as amended by Pub. L. 104–134, 110 Stat. 1321, 1321–349 (42 U.S.C. 2243(a)).

Sec. 76.7 also issued under Pub. L. 95–601. sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Sec. 76.22 is also issued under sec. 193(f), as amended, 104 Stat. 2835, as amended by Pub. L. 104-134, 110 Stat. 1321, 1321–349 (42 U.S.C. 2243(f)). Sec. 76.35(j) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152).

62. In § 76.37, paragraph (a) is revised to read as follows:

§ 76.37 Federal Register notice.

* * * * *

(a) A notice of the filing of an application specifying that copies of the application, except for Restricted Data, Unclassified Controlled Nuclear Information, Classified National Security Information, Safeguards Information, Proprietary Data, or other withholdable information will be made available for the public inspection at the NRC Web site, *http://www.nrc.gov;*

* * * * *

PART 100—REACTOR SITE CRITERIA

63. The authority citation for part 100 continues to read as follows:

Authority: Secs. 103, 104, 161, 182, 68 Stat. 936, 937, 948, 953, as amended (42 U.S.C. 2133, 2134, 2201, 2232); secs. 201, as amended, 202, 88 Stat. 1242, as amended, 1244 (42 U.S.C. 5841, 5842).

64. In § 100.11 the undesignated paragraph after the note is removed and a new paragraph (c) is added to read as follows:

§ 100.11 Determination of exclusion, low population zone, and population center distance.

* * * * *

(c) Copies of Technical Information Document 14844 may be obtained at the NRC Web site, *http://www.nrc.gov*, at the NRC Public Document Room, 2120 L Street, NW., Washington, DC, or by writing the Director of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

PART 110—EXPORT AND IMPORT OF NUCLEAR EQUIPMENT AND MATERIAL

65. The authority citation for part 110 continues to read as follows:

Authority: Secs. 51, 53, 54, 57, 63, 64, 65, 81, 82, 103, 104, 109, 111, 126, 127, 128, 129, 161, 181, 182, 183, 187, 189, 68 Stat. 929, 930, 931, 932, 933, 936, 937, 948, 953, 954, 955, 956, as amended (42 U.S.C. 2071, 2073, 2074, 2077, 2092–2095, 2111, 2112, 2133, 2134, 2139, 2139a, 2141, 2154–2158, 2201,

2231–2233, 2237, 2239); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841), sec. 5, Pub. L. 101–575, 104 Stat. 2835 (42 U.S.C. 2243).

Sections 110.1(b)(2) and 110.1(b)(3) also issued under Pub. L. 96–92, 93 Stat. 710 (22 U.S.C. 2403). Section 110.11 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152) and secs. 54c and 57d., 88 Stat. 473, 475 (42 U.S.C. 2074). Section 110.27 also issued under sec. 309(a), Pub. L. 99–440. Section 110.50(b)(3) also issued under sec. 123. 92 Stat. 142 (42 U.S.C. 2153). Section 110.51 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 110.52 also issued under sec. 186, 68 Stat. 955 (42 U.S.C. 2236). Sections 110.80–110.113 also issued under (5 U.S.C. 552, 554). Sections 110.130–110.135 also issued under (5 U.S.C. 553). Sections 110.2 and 110.42(a)(9) also issued under sec. 903, Pub. L. 102–496 (42 U.S.C. 2151 et seq.).

66. In § 110.2 the definition of *Public Document Room* is removed and new definitions of *NRC Public Document Room* and *NRC Web site* are added to read as follows:

§ 110.2 Definitions.

* * * * *

NRC Public Document Room means the facility at 2120 L Street, NW., Washington, DC where certain public records of the NRC that were made available for public inspection in paper or microfiche prior to the implementation of the NRC Agencywide Documents Access and Management System, commonly referred to as ADAMS, will remain available for public inspection. It is also the place where computer terminals are available to access the Electronic Reading Room component of ADAMS on the NRC Web site, *http://www.nrc.gov*, where copies can be made or ordered as set forth in § 9.35. The facility is staffed with reference librarians to assist the public in identifying and locating documents and in using the NRC Web site and ADAMS. The NRC Public Document Room is open from 7:45 am to 4:15 pm, Monday through Friday, except on Federal holidays. Reference service and access to documents may also be requested by telephone (202–634–3273 or 800–397–4209) between 8:30 am and 4:15 pm, or by e-mail (*PDR@nrc.gov*), fax (202–634–3343), or letter (NRC Public Document Room, LL–6, Washington, DC 20555–0001).

* * * * *

NRC Web site, http://www.nrc.gov, is the Internet uniform resource locator name for the Internet address of the Web site where NRC will ordinarily make available its public records for inspection.

* * * * *

67. In § 110.70, paragraph (d) is removed and paragraph (a) is revised to read as follows:

§ 110.70 Public notice of receipt of application.

(a) The Commission will notice the receipt of each license application for an export or import for which a specific license is required by making a copy available at the NRC Web site, *http://www.nrc.gov*.

* * * * *

68. Section 110.71 is revised to read as follows:

§ 110.71 Notice of withdrawal of an application.

The Commission will notice the withdrawal of an application by making a copy available at the NRC Web site, *http://www.nrc.gov*.

69. In § 110.72, the section heading and introductory text are revised to read as follows:

§ 110.72 Public availability of documents.

Unless exempt from disclosure under part 9 of this chapter, the following documents pertaining to each license and license application for an import or export requiring a specific license under this part will be made available at the NRC Web site, *http://www.nrc.gov*, and/or at the NRC Public Document Room:

* * * * *

70. In § 110.112, paragraph (b) is revised to read as follows:

§ 110.112 Reporter and transcript for an oral hearing.

* * * * *

(b) Except for any classified portions, transcripts will be made available at the NRC Web site, *http://www.nrc.gov*, and/or at the NRC Public Document Room.

* * * * *

71. In § 110.113, paragraph (c) is revised to read as follows:

§ 110.113 Commission action.

* * * * *

(c) If the Commission considers information not in the hearing record in reaching its licensing decision, the hearing participants will be informed and, if not classified or otherwise privileged, the information will be made available at the NRC Web site, *http://www.nrc.gov*, and furnished to the participants.

* * * * *

Dated at Rockville, Md. this 13 day of April, 1999.

For the Nuclear Regulatory Commission.

A. J. Galante,

Chief Information Officer.

[FR Doc. 99–11246 Filed 05–06–99; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–151–AD]

RIN 2120–AA64

Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Supplemental notice of proposed rulemaking; reopening of comment period.

SUMMARY: This document revises an earlier proposed airworthiness directive (AD), applicable to certain Saab Model SAAB 2000 series airplanes, that would have required repetitive inspections for excessive wear of the aileron control cables, cable guides, and cable pulleys located at the rear wing spars; and corrective actions, if necessary. That proposal also would have required repetitive replacement of the control cables and cable guides with new or serviceable components. That proposal was prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. This new action revises the proposed rule by expanding the applicability of the proposed rule to include additional airplanes. In addition, this new action provides for optional terminating action for the repetitive inspections. The actions specified by this new proposed AD are intended to detect and correct excessive wear on the aileron control cables, cable guides, and cable pulleys located at the rear wing spars, which could result in broken aileron control cables and consequent reduced controllability of the airplane.

DATES: Comments must be received by June 1, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 97–NM–151–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Saab Aircraft AB, SAAB Aircraft Product Support, S–581.88, Linköping, Sweden. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 97–NM–151–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 97–NM–151–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add an airworthiness directive (AD), applicable to certain Saab Model SAAB 2000 series airplanes, was published as a notice of proposed rulemaking (NPRM) in the **Federal Register** on February 9, 1998 (63 FR 6499). That NPRM would have required repetitive inspections for excessive wear of the aileron control cables, cable guides, and cable pulleys located at the rear wing spars, and corrective actions, if necessary. That NPRM also would have required repetitive replacement of the control cables and cable guides with new or serviceable components. That NPRM was prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. Such excessive wear, if not corrected, could result in broken aileron control cables and consequent reduced controllability of the airplane.

Actions Since Issuance of the NPRM

Since the NPRM was issued, the manufacturer has issued Saab Service Bulletin 2000–27–033, Revision 01, dated March 27, 1998. Revision 01 introduces no new actions but revises the effectivity to include additional airplanes and specifies that the modification specified by Service Bulletin 2000–27–037, described below, eliminates the need for the repetitive inspections specified by Service Bulletin 2000–27–033, Revision 01.

Also, the manufacturer has issued Saab Service Bulletin 2000–27–037, dated March 11, 1998, which describes procedures for modification of the aileron control system. The modification involves replacement of the aileron control cables with new, improved (carbon steel) cables, and replacement of the semi-glides (cable guides) with new improved cable guides.

The Luftfartsverket (LFV), which is the civil aviation authority for Sweden, has classified Service Bulletin 2000–27–033, Revision 01, as mandatory. Further, the LFV has approved Service Bulletin 2000–27–037 as optional terminating action for the repetitive inspections specified by Service Bulletin 2000–27–033, Revision 01. In addition, the LFV has issued Swedish airworthiness directive SAD No. 1–111R1, dated March 30, 1998, in order to ensure the continued airworthiness of these airplanes in Sweden.

Explanation of New Requirements of the Supplemental NPRM

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, this supplemental NPRM would require accomplishment of the actions specified in Saab Service Bulletin 2000–27–033 described previously. The proposed AD also would provide for optional terminating action for the repetitive inspections and repetitive replacements.

Operators should note that, in consonance with the findings of the Luftfartsverket (LFV), which is the civil aviation authority for Sweden, the FAA has determined that the repetitive actions proposed by this AD can be allowed to continue in lieu of accomplishment of a terminating action. In making this determination, the FAA considers that, in this case, long-term continued operational safety will be adequately assured by accomplishing the repetitive inspections to detect discrepancies before they represent a hazard to the airplane.

Conclusion

Since these changes expand the scope of the originally proposed rule, the FAA has determined that it is necessary to reopen the comment period to provide additional opportunity for public comment.

Cost Impact

The FAA estimates that 3 airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 1 work hour per airplane to accomplish the proposed inspection, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the inspection proposed by this AD on U.S. operators is estimated to be $180, or $60 per airplane, per inspection cycle.

It would take approximately 8 work hours per airplane to accomplish the proposed replacement, at an average labor rate of $60 per work hour. Required parts would be supplied by the manufacturer at no cost to the operators. Based on these figures, the cost impact of the inspection proposed by this AD on U.S. operators is estimated to be $1,440, or $480 per airplane, per replacement cycle.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Should an operator elect to perform the optional terminating modification, it would take approximately 8 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the modification proposed by this AD

on U.S. operators is estimated to be $1,440, or $480 per airplane.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Saab Aircraft AB: Docket 97–NM–151–AD.

Applicability: Model SAAB 2000 series airplanes, serial numbers 004 through 064 inclusive; except those airplanes on which Saab Aircraft AB Modification 6093 (reference Saab Service Bulletin 2000–27–037, dated March 11, 1998) has been installed; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To detect and correct excessive wear on the aileron control cables, cable guides, and cable pulleys located at the rear wing spars, which could result in broken aileron control cables and consequent reduced controllability of the airplane, accomplish the following:

Repetitive Inspections

(a) Inspect to detect discrepancies of the left-and right-hand aileron control cables, cable guides, and cable pulleys at the time specified in paragraph (a)(1) or (a)(2) of this AD, as applicable, in accordance with Saab Service Bulletin 2000–27–033, dated April 29, 1997, or Revision 01, dated March 27, 1998. Repeat the inspection thereafter at intervals not to exceed 500 flight hours. If any discrepancy is found during any inspection required by this AD, prior to further flight, perform corrective action in accordance with the service bulletin.

(1) For airplanes on which Saab Modification 5784 has been installed: Inspect at the later of the times specified in paragraphs (a)(1)(i) and (a)(1)(ii) of this AD.

(i) Prior to the accumulation of 1,800 total flight hours; or within 1,800 flight hours after accomplishment of the modification or replacement of any control cable; whichever occurs latest. Or

(ii) Within 200 flight hours after the effective date of this AD.

(2) For airplanes on which Saab Modification 5784 has not been installed: Inspect at the later of the times specified in paragraphs (a)(2)(i) and (a)(2)(ii) of this AD.

(i) Prior to the accumulation of 3,200 total flight hours, or within 3,200 flight hours after replacement of any control cable, whichever occurs later. Or

(ii) Within 200 flight hours after the effective date of this AD.

Note 2: Although the inspection schedules of this AD apply to both left-and right-hand wing cable systems, replacement of the cable, guide, or pulley on one wing only, prior to scheduled replacement, would result in subsequent staggered inspections for the components of the left-and right-hand cable systems.

Repetitive Replacements

(b) Replace the aileron control cables, cable guides, and cable pulleys with new or serviceable parts, as applicable; at the time specified in paragraph (b)(1) or (b)(2) of this AD, as applicable; in accordance with Saab Service Bulletin 2000–27–033, dated April 29, 1997, or Revision 01, dated March 27, 1998.

(1) For airplanes on which Saab Modification 5784 has been installed: Replace at the later of the times specified in paragraphs (b)(1)(i) and (b)(1)(ii) of this AD. Thereafter, repeat the inspection required by paragraph (a) of this AD at the time specified in paragraph (a)(1); and replace the control cables and cable guides thereafter prior to the accumulation of 3,200 flight hours after replacement of any control cable.

(i) Prior to the accumulation of 3,200 total flight hours; or within 3,200 flight hours after installation of the modification, or after replacement of any control cable; whichever occurs latest. Or

(ii) Within 200 flight hours after the effective date of this AD.

(2) For airplanes on which Modification 5784 has not been installed: Replace at the later of the times specified in paragraphs (b)(2)(i) and (b)(2)(ii) of this AD. Thereafter, repeat the inspections required by paragraph (a) of this AD at the time specified in paragraph (a)(2); and replace the control cables and cable guides thereafter prior to the accumulation of 6,200 flight hours following replacement of any control cable.

(i) Prior to the accumulation of 6,200 total flight hours, or within 6,200 flight hours after replacement of any control cable, whichever occurs later. Or

(ii) Within 200 flight hours after the effective date of this AD.

Optional Terminating Action

(c) Accomplishment of the modification of the aileron control system in accordance with Saab Service Bulletin 2000–27–037, dated March 11, 1998, constitutes terminating action for the requirements of this AD.

Alternative Methods of Compliance

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

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

Note 4: The subject of this AD is addressed in Swedish airworthiness directive SAD No. 1–111R1, dated March 30, 1998.

Issued in Renton, Washington, on April 30, 1999.

D. L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–11469 Filed 5–6–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–98–AD]

RIN 2120–AA64

Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–145 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain EMBRAER Model EMB–145 series airplanes. This proposal would require a one-time ultrasonic inspection of the maneuvering actuator piston rod of the main landing gear (MLG) to ensure adequate wall thickness of the piston rods; and replacement of any discrepant piston rod with a new piston rod. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent failure of the maneuvering actuator piston rod of the MLG, which would impede retraction of the MLG and consequent reduced controllability of the airplane.

DATES: Comments must be received by June 7, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–98–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia.

FOR FURTHER INFORMATION CONTACT: Curtis A. Jackson, Aerospace Engineer, Airframe and Propulsion Branch, ACE–117A, FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone (770) 703–6083; fax (770) 703–6097.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 99–NM–98–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–98–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Departmento de Aviacao Civil (DAC), which is the airworthiness authority for Brazil, recently notified the FAA that an unsafe condition may exist on certain EMBRAER Model EMB–145 series airplanes. The DAC advises that that it has received a report indicating that, due to a deviation in a manufacturing process, certain maneuvering actuator piston rods for the main landing gear (MLG) may have been delivered with reduced wall thickness. This condition, if not corrected, would result in failure of the maneuvering actuator piston rod of the MLG, which would impede retraction of the MLG and consequent reduced controllability of the airplane.

Explanation of Relevant Service Information

EMBRAER has issued Service Bulletin 145–32–0031, Change No. 01, dated December 8, 1998, and Change No. 02, dated February 12, 1999, which describe procedures for a one-time ultrasonic inspection of the maneuvering actuator piston rods of the MLG to ensure adequate wall thickness of the piston rods; and replacement of any discrepant piston rod with a new piston rod.

The DAC classified this service bulletin as mandatory and issued Brazilian airworthiness directive 98–09–01 R1, dated March 15, 1999, in order to assure the continued airworthiness of these airplanes in Brazil.

FAA's Conclusions

This airplane model is manufactured in Brazil and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require a one-time ultrasonic inspection of the maneuvering actuator piston rod of the MLG to ensure adequate wall thickness of the piston rods; and replacement of any discrepant piston rod with a new piston rod. The actions would be required to be accomplished in accordance with the service bulletin described previously.

Cost Impact

The FAA estimates that 33 EMBRAER Model EMB–145 series airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $1,980, or $60 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Empresa Brasileira de Aeronautica S.A. (EMBRAER): Docket 99–NM–98–AD.

Applicability: Model EMB–145 series airplanes, equipped with main landing gear maneuvering actuators, part and serial numbers as listed in EMBRAER Service Bulletin 145–32–0031, Change No. 01, dated December 8, 1998, and Change No. 02, dated February 12, 1999; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the maneuvering actuator piston rod of the main landing gear (MLG), which would impede retraction of the MLG and consequent reduced controllability of the airplane; accomplish the following:

Ultrasonic Inspection and Replacement

(a) Within the next 100 landings after the effective date of this AD, perform an ultrasonic inspection of the maneuvering actuator piston rods of the MLG to ensure adequate wall thickness of the piston rods, in accordance with EMBRAER Service Bulletin 145–32–0031, Change No. 01, dated December 8, 1998, or Change No. 02, dated February 12, 1999.

(1) If the thickness of any measurement point in any piston rod is greater than 2.0 mm (.079 inch), no further action is required by this AD.

(2) If the thickness of any measurement point in any piston rod is from 1.5 mm (.059 inch) to 2.0 mm (.079 inch): Within 500 landings after the effective date of this AD, replace the piston rod with a new rod having the correct part number as specified in the service bulletin.

(3) If the thickness of any measurement point in any piston rod is less than 1.5 mm (.059 inch): Within 50 landings after the effective date of this AD, replace the piston rod with a new rod having the correct part number as specified in the service bulletin.

Alternative Methods of Compliance

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

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Atlanta ACO.

Special Flight Permits

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

Note 3: The subject of this AD is addressed in Brazilian airworthiness directive 98–09–01 R1, dated March 15, 1999.

Issued in Renton, Washington, on April 30, 1999.

D. L. Riggin,

Acting Manager,

Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–11470 Filed 5–6–99; 8:45 am]

BILLING CODE 4910–13–V

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Chapter IX

[Docket No. FR–4423–N–03]

Negotiated Rulemaking Committee on Capital Fund Allocation; Meetings

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice of Negotiated Rulemaking Committee Meetings.

SUMMARY: This notice announces the second and third meetings of the Negotiated Rulemaking Committee on Capital Fund Allocation. These meetings are sponsored by HUD for the purpose of discussing and negotiating a proposed rule that would change the current method of determining the payment of capital funds to public housing agencies (PHAs).

DATES: The second committee meeting will be held on May 11 and May 12, 1999. On May 11, 1999, the meeting will begin at approximately 9:30 am and run until completion; on May 12, 1999, the meeting will begin at approximately

9:00 am and run until approximately 5:00 pm.

The third committee meeting will be held on May 25 and May 26, 1999. On May 25, 1999, the meeting will begin at approximately 9:30 am and run until completion; on May 26, 1999 the meeting will begin at approximately 9:00 am and run until approximately 5:00 pm.

ADDRESSES: The second committee meeting will take place at the Westin Fairfax Hotel, 2100 Massachusetts Avenue, Washington, DC 20008; telephone (202) 293–2100.

The third committee meeting will take place at the Channel Inn Hotel, 650 Water Street, SW, Washington, DC 20024; telephone 1–800–368–5668 or (202) 554–2400.

FOR FURTHER INFORMATION CONTACT: William Flood, Director, Office of Capital Improvements, Public and Indian Housing, Room 4134, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410–0500; telephone (202) 708–1640 ext. 4185 (this telephone number is not toll-free). Hearing or speech-impaired individuals may access this number via TTY by calling the toll-free federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: On April 26, 1999 (64 FR 20234), HUD published a **Federal Register** notice announcing the establishment of the Negotiated Rulemaking Advisory Committee on Capital Fund Allocation. The April 26, 1999 notice also announced the committee members, and the dates, location, and agenda for the first committee meeting. The purpose of the committee is to discuss and negotiate a proposed rule that would change the current method of determining the allocation of capital funds to public housing agencies (PHAs).

The second and third meetings of the negotiated rulemaking committee will take place as described in the **DATES** and **ADDRESSES** section of this notice.

The agenda planned for the committee meetings includes: (1) defining the goals for the Capital Fund formula; (2) discussing the various methods for translating these goals into a formula-based allocation system; and (3) the scheduling of future meetings.

In accordance with the General Services Administration (GSA) regulations implementing the Federal Advisory Committee Act, HUD normally publishes a **Federal Register** meeting notice at least 15 calendar days before the date of an advisory committee meeting). The GSA regulations, however, also provide that an agency may give less than 15 days notice if the reasons for doing so are included in the **Federal Register** meeting notice. (See 41 CFR 10–6.1015(b).) Due to the difficulty in obtaining suitable hotel and conference room accommodations in the Washington, DC area during April, 1999, it has not been possible for HUD to announce the date and location of the second committee meeting before today. Given the October 1, 1999 statutory deadline for implementation of the Capital Fund formula, HUD believes it is imperative that the negotiations for development of the formula not be delayed. Failure to publish the Capital Fund final rule on a timely basis will delay the provision of capital subsidies to PHAs. Accordingly, rather than defer the negotiations, HUD has decided to proceed with the second committee meeting on May 11 and May 12, 1999.

The meetings will be open to the public without advance registration. Public attendance may be limited to the space available. Members of the public may make statements during the meeting, to the extent time permits, and file written statements with the committee for its consideration. Written statements should be submitted to the address listed in the **FOR FURTHER INFORMATION** section of this notice. Summaries of committee meetings will be available for public inspection and copying at the address in the same section.

Dated: May 5, 1999.

Deborah Vincent,

General Deputy Assistant Secretary for Public and Indian Housing.

[FR Doc. 99–11718 Filed 5–6–99; 8:45 am]

BILLING CODE 4210–33–P

DEPARTMENT OF JUSTICE

Federal Prison Industries, Inc.

28 CFR Part 302

[BOP 1081–P]

RIN 1120–AA84

Federal Prison Industries, Inc. (FPI) Standards and Procedures That Facilitate FPI's Ability To Accomplish Its Mission

AGENCY: Federal Prison Industries, Inc., Justice.

ACTION: Proposed rule; clarification.

SUMMARY: Federal Prison Industries, Inc. (FPI) proposed codification of its ''Standards and Procedures that Facilitate FPI's ability to Accomplish its Mission'' was published on January 7, 1999 (64 FR 1082). The comment period in this rulemaking expires on May 10, 1999 (64 FR 11821). FPI will give careful consideration to the comments received in this proceeding. Final action in this rulemaking will not occur before September 1, 1999.

FOR FURTHER INFORMATION CONTACT: Marianne S. Cantwell, Corporate Counsel, Federal Prison Industries, Inc., phone (202) 305–3501.

Marianne S. Cantwell,

Acting Chief Operating Officer, Federal Prison Industries, Inc.

[FR Doc. 99–11518 Filed 5–6–99; 8:45 am]

BILLING CODE 4410–05–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

29 CFR Part 2700

Procedural Rules

AGENCY: Federal Mine Safety and Health Review Commission.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: The Federal Mine Safety and Health Review Commission (the ''Commission'') is an independent adjudicatory agency that provides trial and appellate review of cases arising under the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 801 *et seq.* (1994) (the ''Mine Act''). On May 7, 1998, the Commission published a proposed rule, proposing revisions to several of its rules of procedure. *See* 63 FR 25183–87 (May 7, 1998). The Commission is supplementing that proposed rule with additional proposed procedural rule revisions which were not included in the May 7 publication.

DATES: Written comments must be submitted on or before May 28, 1999.

ADDRESSES: Comments may be mailed to Norman Gleichman, General Counsel, Federal Mine Safety and Health Review Commission, 1730 K Street, NW, 6th Floor, Washington, DC 20006. Persons submitting comments shall provide an original and three copies of their comments.

FOR FURTHER INFORMATION CONTACT: Norman M. Gleichman, General Counsel, Office of the General Counsel, 1730 K Street, NW, 6th Floor, Washington, DC 20006, telephone 202–653–5610 (202–566–2673 for TDD Relay). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION:

I. Background

The Commission initially adopted its rules of procedure in June 1979. *See* 44 FR 38227 (June 29, 1979). In March 1993, the Commission published significant revisions to its procedural rules, reflecting more than 10 years' experience with the rules and evolving Commission case law. *See* 58 FR 12158 (March 3, 1998). In May 1998, the Commission published proposed revisions to several of the rules in an attempt to address problems that were unforeseen in 1993. *See* 63 FR 25183 (May 7, 1998). Those proposed rules included revisions relating to motion practice before the Commission, expansions of the requirements for certain pleadings, and revisions and clarifications for filing pleadings in temporary reinstatement proceedings. *See* 63 FR 25183–87. The Commission permitted written comments on those proposed rules to be submitted on or before August 5, 1998. The only written comments received by the Commission were submitted by the Department of Labor's Office of the Solicitor on behalf of the Mine Safety and Health Administration (''MSHA''). In addition to commenting on the published proposed revisions, MSHA suggested additional revisions which were not included in the May 7 publication. The Commission believes that some of those additional revisions are appropriate. In addition, recent developments in proceedings before the Commission have brought to light other rules requiring revision and clarification. The Commission is providing this opportunity for comment on these proposals from members of the mining community and the public.

In these supplemental proposed rules, the Commission has clarified requirements concerning when service on an attorney or other authorized representative is required. *See* proposed §§ 2700.3(c) and 2700.7(d). For example, under proposed § 2700.7(d), the Commission proposes that service on an attorney or other authorized representative is required only after that attorney or representative has formally entered an appearance on behalf of a party pursuant to proposed § 2700.3(c). Proposed § 2700.3(c) clarifies the manner of and time for making such an entry of appearance.

In addition, the Commission proposes expanding the requirements for the format of pleadings. *See* proposed § 2700.5(f). The proposed revisions, which include additional requirements concerning spacing and typeface size, are designed to insure adherence to page limits imposed by the rules.

Finally, the Commission proposes to increase the page limit for response briefs. *See* proposed § 2700.75(c). The proposed revision subjects response briefs to the same 35-page limit currently imposed on opening briefs.

Although these rules are procedural in nature and do not require notice and comment publication under the Administrative Procedure Act (*see* 5 U.S.C. 553(b)(3)(A)), the Commission is inviting and will consider public comment on these proposed revisions. A section-by-section explanation of the proposed changes is set forth below.

II. Section-by-Section Analysis

General Provisions

Section 2700.3 Who May Practice

Currently, § 2700.3(c) provides that an entry of appearance by a representative of a party is made by, among other things, signing the first document filed on behalf of the party. *See* 29 CFR 2700.3(c). The rule is somewhat ambiguous regarding the agency where the document must be filed, and whether the document refers only to pleadings.

The Commission proposes revising § 2700.3(c) to clarify that the first document filed on behalf of the party in making an entry of appearance shall be the first document filed with the Commission or Commission judge. This revision is intended to delineate when an entry of appearance occurs. The proposed revision also clarifies that the documents that may serve as an entry of appearance shall be only those filed with the Commission or Commission judge in a proceeding under the Mine Act or the Commission's procedural rules, and not documents filed with MSHA. All documents filed with the Commission or its judges are processed in its three central offices in Denver, Colorado; Falls Church, Virginia; and Washington, DC. In contrast, MSHA processes documents in numerous regional offices, some of which, because of their specific and distinct functions, forward documents they receive to other MSHA offices. The Commission anticipates that an entry of appearance will be less likely to be misdirected if it is sent to the Commission or its judges.

The proposed revisions to § 2700.3(c) are intended to be consistent with the definition of ''party'' set forth in § 2700.4(a). Section 2700.4(a) currently provides in part that ''[a] person, including the Secretary or an operator, who is named as a party or who is permitted to intervene, is a party.'' 29 CFR 2700.4(a). Proposed § 2700.3(c) refers to actions that may be taken by a representative of a ''party'' in order to enter an appearance. Thus, reading current § 2700.4(a) with proposed § 2700.3(c), an entry of appearance by an attorney or other authorized representative cannot be made before the represented operator or individual achieves party status as defined in § 2700.4(a). In some circumstances, however, an entry of appearance may be made at the same time that an operator or individual achieves party status. For instance, upon the filing of a notice of contest of a citation or order with the Commission by an authorized representative on behalf of an operator, the operator is named as a party, thereby achieving party status under current § 2700.4(a), and the attorney filing the contest enters an appearance under proposed § 2700.3(c) by filing the document with the Commission.

Section 2700.5 General Requirements for Pleadings and Other Documents; Status or Informational Requests

In its comments to the Commission, MSHA requests that § 2700.75(e) be revised to specify that all briefs be double-spaced using a typeface designated by the Commission, to avoid any evasion of the requirements for page limits. Currently, the Commission's procedural rules contain no formatting requirements, with the exception of § 2700.5(f), which requires that pleadings and documents be 8½ by 11 inches in size. *See* 29 CFR 2700.5(f).

The Commission agrees that its current procedural rules should be revised to set forth standard requirements for pleading format in order to enhance compliance with page limitations. Because it believes that such requirements should apply to all pleadings filed with the Commission and its judges, the Commission has included such requirements in proposed § 2700.5(f), which applies to all pleadings, rather than in § 2700.75, which applies only to briefs before the Commission.

In the proposed revisions, the Commission has set forth requirements for margins, font size and spacing and included a general prohibition against excessive footnotes. In addition, the Commission has proposed a revision permitting the Commission to reject a brief based on the failure to comply with the requirements of the subsection or on the use of compacted or otherwise compressed printing features. To avoid affecting basic appeal rights, the Commission has limited the provision by allowing only the rejection of briefs,

rather than petitions for discretionary review.

Section 2700.7 Service

Based on recent proceedings before the Commission, the Commission believes that its current procedural rules should be revised to clarify when service on an attorney or other authorized representative is required, particularly in circumstances in which a person or operator has retained counsel prior to issuance of the initial document in a proceeding. *See Roger Richardson,* 20 FMSHRC 1259 (Nov. 1998) (involving proceeding under 30 U.S.C. 820(c), in which proposed penalty assessment was mailed to individual's former residence rather than to counsel who was retained prior to issuance of proposed penalty assessment). Accordingly, the Commission has proposed an amendment to § 2700.7(d) which clarifies that service on an attorney or other authorized representative is required after that representative has formally entered an appearance pursuant to proposed revisions to § 2700.3(c).

Currently, § 2700.7(d) provides that whenever a party is represented by an attorney or other authorized representative, subsequent service shall be made upon the attorney or other authorized representative. *See* 29 CFR 2700.7(d). The current rule is somewhat ambiguous regarding whether service is required after a representative has entered an appearance on behalf of the party, or whether service is required after a party has retained that representative.

The Commission proposes to revise § 2700.7(d) to provide that service is required on an attorney or other authorized representative only after that attorney or representative has formally entered an appearance on behalf of the party in the manner prescribed in proposed § 2700.3(c). Thus, even if an operator or individual retains counsel prior to the initiation of a proceeding under the Mine Act, the counsel need not be served until after he or she makes a formal entry of appearance pursuant to proposed § 2700.3(c).

Review by the Commission

Section 2700.75 Briefs

In the comments filed with the Commission, MSHA requests that § 2700.75 be revised to increase the page limit for response briefs from 25 pages to 35 pages. The Commission agrees that such a revision is appropriate. Section 2700.75(c) currently provides that opening briefs shall not exceed 35 pages, response briefs shall not exceed 25 pages, and reply briefs shall not exceed 15 pages. *See* 29 CFR 2700.75(c). The Commission believes that revising the page limit for response briefs to correspond with the page limit for opening briefs is appropriate given the similar substantive requirements for opening and response briefs. In addition, it agrees that such a revision is particularly appropriate in view of the opportunity for a petitioner to file an additional 15 pages in the form of a reply brief.

III. Matters of Regulatory Procedure

The Commission has determined that these rules are not subject to Office of Management and Budget review under Executive Order 12866.

The Commission has determined under the Regulatory Flexibility Act (5 U.S.C. 601–612) that these rules, if adopted, would not have a significant economic impact on a substantial number of small entities. Therefore, a Regulatory Flexibility Statement and Analysis has not been prepared.

The Commission has determined that the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) does not apply because these rules do not contain any information collection requirements that require the approval of the Office of Management and Budget.

List of Subjects in 29 CFR Part 2700

Administrative practice and procedure.

For the reasons set out in the preamble, it is proposed to amend 29 CFR Part 2700 as follows:

PART 2700—PROCEDURAL RULES

1. The authority citation for Part 2700 continues to read as follows:

Authority: 30 U.S.C. 815, 820 and 823.

2. Section 2700.3 is amended by revising paragraph (c) to read as follows:

§ 2700.3 Who may practice

* * * * *

(c) *Entry of appearance.* A representative of a party shall enter an appearance in a proceeding under the Act or these procedural rules by signing the first document filed on behalf of the party with the Commission or Judge; filing a written entry of appearance with the Commission or Judge; or, if the Commission or Judge permits, by orally entering an appearance in open hearing.

* * * * *

3. Section 2700.5 as proposed to be revised in 63 FR at 25186 is further amended by revising paragraph (f) to read as follows:

§ 2700.5 General requirements for pleadings and other documents; status or informational requests.

* * * * *

(f) *Form of pleadings.* All printed material shall appear in at least 12 point type on paper 8½ by 11 inches in size, with margins of at least one inch on all four sides. Text and footnotes shall appear in the same size type. Text shall be double spaced. Headings and footnotes may be single spaced. Quotations of 50 words or more may be single spaced and indented left and right. Excessive footnotes are prohibited. The failure to comply with the requirements of this subsection or the use of compacted or otherwise compressed printing features will be grounds for rejection of a brief.

* * * * *

4. Section 2700.7 as proposed to be revised in 63 FR at 25186 is further amended by revising paragraph (d) to read as follows:

§ 2700.7 Service.

* * * * *

(d) *Service upon representative.* Whenever a party is represented by an attorney or other authorized representative who has entered an appearance on behalf of such party pursuant to § 2700.3(c), service thereafter shall be made upon the attorney or other authorized representative.

* * * * *

5. Section 2700.75 as proposed to be revised at 63 FR at 25187 is further amended by revising paragraph (c) to read as follows:

§ 2700.75 Briefs.

* * * * *

(c) *Length of brief.* Except by permission of the Commission and for good cause shown, opening and response briefs shall not exceed 35 pages, and reply briefs shall not exceed 15 pages. A brief of an amicus curiae shall not exceed 25 pages. A brief of an intervenor shall not exceed the page limitation applicable to the party whose position it supports in affirming or reversing the Judge, or if a different position is taken, such brief shall not exceed 25 pages. Tables of contents or

authorities shall not be counted against the length of a brief.

* * * * *

Mary Lu Jordan,

Chairman, Federal Mine Safety and Health Review Commission.

[FR Doc. 99–11459 Filed 5–6–99; 8:45 am]

BILLING CODE 6735–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 210–0118 EC; FRL–6336–6]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision-South Coast Air Quality Management District; Reopening of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; reopening of the comment period.

SUMMARY: EPA is reopening the comment period for a proposed rule published March 18, 1999 (64 FR 13372). On March 18, 1999, EPA proposed a limited approval and limited disapproval of revisions to the California State Implementation Plan controlling oxides of nitrogen emissions in the South Coast Air Quality Management District. This rule concerned South Coast Air Quality Management District Rule 1110.2.

At the request of the South Coast Air Quality Management District and other parties, EPA is reopening the comment period.

DATES: The comment period closes May 19, 1999.

ADDRESSES: Comments should be submitted to: Andrew Steckel, Rulemaking Office (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

FOR FURTHER INFORMATION CONTACT: Ed Addison at (415) 744-1160.

Dated: April 21, 1999.

Lauri Yoshii,

Deputy Regional Administrator, Region IX.

[FR Doc. 99–11388 Filed 5–6–99; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 405

[HCFA–1002–N]

Medicare Program; Meetings of the Negotiated Rulemaking Committee on Ambulance Fee Schedule

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of meetings.

SUMMARY: In accordance with section 10(a) of the Federal Advisory Committee Act, this notice announces the dates and locations for the third and fourth meetings of the Negotiated Rulemaking Committee on the Ambulance Fee Schedule. These meetings are open to the public.

The purpose of this committee is to develop a proposed rule that establishes a fee schedule for the payment of ambulance services under the Medicare program through negotiated rulemaking, as mandated by section 4531(b) of the Balanced Budget Act (BBA) of 1997.

DATES: The third meeting is scheduled for May 24, 1999 from 9:00 a.m. until 5 p.m. and May 25, 1999 from 8:30 a.m. until 4 p.m. E.S.T. The fourth meeting is scheduled for June 28, 1999 from 9:00 a.m. until 5 p.m. and June 29, 1999 from 8:30 a.m. until 4 p.m. E.S.T.

ADDRESSES: The 2-day May meeting will be held at Doyle's Hotel, 1500 New Hampshire Avenue, N.W., Washington, D.C. 20036; (202) 483–6000. The 2-day June meeting will be held at BWI Airport Marriott, 1743 West Nursery Road, Baltimore, MD. 21240; (410) 849–8300.

FOR FURTHER INFORMATION CONTACT: Inquiries regarding these meetings should be addressed to Bob Niemann (410) 786–4569 or Margot Blige (410) 786–4642 for general issues related to ambulance services or to Lynn Sylvester (202) 606–9140 or Elayne Tempel (207) 780–3408, facilitators.

SUPPLEMENTARY INFORMATION: Section 4531(b)(2) of the Balanced Budget Act (BBA), Public Law 105–33, added a new section 1834(l) to the Social Security Act (the Act). Section 1834(l) of the Act mandates implementation, by January 1, 2000, of a national fee schedule for payment of ambulance services furnished under Medicare Part B. The fee schedule is to be established through negotiated rulemaking. Section 4531(b)(2) also provides that in establishing such fee schedule, the Secretary will—

- Establish mechanisms to control increases in expenditures for ambulance services under Part B of the program;
- Establish definitions for ambulance services that link payments to the type of services furnished;
- Consider appropriate regional and operational differences;
- Consider adjustments to payment rates to account for inflation and other relevant factors; and
- Phase in the fee schedule in an efficient and fair manner.

The Negotiated Rulemaking Committee on the Ambulance Fee Schedule has been established to provide advice and make recommendations to the Secretary with respect to the text and content of a proposed rule that establishes a fee schedule for the payment of ambulance services under Part B of the Medicare program.

The Committee held its second meeting on April 12, 13, and 14, 1999. At this meeting the Committee heard presentations from HCFA staff. The first presenter, a representative from HCFA's Actuarial and Health Cost Analysis Group, described the methodology used in determining how the payment cap under the fee schedule was calculated. The second presenter, a member of the HCFA negotiated rulemaking team, presented historical Medicare hospital and supplier ambulance billing data. The non-government members Committee finalized the private agreement with Project Hope to obtain ambulance cost data and reached consensus on the statements of the issues to be negotiated. Each Committee member presented the member's constituency's interests. Work began on the criteria for evaluating options for the fee schedule.

During the May meeting the Committee will work toward achieving consensus on the interests and on the criteria to be considered in evaluating options for the fee schedule. Discussions will then begin on the options.

The announced future meetings are open to the public without advanced registration. Interested parties can file statements with the Committee. *Mail written statements to the following address: Federal Mediation and Conciliation Service, 2100 K Street, N.W., Washington, D.C. 20427, Attention: Lynn Sylvester.* Location of future meetings will be published in the **Federal Register** at a later date.

Public attendance at the meetings may be limited to space available. A summary of all proceedings will be

available for public inspection in room 443–G of the Department's offices at 200 Independence Avenue, SW., Washington, D.C. on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (Phone: (202) 690–7890) or can be accessed through the HCFA Internet site at http://www.hcfa.gov/medicare/ambmain.htm. Additional information related to the Committee will also be available on the web site.

Authority: Section 1834(l)(1) of the Social Security Act (42 U.S.C. 1395m).

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

Dated: May 4, 1999.

Nancy-Ann Min DeParle,

Administrator, Health Care Financing Administration.

[FR Doc. 99–11560 Filed 5–6–99; 8:45 am]

BILLING CODE 4120–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA–7283]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are requested on the proposed base (1% annual chance) flood elevations and proposed base flood elevation modifications for the communities listed below. The base flood elevations are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: The proposed base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: Matthew B. Miller, P.E., Chief, Hazards Study Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–3461, or (email) matt.miller@fema.gov.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA or Agency) proposes to make determinations of base flood elevations and modified base flood elevations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed base flood and modified base flood elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

National Environmental Policy Act

This proposed rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Associate Director, Mitigation Directorate, certifies that this proposed rule is exempt from the requirements of the Regulatory Flexibility Act because proposed or modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the National Flood Insurance Program. As a result, a regulatory flexibility analysis has not been prepared.

Regulatory Classification

This proposed rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612, Federalism

This proposed rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This proposed rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.4 [Amended]

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
Florida	Callaway (City), Bay County.	East Bay	Approximately 0.7 mile east of the intersection of South Berthe Avenue and Wallace Road.	*6	*11
			Approximately 1,000 feet southeast of intersection of South Berthe Avenue and Wallace Road.	*4	*7

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
		Callaway Bayou	Approximately 0.7 mile east of the intersection of South Berthe Avenue and Wallace Road.	*6	*11
			Approximately 500 feet southeast of intersection of Winonast and Beulah Avenue.	*4	*7
		Callaway Creek	At State Route 22	*4	*7
			Approximately 0.6 mile upstream of State Route 22.	*4	*7
		Pitts Bayou	West side of U.S. Route 98 (Tyndall Parkway) at Pitts Bayou Crossing.	*4	*8
Maps available for inspection at the Department of Public Works, 324 South Berthe Avenue, Callaway, Florida.					
Send comments to The Honorable Ray Boevink, Mayor of the City of Callaway, 6601 East Highway 22, Callaway, Florida 32404.					
Florida	Cinco Bayou (Town), Okaloosa County.	Choctawhatchee Bay (along Cinco Bayou).	Approximately 200 feet north of Kidd Street and Lucile Street intersection.	*6	*8
			Approximately 300 feet north of intersection of Opp Boulevard and Yacht Club Drive Northeast.	*6	*11
Maps available for inspection at the Town Hall, 10 Yacht Club Drive, Fort Walton Beach, Florida 32548–4436.					
Send comments to Mr. Charles W. Turner, Town Manager, 10 Yacht Club Drive, Fort Walton Beach, Florida 32548–4436.					
Florida	Destin (City), Okaloosa County.	Choctawhatchee Bay	Approximately 350 feet north of Harbor Lane and Indian Trail Drive intersection.	*4	*7
			Approximately 900 feet west of the intersection of Calhoun Avenue and Zerbe Street.	*4	*10
		Gulf of Mexico	At intersection of Lagoon Drive and Moreno Point Road.	None	*9
			Approximately 800 feet south of Miracle Strip Parkway and Airport Road.	*12	*16
Maps available for inspection at the Destin City Hall, Community Development Department, 4200 Two Trees Road, Destin, Florida.					
Send comments to The Honorable Ken Beaird, Mayor of the City of Destin, 4200 Two Trees Road, Destin, Florida 32541.					
Florida	Escambia County (Unincorporated Areas).	Gulf of Mexico	Approximately 1.93 miles east of Pensacola Beach—Santa Rosa Island Authority/Escambia County eastern boundary along Gulf of Mexico.	*13	*16
			Approximately 200 feet north of intersecton of Sandy Key Road and State Route 292.	#1	*10
		Santa Rosa Sound	Approximately 500 feet east of Pensacola Beach—Santa Rosa Island Authority/Escambia County eastern boundary near Big Sabine Point.	*6	*12
			Approximately 3,000 feet south of the tip of Big Sabine Point.	#1	*11
		Pensacola Bay	At the intersection of Burlington Northern Railroad and Redoust Narva Road.	*6	*7
			Approximately 1,000 feet west of the intersection of State Road 399/Ft. Pickens Road and Via De Luna.	*6	*12
		Big Lagoon	Approximately 3,600 feet south of western tip of Sherman Cove.	*13	*12
			Approximately 350 feet south of intersection of Gulf Beach Highway and Constance Street.	None	*8
			Approximately 1,400 feet south of eastern tip of Sherman Cove.	# 1	*10
		Jones Creek	Approximately 500 feet east of the point where North Navy Boulevard crosses Jones Creek.	*6	*7

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
Maps available for inspection at the Escambia County Office of Development Services, 1190 West Leonard Street, Pensacola, Florida 32501–1129.					
Send comments to Mr. Barry Evans, Escambia County Administrator, P.O. Box 1591, Pensacola, Florida 32597–1591.					
Florida	Fort Walton Beach (City), Okaloosa County.	Santa Rosa Sound	At intersection of 1st Street Southwest and 4th Avenue Southwest.	None	*8
			Approximately 1,000 feet south of intersection of Hood Avenue Southeast and Brooks Street Southeast.	*7	*11
		Choctawhatchee Bay	Intersection of Arizona Drive Northeast and Texas Street Northeast.	None	*8
			Approximately 600 feet northeast of intersection of Bay Drive Northeast and Hollywood Boulevard Northeast.	*10	*12
		Choctawhatchee Bay (along Cinco Bayou).	Approximately 400 feet northeast of intersection of Martin Place Northwest and Vaughn Street Northwest.	*6	*8
			Approximately 300 feet southeast of intersection of Bradley Drive and Beach View Drive.	*5	*12
		Choctawhatchee Bay (along Garnier Bayou).	Approximately 250 feet northeast of intersection of Sherwood Road and Mooney Road.	*5	*8
			Approximately 300 feet east of intersection of Marshall Drive and Beach View Drive.	*7	*12
Maps available for inspection at 107 Miracle Strip Parkway, Fort Walton Beach, Florida.					
Send comments to Mr. Reid Silverboard, City Manager, 107 Miracle Strip Parkway, Fort Walton Beach, Florida 32549.					
Florida	Gulf Breeze (City), Santa Rosa County.	Santa Rosa Sound	At the intersection of Deerpoint Circle and Deerpoint Drive.	*8	*12
			Approximately 0.4 mile west on Gulf Breeze Parkway from the intersection of Bayshore Road and Gulf Breeze Parkway.	None	*8
		Pensacola Bay	Approximately 1,600 feet northwest of the intersection of Fairpoint Drive and Shoreline Drive.	*6	*10
			Approximately 700 feet east of the intersection of Cadiz Street and Cordoba Street.	*5	*6
Maps available for inspection at the Gulf Breeze City Hall, 1070 Shoreline Drive, Gulf Breeze, Florida.					
Send comments to Mr. Edwin A. Eddy, Gulf Breeze City Manager, P.O. Box 640, Gulf Breeze, Florida 32562–0640.					
Florida	Lynn Haven (City), Bay County.	North Bay	At the intersection of West 19th Street and Maryland Avenue.	None	*7
			Shoreline at Little Oyster Bar Point	*7	*11
			At intersection of New Jersey Avenue and 11th Street.	*6	*7
Maps available for inspection at the Lynn Haven City Hall, 825 Ohio Avenue, Lynn Haven, Florida.					
Send comments to The Honorable Walter J. Kelley, Mayor of the City of Lynn Haven, 825 Ohio Avenue, Lynn Haven, Florida 32444.					
Florida	Mary Esther (City), Okaloosa County.	Santa Rosa Sound	Intersection of Doolittle Boulevard and Miracle Strip Parkway.	None	*8
			Approximately 950 feet south of intersection of Shady Lane and Miracle Strip Parkway.	*8	*11
Maps available for inspection at 195 Christobal Road North, Mary Esther, Florida.					
Send comments to Mr. John Lulue, Mary Esther City Manager, 195 Christobal Road North, Mary Esther, Florida 32569.					
Florida	Mexico Beach (City), Bay County.	Gulf of Mexico	At the intersection of 38th Street and 36th Street.	None	*8
			Approximately 175 feet south of the intersection of 16th Street and U.S. Highway 98.	*9	*16

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
Maps available for inspection at the Mexico Beach City Hall, 118 North 14th Street, Mexico Beach, Florida.					
Send comments to The Honorable Garry Gaddis, Mayor of the City of Mexico Beach, P.O. Box 13425, Mexico Beach, Florida 32410.					
Florida	Niceville (City), Okaloosa County.	Choctawhatchee Bay	At intersection of Bayshore Drive and Weeden Island Drive.	None	*7
			Approximately 600 feet southeast of intersection of Bayshore Drive and 7th Street.	*7	*10
		Swift Creek	Approximately 100 feet downstream of State Route 20.	*5	*7
			Approximately 2,400 feet upstream of State Route 20.	*6	*7
		Turkey Creek	Approximately 100 feet downstream of State Route 85.	*5	*7
			Approximately 1,700 feet upstream of State Road 85.	*6	*7
		Choctawhatchee Bay (along Boggy Bayou).	Approximately 750 feet west of intersection of Meigs Street and Bayshore Drive.	*7	*9
			Approximately 100 feet north of intersection of 31st Street and Bayshore Drive.	None	*7
		Choctawhatchee Bay (along Rocky Bayou).	Approximately 400 feet southeast of intersection of 11th Street and Baha Vista Drive.	*5	*10
			At intersection of 11th Street and Baha Vista Drive.	None	*7
Maps available for inspection at 208 North Partin Drive, Niceville, Florida.					
Send comments to Mr. Lannie L. Corbin, City Manager, 208 North Partin Drive, Niceville, Florida 32578.					
Florida	Okaloosa County (Unincorporated Areas).	Gulf of Mexico	Intersection of Santa Rosa Boulevard and Siebert Drive.	None	*9
			Approximately 500 feet south of intersection of Abalone Court and Caviar Drive.	*12	*16
		Santa Rosa Sound	Approximately 800 feet east of intersection of Woodland Avenue and Miracle Strip Parkway.	*7	*8
			Approximately 1,000 feet south of intersection of Miracle Strip Parkway and Green Drive.	*9	*12
			At intersection of Venus Court and Santa Rosa Boulevard.	None	*9
		Choctawhatchee Bay	At intersection of 13th Street South and Tamarack Avenue.	None	*7
			Approximately 400 feet south of Wenona Way and Cherokee Road intersection.	*6	*12
		Choctawhatchee Bay (along Cinco Bayou).	Approximately 400 feet south of intersection of Valeria Street and Russell Boulevard.	*6	*8
			Approximately 500 feet southeast of intersection of Bradley Drive and Beach View Drive.	*5	*12
		Choctawhatchee Bay (along Garnier Bayou).	At intersection of Eglin Parkway and Beach View Drive.	None	*9
			Approximately 600 feet southeast of intersection of 2nd Avenue and Beach View Drive.	*7	*12
		Choctawhatchee Bay (along Boggy Bayou).	Approximately 150 feet south of intersection of Bayshore Drive and Palm Boulevard.	None	*7
			Approximately 1,250 feet west of intersection of Bayshore Drive and Palm Boulevard.	*7	*10
		Choctawhatchee Bay (along Rocky Bayou).	Approximately 150 feet east of intersection of Capri Cove Road and Lido Cove Road.	None	*7
			Approximately 500 feet west of intersection of Marina Cove Road and Yacht Club Drive.	*7	*10
		Lightwood Knot Creek	Mouth at Garnier Bayou	*5	*8

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
			2,900 feet upstream of State Road 189 ...	*7	*8
		Garnier Creek	Mouth at Garner Bayou	*5	*8
			2,250 feet upstream of State Route 189 ..	*7	*8
Maps available for inspection at 1804 Lewis Turner Boulevard, Suite 200, Fort Walton Beach, Florida.					
Send comments to Mr. Chris Holley, County Manager, 1804 Lewis Turner Boulevard, Fort Walton Beach, Florida 32547.					
Florida	Panama City (City), Bay County.	Watson Bayou	Intersection of Bonita Avenue and East 7th Court.	*4	*8
			Approximately 1,000 feet southeast of the intersection of Cove Terrace and South Cove Lane.	*4	*10
		St. Andrew Bay	Approximately 400 feet north of the intersection of Allen Avenue and Linda Avenue.	*4	*8
			Approximately 1,400 feet south of the intersection of Brown Avenue and West 18th Street.	*6	*12
		North Bay	400 feet north of intersection of Foxworth Drive and Frankfort Avenue.	*4	*7
			Approximately 1,200 feet west of the intersection of Frankford Avenue and Calhoun Avenue.	*7	*11
Maps available for inspection at the City Hall, City of Panama City, 9 Harrison Avenue, Panama City, Florida.					
Send comments to The Honorable Girard Clemons, Jr., P.O. Box 1880, 9 Harrison Avenue, Panama City, Florida 32402–1880.					
Florida	Panama City Beach (City), Bay County.	Gulf of Mexico	Approximately 400 feet west of the intersection of Crane Street and Miracle Strip Parkway.	*8	*16
			Approximately 200 feet west of the intersection of Habanero Avenue and Lullwater Drive East.	*5	*8
Maps available for inspection at the Panama City Beach City Hall, 110 South Arnold Road, Panama City Beach, Florida.					
Send comments to Mr. Richard Jackson, Panama City Beach Manager, 110 South Arnold Road, Panama City Beach, Florida 32413.					
Florida	Parker (City), Bay County.	East Bay	Approximately 2,500 feet southeast of the intersection of Fleming Street and Interstate 98.	*6	*10
			Approximately 300 feet east of the intersection of Bay Avenue and Oak Shore Drive.	*4	*8
		St. Andrew Bay	Approximately 800 feet west of intersection of Sunset Drive and Cedar Avenue.	*5	*11
			At the intersection of East Street and Fourth Street.	*4	*8
Maps available for inspection at the Parker City Hall, 1001 West Parker, Parker, Florida.					
Send comments to The Honorable Brenda Hendricks, Mayor of the City of Parker, 1001 West Parker, P.O. Box 10619, Parker, Florida 32404.					
Florida	Pensacola (City), Escambia County.	Pensacola Bay	West of Pensacola Bay Bridge	*9	*11
			At the intersection of Intendencia Street and North 9th Avenue.	*9	*7
Maps available for inspection at the City of Pensacola Inspections Department, 180 Governmental Center, 5th Floor, Pensacola, Florida.					
Send comments to Mr. Thomas J. Bonfield, Pensacola City Manager, P.O. Box 12910, Pensacola, Florida 32521.					
Florida	Pensacola Beach-Santa Rosa Island Authority (Escambia County).	Gulf of Mexico	Pensacola Beach-Santa Rosa Island Authority Escambia County east boundary at Gulf of Mexico.	*13	*16
			At the intersection of Ariola Drive and Avenida 11.	#1	*11
		Santa Rosa Sound	Approximately 600 feet north of intersection of Via De Luna and Avenida 11.	*6	*12
			At the intersection of Via De Luna and Avenida 11.	#1	*9

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
Maps available for inspection at the Santa Rosa Island Authority, 35 Via Deluna, Pensacola Beach, Florida.					
Send comments to Mr. Monty Blews, Santa Rosa Island Authority General Manager, P.O. Box 1208, Pensacola Beach, Florida 32562.					
Florida	Santa Rosa County (Unincorporated Areas).	Gulf of Mexico	Approximately 1.6 miles south of the intersection of U.S. Route 98 (Gulf Breeze Parkway) and Calle of Palencia.	*8	*16
			Approximately 1.5 miles south of the intersection of U.S. Route 98 (Gulf Breeze Parkway) and Belle Meade Circle.	None	*11
		Santa Rosa Sound	Approximately 500 feet south of the intersection of Avenger Drive and North Shores Drive.	*9	*12
			Approximately 3,400 feet south of the intersection of U.S. Route 98 (Gulf Breeze Parkway) and Mohawk Trail.	None	*8
Maps available for inspection at the Santa Rosa County Administration Building, 6495 Caroline Street, Milton, Florida.					
Send comments to Mr. Hunter Walker, Santa Rosa County Administrator, 6495 Caroline Street, Suite D, Milton, Florida 32570–4592.					
Florida	Shalimar (Town), Okaloosa County.	Choctawhatchee Bay	At northeast corner of intersection of Eglin Parkway and Gardner Drive.	None	*8
			Approximately 1,300 feet southwest of Old Ferry Road and Gardner Drive.	*7	*12
		Choctawhatchee Bay (along Garnier Bayou).	At intersection of Plew Avenue and Shalimar Drive.	None	*8
			Approximately 150 feet west of intersection of Shalimar Drive and Plew Avenue.	*7	*11
Maps available for inspection at #2 Cherokee Road, Shalimar, Florida.					
Send comments to The Honorable Harry Montague, Mayor of the City of Shalimar, #2 Cherokee Road, Shalimar, Florida 32579.					
Florida	Valparaiso (City), Okaloosa County.	Choctowhatchee Bay	Approximately 200 feet south of intersection of Florida Avenue and Grand View Avenue.	None	*7
			Approximately 1,000 feet east of intersection of Jasmine Avenue and Louisiana Avenue.	*7	*10
		Choctawhatchee Bay (along Boggy Bayou).	Approximately 250 feet east of intersection of Westview Avenue and Edge Avenue.	None	*7
			Approximately 250 feet southwest of intersection of Southview Avenue and Bayshore Drive.	*7	*9
Maps available for inspection at the City Hall, 465 Valparaiso Parkway, Valparaiso, Florida.					
Send comments to The Honorable John B. Arnold, Jr., Mayor of the City of Valparaiso, P.O. Box 296, Valparaiso, Florida 32580–0296.					
Florida	Walton County (Unincorporated Areas).	Gulf of Mexico	Shoreline approximately 550 feet south of intersection of Seacrest Drive and County Route 30-A.	*12	*16
			Entire shoreline of Morrison Lake	None	*8
			Approximately 800 feet northeast of intersection of Lakeshore Drive and Earl Road.	*5	*10
		Choctawhatchee Bay	Approximately 300 feet north of intersection of Bayshore Drive and Geronomo Street.	*2	*7
			Approximately 1,800 feet south of Marsh Drive and State Route 20.	*7	*10
			Approximately 700 feet south of State Route 20 bridge over Linton Spring Branch.	*7	*10
		Lake Powell	Approximately 800 feet north of intersection of Orange Street and Pinewood Lane.	*5	*8
			Approximately 200 feet east of intersection of Pinewood Lane and Lakeshore Drive.	*5	*9

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
		Alaqua Creek	Approximately 2,300 feet southeast of intersection of State Route 20 and Whitfield Road.	*7	*9
Maps available for inspection at the Walton County Courthouse Annex, 47 North 6th Street, DeFuniak Springs, Florida.					
Send comments to Mr. Joel Paul, Jr., Chairman of the Walton County Board of Commissioners, P.O. Drawer 689, DeFuniak Springs, Florida 32435.					
Georgia	Dallas (City), Paulding County.	Griffin Creek	Approximately 40 feet downstream of Sara Babb Road.	*899	*899
			Upstream side Atlanta Highway (Business State Route 6).	None	*986
		Weaver Creek	Approximately 2,300 feet downstream of West Memorial Drive (State Route 120).	None	*942
			Approximately 0.7 mile upstream of Seaboard Drive.	None	*991
Maps available for inspection at the Dallas City Hall, 120 Main Street, Dallas, Georgia.					
Send comments to Mr. Ken Elsberry, City of Dallas Floodplain Coordinator, 120 Main Street, Dallas, Georgia 30132.					
Georgia	Gainesville (City), Hall County.	Walnut Creek	Approximately 1,785 feet upstream of private drive.	None	*950
			Approximately 0.72 mile upstream of private drive.	None	*963
Maps available for inspection at the Hall County Joint Administration Building, Engineering Office, 300 Green Street, Room 309, Gainesville, Georgia.					
Send comments to The Honorable Bob Hamrick, Mayor of the City of Gainesville, 300 Green Street, Gainesville, Georgia 30501.					
Georgia	Hall County (Unincorporated Areas).	Balus Creek	Approximately 2,000 feet downstream of McEver Road.	None	*1,082
			Approximately 875 feet upstream of Landrum Education Drive.	None	*1,174
		Balus Creek Tributary 1 ...	Approximately 50 feet upstream of confluence with Balus Creek.	*1,098	*1,100
			Approximately 575 feet upstream of Old Oakwood Road.	None	*1,132
		Caney Fork Creek	At confluence with Walnut Creek	*837	*847
			Approximately 1,650 feet upstream of Sloan Mill Road.	None	*1,062
		Deaton Creek	At confluence with Mulberry Creek	None	*823
			Approximately 2.0 miles upstream of Oliver Road.	None	*921
		Lollis Creek	At confluence with Sherwood Creek	None	*853
			Approximately 175 feet upstream of Upper Looper Lake Dam.	None	*929
		Mitchell Creek	At confluence with Lollis Creek	None	*874
			Just downstream of Swansey Road	None	*1,001
		Mulberry Creek	Approximately 1.13 miles downstream of State Route 211.	None	*800
			Just downstream of Martin Road	None	*981
		Mulberry Creek Tributary ..	At confluence with Mulberry Creek	None	*885
			Approximately 0.7 mile upstream of Elizabeth Lane.	None	*974
		Sherwood Creek	At confluence with Mulberry Creek	None	*838
			At county boundary	None	*920
		Walnut Creek	At county boundary	None	*829
			Approximately 1.2 miles upstream of Lee Land Road.	None	*963
		East Fork Little River	Approximately 0.66 mile downstream of Brookton Lula Road and approximately 0.28 mile east of the intersection of Cleveland Highway and Wild Smith Road.	None	*1,241
Maps available for inspection at the Hall County Joint Administration Building, Engineering Office, 300 Green Street, Room 309, Gainesville, Georgia.					
Send comments to Mr. Al Gainey, Jr., Chairman of the Hall County Board of Commissioners, P.O. Box 1435, Gainesville, Georgia 30503.					
Georgia	Hiram (City), Paulding County.	Lick Log Creek	Approximately 1.1 miles downstream of Dallas Nebo Road.	*959	*957

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
			Approximately 0.53 mile downstream of Dallas Nebo Road.	*963	*961
		Davis Mill Creek	Approximately 950 feet upstream of Nebo Road.	*943	*941
			Approximately 1 mile upstream of Lake Swan Outfall.	None	*990
		Mill Creek	Approximately 0.78 mile upstream of Pool Road.	*918	*920
			Approximately 0.79 mile upstream of State Route 92.	*939	*937
Maps available for inspection at the Hiram City Hall, 186 Oak Street, Hiram, Georgia.					
Send comments to The Honorable Dewey Pendley, Mayor of the City of Hiram, 186 Oak Street, Hiram, Georgia 30141.					
Georgia	Oakwood (City), Hall County.	Balus Creek	Approximately 150 feet downstream of McEver Road.	*1,081	*1,087
			Approximately 1,425 feet upstream of Landrum Education Drive.	None	*1,176
		Balus Creek Tributary No. 1.	At confluence with Balus Creek	*1,098	*1,100
			Approximately 75 feet upstream of Old Oakwood Road.	None	*1,130
Maps available for inspection at the Oakwood City Hall, 4009 Railroad, Oakwood, Georgia.					
Send comments to The Honorable Lamar Scroggs, Mayor of the City of Oakwood, P.O. Box 99, Oakwood, Georgia 30566.					
Georgia	Paulding County (Unincorporated Areas).	Davis Mill Creek	At confluence with Mill Creek (formerly Lick Log Creek).	*916	*920
			Approximately 1.3 miles upstream of Lake Swan Outfall.	None	*1,003
		Griffin Creek	At confluence with Lawrence Creek	*856	*857
			Approximately 710 feet upstream of Atlanta Highway (State Business Route 6).	None	*988
		Lawrence Creek	Approximately 60 feet upstream of Old Cartersville Road.	*851	*852
			Approximately 1,300 feet upstream of Dallas Acworth Highway (State Route 92).	*897	*895
		Lick Log Creek	At confluence with Davis Mill Creek	*943	*941
			Approximately 200 feet downstream of Dallas Nebo Road.	*968	*967
		McClendon Creek	At conflence with Mud Creek	None	*1,132
			Approximately 1.54 miles upstream of McGarity Road.	None	*1,153
		Mill Creek	At confluence with Sweetwater Creek	*906	*907
			Approximately 1.0 mile upstream of Davis Mill Road.	None	*1,027
		Tallapoosa River and Mud Creek.	Approximately 200 feet downstream of Goodman Road.	None	*1,123
			Approximately 1.0 mile upstream of Honey Suckle Lane.	None	*1,159
		Possum Creek	Confluence with Picketts Mill Creek	None	*827
			Approximately 825 feet upstream of Due West Road.	None	*980
		Powder Springs Creek	Upstream side Lost Mountain Road (formerly County Line Road).	*948	*947
			Approximately 0.51 mile upstream of Mark Drive.	None	*1,136
		Pumpkinvine Creek	Approximately 1,700 feet downstream of Dabbs Bridge Road.	None	*742
			Approximately 2.7 miles upstream of confluence of Little Pumpkinvine Creek.	None	*933
		Rakestraw Creek	Approximately 50 feet downstream of county boundary.	*928	*929
			Approximately 20 feet upstream of Macland Road.	None	*1,156
		Weaver Creek	Approximately 1,500 feet upstream of confluence with Pumpkinvine Creek.	None	*870

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
			Approximately 125 feet upstream of State Route 120 (West Memorial Drive).	None	*954
		West Fork	Confluence with Pumpkinvine Creek	*775	*777
			Approximately 0.52 mile upstream of confluence with Pumpkinvine Creek.	*775	*777
		Lawrence Creek	Approximately 60 feet upstream of Old Cartersville Road.	*851	*852
			At confluence of Griffin Creek	*856	*857
		Dewberry Creek (formerly Lawrence Creek).	At confluence of Griffin Creek	*856	*857
			Approximately 1,300 feet upstream of Dallas Acworth Highway (State Route 92).	*897	*895
		Little Pumpkinvine Creek 1 (formerly Picketts Mill Creek).	At confluence with Pumpkinvine Creek	*760	*759
			At confluence of Possum Creek	None	*827
		Picketts Mill Creek	At confluence of Possum Creek	None	*827
			Approximately 720 feet upstream of Holland Road.	None	*969
Maps available for inspection at the Paulding County Engineering Department, 25 Courthouse Square, Dallas, Georgia.					
Send comments to Mr. Bill Carruth, Chairman of the Paulding County Board of Commissioners, 120 East Memorial Drive, Dallas, Georgia 30132.					
Illinois	Bloomington (City), McLean County.	Goose Creek	At confluence with Sugar Creek	*738	*740
			Approximately 970 feet downstream of U.S. Route 51.	*796	*797
		High School Branch	At confluence with Sugar Creek	*773	*770
			Approximately 1,960 feet upstream of Towanda Avenue.	*811	*810
		Little Kickapoo Creek	At upstream side of Ireland Grove Road	*821	*818
			Approximately 2,700 feet upstream of Lincoln Street.	*825	*823
		Brookridge Branch	Approximately 450 feet upstream of confluence with Little Kickapoo Creek.	*821	*819
			Approximately 1,900 feet upstream of Hershey Road.	*825	*827
		Skunk Creek	Approximately 650 feet upstream of confluence with Sugar Creek.	*745	*744
			Approximately 1,120 feet upstream of Market Street.	*747	*746
		East Tributary Skunk Creek.	Approximately 550 feet upstream of White Oak Road.	*762	*763
			Approximately 1,050 feet upstream of White Oak Road.	*762	*763
		Sugar Creek	At downstream side of Interstate Routes 55 and 74.	*736	*738
			At downstream side of Airport Road	*808	*810
Maps available for inspection at the City of Bloomington Engineering and Water Department, 326 Vista Drive, Bloomington, Illinois.					
Send comments to The Honorable Judy Markowitz, Mayor of the City of Bloomington, 326 Vista Drive, Bloomington, Illinois 61701.					
Illinois	Normal (Town), McLean County.	North Branch Sugar Creek	At confluence with Sugar Creek	*765	*762
			Approximately 100 feet upstream of Fort Jesse Road.	None	*790
		Skunk Creek	Approximately 200 feet upstream of College Avenue.	*776	*780
			At downstream side of Gregory Street	*785	*786
		East Tributary Skunk Creek.	At Norfolk and Western Railroad	None	*757
			Approximately 20 feet upstream of Hovey Avenue.	*766	*763
		Sugar Creek	Approximately 225 feet upstream of confluence of West Branch Sugar Creek.	*755	*754
			Approximately 50 feet downstream of Veterans Parkway.	*789	*790
		West Branch Sugar Creek	Approximately 120 feet upstream of confluence with Sugar Creek.	*755	*754
			At upstream side of Gulf Course weir	*812	*811

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
		West Branch Sugar Creek Tributary.	At confluence with West Branch	*801	*800
			Approximately 840 feet upstream of confluence with West Branch.	None	*805
		Linden Street Drain	At upstream side of Sycamore Street	None	*792
			Approximately 625 feet upstream of Shelbourne Drive.	None	*810
Maps available for inspection at the Normal Town Hall, 100 East Phoenix Avenue, Normal, Illinois.					
Send comments to The Honorable Kent M. Karraker, Mayor of the Town of Normal, 100 East Phoenix Avenue, Normal, Illinois 61761.					
Kentucky	Inez (City), Martin County.	Rockcastle Creek	At the downstream corporate limits	None	*631
			Approximately 340 feet upstream of State Route 40.	None	*633
Maps available for inspection at the Inez City Hall, Main Street, Inez, Kentucky.					
Send comments to The Honorable Rick Penix, Mayor of the City of Inez, P.O. Box 540, Inez, Kentucky 41224.					
Kentucky	Martin County (Unincorporated Areas).	Rockhouse Fork	Approximately 170 feet upstream of the confluence with Rockcastle Creek.	None	*610
			Immediately downstream of State Route 40.	*655	*654
		Rockcastle Creek	Approximately 5,500 feet downstream of State Route 40.	None	*630
			At the upstream corporate limits	None	*631
Maps available for inspection at the Disaster Emergency Services Director's Office, Route 40, Courthouse Square, Inez, Kentucky.					
Send comments to The Honorable Kelley E. Callahan, County Judge—Executive, Martin County Courthouse, P.O. Box 309, Inez, Kentucky 41224.					
Michigan	Howell (City), Livingston County.	Thompson Lake	Entire shoreline within community	None	*907
		Bogue Creek	Approximately 530 feet downstream of Sluice Gate.	None	*892
			Approximately 590 feet upstream of Sluice Gate.	None	*907
Maps available for inspection at the City Hall, 611 East Grand River, Howell, Michigan.					
Send comments to The Honorable Paul Rogers, Mayor of the City of Livingston, City Hall, 611 East Grand River, Howell, Michigan 48843.					
Michigan	Nashville (Village), Barry County.	Thornapple River	Approximately 2,800 feet downstream of the confluence of Quaker Brook Creek.	None	*813
			Approximately 4,050 feet upstream of Main Street.	None	*817
Maps available for inspection at the Nashville Village Office, 206 North Main Street, Nashville, Michigan.					
Send comments to Mr. Dennis Mapes, Nashville Village President, 206 North Main Street, Nashville, Michigan 49073.					
Minnesota	Hammond (City), Wabasha County.	Zumbro River	Approximately 0.37 mile downstream of Main Street bridge.	*806	*805
			Approximately 400 feet upstream of Main Street bridge.	*810	*808
		West Zumbro River Tributary.	At confluence with Zumbro River	*809	*807
			Approximately 1,175 feet upstream of Bridge Street.	None	*808
		South Zumbro River Tributary.	Approximately 300 feet upstream of confluence with West Zumbro River Tributary.	*809	*807
			Approximately 100 feet upstream of confluence with West Zumbro River Tributary.	*809	*807
Maps available for inspection at the City Hall, East Main Street, Hammond, Minnesota.					
Send comments to The Honorable Curtis Christenson, RR #2, Box 539, Hammond, Minnesota 55991.					
Minnesota	Mazeppa (City), Wabasha County.	North Fork Zumbro River	Approximately 1,650 feet upstream of Maple Street dam.	*931	*932
			Approximately 1.70 miles downstream of Maple Street dam.	*893	*894

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
Maps available for inspection at the Mazeppa City Hall, 1st and Maple Street, Mazeppa, Minnesota. Send comments to The Honorable Nancy Whetstone, Mayor of the City of Mazeppa, P.O. Box 316, Mazeppa, Minnesota 55956.					
Minnesota	Millville (City), Wabasha County.	Zumbro River	Approximately 0.5 mile downstream side of CSHA–2 bridge.	None	*779
			Approximately 1,445 feet upstream side of CSAH–2 bridge.	None	*784
Maps available for inspection at the City Hall, 311 Bridge Street, Millville, Minnesota. Send comments to The Honorable Eugene Hein, Box 213, Millville, Minnesota 55957.					
Minnesota	Minneiska (City), Wabasha County.	Mississippi River	At downstream corporate limits	None	*668
			At upstream corporate limits	None	*669
Maps available for inspection at the City of Minneiska, 325 Taylor Hill Road, Minneiska, Minnesota. Send comments to The Honorable Lee Burrows, Mayor of the City of Minneiska, Route 1, Box 57, Minneiska, Minnesota 55910.					
Minnesota	Wabasha (City), Wabasha County.	Mississippi River	Approximately 1.54 miles upstream of State Route 60 bridge.	None	*680
			Approximately 3.41 miles downstream of State Route 60 bridge.	None	*677
Maps available for inspection at the City Hall, 900 Hiawatha Drive, Wabasha, Minnesota. Send comments to The Honorable John Meisch, 900 Hiawatha Drive, P.O. Box 268, Wabasha, Minnesota 55981.					
Minnesota	Wabasha County (Unincorporated Areas).	Zumbro River	Approximately 1.34 miles downstream of CSAH–2 bridge.	None	*776
			Downstream side of Zumbro Lake Dam	*876	*875
		North Fork Zumbro River	At confluence with Zumbro River	None	*860
			Approximately 0.55 mile upstream of Maple Street Dam.	None	*932
		Mississippi River	Downstream county limits	None	*668
			Upstream county boundary	*681	*682
		Zumbro Lake	Upstream side of Zumbro Lake Dam	None	*922
			Upstream county boundary	None	*922
		Buckman Coulee	Approximately 850 feet upstream of upstream crossing of U.S. Route 63.	None	*844
			Approximately 450 feet downstream of State Route 60 crossing.	None	*846
		Gilbert Creek	Approximately 2.1 miles upstream of Soo Line Railroad crossing.	*713	*714
			Approximately 1.3 miles downstream of confluence of Sugarloaf Creek.	*714	*715
		Miller Creek	Approximately 100 feet upstream of U.S. 61.	*681	*682
			Approximately 600 feet downstream of U.S. 61.	*681	*682
		South Zumbro River Tributary.	At confluence with West Zumbro River Tributary.	None	*808
			Approximately 300 feet upstream of confluence with West Zumbro River Tributary.	None	*808
Maps available for inspection at the Wabasha County Courthouse, 625 Jefferson Avenue, Wabasha, Minnesota. Send comments to Mr. Ron Stock, County Administrator, 625 Jefferson Avenue, Wabasha, Minnesota 55981.					
Minnesota	Zumbro Falls (City), Wabasha County.	Zumbro River	Approximately 1,250 feet upstream side of Main Street bridge.	*844	*842
			Approximately 2,000 feet downstream of Main Street bridge.	*842	*839
		Buckman Coulee	At downstream cross of U.S. Route 63	*842	*839
			Approximately 50 feet downstream side of U.S. Highway 63.	*842	*841

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
Maps available for inspection at the Zumbro Falls City Hall, Main Street, Zumbro Falls, Minnesota.					
Send comments to The Honorable Alan Van DeWalker, City Hall, P.O. Box 123, Zumbro Falls, Minnesota 55991.					
Mississippi	Lauderdale County (Unincorporated Areas).	Newell Branch	Approximately 150 feet downstream of U.S. Route 45.	*343	*344
			At downstream side of U.S. Route 45	*343	*344
		Harbour Creek	Approximately 350 feet downstream of U.S. Route 45.	*341	*342
			At U.S. Route 45	*341	*346
Maps available for inspection at the Lauderdale County Tax Assessor's Office, 500 Constitution Avenue, Meridian, Mississippi.					
Send comments to Mr. Jimmy Smith, President of the Lauderdale County Board of Supervisors, 410 Constitution Avenue, 11th Floor, Meridian, Mississippi 39301.					
Mississippi	Meridian (City), Lauderdale County.	Gallagher Creek	At Norfolk Southern Railway	*309	*308
			Approximately 50 feet upstream of State Route 493.	None	*425
		Harbour Creek	At U.S. Route 45	None	*446
			Approximately 690 feet downstream of Illinois Central Railroad.	None	*339
			Approximately 1,025 feet upstream of Windover Circle.	None	*412
		Magnolia Creek	Approximately 50 feet downstream of C Street.	*322	*321
			Approximately 100 feet upstream of 36th Street.	None	*380
		Newell Branch	At upstream side of U.S. Route 45	None	*345
			Approximately 1,150 feet upstream of 61st Street.	None	*412
		Robbins Branch	Approximately 150 feet downstream of U.S. Route 45.	*331	*330
			Approximately 2,800 feet upstream of 52nd Court.	None	*428
Maps available for inspection at the Meridian City Hall, 601 24th Avenue, Meridian, Mississippi.					
Send comments to The Honorable John Robert Smith, Mayor of the City of Meridian, P.O. Box 1430, Meridian, Mississippi 39302.					
New Hampshire	Charlestown (Town), Sullivan County.	Connecticut River	At a point approximately 1.35 miles downstream from confluence of Jabes Meadow Brook.	*296	*301
			At a point at the approximate location of the confluence of Little Sugar River.	*306	*302
			Approximately 1,300 feet upstream of the confluence of Ox Brook.	*310	*311
		Little Sugar River	At the confluence with Connecticut River	*306	*307
			Approximately 1,500 feet upstream of the confluence with Connecticut River.	*306	*307
		Beaver Brook	At the confluence with Connecticut River	*304	*307
			Approximately 1,450 feet upstream of the confluence with Connecticut River.	*304	*307
Maps available for inspection at the Charlestown Town Hall, Selectmen's Office, 26 Railroad Street, Charlestown, New Hampshire.					
Send comments to Mr. Robert Frizzell, Chairman of the Town of Charlestown Board of Selectmen, P.O. Box 385, Charlestown, New Hampshire 03603.					
New Hampshire	Lincoln (Town), Grafton County.	East Branch Pemigewasset River.	Approximately 0.66 mile downstream of Richard Cooper Memorial Bridge.	None	*758
			Approximately 1.4 miles upstream of Loon Mountain Bridge.	None	*1,067
Maps available for inspection at the Lincoln Town Hall, Main Street, Lincoln, New Hampshire.					
Send comments to Mr. William Conn, Chairman of the Town of Lincoln Board of Selectmen, P.O. Box 39, Lincoln, New Hampshire 03251.					
New Hampshire	Walpole (Town), Cheshire County.	Connecticut River	At a point approximately 200 feet upstream of Bellows Falls Dam.	*295	*302
			At a point approximately 1.8 miles upstream of Bellows Falls Dam.	*297	*296

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
Maps available for inspection at the Walpole Town Hall, Selectman's Office, Elm Street, Walpole, New Hampshire.					
Send comments to Mr. Charles Miller, Chairman of the Town of Walpole Board of Selectmen, P.O. Box 729, Walpole, New Hampshire 03608.					
Pennsylvania	West Hempfield (Township),. Lancaster County	Susquehanna River	At downstream corporate limits	*239	*244
			Approximately 0.68 mile upstream of U.S. Route 30.	*252	*253
		Chickies Creek	Approximately 320 feet upstream of Marietta Pike.	None	*273
			At confluence with Susquehanna River	None	*260
		Tributary No. 1 to Shawnee Run.	At downstream corporate limits	None	*307
			Approximately 1,000 feet upstream of Malleable Road.	None	*339
		Shawnee Run	At corporate limits	None	*358
			Approximately 620 feet upstream of corporate limits.	None	*363
Maps available for inspection at the West Hempfield Township Municipal Building, 3401 Marietta Avenue, Lancaster, Pennsylvania.					
Send comments to Mr. Charles E. Douts, Jr., Manager, Secretary/Treasurer of the Township of West Hempfield, 3401 Marietta Avenue, Lancaster, Pennsylvania 17601.					
Rhode Island	North Providence (Town), Providence County.	Centerdale Brook	Upstream side of Woonasquatucket Avenue.	None	*120
			Approximately 100 feet upstream of South Locust Avenue.	None	*140
		Cranberry Brook	At confluence with WoonasquatucketRiver.	None	*81
			Downstream side of Humbert Street	None	*110
		West River	At downstream corporate limits	*80	*78
			Approximately 700 feet downstream of Douglas Pike.	*87	*86
		Upper Canada Pond Brook.	Downstream at corporate limits	*60	*58
			Approximately 1,080 feet upstream of corporate limits.	*59	*60
		Centerdale Brook (Culvert-Zone AO).	From Woonasquatucket Avenue to approximately 720 feet downstream of Woonasquatucket Avenue.	None	#1
Maps available for inspection at the Building Inspector's Office, 2000 Smith Street, North Providence, Rhode Island.					
Send comments to The Honorable Ralph A. Mollis, Mayor of the Town of North Providence, 2000 Smith Street, North Providence, Rhode Island 02911.					
Tennessee	Franklin (City), Williamson County.	Watson Branch	Approximately 2,300 feet upstream of confluence with Harpeth River.	None	*644
			Approximately 250 feet downstream of Murfreesboro Pike.	None	*698
		South Prong Creek	Approximately 75 feet upstream of confluence with Spencer Creek.	None	*663
			Approximately 1,100 feet upstream of Liberty Pike.	None	*729
		Unnamed Tributary to South Prong Creek.	At confluence with South Prong Creek	None	*682
			Approximately 715 feet upstream of confluence with South Prong Creek.	None	*689
Maps available for inspection at the Franklin City Hall, Codes Department, 109 Third Avenue, South, Franklin, Tennessee.					
Send comments to The Honorable Jerry Sharber, Mayor of the City of Franklin, P.O. Box 305, Franklin, Tennessee 37064.					
Tennessee	Williamson County (Unincorporated Areas).	Brush Creek	At county boundary	None	*548
			Approximately 1.57 miles upstream of Old Brush Creek Road.	None	*676
		Harrison Branch Creek	Confluence with Brush Creek	None	*556
			Approximately 125 feet downstream of unnamed road.	None	*668
		Hunting Camp Creek	Confluence with South Harpeth River	None	*605

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
			Approximately 1,750 feet downstream of Fernvale Road.	None	*680
		Leipers Fork	Just upstream of Bailey Road	None	*670
			At Bear Creek Road	None	*726
		East Fork Creek	At county boundary	None	*587
			Approximately 900 feet upstream of most upstream crossing of Stillhouse Hollow Road.	None	*692
		Beech Creek	Confluence with Little Harpeth River	None	*600
			Approximately 1,750 feet upstream of Murry Lane.	None	*666
		Trace Creek	Approximately 200 feet downstream of county boundary.	None	*569
			Approximately 100 feet downstream of Natchez Bend Road.	None	*642
		Mill Creek	Approximately 0.2 mile downstream of Concord Road.	None	*555
			Approximately 260 feet upstream of Rocky Fork Road.	None	*612
		Owl Creek	Approximately 900 feet downstream of downstream county boundary.	None	*554
			At downstream side of Split Log Road	None	*677
		Unnamed Tributary of Mill Creek.	Approximately 100 feet upstream of confluence with Mill Creek.	*599	*600
			Approximately 1,150 feet upstream of confluence with Mill Creek.	None	*603
		Watson Branch	Approximately 1,500 feet upstream of confluence with Harpeth River.	None	*644
			At downstream side of Murfreesboro Pike	None	*699
Maps available for inspection at the Williamson County Complex, Planning Department, 1320 West Main Street, Suite 125, Franklin, Tennessee.					
Send comments to Mr. Clint Collicott, Williamson County Executive, 1320 West Main Street, Suite 125, Franklin, Tennessee 37064.					
Vermont	Bellows Falls (Village), Windham County.	Connecticut River	At a point approximately 0.77 mile upstream from Bellows Falls Dam.	*296	*299
		Connecticut River	At a point approximately 500 feet upstream of Bellows Falls Dam.	*295	*296
Maps available for inspection at the Town of Rockingham, Town Clerk's Office, Village Square, Rockingham, Vermont.					
Send comments to Ms. Roberta Smith, Bellows Falls Village Manager, P.O. Box 370, Bellows Falls, Vermont 05101.					
Vermont	Rockingham (Town), Windham County.	Connecticut River	Approximately 0.77 mile upstream of NEPCO dam.	*296	*298
			Approximately 1.34 miles upstream of confluence of Commissarry Brook.	*301	*306
		Williams River	At the confluence with Connecticut River	*297	*303
			Approximately 1,350 feet upstream of U.S. Route 5 bridge.	*302	*303
Maps available for inspection at the Town of Rockingham, Town Clerk's Office, Village Square, Rockingham, Vermont.					
Send comments to Ms. Roberta Smith, Rockingham Town Manager, P.O. Box 370, Bellows Falls, Vermont 05101.					
Vermont	Springfield (Town), Windsor County.	Connecticut River	At a point approximately 2.2 miles downstream from Cheshire Bridge (State Route 11).	*301	*306
			At a point approximately 4.2 miles upstream from Cheshire Bridge (State Route 11).	*307	*308
		Black River	At the confluence with Connecticut River	*302	*306
			Approximately 550 feet downstream of Old State Route 11 bridge.	*305	*306
Maps available for inspection at the Springfield Town Hall, Zoning Administrator's Office, 96 Main Street, Springfield, Vermont.					
Send comments to Mr. Robert Forguites, Springfield Town Manager, 96 Main Street, Springfield, Vermont 05156.					
Vermont	Thetford (Town), Orange County.	Abbott Brook	At confluence with West Branch Ompompanoosuc River.	None	*692
			Approximately 280 feet upstream of State Route 132.	None	*705
		Ompompanoosuc River	At downstream corporate limits	None	*412

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
			At upstream corporate limits	None	*684
		West Branch Ompompanoosuc River.	Approximately 100 feet upstream of Gove Hill Road.	None	*576
			At confluence with Abbott Brook	None	*692
		Lake Fairlee	At Lake Fairlee Dam	None	*681
			Approximately 700 feet upstream of corporate limits.	None	*681
Maps available for inspection at the Thetford Town Office, Route 113, Thetford Center, Vermont.					
Send comments to Ms. Pat Blake, Chairperson of the Town of Thetford Board of Selectmen, P.O. Box 126, Thetford Center, Vermont 05075–0125.					
Virginia	Halifax (Town), Halifax County.	Banister Lake	Approximately 120 feet downstream of downstream corporate limit.	None	*365
			At the upstream corporate limit	None	*365
Maps available for inspection at the Halifax Town Hall, 70 Main Street, Halifax, Virginia.					
Send comments to Mr. Robert T. Greene, Halifax Town Manager, P.O. Box 627, Halifax, Virginia 24558.					
Wisconsin	Grant County (Unincorporated Areas).	Wisconsin River	Approximately 1.4 miles upstream of Burlington Northern Railroad.	*629	*628
			At upstream county boundary	*682	*680
Maps available for inspection at the Grant County Zoning Office, 125 South Monroe, Lancaster, Wisconsin.					
Send comments to Mr. Gene Bartels, Chairman of the Grant County Board of Supervisors, 130 West Maple, Grant County Courthouse, Lancaster, Wisconsin 53813.					
Wisconsin	Ozaukee County (Unincorporated Areas).	Lake Michigan	Approximately 2,200 feet east of the intersection of Sandy Beach Road and Sunny Ridge Road.	*590	*587
			Approximately 1,900 feet east of the intersection of Silver Beach Road and Sauk Trail Road.	*590	*588
Maps available for inspection at the Ozaukee County Department of Environmental Health, 121 West Main Street, Room 223, Port Washington, Wisconsin.					
Send comments to Mr. Leroy Bley, Ozaukee County Board Commission, 121 West Main Street, Port Washington, Wisconsin 53074.					
Wisconsin	Wisconsin Dells (City), Sauk and Columbia Counties.	Hulbert Creek	Approximately 30 feet upstream of U.S. Highway 12.	None	*826
			Approximately 2,340 feet upstream of Trout Road.	None	*829
Maps available for inspection at the Wisconsin Dells City Hall, 300 La Crosse Street, Wisconsin Dells, Wisconsin.					
Send comments to The Honorable Craig Casey, Mayor of the City of Wisconsin Dells, 300 La Crosse Street, Wisconsin Dells, Wisconsin 53965.					

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance'')

Dated: April 21, 1999.

Michael J. Armstrong,

Associate Director for Mitigation.

[FR Doc. 99–11524 Filed 5–6–99; 8:45 am]

BILLING CODE 6718–04–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 99–141; RM–9339]

Radio Broadcasting Services; Monticello, AR; Bastrop, LA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Midway Broadcasting Company, licensee of Station KHBM–FM, Monticello, Arkansas, seeking the substitution of Channel 229C2 for Channel 229C3 at Monticello, and modification of its license accordingly. To accommodate the Monticello modification, petitioner requests the substitution of Channel 230A for Channel 232A at Bastrop, Louisiana, and modification of the license for Station KTRY–FM. The retention of vacant Channel 230C3 at Bastrop at a revised site is also proposed as a modification alternative to the allotment of Channel 230A at that community. An *Order to Show Cause* is issued to the licensee of Station KTRY–FM at Bastrop. Coordinates used for Channel 229C2 at Monticello, Arkansas, are 33–43–44 and 91–34–02; coordinates for Channel 230A at Bastrop, Louisiana, are 32–49–10 and 91–54–29; revised

coordinates for vacant Channel 230C3 at Bastrop are 32–43–25 and 91–56–56.

DATES: Comments must be filed on or before June 21, 1999, and reply comments on or before July 6, 1999.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Gary S. Smithwick, Esq., Smithwick & Belendiuk, P.C., 1990 M Street, NW., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–141, adopted April 21, 1999, and released April 30, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY–A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 99–11497 Filed 5–6–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 99–139; RM–9402; RM–9412]

Radio Broadcasting Services; Princeville, Kapaa and Kalaheo, HI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on two separately filed interrelated petitions for rule making concerning the community of Princeville, Hawaii, that have been combined into a single docket for consideration. The first proposal, filed on behalf of Vetter Communications Co., Inc., permittee of Station KAWT(FM), Channel 255C1, Princeville, requests the reallotment of Channel 255C1 to Kapaa, Hawaii, as that community's first local aural transmission service and modification of its authorization accordingly (RM–9402). The second proposal, filed on behalf of The B&GRS Partnership, permittee of Station KAYI(FM), Channel 260C1, Princeville, seeks the reallotment of Channel 260C1 to Kalaheo, Hawaii, as that community's first local aural transmission service and the concomitant modification of its authorization (RM–9412). The proposals, filed pursuant to the provisions of § 1.420(i) of the Commission's Rules, would leave Princeville without local aural transmission service if each is granted. Therefore, in the event it is determined that one of the allotments must remain at Princeville, the two requests will be comparatively considered in accordance with the *Modification of FM and TV Authorizations to Specify a New Community of License, Memorandum Opinion and Order,* 5 FCC Rcd 7094 (1990). Coordinates used for Channel 255C1 at Kapaa are 22–04–42 NL and 159–19–19 WL. Coordinates used for Channel 260C1 at Kalaheo are 21–59–54 NL and 159–25–35 WL.

DATES: Comments must be filed on or before June 21, 1999, and reply comments on or before July 6, 1999.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners' counsel, as follows: Harry C. Martin and Andrew S. Kersting, Esqs., Fletcher, Heald & Hildreth, P.L.C., 1300 North 17th Street, 11th Floor, Arlington, VA 22209 (Vetter Communications Co., Inc.); and Gary S. Smithwick, Esq., Smithwick & Belendiuk, P.C., 1990 M Street, NW., Suite 510, Washington, DC 20036 (The B&GRS Partnership).

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–139, adopted April 21, 1999, and released April 30, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY A–257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 99–11498 Filed 5–6–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 99–131, RM–9333]

Radio Broadcasting Services; Llano, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Elgin FM Limited Partnership (''Elgin''), proposing the allotment of Channels 293A and 275A at Llano, Texas, as that

community's second and third channels. Elgin also requests amendment of its application for Channel 242A at Llano to specify operation on Channel 293A and amendment of BK Radio's application for Channel 242A at Llano to specify operation on Channel 275A without loss of cut-off protection. The coordinates for Channel 293A are 30–42–27 and 98–46–25. The coordinates for Channel 275A are 30–42–24 and 98–46–23. Mexican concurrence will be requested for these allotments.

DATES: Comments must be filed on or before June 21, 1999, and reply comments on or before July 6, 1999.

ADDRESSES: Federal Communications Commission, Washington, DC. 20554. In addition to filing comments with the FCC, interested parties should serve the Elgin's counsel, as follows: Ann C. Farhat, Bechtel & Cole, Chartered, 1901 L Street, NW, Suite 250, Washington, DC 20036 and BK Radio's counsel: Lee J. Peltzman, Shainis & Peltzman, Chartered, 1901 L Street, NW, Suite 290, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–131, adopted April 21, 1999, and released April 30, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW, Washington, DC 20036, (202) 857–3800, facsimile (202) 857–3805.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 99–11499 Filed 5–6–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 99–140, RM–9374]

Radio Broadcasting Services; Kennett, MO and Keiser, AR

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed on behalf of Legend Broadcasting, Inc., requesting the reallotment of Channel 255C from Kennett, Missouri, to Keiser, Arkansas, and modification of the license for Station KTMO to specify Keiser, Arkansas, as the community of license. The coordinates for Channel 255C at Keiser are 36–07–53 and 90–11–34. In accordance with Section 1.420(i) of the Commission's Rules, we shall not accept competing expressions of interest in the use of Channel 255C at Keiser.

DATES: Comments must be filed on or before June 21, 1999, and reply comments on or before July 6, 1999.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Aaron P. Shainis, Shainis & Peltzman, 1901 L Street, N.W., Suite 290, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–140, adopted April 21, 1999, and released April 30, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800, facsimile (202) 857–3805.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 99–11501 Filed 5–6–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 99–132, RM–9525]

Radio Broadcasting Services; Midland, MD

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by West Wind Broadcasting proposing the allotment of Channel 258A at Midland, Maryland, as the community's first local service. The channel can be allotted to Midland with a site restriction 9.1 kilometers (5.7 miles) north of the community at coordinates 39–40–19 NL and 78–57–25 WL. Canadian concurrence will be requested for the allotment of Channel 258A at Midland.

DATES: Comments must be filed on or before June 21, 1999, and reply comments on or before July 6, 1999.

ADDRESSES: Federal Communications Commission, Washington, DC. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Victor A. Michael, President, West Wind Broadcasting, 6807 Foxglove Drive, Cheyenne, Wyoming 82009.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–132, adopted April 21, 1999, and

released April 30, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center, 445 Twelfth Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC. 20036, (202) 857–3800, facsimile (202) 857–3805.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 99–11502 Filed 5–6–99; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register
Vol. 64, No. 88
Friday, May 7, 1999

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

Food and Nutrition Service

Commodity Supplemental Food Program: Elderly Income Guidelines

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces the adjusted income guidelines to be used by State agencies in determining the eligibility of elderly persons applying to participate in the Commodity Supplemental Food Program (CSFP). These guidelines are to be used in conjunction with the CSFP regulations under 7 CFR Part 247.

EFFECTIVE DATE: July 1, 1999.

FOR FURTHER INFORMATION CONTACT: Lillie F. Ragan, Assistant Branch Chief, Household Programs Branch, U. S. Department of Agriculture, 3101 Park Center Drive, Alexandria, Virginia 22302–1594, or telephone (703) 305–2662.

SUPPLEMENTARY INFORMATION:

Regulatory Flexibility Act

This action is not a rule as defined by the Regulatory Flexibility Act (5 U.S.C. 601–612) and thus is exempt from the provisions of that Act.

Paperwork Reduction Act

This notice does not contain reporting or recordkeeping requirements subject to approval by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507).

Executive Order 12372

This program is listed in the Catalog of Federal Domestic Assistance Programs under No. 10.565 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials (7 CFR Part 3015, Subpart V, 48 FR 29112).

Description

On December 23, 1985, the President signed the Food Security Act of 1985 (Pub. L. 99–198). This legislation amended sections 5(f) and (g) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note) to require that the Secretary permit agencies administering the CSFP to serve elderly persons if such service can be provided without reducing service levels for women, infants, and children. The law also mandates establishment of income eligibility requirements for elderly participation. Prior to enactment of Pub. L. 99–198, elderly participation was restricted by law to three designated pilot projects which served the elderly in accordance with agreements with the Department.

In order to implement the CSFP mandates of Pub. L. 99–198, the Department published an interim rule on September 17, 1986 at 51 FR 32895 and a final rule on February 18, 1988, at 53 FR 4831. These regulations defined ''elderly persons'' as those who are 60 years or older (7 CFR 247.2). The final rule further stipulates that elderly persons certified on or after September 17, 1986 must have ''household income at or below 130 percent of the Federal Poverty Income Guidelines published annually by the Department of Health and Human Services.'' (7 CFR 247.7(a)(3)).

The Federal Poverty Income Guidelines are revised annually to reflect changes in the Consumer Price Index. The revision for 1999 was published by the Department of Health and Human Services in the **Federal Register** on March 18, 1999 at 64 FR 13428. To establish income limits of 130 percent, the guidelines were multiplied by 1.30 and the results rounded up to the next whole dollar.

At this time, the Department is publishing the income limits of 130 percent of the poverty income guidelines. The table in this notice contains the income limits by household size to be used for elderly certification in the CSFP for the period July 1, 1999–June 30, 2000.

EFFECTIVE JULY 1, 1999–JUNE 30, 2000—FNS INCOME ELIGIBILITY GUIDELINES FOR THE ELDERLY IN CSFP

[130 percent of poverty income guidelines]

Family size	Annual	Month	Week
1	10,712	893	206
2	14,378	1,199	277
3	18,044	1,504	347
4	21,710	1,810	418
5	25,376	2,115	488
6	29,042	2,421	559
7	32,708	2,726	629
8	36,374	3,032	700
For each additional family member add	+3,666	+306	+71

Authority: Pub. L. 93–86 (7 U.S.C. 612c note)

Dated: April 19, 1999.

Samuel Chambers, Jr.,

Administrator, Food and Nutrition Service.

[FR Doc. 99–11493 Filed 5–6–99; 8:45 am]

BILLING CODE 3410–30–U

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

Notice of Proposed Changes to Section 4 of the Iowa State Technical Guide

AGENCY: Natural Resources Conservation Service (NRCS), U.S. Department of Agriculture.

ACTION: Notice of availability of proposed changes in the Iowa NRCS State Technical Guide for review and comment.

SUMMARY: It has been determined by the NRCS State Conservationist for Iowa that changes must be made in the NRCS State Technical Guide specifically in practice standards #340, Cover and Green Manure Crop; and #342, Critical Area Planting, to account for improved technology. This practice can be used in systems that treat highly erodible land.

DATES: Comments will be received on or before June 7, 1999.

FOR FURTHER INFORMATION CONTACT: Leroy Brown, State Conservationist, Natural Resources Conservation Service, Federal Building, 210 Walnut Street, Suite 693, Des Moines, Iowa 50309; at 515/284–4260; fax 515/284–4394.

SUPPLEMENTARY INFORMATION: Section 343 of the Federal Agriculture Improvement and Reform Act of 1996 states that revisions made after enactment of the law to NRCS State technical guides used to carry out highly erodible land and wetland provisions of the law shall be made available for public review and comment. For the next 30 days the NRCS will receive comments relative to the proposed changes. Following that period a determination will be made by the NRCS regarding disposition of those comments and a final determination of change will be made.

Dated: April 28, 1999.

Leroy Brown,

State Conservationist.

[FR Doc. 99–11462 Filed 5–6–99; 8:45 am]

BILLING CODE 3410–16–M

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procument List; Proposed Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to and deletions from procurement list.

SUMMARY: The Committee has received proposals to add to the Procurement List services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and to delete commodities previously furnished by such agencies.

COMMENTS MUST BE RECEIVED ON OR BEFORE: June 7, 1999.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Gateway 3, Suite 310, 1215 Jefferson Davis Highway, Arlington, Virginia 22202–4302.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

Additions

If the Committee approves the proposed additions, all entities of the Federal Government (except as otherwise indicated) will be required to procure the services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the services to the Government.

2. The action will result in authorizing small entities to furnish the services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the services proposed for addition to the Procurement List. Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

The following services have been proposed for addition to Procurement List for production by the nonprofit agencies listed:

Administrative Services

Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas
NPA: Fairweather Associates, Inc., Dallas, Texas
Cleaning Services, Crane Division, Naval Surface Warfare Center, Crane, Indiana
NPA: Orange County Rehabilitative and Developmental Services, Paoli, Indiana
Commissary Shelf Stocking, Custodial and Warehousing, McChord Air Force Base, Washington,
NPA: Custom Industries, Bellevue, Washington
Eyewear Prescription Service, Phoenix Indian Medical Center, Phoenix, Arizona
NPA: Arizona Industries for the Blind,Phoenix, Arizona
Janitorial/Custodial, Statue of Liberty National Monument and Ellis Island, New Jersey/New York
NPA: Fedcap Rehabilitation Services, Inc., New York, New York
Support Activities for Forestry (Timber Stand Improvement), Crane Division, Naval Surface Warfare Center, Crane, Indiana
NPA: Orange County Rehabilitative & Developmental Services, Paoli, Indiana,
Trash Pick-up, Crane Division, Naval Surface Warfare Center, Crane, Indiana
NPA: Orange County Rehabilitative & Developmental Services, Paoli, Indiana

Deletions

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action will result in authorizing small entities to furnish the commodities to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities proposed for deletion from the Procurement List.

The following commodities have been proposed for deletion from the Procurement List:

Enamel
8010–00–159–4519
8010–00–159–4520
8010–00–159–4521
8010–00–159–4522
8010–00–067–5436
8010–00–067–5437
8010–00–079–2750
8010–00–079–2752
8010–01–203–7803
8010–01–203–7804
8010–00–079–3750
8010–00–079–3752
8010–00–079–3754
8010–00–079–3756
8010–00–079–3762
8010–00–079–3764
Enamel, Primer Coating
8010–00–159–4518
8010–00–584–2426

Beverly L. Milkman,

Executive Director

[FR Doc. 99–11521 Filed 5–6–99; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions and Deletion

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to and deletion from the procurement list.

SUMMARY: This action adds to the Procurement List commodities and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes from the Procurement List a commodity previously furnished by such agencies.

EFFECTIVE DATE: June 7, 1999.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Gateway 3, Suite 310, 1215 Jefferson Davis Highway, Arlington, Virginia 22202–4302.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740

SUPPLEMENTARY INFORMATION: On August 14, 1998 and March 22 and 26, 1999, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (63 FR 43660 and 64 FR 13767 and 14687) of proposed additions to and deletion from the Procurement List:

Additions

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the commodities and services and impact of the additions on the current or most recent contractors, the Committee has determined that the commodities and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities and services to the Government.

2. The action will not have a severe economic impact on current contractors for the commodities and services.

3. The action will result in authorizing small entities to furnish the commodities and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities and services proposed for addition to the Procurement List.

Accordingly, the following commodities and services are hereby added to the Procurement List:

Commodities

Impulse Merchandising Program (IMP), Party Items
M.R. 1500–2000
Cooking Utensils
M.R. 1550
Health and Beauty Aids
M.R. 1600
Cleaning Aids
M.R. 1650
Pet Items
M.R. 1700
Baby Items
M.R. 1750
Children Items
M.R. 1800
Household Items
M.R. 1850
Paint, Latex
8010–00–045–3478
8010–00–055–5100
8010–00–055–5183
8010–00–418–4667
8010–00–418–4668
8010–00–418–4669
8010–00–419–8541
8010–00–463–7063
8010–00–598–5730
8010–00–598–5733
8010–00–823–7962
8010–00–823–7964

Services

Commissary Shelf Stocking, Custodial and Warehousing, Fairchild Air Force Base, Washington
Janitorial/Custodial,
USARC #2, 1107 Payne Avenue, Erie, Pennsylvania

This action does not affect current contracts awarded prior to the effective date of this addition or options that may be exercised under those contracts.

Deletion

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action may not result in any additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action will not have a severe economic impact on future contractors for the commodity.

3. The action may result in authorizing small entities to furnish the commodity to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodity deleted from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the commodity listed below is no longer suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

Accordingly, the following commodity is hereby deleted from the Procurement List:

Pin, Tent, Metal
8340–00–985–7461

Beverly L. Milkman,

Executive Director.

[FR Doc. 99–11522 Filed 5–6–99; 8:45 am]

BILLING CODE 6353–01–P

COMMISSION ON CIVIL RIGHTS

Sunshine Act Meeting

DATE AND TIME: Friday, May 14, 1999, 9:30 a.m.

PLACE; U.S. Commission Civil Rights, 624 Ninth Street, N.W., Room 540, Washington, DC 20425.

STATUS:

Agenda

I. Approval of Agenda
II. Approval of Minutes of March 5, and April 16, 1999 Meetings
III. Announcements
IV. Executive Session to Discuss Personnel Matters
V. Staff Director's Report
VI. ''Equal Educational Opportunity and Nondiscrimination for Minority Students: Federal Enforcement of Title VI in Ability Grouping Practices'' Report
VII. State Advisory Committee Reports
- ''Civil Rights Issues Facing the Blind and Visually Impaired in Illinois'' (Illinois)
- ''Police Protection of the African American Community in Chicago: An Update'' (Illinois)
- ''Alaskan Natives and Other Minorities in the Special Education Program of Four Alaskan Districts'' (Alaska)

VIII. State Advisory Committee Appointments for Arizona, Kansas and Minnesota
IX. Future Agenda Items
11:00 a.m. Briefing on Affirmative Action

CONTACT PERSON FOR FURTHER INFORMATION: David Aronson, Press and Communications (202) 376–8312.

Stephanie Y. Moore,

General Counsel.

[FR Doc. 99–11579 Filed 5–4–99; 4:48 pm]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: Bureau of the Census.

Title: Census 2000 Test Program.

Form Number(s): There are 77 forms making up the test program. Although they are too numerous to list here, the forms will be provided upon request.

Agency Approval Number: None.

Type of Request: New collection.

Burden: 8,013 hours.

Number of Respondents: 200,300.

Avg Hours Per Response: AQE2000, SPAN, and RMIE Short-forms=10 minutes; AQE2000 and SPAN long-forms=38 minutes; SPAN Survey of

Privacy Attitudes=15 minutes; AREX2000 introductory letter=1.5 minutes; AREX2000 Coverage Improvement Survey (CIS)=12.5 minutes; AREX2000 CIS Follow-up=7 minutes.

Needs and Uses: The Census Bureau plans to test several methodologies, techniques, and strategies for improving the way we conduct the decennial census in a ''census environment.'' It is important to examine innovative ideas in the environment for which they are intended to accurately measure effectiveness and feasibility. The Census Bureau plans four separate tests in 2000. They are referred to as the Alternative Questionnaire Experiment (AQE2000), the Administrative Records Census in 2000 Experiment (AREX2000), the Social Security Number, Privacy Attitudes, and Notification (SPAN) Experiment, and the Response Mode and Incentive Experiment (RMIE). Objectives of the AQE2000 are to continue efforts to develop a user-friendly mailout questionnaire that can be accurately completed by respondents and to continue examination of methods to increase mail response. The principle objective of the AREX2000 is to simulate an administrative records census for selected test areas and to compare the results and costs to Census 2000. The purpose of the SPAN Experiment is to obtain behavior and attitudinal data on several topics related to the use of administrative records and to determine how a request for social security number (SSN) on a census form affects response. The goals of the RMIE are (a) to see if the use of prepaid calling cards as an incentive to respond to the census will increase response and (b) to measure what extent respondents choose to use these response options.

Affected Public: Individuals or households.

Frequency: One time only.

Respondent's Obligation: Responses are mandatory with the following exceptions: The SPAN Survey of Privacy Attitudes is voluntary. Additionally, SPAN respondents receiving an experimental short-form including a request for SSN will be informed that providing SSN is strictly voluntary.

Legal Authority: Title 13 USC, Sections 141 and 193.

OMB Desk Officer: Nancy Kirkendall, (202) 395–7313.

Copies of the above information collection proposal can be obtained by calling or writing Linda Engelmeier, DOC Forms Clearance Officer, (202) 482–3272, Department of Commerce, room 5033, 14th and Constitution Avenue, NW, Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Nancy Kirkendall, OMB Desk Officer, room 10201, New Executive Office Building, Washington, DC 20503.

Dated: May 4, 1999.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 99–11578 Filed 5–6–99; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

February 1999 Sunset Reviews: Final Results and Revocations

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Final Results of Sunset Reviews and Revocation of Antidumping and Countervailing Duty Orders: Standard Carnations from Kenya (A–779–602) and Standard Chrysanthemums from the Netherlands (C–421–601).

SUMMARY: On February 1, 1999, the Department of Commerce (''the Department'') initiated sunset reviews of the antidumping duty order on standard carnations from Kenya and the countervailing duty order on standard chrysanthemums from the Netherlands. Because no domestic party responded to the sunset review notice of initiation by the applicable deadline, the Department is revoking these orders.

EFFECTIVE DATE: January 1, 2000.

FOR FURTHER INFORMATION CONTACT: Darla D. Brown or Melissa G. Skinner, Office of Policy, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–3207 or (202) 482–1560, respectively.

SUPPLEMENTARY INFORMATION:

Background

The Department issued an antidumping duty order on standard carnations from Kenya (52 FR 13490, April 23, 1987) and a countervailing duty order on standard chrysanthemums from the Netherlands (52 FR 7646, March 12, 1987). Pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''), the Department initiated sunset reviews of these orders by publishing notice of the initiation in the **Federal Register** (64 FR 4840, February 1, 1999). In addition, as a courtesy to interested parties, the Department sent letters, via certified and registered mail, to each party listed on the Department's most current service list for these proceedings to inform them of the automatic initiation of a sunset review on these orders.

No domestic interested parties in the sunset reviews of these orders responded to the notice of initiation by the February 16, 1999, deadline (*see* section 351.218(d)(1)(i) of *Procedures for Conducting Five-year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders*, 63 FR 13520 (March 20, 1998) (''*Sunset Regulations*'')).

Determination to Revoke

Pursuant to section 751(c)(3)(A) of the Act and section 351.218(d)(1)(iii)(B)(3) of the *Sunset Regulations*, if no domestic interested party responds to the notice of initiation, the Department shall issue a final determination, within 90 days after the initiation of the review, revoking the finding or order or terminating the suspended investigation. Because no domestic interested party responded to the notice of initiation by the applicable deadline, February 16, 1999, we are revoking these antidumping and countervailing duty orders.

Effective Date of Revocation and Termination

Pursuant to section 751(c)(6)(A)(iv) of the Act, the Department will instruct the United States Customs Service to terminate the suspension of liquidation of the merchandise subject to these orders entered, or withdrawn from warehouse, on or after January 1, 2000. Entries of subject merchandise prior to the effective date of revocation will continue to be subject to suspension of liquidation and antidumping/countervailing duty deposit requirements. The Department will complete any pending administrative reviews of these orders and will conduct administrative reviews of subject merchandise entered prior to the effective date of revocation in response to appropriately filed requests for review.

Dated May 3, 1999.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 99–11569 Filed 5–6–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–045, A–570–003, A–538–802, A–570–504, A–201–806, C–535–001, A–580–811, A–580–507, A–583–507, A–588–605]

Steel Wire Rope From Japan, Shop Towels From the People's Republic of China, Shop Towels From Bangladesh, Candles From the People's Republic of China, Steel Wire Rope From Mexico, Shop Towels From Pakistan, Steel Wire Rope From South Korea, Malleable Cast Iron Pipe Fittings From South Korea, Malleable Cast Iron Pipe Fittings From Taiwan, Malleable Cast Iron Pipe Fittings From Japan: Extension of Time Limit for Final Results of Five-Year Reviews

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of extension of time limit for final results of five-year (''Sunset'') reviews.

SUMMARY: The Department of Commerce (''the Department'') is extending the time limit for the final results of the sunset reviews on the antidumping duty orders on steel wire rope from Japan, shop towels from the People's Republic of China, shop towels from Bangladesh, candles from the People's Republic of China, steel wire rope from Mexico, steel wire rope from South Korea, malleable cast iron pipe fittings from South Korea, malleable cast iron pipe fittings from Taiwan, and malleable cast iron pipe fittings from Japan, and the countervailing duty order on shop towels from Pakistan. Based on adequate responses from domestic interested parties and inadequate responses from respondent interested parties, the Department is conducting expedited sunset reviews to determine whether revocation of the orders would be likely to lead to continuation or recurrence of dumping or a countervailable subsidy. As a result of this extension, the Department intends to issue its final results not later than August 2, 1999.

EFFECTIVE DATE: May 7, 1999.

FOR FURTHER INFORMATION CONTACT: Scott E. Smith, Martha V. Douthit or Melissa G. Skinner, Import Administration, International Trade Administration, U.S. Department of Commerce, Pennsylvania Avenue and 14th Street, NW, Washington, DC 20230; telephone: (202) 482–6397, (202) 482–3207 or (202) 482–1560 respectively.

Extension of Final Results

The Department has determined that the sunset reviews of the antidumping duty orders on steel wire rope from Japan, shop towels from the People's Republic of China, shop towels from Bangladesh, candles from the People's Republic of China, steel wire rope from Mexico, steel wire rope from South Korea, malleable cast iron pipe fittings from South Korea, malleable cast iron pipe fittings from Taiwan, and malleable cast iron pipe fittings from Japan, and the countervailing duty order on shop towels from Pakistan are extraordinarily complicated. In accordance with section 751(c)(5)(C)(v) of the Tariff Act of 1930, as amended (''the Act''), the Department may treat a review as extraordinarily complicated if it is a review of a transition order (*i.e.*, an order in effect on January 1, 1995). *See* section 751(c)(6)(C) of the Act. The Department is extending the time limit for completion of the final results of these reviews until not later than August 2, 1999, in accordance with section 751(c)(5)(B) of the Act.

Dated: May 3, 1999.

Robert S. LaRussa,

Assistant Secretary for Import Administration,

[FR Doc. 99–11570 Filed 5–6–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–806]

Carbon Steel Wire Rope From Mexico: Initiation of New Shipper Antidumping Duty Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Initiation of New Shipper Antidumping Duty Review.

SUMMARY: The Department of Commerce (the Department) received a request from Cablesa, S.A. de C.V. (''Cablesa'') to conduct a new shipper review of the antidumping duty order on carbon steel wire rope from Mexico. In accordance with section 351.214 of the Department's regulations, we are initiating this review.

EFFECTIVE DATE: May 7, 1999.

FOR FURTHER INFORMATION CONTACT: Mark Hoadley, Laurel LaCivita, or Maureen Flannery, AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–0666, (202) 482–4236, or (202) 482–3020, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to the current regulations codified at 19 CFR Part 351 (1998).

Background

On March 31, 1999, the Department received a timely request, in accordance with section 751(a)(2)(B) of the Act, and section 351.214(c) of the Department's regulations, for a new shipper review of the antidumping duty order on carbon steel wire rope from Mexico, issued on March 25, 1993 (58 FR 16173).

Initiation of Review

In its March 31, 1999, request for review, Cablesa, as required by 19 CFR 351.214(b)(2)(i) and (iii)(A), certified that it did not export the subject merchandise to the United States during the period of investigation (POI) (November 1, 1991 to April 30, 1992), and that since the investigation was initiated on May 5, 1992 (57 FR 19280), it has not been affiliated with any company which exported subject merchandise to the United States during the POI. Pursuant to the Department's regulations at 19 CFR 351.214(b)(2)(iv), Cablesa submitted documentation establishing the date on which the subject merchandise was first entered for consumption into the United States, the volume of that shipment, and the purchasing and invoicing dates of its first sale to an unaffiliated customer in the United States.

Therefore, because Cablesa has complied with sections 351.214(b) and (c) of our regulations, we are initiating a new shipper review of the antidumping duty order on carbon steel wire rope from Mexico. In accordance with 19 CFR 351.214(h)(1), we intend to issue preliminary results of this review no later than 180 days after this initiation.

Section 351.214(g)(1)(i)(A) states that when a new shipper review is initiated during the month immediately following the anniversary month of the underlying order, the period of review shall be the twelve-month period immediately preceding the anniversary month. Therefore, the period of review

for this new shipper review of Cablesa is March 1, 1998 to February 28, 1999.

Concurrent with publication of this notice and in accordance with 19 CFR 351.214(e), we will instruct the United States Customs Service to allow, at the option of the importer, the posting of a bond or security in lieu of a cash deposit for each entry of the merchandise exported by Cablesa, until the completion of this review.

Interested parties desiring disclosure under administrative protective order must submit applications in accordance with 19 CFR 351.305 and 351.306.

This initiation and notice are in accordance with section 751(a) of the Act (19 U.S.C. 1675(a)) and 19 CFR 351.221.

Dated: April 30, 1999.

Roland MacDonald,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 99–11573 Filed 5–6–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–423–602]

Industrial Phosphoric Acid From Belgium; Preliminary Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative review of industrial phosphoric acid from Belgium.

SUMMARY: In response to requests from petitioner and one domestic producer, the Department of Commerce is conducting an administrative review of the antidumping duty order on industrial phosphoric acid from Belgium. The period of review is August 1, 1997 through July 31, 1998. This review covers imports of industrial phosphoric acid from one producer, Societe Chimique Prayon-Rupel S.A. (''Prayon'').

We have preliminarily found that sales of subject merchandise have been made below normal value. If these preliminary results are adopted in our final results, we will instruct the Customs Service to assess antidumping duties based on the difference between the export price and normal value.

Interested parties are invited to comment on these preliminary results. Parties who submit arguments are requested to submit with the argument (1) a statement of the issue and (2) a brief summary of the argument.

EFFECTIVE DATE: May 7, 1999.

FOR FURTHER INFORMATION CONTACT: Frank Thomson or Jim Terpstra, AD/CVD Enforcement, Group II Office IV, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482–4793, and 482–3965, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department of Commerce's (the Department's) regulations refer to the regulations codified at 19 CFR Part 351 (1998).

Background

On August 20, 1987, the Department published in the **Federal Register** (52 FR 31439) the antidumping duty order on industrial phosphoric acid (''IPA'') from Belgium. On August 11, 1998, the Department published in the **Federal Register** (63 FR 42821) a notice of opportunity to request an administrative review of this antidumping duty order. On August 27, 1998, in accordance with 19 CFR 351.213(b)(1), the petitioner FMC Corporation (''FMC''), and Albright & Wilson Americas Inc. (''Wilson''), a domestic producer of the subject merchandise, requested that the Department conduct an administrative review of Prayon's exports of subject merchandise to the United States. We published the notice of initiation of this review on September 29, 1998 (63 FR 51893).

Scope of the Review

The products covered by this review include shipments of IPA from Belgium. This merchandise is currently classifiable under the Harmonized Tariff Schedule (HTS) item numbers 2809.2000 and 4163.0000. The HTS item number is provided for convenience and Customs purposes. The written description remains dispositive.

Product Comparisons

We calculated monthly, weighted-average normal values (NVs). The industrial phosphoric acid exported by Prayon to the United States is PRAYPHOS P5, a refined industrial phosphoric acid, and is the identical merchandise sold by Prayon in its home market in Belgium. Therefore, we have compared U.S. sales to contemporaneous sales of identical merchandise in Belgium.

Export Price

Prayon sells to end-users in the United States through its affiliated sales agent. For these sales, we used export price (EP). In accordance with sections 772(a) and (c) of the Act, we calculated an EP because Prayon sold the merchandise directly to the first unaffiliated purchaser in the United States prior to importation. Additional factors used to determine EP include: (1) whether the merchandise was shipped directly from the manufacturer to the unaffiliated U.S. customer; (2) whether this was the customary commercial channel between the parties involved; and (3) whether the function of the U.S. affiliate was limited to that of a processor of sales-related documentation and a communications link with the unrelated buyer. Where the facts indicate that the activities of the U.S. affiliate were ancillary to the sale (*e.g.,* arranging transportation or customs clearance, invoicing), we treat the transactions as EP sales. *See, e.g., Certain Corrosion Resistant Steel Flat Products From Canada: Final Results of Antidumping Duty Administrative Review,* 63 FR 12725, 12738 (March 16, 1998). The record in this case indicates that Prayon has correctly classified its U.S. sales as EP sales. Prayon's affiliated sales agent in the United States, Quadra Corporation (USA) (''Quadra''), served only as a processor of sales-related documentation.

EP was based on the delivered price to unaffiliated purchasers in, or for exportation to, the United States. We made deductions for movement expenses in accordance with section 772(c)(2)(A) of the Act; these included foreign inland freight, foreign brokerage and handling, ocean freight, marine insurance, U.S. customs brokerage fees, merchandise processing fees, and U.S. inland freight expenses.

Normal Value

We compared the aggregate quantity of home market and U.S. sales and determined that the quantity of the company's sales in its home market was more than five percent of the quantity of its sales to the U.S. market. Consequently, in accordance with section 773(a)(1)(B) of the Act, we based NV on home market sales.

We also excluded from our NV analysis sales to affiliated home market customers where the weighted-average sales prices to the affiliated parties were less than 99.5 percent of the weighted-average sales prices to unaffiliated parties. *See Usinor Sacilor* v. *United States,* 872 F. Supp. 1000, 1004 (CIT 1994).

We made adjustments, consistent with section 773(a)(6)(B) of the Act, for inland freight. In addition, we made adjustments for differences in circumstances of sale (COS) in accordance with section 773(a)(6)(C)(iii) of the Act and 19 CFR 351.410.

In calculating the credit expense on its home market sales, Prayon reported the discount on accounts receivable sold to its affiliated coordination center. Because Prayon did not submit any information which could serve as a benchmark to determine whether these affiliated party transactions were conducted at arm's-length, we must assume that they are not arm's-length transactions. Accordingly, we have used the standard credit calculation when calculating the amount of credit to deduct from normal value. We used the monthly home market short-term rates provided by Prayon for borrowing from unaffiliated entities in calculating inventory carrying costs as the basis for the monthly home market short-term interest rates used in the credit calculation. *See* Import Administration Policy Bulletin 98–2.

In calculating the credit expense on its U.S. sales, Prayon reported the discount on accounts receivable sold to its affiliated coordination center in Belgian francs. Because Prayon did not submit any information which could serve as a benchmark to determine whether these affiliated party transactions were conducted at arm's-length, we must assume that they are not arm's-length transactions. Therefore, we have disregarded the credit expenses reported by Prayon. Instead, we have utilized the weighted-average short-term dollar lending rates calculated by the Federal Reserve in calculating Prayon's imputed credit expense. *See* Import Administration Policy Bulletin 98–2.

No other adjustments were claimed or allowed.

Level of Trade

In accordance with section 773(a)(1)(B) of the Act, to the extent practicable, we determine NV based on sales in the comparison market at the same level of trade (LOT) as the export price (EP) or the constructed export price (CEP) transaction. The NV LOT is that of the starting-price sales in the comparison market or, when NV is based on constructed value, that of the sales from which we derive selling, general and administrative expenses and profit. For EP, the U.S. LOT is also the level of the starting-price sale, which is usually from exporter to importer. For CEP, it is the level of the constructed sale from the exporter to the importer.

To determine whether NV sales are at a different LOT than EP or CEP, we examine stages in the marketing process and selling functions along the chain of distribution between the producer and the unaffiliated customer. If the comparison-market sales are at a different LOT, and the difference affects price comparability, as manifested in a pattern of consistent price differences between the sales on which NV is based and comparison-market sales at the LOT of the export transaction, we make an LOT adjustment under section 773(a)(7)(A) of the Act. Finally, for CEP sales, if the NV level is more remote from the factory than the CEP level and there is no basis for determining whether the difference in the levels between NV and CEP affects price comparability, we adjust NV under section 773(a)(7)(B) of the Act (the CEP offset provision). *See Notice of Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate From South Africa,* 62 FR 61731, 61732 (November 19, 1997).

Prayon did not claim an LOT adjustment; however, we requested information concerning Prayon's distribution system, including selling functions, to determine whether such an adjustment was necessary. Prayon reported that all sales during the period of review (POR), in both the comparison market (the home market in this case) and the United States, were to end-users and distributors. In the U.S. market, Prayon sells to end-users through its affiliated sales agent. The subject merchandise is shipped from tankage in a storage facility in Canada directly to the customer. In the home market, Prayon sells through several channels of distribution. The first channel includes direct sales made to end-users. For the other channels, Prayon sells to either end-users or distributors through its affiliated sales agent. For all home market customers, Prayon ships the subject merchandise via independent carriers directly to the customer from its storage facilities at the plant. We have examined information provided by Prayon concerning these sales and determined that the selling functions are the same in the home market and U.S. market. Prayon negotiates all final prices and quantities, and bears the cost of storage and handling, surveys and delivery to customer. Prayon does not maintain inventories for its customers, provide after-sales service, or offer advertising or other sales support activities to its customers in either market. Therefore, we preliminarily determine that sales in the home market and sales in the United States are at the same LOT and that no adjustment is warranted.

Commissions

The Department operates under the assumption that commission payments to affiliated parties (in either the United States or home market) are not at arm's length. The Court of International Trade has held that this is a reasonable assumption. *See Outokumpu Copper Rolled Products AB* v. *United States,* 850 F. Supp. 16, 22 (CIT 1994).

Accordingly, the Department has established guidelines to determine whether affiliated party commissions are paid on an arm's-length basis such that an adjustment for such commissions can be made. *See Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From Japan and Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof, From Japan,* 61 FR 57629 (November 7, 1996). First, we compare the commissions paid to affiliated and unaffiliated sales agents in the same market. If there are no commissions paid to unaffiliated parties, we then compare the commissions earned by the affiliated selling agent on sales of merchandise produced by the respondent to commissions earned on sales of merchandise produced by unaffiliated sellers or manufacturers. If there is no benchmark which can be used to determine whether the affiliated party commission is an arm's-length value (*i.e.,* the producer does not use an unaffiliated selling agent and the affiliated selling agent does not sell subject merchandise for an unaffiliated producer), the Department assumes that the affiliated party commissions are not paid on an arm's-length basis.

In this case, Prayon used an affiliated sales agent in the home market and a different affiliated sales agent in the United States. In its December 16, 1998 response, Prayon submitted its commission rates with its affiliated sales agents in both the home and U.S. market. We issued a supplemental questionnaire to Prayon, requesting that it indicate whether the commissions were paid at arm's length by reference to commission payments to unaffiliated parties in the foreign market and other markets, and to submit evidence

demonstrating the arm's-length nature of the commissions. Prayon then submitted documentation indicating that its commission rates with unaffiliated parties in the foreign market and in other markets are comparable to its affiliated party commission rates.

Our preliminary analysis of the submitted documentation indicates that the affiliated commissions in both the home and U.S. market are made at arm's-length. Therefore, for purposes of the preliminary determination, we are accepting Prayon's reported home and U.S. market commissions. Accordingly, we preliminarily determine to make a circumstance of sale adjustment for commissions in both the home and U.S. market. However, we have asked for certain additional information in order to clarify the submitted documentation. This information will not be readily available for the preliminary determination. For further explanation of this issue, *see Memorandum from Analyst to Holly A. Kuga* (''*Arm's Length Commission Memorandum*''), dated May 3, 1999.

Currency Conversion

We made currency conversions in accordance with section 773A of the Act based on rates certified by the Federal Reserve Bank in effect on the dates of U.S. sales. *See Change in Policy Regarding Currency Conversions,* 61 FR 9434 (March 8, 1996).

Preliminary Results of the Review

As a result of this review, we preliminarily determine that the following margin exists for the period August 1, 1997 through July 31, 1998:

Manufacturer/exporter	Margin (percent)
Prayon	4.27

The Department will disclose calculations made in connection with its preliminary determination within five days of the date of publication of this notice. Interested parties may also request a hearing within 30 days of publication. If requested, a hearing will be held two days after the date of filing of rebuttal briefs, or the first work day thereafter. Interested parties may submit case briefs not later than 30 days after the date of publication of this notice. Rebuttal briefs, which must be limited to issues raised in the case briefs, may be filed not later than five days after the date of filing of case briefs. The Department will issue a notice of the final results of this administrative review, which will include the results of its analysis of issues raised in any such briefs, within 120 days from the publication of these preliminary results.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b), we have calculated an importer-specific duty assessment rate based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of the same sales. The rate will be assessed uniformly on all entries of that particular company made during the POR. The Department will issue appraisement instructions directly to the Customs Service.

Furthermore, the following deposit requirements will be effective upon completion of the final results of this administrative review for all shipments of industrial phosphoric acid from Belgium entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(c) of the Act: (1) The cash deposit rate for the reviewed company will be the rate established in the final results of this administrative review (except no cash deposit will be required where the weighted-average margin is *de minimis, i.e.,* less than 0.5 percent); (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in the original less-than-fair-value (LTFV) investigation or a previous review, the cash deposit will continue to be the most recent rate published in the final determination or final results for which the manufacturer or exporter received an individual rate; (3) if the exporter is not a firm covered in this review, a previous review, or the original investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous reviews or the original investigation, the cash deposit rate will be 14.67 percent, the ''all others'' rate established in the LTFV investigation.

This notice serves as a preliminary reminder to importers of their responsibility to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: May 3, 1999.

Robert S. LaRussa,

Assistant Secretary, Import Administration.

[FR Doc. 99–11574 Filed 5–6–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–806]

Amended Final Results of Antidumping Duty Administrative Review: Certain Small Business Telephone Systems and Subassemblies Thereof From Taiwan

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Amended final results of antidumping duty administrative review.

SUMMARY: On February 25, 1998, the United States Court of International Trade affirmed the Department of Commerce's remand determination results affecting the final assessment rates for Taiwan International Standard Electronics, Ltd. and Tecom Co., Ltd. in the first administrative review of the antidumping duty order on certain small business telephone systems and subassemblies from Taiwan. No parties have appealed this decision. The review covers the period August 3, 1989 through November 30, 1990. As there is now a final and conclusive court decision in this action, we are amending our final results of review and we will instruct the Customs Service to liquidate all appropriate entries.

EFFECTIVE DATE: May 7, 1999.

FOR FURTHER INFORMATION CONTACT: Sanjay Mullick or Kris Campbell at (202) 482–0588 or (202) 482–3813, respectively, Group I, Office of AD/CVD Enforcement 2, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions of the Tariff Act of 1930, as amended (the Act), in effect as of December 31, 1994. In addition, unless otherwise indicated, all citations to Department of Commerce (Department) regulations refer to the regulations

codified at 19 CFR Part 353 (April 1, 1997).

SUPPLEMENTARY INFORMATION:

Case History

On July 1, 1992, the Department published its final results in the administrative review of the antidumping duty order on certain small business telephone systems and subassemblies (SBTs) from Taiwan, covering the period August 3, 1989 to November 30, 1990.[1] The review covered seven manufacturers/exporters of the subject merchandise, including Taiwan International Standard Electronics, Ltd. (TAISEL) and Tecom Co., Ltd. (Tecom). The antidumping duty rate assigned to TAISEL as Best Information Available (BIA) was 129.73 percent and the antidumping duty rate calculated for Tecom was 18.10 percent. TAISEL and Tecom filed motions with the Court of International Trade (CIT) challenging the final results.

On April 4, 1997, the CIT issued remands concerning this segment of the proceeding.[2] With respect to TAISEL, the CIT directed the Department to (1) reconsider TAISEL's response in order to determine whether the Department could exclude returned entries of SBTs covered by canceled sales from assessment of antidumping duties; and (2) assign to TAISEL a BIA rate consistent with the Federal Circuit's decision in *Allied-Signal Aerospace Co.* v. *United States* (Allied-Signal).[3] With respect to Tecom, the CIT directed the Department to (1) use the data contained on a computer tape Tecom submitted on July 29, 1991; (2) reconsider Tecom's claim for a level-of-trade adjustment; and (3) reconsider Tecom's claims for circumstances-of-sale adjustments for home market warranty expenses, warehousing expenses, technical service expenses and bad debt expenses, as well as its claim for an adjustment to FMV for the provision of free gifts.

On July 3, 1997, the Department filed its remand redetermination with the CIT.[4] With respect to TAISEL, the Department re-examined the record and found that TAISEL provided supporting documentation to show that certain entries were returned as a result of canceled sales. Also, the Department assigned TAISEL a BIA margin based on the margin recalculated for Tecom in the remand redetermination, consistent with the ruling in *allied-Signal*. With respect to Tecom, the Department used the data contained in the July 29, 1991 computer tape and granted Tecom a level-of-trade adjustment. The Department continued to disallow the circumstance-of-sale adjustments for home market warranty expenses, warehousing expenses, technical service expenses and bad debt expenses as well as its claim for an adjustment to FMV for the provision of free gifts after reconsidering Tecom's claims for these adjustments, because it found no new evidence to support Tecom's claims. The Department determined TAISEL and Tecom's revised margins pursuant to the above adjustments.

On February 25, 1998, the CIT affirmed the Department's final remand results.[5] On April 16, 1998 we published a notice of court decision.[6] As there is now a final and conclusive court decision in this action, we are amending our final results of review in this matter and we will instruct the U.S. Customs Service to liquidate entries subject to this review in accordance with the remand results.

Amendment to Final Results of Review

Pursuant to Section 516A(e) of the Act, we are amending the final results of administrative review of the antidumping duty order on certain small business telephone sytems and subassemblies thereof from Taiwan for the period August 3, 1989 through November 30, 1990. As a result of the remand determination, we have assigned TAISEL a BIA margin based on the margin recalculated for Tecom. The final weighted-average margins for TAISEL and Tecom are as follows:

Manufacturer/Exporter	Weighted average margin percentage
TAISEL	8.11
Tecom	8.11

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. To determine the amount of antidumping duties for TAISEl, we will instruct the Customs Service to assess entry-specific antidumping duty amounts, which we calculated based on an *ad valorem* rate of 8.11 percent, applied to those sales determined to have been entered into the Untied States and not returned to Taiwan. For Tecom, we calculated importer-specific *ad valorem* duty assessment rate for the merchandise based on the ratio of the total amount of antidumping duties calculated for the importer-specific sales examined during the POR to the total importer-specific entry value of sales examined during the POR. The Department will issue appraisement instruction to the Customs Service after publication of this amended final results of review.

This notice is published in accordance with section 751(a)(1) of the Act.

Dated: May 3, 1999.

Robert S. LaRussa,

Assistant Secretary, for Import Administration.

[FR Doc. 99–11577 Filed 5–6–99; 8:45 am]

BILLING CODE 3510–DS–M

[1] *Certain Small Business Telephone Systems and Subassemblies Thereof From Taiwan; Final Results of Administrative Review*, 57 FR 29283 (July 1, 1992).

[2] *Taiwan International Standard Electronics, Ltd.* v. *United States*, 963 F. Supp. 1202 (CIT 1997); *Tecom Co., Ltd.* v. *United States*, Slip Op. 97–42 (CIT April 4, 1997).

[3] 996 F.2d 1185 (Fed. Cir. 1993).

[4] *Small Business Telephone Systems and Subassemblies Thereof from Taiwan*; Final Results of Redetermination Pursuant to Court Remand, Court Nos. 92–08–00532 and 92–08–00528 (July 3, 1997).

[5] *Tawain International Standard Electronics Ltd.* v. *United States*, Slip Op. 98–18 (CIT February 25, 1998); *Tecom Co., Ltd.* v. *United States*, Slip Op. 98–19 (CIT February 25, 1998).

[6] *Certain Small Business Telephone Systems and Subassemblies Thereof From Taiwan; Notice of Court Decision*, 63 FR 18883 (April 16, 1998).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–054; A–588–604]

Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From Japan and Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof From Japan; Antidumping Duty Administrative Reviews; Time Limits

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Extension of Time Limits.

SUMMARY: The Department of Commerce (the Department) is extending the time limits for the preliminary results of the 1997–1998 administrative reviews of the antidumping duty order [A–588–604] and finding [A–588–054] on tapered roller bearings from Japan. These reviews cover 4 manufacturers/exporters and resellers of the subject merchandise to the United States and the period October 1, 1997 through September 30, 1998.

EFFECTIVE DATE: May 7, 1999.

FOR FURTHER INFORMATION CONTACT: Deborah Scott at (202) 482–2657 or John Kugelman at (202) 482–0649, AD/CVD Enforcement Office Eight, Import Administration, International Trade

Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION: Because it is not practicable to complete these reviews within the normal statutory time limit, the Department is extending the time limits for completion of the preliminary results until September 20, 1999 in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended. See Memorandum from Joseph A. Spetrini to Robert S. LaRussa, on file in Room B–099 of the main Commerce building. The deadline for the final results of this review will continue to be 120 days after publication of the preliminary results.

These extensions are in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended (19 U.S.C. 1675 (a)(3)(A)).

Dated: May 3, 1999.

Joseph A. Spetrini,

Deputy Assistant Secretary, AD/CVD Enforcement Group III.

[FR Doc. 99–11571 Filed 5–6–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–489–807]

Certain Steel Concrete Reinforcing Bars From Turkey: Preliminary Results of Antidumping Duty Administrative Review and New Shipper Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: In response to a request by Ekinciler Holding A.S., Ekinciler Demir Celik A.S., and Ferromin International Trade Corp. (collectively ''Ekinciler''), the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on certain steel concrete reinforcing bars (rebar) from Turkey. In addition, in response to a request by ICDAS Celik Enerji Tersane ve Ulasim Sanayi A.S. (ICDAS), the Department is also conducting a new shipper review of the antidumping duty order on rebar from Turkey. The period of review is October 10, 1996, through March 31, 1998, for Ekinciler and October 10, 1996, through July 31, 1998, for ICDAS.

We have preliminarily determined that sales have been made below the normal value by the companies subject to these reviews. If these preliminary results are adopted in the final results of these reviews, we will instruct the Customs Service to assess antidumping duties on all appropriate entries.

EFFECTIVE DATE: May 7, 1999.

FOR FURTHER INFORMATION CONTACT: Shawn Thompson or Irina Itkin, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–1776 or (202) 482–0656, respectively.

SUPPLEMENTARY INFORMATION:

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department of Commerce regulations are to 19 CFR Part 351 (1998).

Background

On April 30, 1998, the Department received a request from Ekinciler to conduct an administrative review of the antidumping duty order on rebar from Turkey. On May 29, 1998, the Department published in the **Federal Register** a notice of initiation of an administrative review of Ekinciler covering the period October 10, 1996, through March 31, 1998 (63 FR 29370).

Also on April 30, 1998, ICDAS requested that we conduct a new shipper review pursuant to section 751(a)(2)(B) of the Act and 19 CFR 351.214(b). In this request, ICDAS certified that it did not export the subject merchandise to the United States during the period covered by the original less-than-fair-value (LTFV) investigation (the ''POI''), and that it is not affiliated with any company which exported subject merchandise to the United States during the POI. Pursuant to 19 CFR 351.214(b)(2)(iv), ICDAS submitted documentation establishing the date on which it intended to first ship and enter rebar for consumption in the United States, the volume of that shipment, and the date of the first sale to an unaffiliated customer in the United States. Based on the above information, the Department initiated a new shipper review covering ICDAS (*Certain Steel Concrete Reinforcing Bars from Turkey: Initiation of New Shipper Antidumping Duty Administrative Review* (63 FR 29372, May 29, 1998)). The Department is now conducting this review in accordance with section 751 of the Act and 19 CFR 351.214.

On May 18, 1998, ICDAS agreed to waive time limits applicable to the new shipper review and conduct the new shipper review concurrently with the administrative review.

On May 29, 1998, we issued our questionnaire to Ekinciler and ICDAS. On June 9, 1998, ICDAS requested that the Department expand the period of review (POR) in the new shipper review to include June 1998, in order to allow the Department to capture the company's first sale to an unaffiliated party in the United States, as well as the corresponding entry. On June 11, 1998, we expanded the POR in this review to include June 1998.

We received a response to Sections A through C of the questionnaire (*i.e.*, the sections regarding sales to the home market and the United States) from Ekinciler in July 1998 and a response to Section D (*i.e.*, the section regarding cost of production (COP) and constructed value (CV)) in August 1998. We received a response to Sections A through C of this questionnaire from ICDAS in August 1998. ICDAS was not required to respond to Section D.

In its August 1998 questionnaire response, ICDAS informed the Department that it did not ship subject merchandise to the United States until the end of June 1998. Accordingly, we expanded the POR through July 1998 in order to capture the company's first entry. We determined that expansion of the POR would not cause undue delay in the completion of the review. For further discussion, see the memorandum on this topic from Irina Itkin to Louis Apple, dated April 12, 1999.

In August and September 1998, we issued supplemental questionnaires to Ekinciler and ICDAS, respectively. We received responses to these questionnaires in September and October 1998.

On October 23, 1998, the Department published in the **Federal Register** notices of postponement of the final results until no later than April 30, 1999 (63 FR 56909 and 63 FR 56910).

In January and February 1999, we issued additional supplemental questionnaires to ICDAS and Ekinciler, respectively. We received responses to these questionnaires in January, February, and March 1999.

In February and March 1999, the Department conducted verification of the sales data submitted by ICDAS, in accordance with section 782(i) of the Act and 19 CFR 351.307(b)(1)(iv).

Scope of Reviews

The product covered by these reviews is all stock deformed steel concrete reinforcing bars sold in straight lengths and coils. This includes all hot-rolled deformed rebar rolled from billet steel,

rail steel, axle steel, or low-alloy steel. It excludes (i) plain round rebar, (ii) rebar that a processor has further worked or fabricated, and (iii) all coated rebar. Deformed rebar is currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers 7213.10.000 and 7214.20.000. The HTSUS subheadings are provided for convenience and customs purposes. The written description of the scope of these reviews is dispositive.

Periods of Review

The POR is October 10, 1996, through March 31, 1998, for Ekinciler and October 10, 1996, through July 31, 1998, for ICDAS.

Level of Trade and Constructed Export Price (CEP) Offset

In accordance with section 773(a)(1)(B) of the Act, to the extent practicable, we determine NV based on sales in the comparison market at the same level of trade as export price (EP) or CEP. The NV level of trade is that of the starting-price sales in the comparison market or, when NV is based on CV, that of the sales from which we derive selling, general and administrative expenses (SG&A) and profit. For EP, the U.S. level of trade is also the level of the starting-price sale, which is usually from the exporter to the unaffiliated U.S. customer. For CEP, it is the level of the constructed sale from the exporter to the importer.

To determine whether NV sales are at a different level of trade than EP or CEP sales, we examine stages in the marketing process and selling functions along the chain of distribution between the producer and the unaffiliated customer. If the comparison-market sales are at a different level of trade and the difference affects price comparability, as manifested in a pattern of consistent price differences between the sales on which NV is based and comparison-market sales at the level of trade of the export transaction, we make a level-of-trade adjustment under section 773(a)(7)(A) of the Act. Finally, for CEP sales, if the NV level is more remote from the factory than the CEP level and there is no basis for determining whether the difference in the levels between NV and CEP affects price comparability, we adjust NV under section 773(a)(7)(B) of the Act (the CEP offset provision). *See Notice of Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate from South Africa,* 62 FR 61731 (Nov. 19, 1997).

Neither Ekinciler nor ICDAS claimed that it made home market sales at more than one level of trade. Based on the information on the record, no level of trade adjustment was warranted for either company. For a detailed explanation of this analysis, see the memorandum entitled ''Preliminary Results of Antidumping Duty Administrative Review and New Shipper Review on Certain Steel Concrete Reinforcing Bars from Turkey,'' dated April 30, 1999 (the ''concurrence memorandum'').

Regarding Ekinciler, in order to determine whether NV was established at a level of trade which constituted a more advanced stage of distribution than the level of trade of the CEP, we compared the selling functions performed for home market sales with those performed with respect to the CEP transaction, which excludes economic activities occurring in the United States, pursuant to section 772(d) of the Act. We found that Ekinciler performed essentially the same selling functions in its sales offices in Turkey for both home market and U.S. sales. Therefore, Ekinciler's sales in Turkey were not at a more advanced stage of marketing and distribution than the constructed U.S. level of trade, which represents an F.O.B. foreign port price after the deduction of expenses associated with U.S. selling activities. Because we find that no difference in level of trade exists between markets, we have not granted a CEP offset to Ekinciler. For further discussion, see the concurrence memorandum noted above.

Comparisons to Normal Value

To determine whether sales of rebar from Turkey were made in the United States at less than normal value, we compared the CEP or EP, as appropriate, to the NV. Because Turkey's economy experienced high inflation during the POR (over 70 percent), as is Department practice, we limited our comparisons to home market sales made during the same month in which the U.S. sale occurred and did not apply our ''90/60'' contemporaneity rule (*see, e.g., Certain Welded Carbon Steel Pipe and Tube from Turkey: Final Results and Partial Rescission of Antidumping Administrative Review,* 63 FR 35191 (June 29, 1998); and *Certain Porcelain on Steel Cookware from Mexico: Final Results of Antidumping Duty Administrative Review,* 62 FR 42496, 42503 (August 7, 1997)). This methodology minimizes the extent to which calculated dumping margins are overstated or understated due solely to price inflation that occurred in the intervening time period between the U.S. and home market sales.

We first attempted to compare products sold in the U.S. and home markets that were identical with respect to the following characteristics: grade, size, ASTM specification, and form. Where there were no home market sales of merchandise that were identical in these respects to the merchandise sold in the United States, we compared U.S. products with the most similar merchandise sold in the home market based on the characteristics listed above, in that order of priority.

Export Price/Constructed Export Price

For all U.S. sales by Ekinciler, we used CEP, in accordance with section 772(b) of the Act. For all U.S. sales by ICDAS, we used EP, in accordance with section 772(a) of the Act, because the subject merchandise was sold directly to the first unaffiliated purchaser in the United States prior to importation and CEP methodology was not otherwise warranted based on the facts of record.

A. Ekinciler

We based CEP on packed prices to the first unaffiliated purchaser in the United States. We made deductions from CEP for discounts, as appropriate. We also made deductions for foreign brokerage and handling expenses, inspection fees, ocean freight, marine insurance, U.S. customs duties, discharge expenses (offset by despatch revenue), wharfage expenses, sorting expenses, truck loading expenses, U.S. warehousing expenses and insurance, U.S. inland freight, and U.S. inland insurance, where appropriate, in accordance with section 772(c)(2)(A) of the Act. We based the amount of foreign brokerage and handling expenses on the amount that Ekinciler paid to an affiliated party, because we determined that these expenses were at arm's length. For further discussion, see the concurrence memorandum.

We made additional deductions from CEP, where appropriate, for Exporters' Association fees, bank charges, credit expenses, U.S. indirect selling expenses, and U.S. inventory carrying costs, in accordance with section 772(d)(1) of the Act. We recalculated U.S. credit expenses using the weighted-average of the U.S. interest rates reported in Ekinciler's response. This interest rate was based on the actual borrowing experience of Ekinciler's affiliated parties for their U.S.-dollar-denominated loans.

Pursuant to section 772(d)(3) of the Act, we further reduced the starting price by an amount for profit, to arrive at CEP. In accordance with section 772(f) of the Act, we calculated the CEP profit rate using the expenses incurred

by Ekinciler and its affiliate on their sales of the subject merchandise in the United States and the foreign like product in the home market and the profit associated with those sales.

B. ICDAS

We based EP on packed prices to the first unaffiliated purchaser in the United States. We made deductions for foreign inland freight expenses, ocean freight expenses, inspection fees, and loading charges, where appropriate, in accordance with section 772(c)(2)(A) of the Act.

Normal Value

In order to determine whether there is a sufficient volume of sales in the home market to serve as a viable basis for calculating NV (*i.e.*, the aggregate volume of home market sales of the foreign like product is five percent or more of the aggregate volume of U.S. sales), we compared the volume of each respondent's home market sales of the foreign like product to the volume of U.S. sales of subject merchandise, in accordance with section 773(a)(1)(C) of the Act. Based on this comparison, we determined that each respondent had a viable home market during the POR. Consequently, we based NV on home market sales.

Both respondents made sales of rebar to affiliated parties in the home market during the POR. Consequently, we tested these sales to ensure that, on average, they were made at ''arm's-length'' prices, in accordance with 19 CFR 351.403(c). To conduct this test, we compared the unit prices of sales to affiliated and unaffiliated customers net of all movement charges, direct selling expenses, and packing. Where prices to the affiliated party were on average 99.5 percent or more of the price to the unaffiliated parties, we determined that sales made at arm's length (*see* 19 CFR 351.403(c) and 62 FR 27355). Accordingly, for Ekinciler, we only included in our margin analysis those sales to the sales to the affiliated party that were made at arm's length. Regarding ICDAS, we did not include in our analysis any sales made to affiliated parties because they failed the ''arm's length'' test. Because the volume of sales by ICDAS to its affiliated parties was greater than five percent of the company's total home market sales, pursuant to 19 CFR 351.403(d), we based our analysis on the downstream sales of the affiliates to their unaffiliated customers.

A. Ekinciler

Pursuant to section 773(b)(2)(A)(ii) of the Act, there were reasonable grounds to believe or suspect that Ekinciler had made home market sales at prices below their COPs in this (the first) review because the Department had disregarded sales below the COP for this company in the LTFV investigation. *See Notice of Final Determination of Sales at Less Than Fair Value: Certain Steel Concrete Reinforcing Bars from Turkey*, 62 FR 9737, 9740 (Mar. 4, 1997). As a result, the Department initiated an investigation to determine whether Ekinciler made home market sales during the POR at prices below their respective COPs.

We calculated the COP based on the sum of Ekinciler's cost of materials and fabrication for the foreign like product, plus amounts for SG&A and packing costs, in accordance with section 773(b)(3) of the Act. We relied on Ekinciler's information as submitted, except in the specific instances discussed below.

(1) We considered Ekinciler to be the manufacturer of all rebar which was rolled by unaffiliated subcontractors because we find that Ekinciler controlled the production of this merchandise. *See* the memorandum on this topic from the Team to Louis Apple, dated April 30, 1999; and

(2) We revised the calculation of depreciation expenses related to the revaluation of fixed assets in order to use the index published by Turkish Ministry of Finance. See *World Accounting*, Orsini, Gould, McAllister, & Parikh, Matthew Bender & Co., Inc., 1998, page TRK–30.

As noted above, we determined that the Turkish economy experienced significant inflation during the POR. Therefore, in order to avoid the distortive effect of inflation on our comparison of costs and prices, we requested that Ekinciler submit the product-specific cost of manufacturing (COM) incurred during each month of the POR. We calculated a POR-average COM for each product after indexing the reported monthly costs during the POR to an equivalent currency level using the Turkish Wholesale Price Index from the International Financial Statistics published by the International Monetary Fund. We then restated the POR-average COMs in the currency values of each respective month.

We compared the weighted-average COP figures to home market prices of the foreign like product, as required under section 773(b) of the Act, in order to determine whether these sales had been made at prices below the COP. On a product-specific basis, we compared the COP to home market prices, less any applicable movement charges and selling expenses.

In determining whether to disregard home market sales made at prices below the COP, we examined whether such sales were made: (1) in substantial quantities within an extended period of time; and (2) at prices which permitted the recovery of all costs within a reasonable period of time in the normal course of trade. *See* sections 773(b)(2)(B), (C), and (D) of the Act.

Pursuant to section 773(b)(2)(C)(i) of the Act, where less than 20 percent of Ekinciler's sales of a given product were at prices less than the COP, we did not disregard any below-cost sales of that product because we determined that the below-cost sales were not made in ''substantial quantities.'' Where 20 percent or more of Ekinciler's sales of a given product were at prices below the COP, we found that sales of that model were made in ''substantial quantities'' within an extended period of time (as defined in section 773(b)(2)(B) of the Act), in accordance with section 773(b)(2)(C)(i) of the Act. In such cases, we also determined that such sales were not made at prices which would permit recovery of all costs within a reasonable period of time, in accordance with section 773(b)(2)(D) of the Act. Therefore, for purposes of this administrative review, we disregarded the below-cost sales and used the remaining above-cost sales as the basis for determining NV, in accordance with section 773(b)(1) of the Act. Where all sales of a specific product were at prices below the COP, we disregarded all sales of that product.

For those comparison products for which there were sales at prices above the COP, we based NV on ex-factory, ex-warehouse or delivered prices to home market customers. We excluded from our analysis home market re-sales by Ekinciler of merchandise produced by unaffiliated companies. Where appropriate, we added an amount for interest revenue received from home market customers for delayed payment of invoices. Also where appropriate, we made deductions from the starting price for foreign inland freight, inland insurance, and off-site warehousing expenses, in accordance with section 773(a)(6)(B) of the Act. We deducted home market packing costs and added U.S. packing costs, in accordance with section 773(a)(6) of the Act.

Where appropriate, we made adjustments to NV to account for differences in physical characteristics of the merchandise, in accordance with section 773(a)(6)(C)(ii) of the Act and 19 CFR 351.411. We based this adjustment on the difference in the variable costs of manufacturing for the foreign like product and subject merchandise, using

POR-average costs as adjusted for inflation for each month of the POR, as described above.

B. ICDAS

We based NV on the starting price to unaffiliated customers. We made deductions for inland freight expenses (offset by freight revenue), where appropriate, pursuant to section 773(a)(6)(B) of the Act. Pursuant to section 773(a)(6)(C)(iii) if the Act, we also made deductions for home market credit expenses (offset by interest revenue), where appropriate. We recalculated home market credit expenses using the interest rates observed at verification.

Pursuant to section 773(a)(6)(C)(iii) of the Act and 19 CFR 351.410(c), we made circumstance-of-sale adjustments by adding U.S. credit expenses, bank charges, and Exporters' Association fees.

In addition, we deducted home market packing costs and added U.S. packing costs, in accordance with section 773(a)(6) of the Act.

Currency Conversion

The Department's preferred source for daily exchange rates is the Federal Reserve Bank. However, the Federal Reserve Bank does not track or publish exchange rates for Turkish Lira. Therefore, we made currency conversions based on the daily exchange rates from the Dow Jones News/Retrieval Service.

Preliminary Results of the Review

We preliminarily determine that the following margins exist for the respondents during the period October 10, 1996, through March 31, 1998 (for Ekinciler) and October 10, 1996, thorough July 31, 1998 (for ICDAS):

Manufacturer/producer/exporter	Margin percentage
Ekinciler Holding A.S./ Ekinciler Demir Celik A.S.	1.50
ICDAS Celik Enerji Tersane ve Ulasim Sanayi A.S.	10.22

The Department will disclose to parties the calculations performed in connection with these preliminary results within five days of the date of publication of this notice. Interested parties may request a hearing within 30 days of publication. Any hearing, if requested, will be held two days after the date rebuttal briefs are filed. Interested parties may submit cases briefs not later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than 35 days after the date of publication of this notice. The Department will issue the final results of the administrative and new shipper reviews, including the results of its analysis of issues raised in any such written comments, within 120 days of publication of these preliminary results.

Upon completion of the administrative and new shipper reviews, the Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Pursuant to 19 CFR 351.212(b)(1), we have calculated importer-specific assessment rates based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of those sales, where available. Where the entered value was not available, we estimated the entered value by subtracting international movement expenses from the gross sales value. Pursuant to 19 CFR 351.106(c)(2), we will instruct the Customs Service to liquidate without regard to antidumping duties any entries for which the assessment rate is *de minimis* (*i.e.*, less than 0.50 percent). The assessment rate will be assessed uniformly on all entries of that particular importer made during the POR. The Department will issue appraisement instructions directly to the Customs Service.

Further, the following deposit requirements will be effective for all shipments of rebar from Turkey entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of these administrative and new shipper reviews, as provided for by section 751(a)(2)(C) of the Act: 1) The cash deposit rates for the reviewed companies will be the rates established in the final results of these reviews; 2) for previously investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; 3) if the exporter is not a firm covered in these reviews, or the LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and 4) the cash deposit rate for all other manufacturers or exporters will continue to be 16.06 percent, the all others rate established in the LTFV investigation.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties. These administrative and new shipper reviews and notice are in accordance with sections 751(a)(1) and (a)(2)(B) of the Act (19 U.S.C. 1675(a)(1) and (a)(2)(B)) and 19 CFR 351.213 and 214.

Dated: April 30, 1999.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 99–11572 Filed 05–06–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Notice of Opportunity To Apply for Membership on the U.S.-Korea Committee on Business Cooperation

SUMMARY: The Department of Commerce is currently seeking interim applications for membership on the U.S. side of the U.S.-Korea Committee on Business Cooperation (CBC). The purpose of the CBC is to facilitate stronger commercial ties between U.S. and Korean private sector businesses. This is accomplished by undertaking work programs, reporting on the results, and presenting written recommendations to the two governments. The CBC is chaired by the U.S. Secretary of Commerce and the Korean Minister of Commerce, Industry and Energy. Its activities are coordinated by an equal number of private sector representatives from the United States and Korea. The CBC held its second meeting in Seoul, Korea, on March 27, 1999. The work of the CBC is currently focused through eight sector-specific subgroups: (1) government procurement, (2) environmental technologies, (3) venture capital, (4) automobiles, (5) filmed entertainment, (6) electronic commerce, (7) a business opportunity network on the Internet, and (8) telecommunications. In particular, the Department is seeking representatives from the following sectors: electronic commerce, energy, and biotechnology.

MEMBERSHIP OPPORTUNITY: The CBC charter will expire October 1, 1999, and may be renewed upon the mutual agreement of the U.S. and Korea. There are several vacancies on the U.S. side of the CBC. Applications are now being sought for U.S. private sector members

to serve beginning immediately and until October 1, 1999. Private sector members will serve at the discretion of the Secretary. They are expected to participate fully in defining and implementing CBC work programs, reporting on the results, and presenting written recommendations to the two governments. It is expected that private sector individuals chosen for the CBC will attend at least 75% of CBC meetings, which are held alternately in the U.S. and Korea. Private sector members are fully responsible for travel, living and personal expenses associated with their participation in the CBC. The private sector members will serve in a representative capacity presenting the views and interests of the particular business sector in which they operate, not those of their individual firms. Private sector members are not special government employees.

Objectives

The goals of the CBC are as follows:

- Identifying commercial opportunities, impediments, and issues of concern to the respective business communities;
- Improving the dissemination of appropriate commercial information on both markets;
- Adopting sectoral or project-oriented approaches to expand business opportunities, addressing specific problems, and making recommendations to decision-makers where appropriate;
- Promoting trade/business development and promotion programs to assist the respective business communities in accessing each market, including trade missions, exhibits, seminars, and other events;
- Facilitating appropriate technical cooperation; and
- Considering other steps that may be taken to foster growth and enhance commercial relations.

Membership Criteria

Eligibility criteria. An applicant must be:

- a U.S. citizen residing in the United States; and
- not a registered foreign agent under the Foreign Agents Registration Act of 1938 (FARA).

In reviewing eligible applicants, the Commerce Department will consider:

- Expertise in one of the business sectors noted above in which the CBC will be active;
- Readiness to initiate and be responsible for activities in one or more of the business sectors in which the CBC will be active; and
- Prospective member contributes to membership diversity of company size, type, location, demographics and/or traditional under-representation in business.

To be considered for membership, please provide the following: name and title of the individual requesting consideration; name and address of the company or organization sponsoring each individual; company's product or service line; size of the company; export experience and major markets; a brief statement of why each candidate should be considered for membership on the CBC; the particular segment of the business community each candidate would represent; a personal resume; and a statement signed by the applicant that he or she is a U.S. citizen residing in the United States and not a registered foreign agent under FARA. Up to two applicants from the same organization can be considered.

DEADLINE: In order to receive full consideration, requests must be received no later than May 25, 1999.

ADDRESSES: Please send your requests for consideration to Philip R. Agress, Director, Office of Korea and Southeast Asia, U.S. Department of Commerce, Room 2320, 14th St. and Constitution Ave., NW, Washington, D.C. 20230, fax (202) 482–0469.

FOR FURTHER INFORMATION CONTACT: Linda Droker, Director, Korea and Taiwan Affairs, U.S. Department of Commerce, Room 2036, 14th St. and Constitution Ave., NW, Washington, D.C. 20230, telephone (202) 482–3876, fax (202) 482–3316.

Authority: 15 U.S.C. 1512.

Dated: May 4, 1999.

Philip Agress,

Acting Deputy Assistant Secretary for Asia and the Pacific.

[FR Doc. 99–11517 Filed 05–06–99; 8:45 am]

BILLING CODE 3510–DA–P

DEPARTMENT OF COMMERCE

International Trade Administration

United States-Egypt Presidents' Council: Membership

AGENCY: International Trade Administration, Commerce.

ACTION: Amendment to notice of membership opportunity: Extension to deadline for applications.

SUMMARY: The International Trade Administration of the U.S. Department of Commerce established and monitors the activities of the U.S.-Egypt Presidents' Council, the private sector component of the Gore-Mubarak Partnership. The **Federal Register** published a notice of membership opportunities for American business representatives on the U.S. side of the Council on April 12, 1999. The deadline was May 7, 1999. This notice hereby extends the deadline by which applications must be received.

DATES: In order to receive full consideration, requests must be received no later than: Friday, May 21, 1999.

ADDRESSES: Please send your requests for consideration to Thomas Sams, Egypt Desk Officer, Office of the Near East, U.S. Department of Commerce either by fax on 202–482–0878 or by mail to Room H–2029B, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Tom Sams, Office of the Near East, Room H–2029B, U.S. Department of Commerce, Washington, DC 20230, phone: 202–482–4441.

SUPPLEMENTARY INFORMATION: This amends the notice of membership opportunities on the U.S.-Egypt Presidents' Council published in the **Federal Register** on April 12, 1999 (64 FR 17617–17618).

Dated: May 4 1999.

Thomas R. Parker,

Director, Office of the Near East.

[FR Doc. 99–11632 Filed 5–6–99; 8:45 am]

BILLING CODE 3510–DA–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–508–605]

Industrial Phosphoric Acid From Israel: Preliminary Results of Countervailing Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Preliminary Results and Partial Rescission of Countervailing Duty Administrative Review.

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the countervailing duty order on industrial phosphoric acid from Israel for the period January 1, 1997 through December 31, 1997. For information on the net subsidy for each reviewed company, as well as for all non-reviewed companies, please see the *Preliminary Results of Review* section of this notice. If the final results remain the same as these preliminary results, we will instruct the U.S. Customs

Service to assess countervailing duties as detailed in the *Preliminary Results of Review*. Interested parties are invited to comment on these preliminary results. *See Public Comment* section of this notice.

EFFECTIVE DATE: May 7, 1999.

FOR FURTHER INFORMATION CONTACT: Dana Mermelstein or Sean Carey, Office of AD/CVD Enforcement VI, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482–0984 or (202) 482–3691, respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 19, 1987, the Department published in the **Federal Register** (52 FR 31057) the countervailing duty order on industrial phosphoric acid from Israel. On August 11, 1998, the Department published a notice of ''Opportunity to Request Administrative Review'' (63 FR 42821) of this countervailing duty order. We received a timely request for review, and we initiated the review, covering the period January 1, 1997 through December 31, 1997, on September 29, 1998 (63 FR 51893). In accordance with 19 CFR 351.213(b), this review covers only those producers or exporters of the subject merchandise for which a review was specifically requested. Accordingly, this review covers Rotem-Amfert Negev Ltd. (Rotem) and Haifa Chemicals Ltd. (Haifa). Haifa did not export the subject merchandise during the period of review (POR). Therefore, we are rescinding the review with respect to Haifa. This review covers 11 programs.

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions of the Tariff Act of 1930, as amended by the Uruguay Round Agreements Act (URAA) effective January 1, 1995 (the Act). The Department is conducting this administrative review in accordance with section 751(a) of the Act. All citations to the Department's regulations reference 19 CFR Part 351 (1998).

Scope of the Review

Imports covered by this review are shipments of industrial phosphoric acid (IPA) from Israel. Such merchandise is classifiable under item number 2809.20.00 of the Harmonized Tariff Schedule (HTS). The HTS item number is provided for convenience and U.S. Customs Service purposes. The written description of the scope remains dispositive.

Subsidies Valuation Information

Period of Review

The period for which we are measuring subsidies is calendar year 1997.

Allocation Period

In *British Steel plc.* v. *United States*, 879 F.Supp. 1254 (February 9, 1995) (*British Steel*), the U.S. Court of International Trade (the Court) ruled against the allocation period methodology for non-recurring subsidies that the Department had employed for the past decade, as it was articulated in the *General Issues Appendix* appended to the *Final Countervailing Duty Determination; Certain Steel Products from Austria*, 58 FR 37225 (July 9, 1993) (GIA). In accordance with the Court's decision on remand, the Department determined that the most reasonable method of deriving the allocation period for nonrecurring subsides is a company-specific average useful life (AUL). This remand determination was affirmed by the Court on June 4, 1996. *British Steel*, 929 F.Supp 426, 439 (CIT 1996). Accordingly, the Department has applied this method to those non-recurring subsidies that have not yet been countervailed. Rotem submitted an AUL calculation based on depreciation expenses and asset values of productive assets reported in its financial statements. Rotem's AUL was derived by adding the sum of average gross book value of depreciable fixed assets for ten years and dividing these assets by the total depreciation charges for the related periods. We found this calculation to be reasonable and consistent with our company-specific AUL objective. Rotem's calculation resulted in an average useful life of 23 years, which we have used as the allocation period for non-recurring subsidies received during the POR. For non-recurring subsidies received prior to the POR and already countervailed based on an allocation period established in an earlier segment of the proceeding, it is not reasonable or practicable to reallocate those subsidies over a different period of time. Since the countervailing duty rate in earlier segments of the proceeding was calculated based on a certain allocation period and resulted in a certain benefit stream, redefining the allocation period in later segments of the proceeding would entail taking the original grant amount and creating an entirely new benefit stream for that grant. Such a practice may lead to an increase or decrease in the total amount countervailed and, thus, would result in the possibility of over- or under-countervailing the actual benefit. Therefore, for purposes of these preliminary results, the Department is using the original allocation period assigned to each non-recurring subsidy received prior to the POR. *See Certain Carbon Steel Products from Sweden; Final Results of Countervailing Duty Administrative Review*, 62 FR 16549 (April 7, 1997).

Privatization

Israel Chemicals Limited (ICL), the parent company which owns 100 percent of Rotem's shares, was partially privatized in 1992, 1993, 1994, and 1995. In this administrative review, the Government of Israel (GOI) and Rotem reported that additional shares of ICL were sold in 1997. We have previously determined that the partial privatization of ICL represents a partial privatization of each of the companies in which ICL holds an ownership interest. *See Final Results of Countervailing Duty Administrative Review; Industrial Phosphoric Acid from Israel*, 61 FR 53351, 53352 (October 11, 1996) (*1994 Final Results*). In this review and prior reviews of this order, the Department found that Rotem and/or its predecessor, Negev Phosphates Ltd., received non-recurring countervailable subsidies prior to these partial privatizations. Further, the Department found that a portion of the price paid by a private party for all or part of a government-owned company represents partial repayment of prior subsidies. *See GIA*, 58 FR at 37262. Therefore, in 1992, 1993, and 1995 reviews, we calculated the portion of the purchase price paid for ICL's shares that is attributable to repayment of prior subsidies. In the 1994 privatization, less than 0.5 percent of ICL shares were privatized. We determined that the percentage of subsidies potentially repaid through this privatization could have no measurable impact on Rotem's overall net subsidy rate. Thus, we did not apply our repayment methodology to the 1994 partial privatization. *See 1994 Final Results*, 61 FR at 53352. However, we are applying this methodology to the 1997 partial privatization because 17 percent of ICL's shares were sold. This approach is consistent with our findings in the *GIA* and Department precedent under the URAA. *See e.g., GIA*, 58 FR at 37259; *Certain Hot-Rolled Lead and Bismuth Carbon Steel Products from the United Kingdom; Final Results of Countervailing Duty Administrative Review*, 61 FR 58377 (November 14, 1996); *Final Affirmative Countervailing*

Duty Determination: Certain Pasta from Italy, 61 FR 30288 (June 14, 1996).

Grant Benefit Calculations

To calculate the benefit for the POR, we followed the same methodology used in the final results of the 1996 administrative review. We converted Rotem's shekel-denominated grants into U.S. dollars, using the exchange rate in effect on the date the grant was received. We then applied the grant methodology to determine the benefit for the POR. *See Industrial Phosphoric Acid from Israel; Final Results of Countervailing Duty Administrative Review*, 63 FR 13626, 13633 (March 20, 1998) (*1995 Final Results*).

Discount Rates

We considered Rotem's cost of long-term borrowing in U.S. dollars as reported in the company's financial statements for use as the discount rate used to allocate the countervailable benefit over time. However, this information includes Rotem's borrowing from its parent company, ICL, and thus does not provide an appropriate discount rate. Therefore, we have turned to ICL's cost of long-term borrowing in U.S. dollars in each year from 1984 through 1997 as the most appropriate discount rate. ICL's interest rates are shown in the notes to the company's financial statements, public documents which are in the record of this review. *See Comment 9* in the *1995 Final Results* (63 FR at 13633–4).

Analysis of Programs

I. Programs Conferring Subsidies

A. Encouragement of Capital Investments Law (ECIL)

The ECIL program is designed to encourage the distribution of the population throughout Israel, to create new sources of employment, to aid the absorption of immigrants, and to develop the economy's production capacity. To be eligible for benefits under the ECIL, including investment grants, capital grants, accelerated depreciation, reduced tax rates, and certain loans, applicants must obtain approved enterprise status. Investment grants cover a percentage of the cost of the approved investment, and the amount of the grant depends on the geographic location of eligible enterprises. For purposes of the ECIL program, Israel is divided into three zones—Development Zones A and B, and the Central Zone. Under the ECIL program the Central Zone was not eligible for benefits. In *Final Affirmative Countervailing Duty Determination: Industrial Phosphoric Acid From Israel*, 52 FR 25447 (July 7, 1987) (*IPA Investigation*), the Department found the ECIL grant program to be *de jure* specific because the program limits the availability of grants to enterprises located in specific regions. In this review, no new information or evidence of changed circumstances has been submitted to warrant reconsideration of this determination.

Rotem is located in Development Zone A, and received ECIL investment, drawback, and capital grants in disbursements over a period of years for several projects. As explained in the ''Allocation Period'' section above, for grants that have been allocated in prior administrative reviews, we are continuing to use the allocation period assigned to these grants. For grants received during the POR, we have used the AUL calculated by Rotem in this review, which is 23 years. To calculate the benefit for the POR, we followed the same methodology used in the final results of the 1995 administrative review, as indicated in the ''Grant Benefit Calculations'' section above.

To calculate the total subsidy in the POR, we first summed the grant amounts allocated to and received in 1997, after taking into account the partial privatizations in 1992, 1993, 1995, and 1997. To derive the subsidy rates, as discussed in the *1995 Final Results*, we attributed ECIL grants to a particular facility over the sales of the product produced by that facility plus sales of all products into which that product may be incorporated. Accordingly, we attributed ECIL grants to Rotem's phosphate rock mines to total sales; we attributed grants to Rotem's green acid facility to total sales minus direct sales of phosphate rock; and, finally, we attributed grants to Rotem's IPA facilities to sales of IPA, MKP, fertilizers, and ''IPA-Akonomika'' and MKP–HCL (by-products of IPA production which contribute to Rotem's sales revenue). We summed the rates obtained on this basis, and preliminarily determine the net countervailable subsidy from this program to be 5.43 percent *ad valorem* for the POR.

B. Infrastructure Grant Program

Under the Infrastructure Grant Program, the GOI establishes new industrial areas by partially reimbursing companies for their costs of developing the infrastructure in certain geographical zones. Rotem received assistance under this program during the POR. Therefore, within the meaning of section 771(5)(B)(i), a subsidy is bestowed because the GOI provided a financial contribution, which conferred a benefit. We analyzed whether this program is specific within the meaning of section 751(5A)(D) of the Act. Because the infrastructure grants are limited to an enterprise or industry located in certain zones within the jurisdiction of the authority providing the subsidy, we find this program to be regionally specific in accordance with section 771(5A)(D)(iv). We view these grants as non-recurring based on the analysis set forth in the ''Allocation'' section of the *GIA* (58 FR at 37226) because these benefits are exceptional, and the company cannot expect to receive benefits on an ongoing basis from review period to review period. Therefore, we calculated the benefit under this program using the methodology for non-recurring grants noted above in the ''Grant Benefit Calculations'' section. We then divided the grant amount by Rotem's total sales because the grant benefitted Rotem's total production. On this basis, we preliminarily determine the net countervailable subsidy from this program to be 0.22 percent *ad valorem*.

II. Programs Preliminarily Determined To Be Not Used

We examined the following programs and preliminarily determined that the producer and/or exporter of the subject merchandise did not apply for or receive benefits under these programs during the POR:

A. Encouragement of Industrial Research and Development Grants (EIRD)
B. Environmental Grant Program
C. Reduced Tax Rates under ECIL
D. ECIL Section 24 loans
E. Dividends and Interest Tax Benefits under Section 46 of the ECIL
F. ECIL Preferential Accelerated Depreciation
G. Exchange Rate Risk Insurance Scheme
H. Labor Training Grants
I. Long-term Industrial Development Loans

Preliminary Results of Review

In accordance with 19 CFR 351.213(b), we calculated an individual subsidy rate for each producer/exporter subject to this administrative review. For the period January 1, 1997 through December 31, 1997, we preliminarily determine the net subsidy for Rotem to be 5.65 percent *ad valorem*. If the final results of this review remain the same as these preliminary results, the Department intends to instruct the U.S. Customs Service (Customs) to assess countervailing duties as indicated above. The Department also intends to instruct Customs to collect cash deposits of estimated countervailing duties as indicated above of the f.o.b. invoice price on all shipments of the subject merchandise from reviewed companies, entered, or withdrawn from warehouse, for consumption on or after

the date of publication of the final results of this review. Because the URAA replaced the general rule in favor of a country-wide rate with a general rule in favor of individual rates for investigated and reviewed companies, the procedures for establishing countervailing duty rates, including those for non-reviewed companies, are now essentially the same as those in antidumping cases, except as provided for in section 777A(e)(2)(B) of the Act. The requested review will normally cover only those companies specifically named. *See* 19 CFR 351.213(b). Pursuant to 19 CFR 351.212(c), for all companies for which a review was not requested, duties must be assessed at the cash deposit rate, and cash deposits must continue to be collected, at the rate previously ordered. As such, the countervailing duty cash deposit rate applicable to a company can no longer change, except pursuant to a request for a review of that company. *See Federal-Mogul Corporation and The Torrington Company* v. *United States*, 822 F.Supp. 782 (CIT 1993) and *Floral Trade Council* v. *United States*, 822 F. Supp. 766 (CIT 1993). Therefore, the cash deposit rates for all companies except those covered by this review will be unchanged by the results of this review. We will instruct Customs to continue to collect cash deposits for non-reviewed companies at the most recent company-specific or country-wide rate applicable to the company. Accordingly, the cash deposit rates that will be applied to non-reviewed companies covered by this order will be the rate for that company established in the most recently completed administrative proceeding under the URAA. If such a review has not been conducted, the rate established in the most recently completed administrative proceeding conducted pursuant to the statutory provisions that were in effect prior to the URAA amendments, is applicable. *See 1992/93 Final Results*, 61 FR 28842. These rates shall apply to all non-reviewed companies until a review of a company assigned these rates is requested. In addition, for the period January 1, 1997 through December 31, 1997, the assessment rates applicable to all non-reviewed companies covered by this order are the cash deposit rates in effect at the time of entry.

Public Comment

Pursuant to 19 CFR 351.224(b), the Department will disclose to parties to the proceeding any calculations performed in connection with these preliminary results within five days after the date of publication of this notice. Pursuant to 19 CFR 351.309, interested parties may submit written comments in response to these preliminary results. Case briefs must be submitted within 30 days after the date of publication of this notice, and rebuttal briefs, limited to arguments raised in case briefs, must be submitted no later than five days after the time limit for filing case briefs. Parties who submit argument in this proceeding are requested to submit with the argument: (1) a statement of the issues, and (2) a brief summary of the argument. Case and rebuttal briefs must be served on interested parties in accordance with 19 CFR 351.303(f). Also, pursuant to 19 CFR 351.310, within 30 days of the date of publication of this notice, interested parties may request a public hearing on arguments to be raised in the case and rebuttal briefs. Unless the Secretary specifies otherwise, the hearing, if requested, will be held two days after the date for submission of rebuttal briefs, that is, thirty-seven days after the date of publication of these preliminary results. Representatives of parties to the proceeding may request disclosure of proprietary information under administrative protective order no later than 10 days after the representative's client or employer becomes a party to the proceeding, but in no event later than the date case briefs, under 19 CFR 351.309(c)(ii), are due. The Department will publish the final results of this administrative review, including the results of its analysis of issues raised in any case or rebuttal brief or at a hearing.

These preliminary results are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act (19 U.S.C. 1675(a)(1) and 19 U.S.C 1677f(i)(1)).

Dated: May 3, 1999.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 99–11575 Filed 5–6–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–122–815]

Pure Magnesium and Alloy Magnesium From Canada: Preliminary Results of the Sixth Countervailing Duty Administrative Reviews

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Preliminary Results of Countervailing Duty Administrative Reviews.

SUMMARY: The Department of Commerce is conducting administrative reviews of the countervailing duty orders on pure magnesium and alloy magnesium from Canada for the period January 1, 1997 through December 31, 1997. We have preliminarily determined that certain producers/exporters have received countervailable subsidies during the period of review. If the final results remain the same as these preliminary results, we will instruct the Customs Service to assess countervailing duties as detailed in the *Preliminary Results of Reviews* section of this notice. Interested Parties are invited to comment on these preliminary results.

EFFECTIVE DATE: May 7, 1999.

FOR FURTHER INFORMATION CONTACT: Annika O'Hara or Blanche Ziv, AD/CVD Enforcement, Group 1, Office 1, Import Administration, U.S. Department of Commerce, Room 3099, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482–3798 or (202) 482–4207, respectively.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

The Department of Commerce (the Department) is conducting these administrative reviews in accordance with section 751(a) of the Tariff Act of 1930, as amended by the Uruguay Round Agreements Act (URAA), effective January 1, 1995 (the Act). Unless otherwise indicated, all citations to the statute are references to the provisions of the Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations codified at 19 CFR Part 351 (1998).

Background

On August 31, 1992, the Department published in the **Federal Register** the countervailing duty orders on pure magnesium and alloy magnesium from Canada (57 FR 39392). On August 11, 1998, the Department published a notice of ''Opportunity to Request Administrative Review'' of these orders (63 FR 42821). We received a timely request for review from Norsk Hydro Canada Inc. (NHCI) on August 25, 1998, and we initiated these reviews, covering the period January 1, 1997, through December 31, 1997, on September 29, 1998 (63 FR 51893).

In accordance with 19 CFR 351.213(b), these reviews cover NHCI, the only producer or exporter of the subject merchandise for which a review was specifically requested. These reviews cover 17 subsidy programs.

On October 6, 1998, the Department issued countervailing duty questionnaires to NHCI, the Government of Canada (GOC), and the Government of Quebec (GOQ). We received questionnaire responses from NHCI on November 20, 1998, the GOQ on November 23, 1998, and the GOC on November 27, 1998.

Scope of the Reviews

The products covered by these reviews are shipments of pure and alloy magnesium from Canada. Pure magnesium contains at least 99.8 percent magnesium by weight and is sold in various slab and ingot forms and sizes. Magnesium alloys contain less than 99.8 percent magnesium by weight with magnesium being the largest metallic element in the alloy by weight, and are sold in various ingot and billet forms and sizes.

The pure and alloy magnesium subject to review is currently classifiable under items 8104.11.0000 and 8104.19.0000, respectively, of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written descriptions of the merchandise subject to the orders are dispositive.

Secondary and granular magnesium are not included in the scope of these orders. Our reasons for excluding granular magnesium are summarized in *Preliminary Determination of Sales at Less Than Fair Value: Pure and Alloy Magnesium From Canada,* 57 FR 6094 (February 20, 1992).

Period of Review

The period of review (POR) for which we are measuring subsidies is from January 1, 1997 through December 31, 1997.

Analysis of Programs

I. Programs Preliminarily Determined to Confer Subsidies

A. Exemption From Payment of Water Bills

Pursuant to a December 15, 1988, agreement between NHCI and La Société du Parc Industriel et Portuaire de Bécancour (Industrial Park), NHCI was exempt from paying its water bills. In accordance with this agreement, NHCI did not pay the invoiced amounts of its water bills, except for the taxes associated with these bills, until June 1997. By June 1997, NHCI had used the entire credit granted by the Industrial Park and began paying its water bills in full.

In *Final Affirmative Countervailing Duty Determinations: Pure Magnesium and Alloy Magnesium from Canada,* 57 FR 30946, 30948 (July 13, 1992) (*Magnesium from Canada*), the Department determined that the exemption received by NHCI was limited to a specific enterprise or industry, or group of enterprises or industries, because no other company received such an exemption. In these reviews, neither the GOQ nor NHCI provided new information which would warrant reconsideration of this determination.

We preliminarily determine the countervailable benefit to be the amount NHCI would have paid for water absent the exemption. To calculate the benefit under this program, we divided the amount NHCI would have paid during the POR by the company's total sales of Canadian-manufactured products during the same period. Thus, we preliminarily determine the countervailable subsidy provided by this program to be 0.18 percent *ad valorem*.

The water bill credit program was terminated in June 1997. As of June 30, 1997, the credit given for water consumption had been reached and NHCI began to make water bill payments. Since NHCI has continued to make water bill payments thereafter, we preliminarily determine this program terminated with no residual benefits. Moreover, there is no evidence on the record which would indicate that residual benefits are being provided or received or that a substitute program has been implemented. Therefore, we will not examine this program in the future, and the cash deposit rate will be zero for this program.

B. Article 7 Grants From the Québec Industrial Development Corporation

The Société de Développement Industriel du Québec (SDI) administers development programs on behalf of the GOQ. SDI provides assistance under Article 7 of the SDI Act in the form of loans, loan guarantees, grants, assumptions of costs associated with loans, and equity investments. This assistance involves projects capable of having a major impact upon the economy of Québec. Article 7 assistance greater than 2.5 million dollars must be approved by the Council of Ministers and assistance over 5 million dollars becomes a separate budget item under Article 7. Assistance provided in such amounts must be of ''special economic importance and value to the province.'' (*See Magnesium from Canada* at 30949.)

In 1988, NHCI was awarded a grant under Article 7 to cover a large percentage of the cost of certain environmental protection equipment. In *Magnesium from Canada,* we determined that NHCI received a disproportionately large share of assistance under Article 7. On this basis, we determined that the Article 7 grant was limited to a specific enterprise or industry, or group of enterprises or industries. In these reviews, neither the GOQ nor NHCI provided new information which would warrant reconsideration of this determination.

For the reasons set forth in *Preliminary Results of First Countervailing Duty Administrative Reviews: Pure Magnesium and Alloy Magnesium from Canada,* 61 FR 11186, 11187 (March 19, 1996), we preliminarily determine that the Article 7 assistance received by NHCI was a non-recurring grant because it represented a one-time provision of funds.

We calculated the benefit received by NHCI using our standard grant methodology. As the discount rate, we used the company's cost of long-term, fixed-rate debt in the year in which the grant was awarded. We divided the portion of the benefit allocated to the POR by NHCI's total sales of Canadian-manufactured products during the same period. We preliminarily determine the net subsidy provided by this program to be 1.84 percent *ad valorem*.

II. Programs Preliminarily Determined To Be Not Used

We examined the following programs and preliminarily determine that NHCI did not apply for or receive benefits under these programs during the POR:

- St. Lawrence River Environment Technology Development Program.
- Program for Export Market Development.
- The Export Development Corporation.
- Canada-Québec Subsidiary Agreement on the Economic Development of the Regions of Québec.
- Opportunities to Stimulate Technology Programs.
- Development Assistance Program.
- Industrial Feasibility Study Assistance Program.
- Export Promotion Assistance Program.
- Creation of Scientific Jobs in Industries.
- Business Investment Assistance Program.
- Business Financing Program.
- Research and Innovation Activities Program.
- Export Assistance Program.
- Energy Technologies Development Program.
- Transportation Research and Development Assistance Program.

Preliminary Results of Reviews

In accordance with 19 CFR 351.221(b)(4)(i), we calculated a subsidy rate for NHCI, the sole producer/exporter subject to these administrative reviews. For the period January 1, 1997, through December 31, 1997, we preliminarily determine the net subsidy rate for NHCI to be 2.02 percent *ad valorem*. If the final results of these reviews remain the same as these preliminary results, the Department intends to instruct the Customs Service to assess countervailing duties at the net subsidy rate.

The Department also intends to instruct the Customs Service to collect cash deposits of estimated countervailing duties (exclusive of the net subsidy rate calculated for the water program, see section I. A. above), at the rate of 1.84 percent of the f.o.b. value of all shipments of the subject merchandise from NHCI entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of these administrative reviews.

Because the URAA replaced the general rule in favor of a country-wide rate with a general rule in favor of individual rates for investigated and reviewed companies, the procedures for establishing countervailing duty rates, including those for non-reviewed companies, are now essentially the same as those in antidumping cases, except as provided for in section 777A(e)(2)(B) of the Act. The requested reviews will normally cover only those companies specifically named. *See* 19 CFR 351.213(b). Pursuant to 19 CFR 351.212(c), for all companies for which a review was not requested, duties must be assessed at the cash deposit rate, and cash deposits must continue to be collected, at the rate previously ordered. As such, the countervailing duty cash deposit rate applicable to a company can no longer change, except pursuant to a request for a review of that company. *See Federal-Mogul Corporation and The Torrington Company* v. *United States,* 822 F. Supp. 782 (CIT 1993) and *Floral Trade Council* v. *United States,* 822 F. Supp. 766 (CIT 1993) (interpreting 19 CFR 353.22(e), the antidumping regulation on automatic assessment, which is identical to 19 CFR 355.22(g), the predecessor to 19 CFR 351.212(c)). Therefore, the cash deposit rates for all companies except those covered by these reviews will be unchanged by the results of these reviews.

We will instruct the the Customs Service to continue to collect cash deposits for non-reviewed companies, except Timminco Limited (which was excluded from the orders during the investigation), at the most recent company-specific or country-wide rate applicable to the company. Accordingly, the cash deposit rates that will be applied to non-reviewed companies covered by these orders are those established in the most recently completed administrative proceeding, conducted pursuant to the statutory provisions that were in effect prior to the URAA amendments. *See Final Results of the Second Countervailing Duty Administrative Reviews: Pure Magnesium and Alloy Magnesium from Canada,* 62 FR 48607 (September 16, 1997). These rates shall apply to all non-reviewed companies until a review of a company assigned these rates is requested. In addition, for the period January 1, 1997, through December 31, 1997, the assessment rates applicable to all non-reviewed companies covered by these orders are the cash deposit rates in effect at the time of entry, except for Timminco Limited (which was excluded from the orders during the original investigation).

Public Comment

Interested parties may request a hearing not later than 30 days after the date of publication of this notice. Interested parties may submit written arguments in case briefs on these preliminary results within 30 days of the date of publication. Rebuttal briefs, limited to arguments raised in case briefs, may be submitted five days after the time limit for filing the case brief. Parties who submit an argument in these proceedings are requested to submit with the argument (1) a statement of the issue, and (2) a brief summary of the argument. Any hearing, if requested, will be held two days after the scheduled date for submission of rebuttal briefs. Copies of case briefs and rebuttal briefs must be served on interested parties in accordance with 19 CFR 351.303(f).

Representatives of parties to the proceeding may request disclosure of proprietary information under administrative protective order no later than 10 days after the representative's client or employer becomes a party to the proceeding, but in no event later than the date the case briefs, under 19 CFR 351.309(c)(ii), are due.

The Department will publish the final results of these administrative reviews, including the results of its analysis of issues raised in any case or rebuttal briefs or at a hearing.

These administrative reviews and notice are in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: May 3, 1999.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 99–11576 Filed 5–6–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Notice of Extending Comment Period to May 14, 1999

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of extending comment period to May 14, 1999.

SUMMARY: In connection with the Department of Commerce's request for public comments on its proposed safe harbor documents announced in the notice published on April 22, 1999 (pages 19747–19748), the Department has posted new ''Frequently Asked Questions'' and extended the comment period on all posted documents to May 14, 1999. All documents for comment are posted on the Department's web page, at http://www.ita.doc.gov/ecom.

DATES: The deadline for public comments is May 14, 1999.

Comment Submission Procedure

Please submit comments on any draft documents to the Department of Commerce electronically in an HTML format to the following email address: Ecommerce@ita.doc.gov. If organizations do not have the technical ability to provide comments in an HTML format, they can forward them in the body of the email, or in a Word or WordPerfect format. If necessary, hard copies of comments can be mailed to the Electronic Commerce Task Force, U.S. Department of Commerce, Room 2009, 14th and Constitution Ave., NW, Washington DC 20230, or faxed to 202–501–2548. If you would like to speak to someone or want hard copies please call Brenda Carter-Nixon on (202) 482–5227.

Dated: April 30, 1999.

Eric Fredell,

International Trade Specialist, International Trade Administration/ Trade Development.

[FR Doc. 99–11455 Filed 5–6–99; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket No. 990309065–9065–01]

RIN 0693–ZA29

Professional Research Experience Program (PREP)

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of availability of funds for cooperative agreements to provide fellowships for undergraduate, graduate, and post-doctoral students.

SUMMARY: This notice is to invite proposals from accredited colleges and universities to participate in the PREP program. Under this program, NIST provides financial assistance to accredited colleges and universities to enable those institutions to provide laboratory experiences and financial assistance to undergraduate, graduate, and post-doctoral students at the NIST, Boulder Laboratories in Boulder, Colorado. It is anticipated that two (2) or more awards will be made contingent on the availability of funds in fiscal year 1999. However, in fiscal year 1998, 96 PREP fellowships were provided (some students received more than one fellowship). Approximately $1,375,000 in fellowships were awarded under this program in 1998.

DATES: Applications must be received at the address below no later than 5 p.m., Mountain Standard Time on June 7, 1999, in order to be considered for the Fall, 1999 awards. Late applications will be rejected and returned to the sender.

ADDRESSES: Request application materials from and send applications to: PREP Program Coordinator, Division 360, National Institute of Standards and Technology, 325 Broadway, Boulder, CO 80303.

Application materials may also be downloaded from the World Wide Web at the following address: *http://www.boulder.nist.gov/exec/bdprepo.htm*.

FOR FURTHER INFORMATION CONTACT: Phyllis Wright, Program Coordinator, telephone (303) 497–3244, or e-mail phyllis.wright@nist.gov.

SUPPLEMENTARY INFORMATION:

Catalog of Federal Domestic Assistance Name and Number: 11.609—Measurement and Engineering Research and Standards.

Authority: Section 18 of the NIST Act, as amended (15 USC 278g–1)

Program Description

PREP is designed to provide funding to eligible colleges and universities to enable them to provide fellowships to undergraduate, graduate, and post-doctoral students. Through these fellowships, students will participate in valuable laboratory experiences and will receive financial assistance. Through this program NIST sponsors will often become mentors and work collaboratively with the faculty and advisors at the university to further the success of the student. The majority of the laboratory research experiences will take place at the NIST laboratory in Boulder, Colorado.

Fellowships will be awarded to students by the selected colleges and universities to encourage the growth and progress of science and engineering in the United States, including the encouragement of women and minority students seeking to further their professional development. A major objective is to nurture students considered to be potential future NIST employees.

Undergraduate and graduate students receiving NIST–PREP fellowships must be accepted for enrollment for academic credit as full-time students at an accredited university and remain affiliated with the university during the term of the fellowship. Fellowships may be extended after graduation only as long as necessary to complete research projects started by the student while enrolled as a student with the university. Post-doctoral students must be affiliated with a university during the term of the fellowship.

Funding Availability

Applications for cooperative agreements should be for one year, with options for renewal at the discretion of NIST for up to four additional years without competition.

Fellowships will be awarded by the cooperating colleges and/or universities contingent solely upon the availability of NIST program funds and the selection of students by potential NIST sponsors. Fellowships will be negotiated between the university and NIST, and can include the following: undergraduate fellowships can include a stipend and full tuition payment at the in-state rate; graduate fellowships can consist of a stipend, tuition assistance, and insurance; and postgraduate fellowships are negotiated between university and NIST as part of the cooperative agreement and may consist of a stipend, travel, moving expenses, and other miscellaneous expenses.

Matching Requirements

Cost sharing and matching is not required under this program. However, in the interest of furthering the education and development of future scientists and engineers, applicants are encouraged to cost share on a voluntary basis. Voluntary costs sharing may include any eligible costs under the applicable costs principles that meet the test of reasonableness, allocability, and allowability. Such voluntary cost sharing may include, but is not limited to, cash contributions for direct costs, contributions of indirect costs, or in-kind contributions. While cost sharing is not required, any cost the share contribution will be taken into consideration in reviewing the competitiveness of the proposed project budget.

Type of Funding Instrument

NIST expects to award two or more cooperative agreements. This information is provided in the interest of maximum openness of the agency's intent. It is not intended to bind the agency to any specific number of cooperative agreements. As the funding instrument will be a cooperative agreement, NIST anticipates that it will be substantially involved with the applicant institution in the implementation and management of all cooperative agreements awarded. It is anticipated that before fellowships are offered to students, the students will be screened by the appropriate officials of the applicant organization and NIST sponsors. Criteria for such screening will be mutually developed by NIST and the applicant organization.

Eligibility Criteria

Accedited educational institutions that offer undergraduate and graduate degrees in physics, chemistry, materials science, mathematics, computer science, or engineering are eligible to participate in this program. Students who receive fellowships under the program must be citizens of the United States or lawfully admitted to the United States for permanent residence, and show evidence of a 3.0 or higher grade point average in a curriculum acceptable to the sponsoring educational institution and NIST. Undergraduate and graduate students must be enrolled full-time, and post-graduate students must be associated with the accredited educational institution. Post-doctoral students who receive fellowships under the program must begin the program within five years of receiving their doctoral degree. In most cases, applicants must insure the availability

of students for on-site work experiences in Boulder, Colorado concurrently with the university classroom studies.

Award Period

Applicants must propose undergraduate fellowships for one semester time periods, and graduate and postdoctoral fellowships for one year time periods. Undergraduate and graduate fellowships may be renewed as long as the student adequate progress toward a degree in a curriculum acceptable to the sponsoring educational institution and NIST, and maintains a 3.0 or higher grade point average. Proposed graduate fellowships must not exceed six years. Proposed post-doctoral fellowships may be renewed, but must not exceed a total of three years.

Indirect Costs

Applicants are encouraged to propose to cover indirect costs as cost share under the program. However, indirect costs are eligible project costs. Any indirect costs proposed in an application under this program must not exceed the indirect cost rate negotiated with the applicant's cognizant or oversight Federal agency prior to the proposed effective date of the award.

Applicant Forms

Standard Form (SF)424, Application for Financial Assistance, SF 424A, SF 424B, and CD–511 shall be used for applying an financial assistance. Awards resulting from this competition will be administered in accordance with 15 CFR 14, ''Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, Other Non-Profits, and Commercial Organizations;'' and OMB Circular A–21, ''Cost Principles for Educational Institutions;'' and other award terms and conditions. An application kit may be requested from the contact person at the address listed above. Proposals may be structured in any way that the applicants believe will best present their proposed project. A format that NIST offers for consideration by applicant is as follows:

Proposal Summary

I. Introduction: Describe the institution's qualifications for conducting the proposed project.

II. Need Assessment: Document and explain the needs to be met by the proposed project or problems to be solved as a result of conducting the proposed project

III. Objectives: Provide detailed expected project outcomes and benefits to the college or university expressed in measurable terms.

IV. Evaluation: Delineate plans for measuring success or determining the degree to which the project objectives were met.

V. Budget: Prepare SF–424–A and provide a detailed budget narrative to explain fully and justify all proposed project funding including each level of fellowships (undergraduate, graduate, and post-graduate) and other resources.

VI. Future or Other: Describe plans for continuing the project Necessary Funding beyond Federal funding currently requested. It is up to the applicant organization to determine appropriate application criteria for use by undergraduate, graduate, and post-doctoral students in applying for the fellowship program. There is no prescribed format. Examples of criteria previously used can be obtained from the contact person listed above or by downloading copies from the PREP web site at http://www.boulder.nist.gov/exec/bdprepo.htm.

Project Funding Priorities

Applicants must be able to provide students for on site work experiences at the NIST laboratories in Boulder, Colorado. The student must also be enrolled in an academic program acceptable to both the sponsoring institution and NIST while working in the laboratories.

Application Evaluation Criteria

Applications will be evaluated by a panel of at least three independent reviewers who are knowledgeable in the subject matter of this solicitation and its objectives. All applications will be evaluated and scored on the basis of the evaluation criteria delineated below:

1. Experience in providing students pursuing degrees in physics, chemistry, materials science, mathematics, computer science or engineering with work experiences in laboratories or other settings consistent with furthering the students' education. Unsatisfactory performance on any previous Federal awards may result in an application not being considered for funding. (30 Points)

2. Soundness of the applicant's academic program, proposed project objectives, and appropriateness of proposed student work assignments in light of ongoing research at NIST/Boulder and the students' academic programs. (30 Points)

3. Adequacy and reasonableness of plans for administering the project and coordinating with the NIST Program Officer in Boulder. (20 Points)

4. Cost realism of the proposed project budget (proposed fellowships and other proposed costs) in light of the activities proposed and the objectives of the sponsoring institution and NIST. (20 Points)

Selection Procedures

Selection Procedures

The selection of institutions to be recommended for an award will be made by the Executive Officer at the NIST Laboratory in Boulder, Colorado. In recommending applications for funding, the Executive Officer will take into consideration the results of the evaluations and scores of the independent review panel, the needs of the NIST laboratories, and the selection official's judgement as to which applications, taken as a whole, are likely to best further the goals of the PREP program. The final selection of applications and award of cooperative agreements will be made by the NIST Grants Officer in Gaithersburg, Maryland.

Other Requirements

Federal Policies and Procedures

Recipients and subrecipients are subject to all Federal laws and Federal and DoC policies, regulations, and procedures applicable to Federal financial assistance awards.

Past Performance

Unsatisfactory performance under prior Federal awards may result in an application not being considered for funding.

Preaward Activities

If applicants incur any costs prior to an award being made, they do so solely at their own risk of not being reimbursed by the Government. Notwithstanding any verbal or written assurance that may have been received, there is no obligation on the part of DoC to cover preaward costs.

No Obligation for Future Funding

If an application is selected for funding, DoC has no obligation to provide any additional future funding in connection with that award. Renewal of an award to increase funding or extend the period of performance is at the total discretion of DoC.

Delinquent Federal Debts

No award of Federal funds shall be made to an applicant who has an outstanding delinquent Federal debt until either:

1. The delinquent account is paid in full,

2. A negotiated repayment schedule is established and at least one payment is receive, or

3. Other arrangements satisfactory to DoC are made.

Name Check Review

All non-profit and for-profit applicants are subject to a name check review process. Name checks are intended to reveal if any key individuals associated with the applicant have been convicted of or are presently facing criminal charges such as fraud, theft, perjury, or other matters which significantly reflect on the applicant's management honesty or financial integrity.

Primary Applicant Certifications

All primary applicants must submit a completed Form CD–511, ''Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying,'' and the following explanations are hereby provided:

1. Nonprocurement Debarment and Suspension: Prospective participants (as defined at 15 CFR Part 26, Section 105) are subject to 15 CFR Part 26, ''Nonprocurement Debarment and Suspension'' and the related section of the certification form prescribed above applies;

2. Drug-Free Workplace: Grantees (as defined at 15 CFR Part 26, Section 605) are subject to 15 CFR Part 26, Subpart F, ''Governmentwide Requirements for Drug-Free Workplace (Grants)'' and the related section of the certification form prescribed above applies;

3. Anti-Lobbying: Persons (as defined at 15 CFR Part 28, Section 105) are subject to the lobbying provisions of 31 U.S.C. 1352, ''Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions,'' and the lobbying section of the certification form prescribed above applies to applicants/bids for cooperative agreements for more than $100,000; and

4. Anti-Lobbying Disclosures: Any applicant who has paid or will pay for lobbying using any funds must submit in SF–LLL, ''Disclosure of Lobbying Activities,'' as required under 15 CFR Part 28, Appendix B.

False Statements

A false statement on an application is grounds for denial or termination of funds and grounds for possible punishment by a fine of imprisonment as provided in 18 U.S.C. 1001.

Intergovernmental Review

Applications under this program are not subject to Executive Order 12372, ''Intergovernmental Review of Federal Programs.''

Purchase of American-Made Equipment and Products

Applicants are hereby notified that they are encouraged, to the greatest practicable extent, to purchase American-made equipment and products with funding provided under this program.

Executive Order 12866

This funding notice was determined to be ''not significant'' for purposes of Executive Order 12866.

Paperwork Reduction Act

This Notice involves collections of information subject to the Paperwork Reduction Act (PRA), which have been approved by the Office of Management and Budget (OMB) under OMB Control Numbers 0348–0043, 0348–0044, 0348–0040, and 0348–0046. Notwithstanding, any other provision of law no person is required to respond to nor shall a 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 displays a current valid OMB control number.

Dated: May 3, 1999.

Karen H. Brown,

Deputy Director.

[FR Doc. 99–11568 Filed 5–6–99; 8:45 am]

BILLING CODE 3510–13–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 990430116–9116–01; I.D. 042099A]

Taking of Marine Mammals Incidental to Commercial Fishing Operations; Tuna Purse Seine Vessels in the Eastern Tropical Pacific Ocean (ETP); Initial Finding

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

ACTION: Finding.

SUMMARY: On April 29, 1999, the National Marine Fisheries Service (NMFS) made the initial finding required by the International Dolphin Conservation Program Act (IDCPA). NMFS found that there is insufficient evidence that chase and encirclement by the tuna purse seine fishery ''is having a significant adverse impact'' on depleted dolphin stocks in the ETP. Based on this initial finding, and effective on the effective date of the final regulations to implement the IDCPA, tuna products containing tuna harvested in the ETP by purse seine vessels with carrying capacity greater than 400 short tons may be labeled ''dolphin-safe'' only if no dolphins were killed or seriously injured during the set in which the tuna were caught.

DATES: The initial finding will become effective on the effective date of the final regulations to implement the IDCPA which will be published in the **Federal Register**.

ADDRESSES: The Report to Congress and supporting documentation may be found on the internet at http://swfsc.ucsd.edu/mm res.html or http://www.nmfs.gov/prot_res/main/new.html. Copies may also be obtained from the Marine Mammal Division, Southwest Fisheries Science Center, 8604 La Jolla Shores Drive, P.O. Box 271, La Jolla , California 92038-0271.

FOR FURTHER INFORMATION CONTACT: J. Allison Routt, NMFS, Southwest Region, Protected Resources Division, (562–980–4020).

SUPPLEMENTARY INFORMATION:

Background

One of the primary fishing methods used to harvest tuna in the ETP is dolphin encirclement. Under this method, fishermen set their nets around groups of dolphins because schools of tuna swim below them. Over the years, fishermen have developed techniques to reduce the number of dolphins killed annually by encirclement from over 350,000 animals in the early 1970s to approximately 2,000 in 1998. However, the practice remains controversial and, in 1989, U.S. tuna canners agreed to use only tuna that had been caught by methods other than encirclement and began to use dolphin-safe labels on their cans. In 1990, the term ''dolphin safe'' was defined statutorily to mean no intentional dolphin encirclement per trip. Amendments to the statute in 1992 prohibited the sale of non-dolphin safe tuna in the United States after June 1, 1994.

As a result of the U.S. statutes, in 1995 several Latin American countries agreed in the Panama Declaration to limit dolphin mortalities associated with tuna fishing in the ETP to no more than 5,000 dolphins per year, with additional limits on individual stocks. The Panama Declaration was signed by the nations participating in the voluntary international dolphin

conservation program in the ETP, including the United States. In exchange, the United States agreed to modify its standards for the ''dolphin safe'' label. In order to implement the Panama Declaration, Congress enacted the IDCPA. However, Congress was reluctant to permit the labeling standard to change immediately, without additional research on fishery impacts on depleted dolphin stocks.

Statutory Requirements

Section 304(a) of the Marine Mammal Protection Act (MMPA), as revised by the IDCPA, requires the NMFS, in consultation with the Marine Mammal Commission and the Inter-American Tropical Tuna Commission (IATTC), to ''conduct a study of the effect of intentional encirclement (including chase) on dolphins and dolphin stocks incidentally taken in the course of purse seine fishing for yellowfin tuna in the ETP.'' The law requires the study to consist of abundance surveys and stress studies to address the question of whether encirclement is having a significant adverse impact on depleted dolphin stocks.

Under the IDCPA, the dolphin-safe labeling standard could change depending upon the results of this study. The IDCPA states that the Secretary of Commerce shall make a finding in March 1999, based on the initial results of the study regarding whether the intentional deployment on or encirclement of dolphins with purse seine nets ''is having a significant adverse impact'' on any depleted dolphin stock in the ETP. The authority to make this determination has been delegated to NMFS. Unless there is an initial finding that the best scientific information available in March 1999 supports a scientific conclusion that the fishery is causing a ''significant adverse impact,'' the new dolphin-safe labeling standard in paragraph (h)(1) of the Dolphin Protection Consumer Information Act (DPCIA) (i.e., that no dolphins were killed or seriously injured during the sets in which the tuna were caught) automatically replaces the prior labeling standard, which permitted no intentional encirclement of dolphins during the trip in which the tuna was caught. Similarly, NMFS has been delegated the Secretary's authority to make a final finding by December 31, 2002, after additional research is conducted.

Scientific Results

The initial results from the NMFS study are presented in a Report to Congress. This report also describes the research program's development of a decision analysis framework to quantitatively evaluate the various types of information gathered in the study in order to make the ''significant adverse impact'' determination required by the IDCPA.

The study looked at three dolphin stocks: the northeastern offshore spotted dolphin, the eastern spinner dolphin, and the coastal spotted dolphin stocks. The first two stocks are listed as depleted under the Marine Mammal Protection Act (MMPA). The status of the coastal spotted dolphin is uncertain but since it might also be considered depleted, the research survey was designed to produce an estimate of abundance for this stock as well.

When the eastern spinner dolphin stock was listed as depleted under the MMPA in 1993, the population was estimated to be approximately 44 percent of its pre-exploitation population size. The northeastern offshore spotted dolphin in 1993 was estimated to be between 19 and 28 percent of its pre-exploitation population.

According to new abundance estimates from data collected during the 1998 research abundance survey and other available data noted above, the number of the northeastern offshore spotted dolphin is now estimated to be 1,011,104 animals, and the estimated number of eastern spinner dolphins is now 1,157,746 animals. These numbers are large; however, the population assessment model and analysis indicate that these populations are apparently not increasing at the expected rate despite the low level of reported mortalities from the ETP purse seine fishery since 1991 and the reproductive potential for these populations.

With respect to the coastal spotted dolphin, the 1998 population number is estimated to be 108,289 animals. However, much of the essential information is lacking for coastal spotted dolphins, especially from the early years of the fishery when the impact on the stocks would have likely been the greatest. The Report to Congress concludes that a direct comparison to a 1988 estimate of 29,800 coastal spotted dolphins is of questionable value since the difference is too large in size to ''solely be attributable to population growth.''

The Report endeavors to address the issue of slow recovery of the populations but admits that attributing causality is even more difficult than interpreting abundance and trend data. The report attempted to address two sources identified as possible causes for slow recovery: changing environmental conditions and indirect or unobserved effects of tuna fishing.

With regard to changing ocean conditions, the environmental data examined to date shows no evidence of a recent ocean environmental shift or other long-term change that might affect population growth rates for depleted ETP dolphin stocks. Therefore, NMFS looked closely at whether fishing might be the cause. NMFS conducted a literature review that led to the conclusion that stress caused by encirclement could not be dismissed as a possible source of the observed failure to recover at expected rates. Although the stress literature review concluded that fishery-related stresses could possibly affect mortality or reproduction in dolphin stocks, it could not attribute population level impacts of stress as a cause of the failure of the northeastern offshore spotted dolphin and eastern spinner dolphin stocks in the ETP to recover as expected. In addition, separation of dolphin cows and calves and underreported direct kills are two other possible causes of the failure to recover. Moreover, these potential causes are not mutually exclusive.

Although NMFS considered the best available scientific data in the Report, there are several sources of uncertainty regarding these data. For example, the Report to Congress's conclusion that two of the depleted dolphin stocks have failed to recover as expected could be affected substantially because the Tuna Vessel Observer Data (TVOD) may be biased because of inconsistencies in data collection. For the final report and finding, NMFS will pursue a careful evaluation of the data focusing on the recently identified concerns and will conduct a peer-reviewed analysis of these various data sources. In addition it is possible that, since observed mortality has been substantially reduced only in the last ten years, insufficient time has passed to allow detection of recovery because of lags resulting from the time between birth and sexual maturity.

More scientific research is necessary to better evaluate the effect of the tuna purse seine fishery on depleted dolphin stocks in the ETP. As mandated by the IDCPA, NMFS, in cooperation with other IDCP member countries, will continue to collect data for estimating population abundance of dolphin stocks in the ETP in order to determine whether there are significant adverse impacts to depleted dolphin stocks for the final finding. A final finding will be made between July 1, 2001, and December 31, 2002.

Rationale for Finding

The initial finding relies on two determinations: that there is a significant adverse impact on the depleted stocks; and that the significant impact is due to the practices of the purse seine fishery. For the reasons briefly outlined below, NMFS has determined that there is insufficient evidence to conclude that intentional deployment on or encirclement of dolphins with purse seine nets is having a significant adverse impact on any depleted dolphin stock in the ETP. Because of this initial finding, the ''dolphin safe'' labeling standard specified in paragraph (h)(1) of the DPCIA will change on the effective date of the final regulations to implement the IDCPA.

While the rate of recovery of the dolphin stocks may be lower than expected, there is insufficient information to conclude that there has been a significant adverse impact on the depleted stocks. Additionally, observed dolphin mortality is extremely low. The numbers of dolphins currently killed by the purse seine fishery is in the low thousands, as opposed to the hundreds of thousands in the early 1970s. Furthermore, the total annual mortality of all dolphins in the ETP due to the purse seine fishery is capped at 5,000 by a binding international agreement. The dramatic reduction in dolphin mortality over the past 12 years can be attributed to continued cooperation in the International Dolphin Conservation Program through the auspices of the IATTC. The current low level of observed dolphin mortalities in the ETP tuna purse seine fishery creates an expectation that the fishery will not prevent the depleted populations from recovering.

Finally, there is no solid evidence in any of the scientific studies to date that links the apparent failure of dolphin stocks to recover at the rate expected based on historical data to the current tuna purse seine fishery practices. The Report to Congress does not provide evidence that the ETP tuna purse seine fishery is the cause of the apparent failure of the northeastern offshore spotted dolphin and eastern spinner dolphin stocks to recover as expected; nor does it dismiss the fishery as a possible cause. Due to the large disparity in population abundance estimates of coastal spotted dolphins in the late 1980s versus 1998, it is difficult to evaluate whether the coastal spotted dolphin population in the ETP has been affected by the ETP tuna purse seine fishery. As mandated under the IDCPA, NMFS will continue to conduct IDCPA research on population abundance and stress of dolphins affected by the ETP tuna purse seine fishery. The final finding will be made between July 1, 2001, and December 31, 2002.

Authority: Section 5(c) of Pub. L. 105–42; 16 U.S.C. section 1385

Dated: April 30, 1999.

Penelope D. Dalton,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 99–11398 Filed 5-6-99; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 042099B]

Marine Mammals; File No. 545–1488

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

ACTION: Issuance of permit.

SUMMARY: Notice is hereby given that the North Gulf Oceanic Society, SPWS Building, 3776 Lake Avenue, Suite 204, P.O. Box 15244, Homer, Alaska 99603 has been issued a permit to take killer whales (*Orcinus orca*) for purposes of scientific research.

ADDRESSES: The permit and related documents are available for review upon written request or by appointment in the following office(s):

Permits and Documentation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910 (301/713–2289); and

Regional Administrator, Alaska Region, P.O. Box 21668, Juneau, AK 99802–1668 (907/586–7221).

FOR FURTHER INFORMATION CONTACT: Sara Shapiro or Ruth Johnson, 301/713–2289.

SUPPLEMENTARY INFORMATION: On March 16, 1999, notice was published in the **Federal Register** (64 FR 13004) that a request for a scientific research permit to take killer whales had been submitted by the above-named organization. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

Dated: April 30, 1999.

Ann D. Terbush,

Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 99–11535 Filed 5-6-99; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF DEFENSE

Office of the Secretary

Submission for OMB Review; Comment Request

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Title and OMB Number: Continued Health Care Benefit Program; OMB Number 0704–0364.

Type of Request: Reinstatement.

Number of Respondents: 600.

Responses Per Respondent: 1.

Annual Response: 600.

Average Burden Per Response: 15 minutes.

Annual Burden Hours: 150.

Needs and Uses: The information collection requirement is necessary for individuals to apply for enrollment in the Continued Health Care Benefit Program (CHCBP). The CHCBP is a program of temporary health benefit coverage comparable to the health benefits provided for former civilian employees of the Federal Government. Respondents are beneficiaries who lose their Military Health System entitlement who desire to enroll in the Continued Health Care Benefits Program. These beneficiaries include former active duty members and their families, unmarried former spouses, emancipated children, and children placed for adoption or legal custody. Interested beneficiaries are required to provide a written election to obtain this continued coverage.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Ms. Allison Eydt.

Written comments and recommendations on the proposed information collection should be sent to Ms. Eydt at the Office of Management and Budget, Desk Officer for DoD (Health Affairs), Room 10235, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. Robert Cushing.

Written requests for copies of the information collection proposal should be sent to Mr. Cushing, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302.

Dated: April 30, 1999.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 99–11434 Filed 5–6–99; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 99–14]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Pub. L. 104–164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. J. Hurd, DSCA/COMPT/RM, (703) 604–6575

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 99–14, with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: May 3, 1999.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–10–M

DEFENSE SECURITY COOPERATION AGENCY

WASHINGTON, DC 20301-2800

22 APR 1999
In reply refer to:
I-99/04254

Honorable J. Dennis Hastert
Speaker of the House of
Representatives
Washington, D.C. 20515-6501

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 99-14, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to New Zealand for defense articles and services estimated to cost $397 million. Soon after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

MICHAEL S. DAVISON, JR.
LIEUTENANT GENERAL, USA
DIRECTOR

Attachments

Same ltr to: House Committee on International Relations
Senate Committee on Appropriations
Senate Committee on Foreign Relations
House Committee on National Security
Senate Committee on Armed Services
House Committee on Appropriations

Transmittal No. 99-14

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

(i) **Prospective Purchaser: New Zealand**

(ii) **Total Estimated Value:**

Major Defense Equipment*	$270 million
Other	$127 million
TOTAL	$397 million

(iii) **Description of Articles or Services Offered: Twenty-eight F-16A/B Block 15 aircraft, 28 F-100-PW-200E engines, 12 ALQ-131 Block II pods, 12 Litening II targeting pods, spare and repair parts, devices, support equipment, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor engineering and logistics personnel services and other related elements of logistics to ensure long-term program support.**

(iv) **Military Department: Air Force (NAK and SBA)**

(v) **Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None**

(vi) **Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Annex attached**

(vii) **Date Report Delivered to Congress: 22 APR 1999**

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

New Zealand - F-16A/B Block 15 Aircraft

The Government of New Zealand has requested a possible sale of 28 F-16A/B Block 15 aircraft, 28 F-100-PW-200E engines, 12 ALQ-131 Block II pods, 12 Litening II targeting pods, spare and repair parts, devices, support equipment, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor engineering and logistics personnel services and other related elements of logistics to ensure long-term program support. The estimated cost is $397 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 friendly country which has been and continues to be an important force for political stability and economic progress in the Southwestern Pacific region.

These F-16A/B aircraft will be used to increase New Zealand's small fighter inventory and eventually replace their aging fleet of A-4 aircraft, as well as enhance its interoperability with U.S. forces. New Zealand will use these aircraft to modernize its air defense capability and will have no difficulty absorbing them into its inventory.

The proposed sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be Lockheed Martin, Fort Worth, Texas. There are no offset agreements proposed to be entered into in connection with this potential sale.

Implementation of this proposed sale will require the assignment of one U.S. Government personnel and two contractor representatives for two years in-country.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 99-14

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

Annex
Item No. vi

(vi) Sensitivity of Technology:

1. The F-16A/B Block 15 weapon system is unclassified, except as mention below. Sensitive elements of the F-16A/B Block 15 aircraft include the Pratt and Whitney F-100-PW-220E engine, AN/ALR-69 Radar Warning Receiver, AN/APG-66 radar, the fly-by-wire flight control system and the diagnostics in the Avionics Intermediate Shop. The system design notes on the software architecture are also critical elements. Classified elements of the F-16A/B include the F-100 engine infrared signature, AN/ALE-40 Chaff/Flare Dispenser, radar software documentation, six Line Replaceable Units and Operational Flight Program (OFP) of the AN/ALR-69, the OFP of the Fire Control Computer, and operating manuals and maintenance technical orders containing performance information, operating and test procedures, weapons delivery information, repair procedures, and other information related to support operation and repair at the organizational and intermediate levels. The hardware, software, and data identified are classified to protect vulnerabilities, design and performance parameters, munitions related data, and similar critical information.

2. The F-100 engine and the associated component parts used in F-16A/B aircraft are unclassified. However, several manufacturing processes, design practices, and metallurgical fabrication techniques used are advanced technology methods found only with the U.S. propulsion industry. The sale of F-100 engines to New Zealand will not include the transfer of sensitive technology as the sale does not include sensitive manufacturing, design, or metallurgical processes or information.

3. The AN/ALQ-131 Block II Electronic Countermeasures system consists of pods, support equipment, and support documentation. The AN/ALQ-131 pod is an advanced tactical system designed for use on high performance aircraft. The Block II support equipment contains all equipment required to maintain the pod at the intermediate and organizational level. The external view of these end items is unclassified, but some internal components are classified. Related documentation to successfully operate and support the items at the intermediate and organizational level will be released. Classified hardware elements of the AN/ALQ-131 pod include the antenna transmitter group and receiver processor assemblies classified Confidential. Some end item hardware, software, operational techniques and other data are classified at the Confidential and Secret level.

4. The Litening II navigation and targeting pod is a joint development of Rafael (Israel) and Northrup-Grumman (U.S.). The pod and all subsystems are Unclassified but contain technology representing the latest state-of-the-art in several areas. Sensitive elements include the Forward Looking Infrared (FLIR) navigation system which includes a zoom future but does not provide a terrain following capability.

5. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, it might be able to develop countermeasures or countertactics which could reduce weapon system effectiveness. Of additional concern, but requiring a much longer exploitation period, is the possibility such information could be used in the development of a systems with similar or advanced capabilities.

6. A determination has been made that New Zealand can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

[FR Doc. 99–11437 Filed 5–6–99; 8:45 am]

BILLING CODE 5001–10–C

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0083]

Proposed Collection; Comment Request Entitled Qualification Requirements

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance (9000–0083).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Qualification Requirements. This OMB clearance currently expires on August 31, 1999.

DATES: Comments may be submitted on or before July 6, 1999.

ADDRESSES: Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, should be submitted to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, FAR Secretariat (MVRS), 1800 F Street, NW, Room 4035, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Ralph DeStefano, Federal Acquisition Policy Division, GSA (202) 501–1758.

SUPPLEMENTARY INFORMATION:

A. Purpose

Under the Qualified Products Program, an end item, or a component thereof, may be required to be prequalified. The solicitation at FAR 52.209–1, Qualification Requirements, requires offerors who have met the qualification requirements to identify the offeror's name, the manufacturer's name, source's name, the item name, service identification, and test number (to the extent known).

The contracting officer uses the information to determine eligibility for award when the clause at 52.209–1 is included in the solicitation. The offeror must insert the offeror's name, the manufacturer's name, source's name, the item name, service identification, and test number (to the extent known). Alternatively, items not yet listed may be considered for award upon the submission of evidence of qualification with the offer.

B. Annual Reporting Burden

Public reporting burden for this collection of information is estimated to average *15* minutes 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.

The annual reporting burden is estimated as follows: Respondents, *2,207;* responses per respondent, *100;* total annual responses, *220,700;* preparation hours per response, *.25;* and total response burden hours, *55,175*.

OBTAINING COPIES OF PROPOSALS: Requester may obtain a copy of the justification from the General Services Administration, FAR Secretariat (MVRS), Room 4035, 1800 F Street, NW, Washington, DC 20405, telephone (202) 208–7312. Please cite OMB Control No. 9000–0083, Qualification Requirements, in all correspondence.

Dated: May 4, 1999.

Edward C. Loeb,

Director, Federal Acquisition Policy Division.

[FR Doc. 99–11523 Filed 5–6–99; 8:45 am]

BILLING CODE 6820–34–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Meeting of the Advisory Council on Dependents' Education

AGENCY: Department of Defense, Department of Defense Education Activity (DoDEA).

ACTION: Notice of meeting.

SUMMARY: Pursuant to Pub. L. 92–463, notice is hereby given that a meeting of the Advisory Council on Dependents' Education (ACDE) is scheduled to be held from 8 a.m. to 5 p.m. on May 26, 1999. The meeting will be open to the public and will be held in the 9th floor conference room at the Department of Defense Education Activity, 4040 North Fairfax Drive, Arlington, Virginia 22203–1635. The purpose of the meeting is to recommend to the Director, Department of Defense Dependents' Schools (DoDDS), general policies for the operation of the DoDDS; to provide the Director, DoDDS, with information about effective educational programs and practices that should be considered by DoDDS; and to perform other tasks as may be required by the Secretary of Defense. The focus of this meeting will be on the Domestic Dependent Elementary and Secondary Schools (DDESS) and inclusion of DDESS representation on the ACDE. For further information contact Ms. Polly Purser at 703–696–4235, extension 1911.

Dated: May 3, 1999.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 99–11436 Filed 5–6–99; 8:45 am]

BILLING CODE 6001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Strategic Environmental Research and Development Program, Scientific Advisory Board

ACTION: Notice.

In accordance with Section 10(a)(2) of the Federal Advisory Committee (P.L. 92–463), announcement is made of the following Committee meeting:

Date of Meeting: June 16 and June 17, 1999 from 0830 to 1700.

Place: National Rural Electric Cooperative Association, 4301 Wilson Boulevard, Conference Center Room 1, Arlington, VA.

Matters To Be Considered: Research and Development proposals and continuing projects requesting Strategic Environmental Research and Development Program funds in excess of $1M will be reviewed.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Scientific Advisory Board at the time and in the manner permitted by the Board.

For Further Information Contact: Ms. Amy Kelly, SERDP Program Office, 901 North Stuart Street, Suite 303, Arlington, VA or by telephone at (703) 696–2124.

Dated: May 3, 1999.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 99–11435 Filed 5–6–99; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Revised Non-Foreign Overseas Per Diem Rates

AGENCY: DoD, Per Diem, Travel and Transportation Allowance Committee.

ACTION: Notice of revised non-foreign overseas per diem rates.

SUMMARY: The Per Diem, Travel and Transportation Allowance Committee is publishing Civilian Personnel Per Diem Bulletin Number 207. This bulletin lists revisions in the per diem rates prescribed for U.S. Government employees for official travel in Alaska, Hawaii, Puerto Rico, the Northern Mariana Islands and Possessions of the United States. AEA changes announced in Bulletin Number 194 remain in effect. Bulletin Number 207 is being published in the **Federal Register** to assure that travelers are paid per diem at the most current rates.

EFFECTIVE DATE: May 1, 1999.

SUPPLEMENTARY INFORMATION: This document gives notice of revisions in per diem rates prescribed by the Per Diem Travel and Transportation Allowance Committee for non-foreign areas outside the continental United States. It supersedes Civilian Personnel Per Diem Bulletin Number 206. Distribution of Civilian Personnel Per Diem Bulletins by mail was discontinued. Per Diem Bulletins published periodically in the **Federal Register** now constitute the only notification of revisions in per diem rates to agencies and establishments outside the Department of Defense. For more information or questions about per diem rates, please contact your local travel office. The text of the Bulletin follows:

BILLING CODE 5001–10–M

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal Government civilian employees.

LOCALITY	MAXIMUM LODGING AMOUNT (A) +	M&IE RATE (B) =	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
ALASKA				
ANCHORAGE [INCL NAV RES]				
05/01 - 09/30	161	63	224	03/01/1999
10/01 - 04/30	89	56	145	03/01/1999
BARROW	115	73	188	03/01/1999
BETHEL	105	60	165	03/01/1999
COLD BAY	110	68	178	03/01/1999
CORDOVA	85	62	147	03/01/1998
CRAIG				
05/01 - 08/31	95	66	161	10/01/1998
09/01 - 04/30	79	64	143	10/01/1998
DEADHORSE	80	67	147	03/01/1999
DENALI NATIONAL PARK				
06/01 - 08/31	115	52	167	03/01/1998
09/01 - 05/31	90	50	140	03/01/1998
DILLINGHAM	95	59	154	10/01/1998
DUTCH HARBOR-UNALASKA	110	71	181	03/01/1999
EARECKSON AIR STATION	80	57	137	03/01/1999
EIELSON AFB				
05/15 - 09/15	118	58	176	03/01/1999
09/16 - 05/14	81	54	135	03/01/1999
ELMENDORF AFB				
05/01 - 09/30	161	63	224	03/01/1999
10/01 - 04/30	89	56	145	03/01/1999
FAIRBANKS				
05/15 - 09/15	118	58	176	03/01/1999
09/16 - 05/14	81	54	135	03/01/1999
FT. RICHARDSON				
05/01 - 09/30	161	63	224	03/01/1999
10/01 - 04/30	89	56	145	03/01/1999
FT. WAINWRIGHT				
05/15 - 09/15	118	58	176	03/01/1999
09/16 - 05/14	81	54	135	03/01/1999
GLENNALLEN	90	52	142	10/01/1998
HEALY				
06/01 - 08/31	115	52	167	03/01/1998
09/01 - 05/31	90	50	140	03/01/1998
HOMER				
05/15 - 09/15	115	58	173	03/01/1999
09/16 - 05/14	98	57	155	03/01/1999
JUNEAU	105	68	173	03/01/1999
KAKTOVIK	175	74	249	03/01/1999
KAVIK CAMP	125	69	194	03/01/1999

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LOCALITY	MAXIMUM LODGING AMOUNT (A) +	M&IE RATE (B) =	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
KENAI-SOLDOTNA				
05/01 - 09/30	114	63	177	03/01/1999
10/01 - 04/30	76	59	135	03/01/1999
KENNICOTT	149	68	217	10/01/1998
KETCHIKAN				
05/01 - 09/30	110	74	184	03/01/1999
10/01 - 04/30	88	73	161	03/01/1999
KING SALMON	101	70	171	03/01/1999
KLAWOCK				
05/01 - 08/31	95	66	161	10/01/1998
09/01 - 04/30	79	64	143	10/01/1998
KODIAK	99	67	166	03/01/1999
KOTZEBUE				
05/01 - 08/31	137	75	212	03/01/1999
09/01 - 04/30	73	61	134	03/01/1999
KULIS AGS				
05/01 - 09/30	161	63	224	03/01/1999
10/01 - 04/30	89	56	145	03/01/1999
MCCARTHY	149	68	217	10/01/1998
METLAKATLA				
05/30 - 10/01	85	52	137	03/01/1999
10/02 - 05/29	78	51	129	03/01/1999
MURPHY DOME				
05/15 - 09/15	118	58	176	03/01/1999
09/16 - 05/14	81	54	135	03/01/1999
NOME				
03/01 - 03/31	117	58	175	03/01/1999
04/01 - 02/29	92	56	148	03/01/1999
NUIQSUT	120	69	189	03/01/1999
PETERSBURG	87	57	144	03/01/1999
POINT HOPE	130	70	200	03/01/1999
POINT LAY	105	67	172	03/01/1999
PRUDHOE BAY	80	67	147	03/01/1999
SEWARD				
05/01 - 09/30	122	65	187	03/01/1999
10/01 - 04/30	86	61	147	03/01/1999
SITKA-MT. EDGECOMBE				
09/05 - 03/31	83	59	142	10/01/1998
04/01 - 09/04	101	60	161	03/01/1998
SKAGWAY				
05/01 - 09/30	110	74	184	03/01/1999
10/01 - 04/30	88	73	161	03/01/1999
SPRUCE CAPE	99	67	166	03/01/1999

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal Government civilian employees.

LOCALITY	MAXIMUM LODGING AMOUNT (A) +	M&IE RATE (B) =	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
TANANA				
03/01 - 03/31	117	58	175	03/01/1999
04/01 - 02/29	92	56	148	03/01/1999
UMIAT	107	33	140	03/01/1999
VALDEZ				
05/15 - 10/01	110	63	173	03/01/1999
10/02 - 05/14	84	60	144	03/01/1999
WAINWRIGHT	127	82	209	03/01/1999
WRANGELL				
05/01 - 09/30	110	74	184	03/01/1999
10/01 - 04/30	88	73	161	03/01/1999
YAKUTAT	110	68	178	03/01/1999
[OTHER]	80	57	137	03/01/1999
AMERICAN SAMOA				
AMERICAN SAMOA	73	53	126	03/01/1997
GUAM				
GUAM (INCL ALL MIL INSTAL)	150	79	229	10/01/1998
HAWAII				
CAMP H M SMITH	110	61	171	10/01/1998
EASTPAC NAVAL COMP TELE AREA	110	61	171	10/01/1998
FT. DERUSSEY	110	61	171	10/01/1998
FT. SHAFTER	110	61	171	10/01/1998
HICKAM AFB	110	61	171	10/01/1998
HONOLULU NAVAL & MC RES CTR	110	61	171	10/01/1998
ISLE OF HAWAII: HILO	80	52	132	06/01/1998
ISLE OF HAWAII: OTHER	100	54	154	10/01/1998
ISLE OF KAUAI				
12/01 - 04/30	136	64	200	10/01/1998
05/01 - 11/30	115	62	177	06/01/1998
ISLE OF KURE	65	41	106	05/01/1999
ISLE OF MAUI	112	64	176	10/01/1998
ISLE OF OAHU	110	61	171	10/01/1998
KANEOHE BAY MC BASE	110	61	171	10/01/1998
KEKAHA PACIFIC MISSILE RANGE FAC				
12/01 - 04/30	136	64	200	10/01/1998
05/01 - 11/30	115	62	177	06/01/1998
KILAUEA MILITARY CAMP	80	52	132	06/01/1998
LUALUALEI NAVAL MAGAZINE	110	61	171	10/01/1998
NAS BARBERS POINT	110	61	171	10/01/1998
PEARL HARBOR [INCL ALL MILITARY]	110	61	171	10/01/1998
SCHOFIELD BARRACKS	110	61	171	10/01/1998
WHEELER ARMY AIRFIELD	110	61	171	10/01/1998
[OTHER]	79	62	141	06/01/1993

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LOCALITY	MAXIMUM LODGING AMOUNT (A) +	M&IE RATE (B) =	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
JOHNSTON ATOLL				
JOHNSTON ATOLL	13	9	22	10/01/1998
MIDWAY ISLANDS				
MIDWAY ISLANDS [INCL ALL MILITAR	65	41	106	05/01/1999
NORTHERN MARIANA ISLANDS				
ROTA	105	71	176	10/01/1998
SAIPAN	170	78	248	05/01/1997
[OTHER]	61	53	114	05/01/1997
PUERTO RICO				
BAYAMON				
04/16 - 11/14	150	70	220	04/01/1999
11/15 - 04/15	167	72	239	04/01/1999
CAROLINA				
04/16 - 11/14	150	70	220	04/01/1999
11/15 - 04/15	167	72	239	04/01/1999
FAJARDO [INCL CEIBA & LUQUILLO]	82	60	142	03/01/1998
FT. BUCHANAN [INCL GSA SVC CTR,				
04/16 - 11/14	150	70	220	04/01/1999
11/15 - 04/15	167	72	239	04/01/1999
HUMACAO	82	60	142	03/01/1998
LUIS MUNOZ MARIN IAP AGS				
04/16 - 11/14	150	70	220	04/01/1999
11/15 - 04/15	167	72	239	04/01/1999
MAYAGUEZ	94	60	154	06/01/1998
PONCE	101	67	168	09/01/1998
ROOSEVELT RDS & NAV STA	82	60	142	03/01/1998
SABANA SECA [INCL ALL MILITARY]				
04/16 - 11/14	150	70	220	04/01/1999
11/15 - 04/15	167	72	239	04/01/1999
SAN JUAN & NAV RES STA				
04/16 - 11/14	150	70	220	04/01/1999
11/15 - 04/15	167	72	239	04/01/1999
[OTHER]	66	57	123	09/01/1998
VIRGIN ISLANDS (U.S.)				
ST. CROIX				
04/15 - 12/14	107	75	182	08/01/1998
12/15 - 04/14	131	78	209	08/01/1998
ST. JOHN				
04/15 - 12/14	286	89	375	10/01/1998
12/15 - 04/14	413	102	515	08/01/1998
ST. THOMAS				
04/15 - 12/14	171	75	246	08/01/1998
12/15 - 04/14	285	87	372	08/01/1998

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal Government civilian employees.

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WAKE ISLAND				
WAKE ISLAND	60	32	92	09/01/1998

Civilian Bulletin No. 207 **Page 6**

Dated: May 3, 1999.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 99–11438 Filed 5–6–99; 8:45 am]

BILLING CODE 5001–10–C

DEPARTMENT OF DEFENSE

Department of the Air Force

Privacy Act of 1974; System of Records

AGENCY: Department of the Air Force, DoD.

ACTION: Record system notice amendment.

SUMMARY: The Department of the Air Force proposes to amend systems of records notices in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The amendment will be effective on June 7, 1999, unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Air Force Access Programs Manager, Headquarters, Air Force Communications and Information Center/ITC, 1250 Air Force Pentagon, Washington, DC 20330–1250.

FOR FURTHER INFORMATION CONTACT: Mrs. Anne Rollins at (703) 588–6187.

SUPPLEMENTARY INFORMATION: The Department of the Air Force's record system notices for records systems 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 address above.

The proposed amendments are not within the purview of subsection (r) of the Privacy Act (5 U.S.C. 552a), as amended, which would require the submission of a new or altered system report for each system. The specific changes to the record system being amended are set forth below followed by the notice as amended, published in its entirety.

Dated: May 3, 1999.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

F011 AF AMC A

SYSTEM NAME:

Air Force Operations Resource Management Systems (AFORMS) *(June 11, 1997, 62 FR 31793).*

CHANGES:

SYSTEM IDENTIFIER:

Delete entry and replace with 'F011 AF XO A'.

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Following 'Air Force civilian employees' add 'or contractors,'

CATEGORIES OF RECORDS IN THE SYSTEM:

First line, delete 'base level'. Lines eight and nine, delete 'and flying history information is maintained at Norton Air Force Base, CA'. Delete the fifth paragraph.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete 'Air Force Regulation 60-1, Flight Management' and insert 'Air Force Instruction 11-401, Flight Management, and AFI 11-402, Aviation and Parachutist Service, Aeronautical Ratings and Badges'.

PURPOSE(S)

Item (8) Delete 'Operations' and insert 'the Air Staff, major command'

Item (9) Delete last part of paragraph which reads 'including flying safety data involving AFORMS flying hour/individual information stored in the Norton Air Force Base, flying safety data bank maintained by the USAF Inspection and Safety Center'

OTHER BASE USERS: CONSOLIDATED BASE PERSONNEL OFFICE. Delete 'CONSOLIDATED BASE PERSONNEL OFFICE' and insert MILITARY PERSONNEL FLIGHT'

AIR FORCE MANPOWER AND PERSONNEL CENTER. Delete AIR FORCE MANPOWER AND PERSONNEL CENTER' and insert 'AIR FORCE PERSONNEL CENTER'

HQ USAF. Delete last portion beginning with 'Air Force Accounting and Finance Center'

ADD SEPARATE ENTRY

'DEFENSE FINANCE ACCOUNTING SYSTEM - uses AFORMS information to validate all flying payments.'

RETENTION AND DISPOSAL:

Delete entry and replace with 'Disposition pending (no records will be destroyed until authorized by the National Archives and Records Administration).'

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with 'Chief, Operational Training Division, Directorate of Operations and Training, Deputy Chief of Staff/Air and Space Operations, 1480 Air Force Pentagon, Washington, DC 20330-1480.'

* * * * *

F011 AF XO A

SYSTEM NAME:

Air Force Operations Resource Management Systems (AFORMS).

SYSTEM LOCATION:

Headquarters United States Air Force and major command headquarters. Host, tenant and squadron Operations System Management offices at Air Force installations, and McDonnell Douglas Training Systems, McDonnell Aircraft Company, 12301 Missouri Bottom Road, Hazelwood, MO 63042. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty military personnel, Air Force civilian employees, or contractors, Air Force Reserve and Air National Guard personnel, Army, Navy and Marine Corps active duty military personnel and those foreign military personnel who are assigned to aviation duties by competent authority and attached to the USAF for flying support or who have been suspended from flying duties for a period of not more than 5 years.

CATEGORIES OF RECORDS IN THE SYSTEM:

The AFORMS data base contains a master file of flying records for each individual in categories listed above, a month-to-date transaction file and a twelve month history file. A centralized file of selected information from each individual's master record is also maintained at HQ USAF. In addition to automated data files, this system uses manual files for maintaining historical data and important source documents. An Individual Flight Record Folder (FRF) is established for each category of fliers listed above and is the prime repository for a computer listing which itemizes each individual's flight accomplishments as well as various source documents which serve to validate information entered into the computer data base for the system. Each Host Operations System Management (HOSM) office maintains a file of Aeronautical Orders and Military Pay Orders to provide source documentation of flying pay actions initiated by the flight manager. Information which is maintained in the automated files is derived directly from the AFORMS master file or from subsequent processing of information entered into the master file.

Categories of information maintained in the master file are: IDENTIFICATION DATA - provides individual identifiers and other information directly related to each individual in the file.

DUTY ASSIGNMENT DATA - Includes information such as the major command of assignment for the individual, the Air Force Specialty Code indicating professional duties, the unit, the responsible Operations system manager, base of assignment, etc.

AIRCREW TRAINING AND QUALIFICATION DATA - includes information such as flight and ground professional flying training accomplishments, aircrew qualification status, physical status for flight duties, types of aircraft assigned, etc.

FLYING PAY ENTITLEMENT DATA - Includes information needed to administer the payment of flying incentive pay for each individual.

LOCAL USE DATA - contains information used by major or local command to supplement general system information as needed to meet unique unit requirements within the categories of information listed herein.

SYSTEM CONTROL DATA - Contains computer data used to automatically control internal system functions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

37 U.S.C. 301a, Incentive pay: Public Law 92–204 (Appropriations Act for 1973), Section 715; Public Law 93–570 (Appropriations Act for 1974); Public Law 93–294 (Aviation Career Incentive Act of 1974; DOD Directive 7730.57 (Aviation Career Incentive Act and Required Annual Report); Air Force Instruction 11–401, Flight Management; Air Force Instruction 11-402, Aviation and Parachutist Service, Aeronautical Ratings and Badges; and E.O. 9397 (SSN).

PURPOSE(S):

The AFORMS provides information and automated data processing capabilities used to manage and administer Air Force operations such as aircrew training and evaluation, flight scheduling functions, flying safety and related functions needed to attain and maintain combat or mission readiness. All information is entered into the system at the air base level. This information is then processed for use by flying resource managers at all levels through periodic computer product reports or automated systems interfaces.

The specific uses of information and user categories for this system are: BASE LEVEL ACTIVITIES -

(1) To establish each member's flying pay entitlement status and to monitor continuing entitlement in accordance with existing directions;

(2) To record each individual's flying activities, both hours and specific events, and provide indications of successful attainment of standards or deficiencies;

(3) To establish each individual's Aviation Service code for use in indicating type of flying activity or reason for inactive status if applicable;

(4) To determine each rated member's eligibility to perform operational flying in accordance with existing USAF directives;

(5) To provide an indication of each rated member's total operational flying time in terms of total aviation career duties;

(6) To establish 'suspense lists' for use in scheduling flying personnel for flights, schools, tests and similar events directly related to their duties as professional airmen;

(7) To provide each applicable individual and manager with all aviation career profile information needed to monitor flying career development, professional qualifications and training deficiencies;

(8) To provide information requested by the Air Staff, major command, or other base functions, which relates to the flying duties and accomplishments of all personnel in the file;

(9) To provide statistical data for management analysis and review of all aspects of each base's flying programs.

OTHER BASE USERS: MILTARY PERSONNEL FLIGHT - uses information provided by this system, through an automated data interface, to report the flying status of all individuals in the files; provides flying career background information used for assignment actions.

ACCOUNTING AND FINANCE OFFICE - uses Military Pay Orders, prepared by flight management offices, to start and stop flying incentive pay in accordance with each individual's flying status and eligibility as reflected by the information in the system; uses the files to perform payment audits to identify individuals being paid improperly.

BASE SUPPLY - uses flying status information to determine which individuals are qualified to draw all authorized flying equipment.

BASE MEDICAL FACILITY - uses system data to determine projected workloads associated with scheduled flight physical examinations.

MAJOR COMMANDS - use all system data to measure the effectiveness of subordinate unit training programs and to check command-wide flying effectiveness.

AIR FORCE PERSONNEL CENTER - uses AFORMS information to establish assignment objectives and career development programs for USAF military personnel in the system.

HQ USAF - uses various identification and flying data to establish statistical data needed to verify the effectiveness of standard procedures, determine the need for policy modification, provide a timely and accurate census of various types of flyers and provide a centralized point for collection and collation of data used by all levels of management.

The Defense Finance and Accounting Service uses AFORMS information to validate all flying payments.

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, these records or information 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 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this record system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, on computer magnetic tapes, magnetic disks, and CD-ROM.

RETRIEVABILITY:

Retrieved by name and Social Security Number.

SAFEGUARDS:

Records are accessed by custodian of the record system, by person(s) responsible for servicing the record system in performance of their official duties and individuals in files. Access is specifically controlled by the Host Operations System Management office. Records are stored in locked cabinets or rooms. Computer terminals are locked when not in use or kept under surveillance.

RETENTION AND DISPOSAL:

Disposition pending (no records will be destroyed until authorized by the National Archives and Records Administration).

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Operational Training Division, Directorate of Operations and Training, Deputy Chief of Staff/Air and Space Operations, 1480 Air Force Pentagon, Washington, DC 20330-1480.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on themselves should address written inquires to or visit the Chief, Operational Training Division, Directorate of Operations and Training, Deputy Chief of Staff/Air and Space Operations, 1480 Air Force Pentagon, Washington, DC 20330-1480 or to the local HOSM office of the individual.

Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices. Include name and Social Security Number. Make base level inquiries to or visit the local servicing HOSM office of the individual.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the Chief, Operational Training Division, Directorate of Operations and Training, Deputy Chief of Staff/Air and Space Operations, 1480 Air Force Pentagon, Washington, DC 20330-1480 or to their local HOSM office. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Instruction 37–132; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from individuals, aircrew managers, automated system interfaces and from source documents such as reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F036 AF PC W

SYSTEM NAME:

Suggestions, Inventions, Scientific Achievements *(June 11, 1997, 62 FR 31793).*

CHANGES:

SYSTEM IDENTIFIER:

Delete entry and replace with 'F038 AF AFCQMI A'.

SYSTEM NAME:

Delete 'Suggestions' and replace with 'Ideas'.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with 'Any individual submitting an idea, invention, or scientific achievement.'

* * * * *

PURPOSE(S):

Delete entry and replace with 'Files are originated when personnel initiate an idea, invention, or scientific achievement. Case files and computer output products are reviewed by the Manpower and Quality Office personnel. Copy of approved award is filed in civilian employee's official personnel file. Copy of approved award is not retained elsewhere for military member.'

* * * * *

RETRIEVABILITY:

Delete entry and replace with 'Retrieved by Social Security Number or Idea number.'

SAFEGUARDS:

Delete entry and replace with 'Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Computer storage devices are protected by computer system software.'

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with 'Directorate of Manpower, Organization and Quality, Deputy Chief of Staff, Plans and Programs, Headquarters United States Air Force, 1070 Air Force Pentagon, Washington, DC 20330-1070.'

RECORD SOURCE CATEGORIES:

Delete entry and replace with 'Information obtained from source document (AF Form 1000, Idea Submission) include name, Social Security Number, job title, home or mailing address, grade and organizational address.'

* * * * *

F038 AF AFCQMI A

SYSTEM NAME:

Ideas, Inventions, Scientific Achievements.

SYSTEM LOCATION:

Systems Integration and Support Division, Air Force Center for Quality and Management Innovation, 550 E Street East, Randolph Air Force Base, TX 78150-4451.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual submitting an idea, invention, or scientific achievement.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files include idea forms, evaluations and substantiating documentation consisting of forms, which contain name, Social Security Number, job title, home or mailing address, grade and organizational address; certificates, administrative correspondence; records of committee actions; award actions; reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force; powers and duties; delegation as implemented by Air Force Instruction 38-401 and E.O. 9397 (SSN).

PURPOSE(S):

Files are originated when personnel initiate an idea, invention, or scientific achievement. Case files and computer output products are reviewed by the Manpower and Quality Office personnel. Copy of approved award is filed in civilian employee's official personnel file. Copy of approved award is not retained elsewhere for military member.

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, these records or information 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 'Blanket Routine Uses' published at the beginning of the Air Force'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:

Maintained in paper and electronic media including computers and computer output products.

RETRIEVABILITY:

Retrieved by Social Security Number or Idea number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Computer storage devices are protected by computer system software.

RETENTION AND DISPOSAL:

Idea files are retained for 18 months after actual or projected implementation date for ideas in the idea pool or 1 year after disapproved ideas. Computer records destroyed by erasing, deleting or overwriting; paper copies by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Directorate of Manpower, Organization and Quality, Deputy Chief of Staff, Plans and Programs, Headquarters United States Air Force,

1070 Air Force Pentagon, Washington, DC 20330-1070.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to Directorate of Manpower, Organization and Quality, Deputy Chief of Staff, Plans and Programs, Headquarters United States Air Force, 1070 Air Force Pentagon, Washington, DC 20330-1070.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Directorate of Manpower, Organization and Quality, Deputy Chief Staff, Plans and Programs, Headquarters United States Air Force, 1070 Air Force Pentagon, Washington, DC 20330-1070.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Instruction 37–132; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from source document (AF Form 1000, Idea Submission) include name, Social Security Number, job title, home or mailing address, grade and organizational address.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F036 SAFCB A

SYSTEM NAME:

Military Records Processed by the Air Force Correction Board *(June 11, 1997, 62 FR 31793).*

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with 'Office of the Secretary of the Air Force, 1535 Command Drive, Andrews Air Force Base, MD 20762-7002 and the Washington National Records Center, Suitland, MD 20409.'

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with 'Executive Secretary, Air Force Board for the Correction of Military Records, 1535 Command Drive, Andrews Air Force Base, MD 20762-7002.'

* * * * *

F036 SAFCB A

SYSTEM NAME:

Military Records Processed by the Air Force Correction Board.

SYSTEM LOCATION:

Office of the Secretary of the Air Force, 1535 Command Drive, Andrews Air Force Base, MD 20762-7002 and the Washington National Records Center, Suitland, MD 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All members or former members of the Air Force; Army Air Forces, Air Corps, United States Army; Air Service, United States Navy; and Aviation Section, Signal Corps, United States Army, who have applied to the Air Force Board for the Correction of Military Records (AFBCMR).

CATEGORIES OF RECORDS IN THE SYSTEM:

Case files consist of applications to AFBCMR for correction of military records, with supporting evidence, staff advisory opinions and final determinations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. Chapter 79 - Correction of Military Records.

PURPOSE(S):

To review applications for correction of military records to determine the existence of an error or injustice and, when appropriate, make recommendations to the Secretary of the Air Force.

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, these records or information 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 'Blanket Routine Uses' published at the beginning of the Air Force'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:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets.

RETENTION AND DISPOSAL:

Case files are maintained for 75 years then destroyed. Records are destroyed by tearing into pieces, shredding, pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Secretary, Air Force Board for the Correction of Military Records, 1535 Command Drive, Andrews Air Force Base, MD 20762-7002.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on themselves should address inquiries to the Executive Secretary, Air Force Board for the Correction of Military Records, 1535 Command Drive, Andrews Air Force Base, MD 20762-7002.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the Executive Secretary, Air Force Board for the Correction of Military Records, Headquarters, United States Air Force, 1535 Command Drive, Andrews Air Force Base, MD 20762-7002.

Request for review must provide applicant's full name, Social Security Number, and AFBCMR docket number (if known). Reviews are held at 1535 Command Drive, Andrews Air Force Base, MD 20762-7002 between the hours of 0900 to 1600. An applicant must present a personal identification document. A designated representative must present a letter of authorization from the applicant.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records and for contesting and appealing initial agency determinations are published in Air Force Instruction 37-132; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is obtained from applicants, Air Force offices and/or other Government agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F036 SAFPC A

SYSTEM NAME:

Air Force Discharge Review Board Retain Files *(June 11, 1997, 62 FR 31793).*

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with 'Office of the Secretary of the Air Force Personnel Council, 1535 Command Drive, Andrews Air Force Base, MD 20762-7002.'

* * * * *

RETENTION AND DISPOSAL:

Delete entry and replace with 'Disposition pending (no records will be destroyed until authorized by the National Archives and Records Administration).'

* * * * *

F036 SAFPC A

SYSTEM NAME:

Air Force Discharge Review Board Retain Files.

SYSTEM LOCATION:

Office of the Secretary of the Air Force Personnel Council, 1535 Command Drive, Andrews Air Force Base, MD 20762-7002.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Former Air Force Personnel who submit applications for review of discharge/separation/dismissal.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of correspondence between applicant and Discharge Review Board; duplicates of summary of board proceedings and summary of applicant's military record; and miscellaneous control records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 1553, Review of discharge or dismissal.

PURPOSE(S):

Used by the Air Force Discharge Review Board as a temporary reference file.

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, these records or information 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 'Blanket Routine Uses' published at the beginning of the Air Force'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:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name, Social Security Number or Military Service Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in safes.

RETENTION AND DISPOSAL:

Disposition pending (no records will be destroyed until authorized by the National Archives and Records Administration).

SYSTEM MANAGER(S) AND ADDRESS:

Director, Secretary of the Air Force Personnel Council, 1535 Command Drive, Andrews Air Force Base, MD 20762-7002.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Director, Secretary of the Air Force Personnel Council, 1535 Command Drive, Andrews Air Force Base, MD 20762-7002.

Written requests should contain the full name; service number and Social Security Number of the requester. Visitors must have some form of identification such as driver's license, in addition to the above information.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Director, Secretary of the Air Force Personnel Council, 1535 Command Drive, Andrews Air Force Base, MD 20762-7002.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Instruction 37–132; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual's military personnel record.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F036 SAFPC B

SYSTEM NAME:

Air Force Discharge Review Board Original Case Files *(June 11, 1997, 62 FR 31793).*

CHANGES:

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SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with 'Director, Secretary of the Air Force Personnel Council, 1535 Command Drive, Andrews Air Force Base, MD 20762-7002.'

* * * * *

F036 SAFPC B

SYSTEM NAME:

Air Force Discharge Review Board Original Case Files.

SYSTEM LOCATION:

National Personnel Records Center, Military Personnel Records, 9700 Page Boulevard, St. Louis, MO 63132.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Former Air Force Personnel who submit applications for review of discharge/separation/dismissal.

CATEGORIES OF RECORDS IN THE SYSTEM:

Original copy of summary of board proceedings, individual's application form, order appointing Discharge Review Board members, summary of applicant's military personnel record, correspondence between applicant and Discharge Review Board and magnetic recording of hearing (if required).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 1553, Review of discharge or dismissal.

PURPOSE(S):

Documents are created and placed in the applicant's military personnel file as a permanent record of the Board's action in the performance of its statutory function. Files are used by the Air Force Personnel Center to create new discharge documents if required and to notify the applicant of the outcome of his or her case.

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, these records or information 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 'Blanket Routine Uses' published at the beginning of the Air Force'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:

Maintained in file folders and recording.

RETRIEVABILITY:

Retrieved by name, Social Security Number or Military Service Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms and controlled by personnel screening.

RETENTION AND DISPOSAL:

Retained permanently at the National Personnel Records Center (Military Personnel Records), 9700 Page Boulevard, St. Louis, MO 63132.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Secretary of the Air Force Personnel Council, 1535 Command Drive, Andrews Air Force Base, MD 20762-7002.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Director, Secretary of the Air Force Personnel Council, 1535 Command Drive, Andrews Air Force Base, MD 20762-7002.

Written requests should contain the full name; service number and Social Security Number of the requester. Visitors must have some form of identification such as driver's license, in addition to the above information.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Director, Secretary of the Air Force Personnel Council, 1535 Command Drive, Andrews Air Force Base, MD 20762-7002.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Instruction 37–132; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual's military personnel record.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F036 SAFPC C

SYSTEM NAME:

Air Force Discharge Review Board Voting Cards *(June 11, 1997, 62 FR 31793).*

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with 'Office of the Secretary of the Air Force Personnel Council, 1535 Command Drive, Andrews Air Force Base, MD 20762-7002.'

* * * * *

RETENTION AND DISPOSAL:

Delete entry and replace with 'Disposition pending (no records will be destroyed until authorized by the National Archives and Records Administration).'

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with 'Director, Secretary of the Air Force Personnel Council, 1535 Command Drive, Andrews Air Force Base, MD 20762-7002.'

* * * * *

F036 SAFPC C

SYSTEM NAME:

Air Force Discharge Review Board Voting Cards.

SYSTEM LOCATION:

Office of the Secretary of the Air Force Personnel Council, 1535 Command Drive, Andrews Air Force Base, MD 20762-7002.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Former Air Force Personnel who submit applications for review of discharge/separation/dismissal.

CATEGORIES OF RECORDS IN THE SYSTEM:

Voting cards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 1553, Review of Discharge or Dismissal.

PURPOSE(S):

Used by the Air Force Discharge Review Board to record votes of board members on individual cases.

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, these records or information 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 'Blanket Routine Uses' published at the beginning of the Air Force'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:

Maintained in card files.

RETRIEVABILITY:

Retrieved by name, Social Security Number or Military Service Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and, by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Disposition pending (no records will be destroyed until authorized by the National Archives and Records Administration)

SYSTEM MANAGER(S) AND ADDRESS:

Director, Secretary of the Air Force Personnel Council, 1535 Command Drive, Andrews Air Force Base, MD 20762-7002.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Director, Secretary of the Air Force Personnel Council, 1535 Command Drive, Andrews Air Force Base, MD 20762-7002.

Written requests should contain the full name; service number and Social Security Number of the requester. Visitors must have some form of identification such as driver's license, in addition to the above information.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Director, Secretary of the Air Force Personnel Council, 1535 Command Drive, Andrews Air Force Base, MD 20762-7002.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Instruction 37–132; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual's military personnel record.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F036 SAFPC D

SYSTEM NAME:

Air Force Discharge Review Board Case Control/Locator Cards *(June 11, 1997, 62 FR 31793).*

CHANGES:

* * * * *

RETENTION AND DISPOSAL:

Delete entry and replace with 'Disposition pending (no records will be destroyed until authorized by the National Archives and Records Administration).'

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with 'Director, Secretary of the Air Force Personnel Council, 1535 Command Drive, Andrews Air Force Base, MD 20762-7002.'

* * * * *

F036 SAFPC D

SYSTEM NAME:

Air Force Discharge Review Board Case Control/Locator Cards.

SYSTEM LOCATION:

Air Force Personnel Center, Randolph Air Force Base, TX 78150.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Former Air Force personnel who submit applications for review of discharge/separation/dismissal.

CATEGORIES OF RECORDS IN THE SYSTEM:

Case control/locator cards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 1553, Review of discharge or dismissal.

PURPOSE(S):

Used by personnel at the Air Force Personnel Center who are responsible for servicing the Air Force Discharge Review Board to keep track of cases and to record the daily activity relating to each case.

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, these records or information 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 'Blanket Routine Uses' published at the beginning of the Air Force'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:

Maintained in card files.

RETRIEVABILITY:

Retrieved by name, Social Security Number or Military Service Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are controlled by personnel screening.

RETENTION AND DISPOSAL:

Disposition pending (no records will be destroyed until authorized by the National Archives and Records Administration).

SYSTEM MANAGER(S) AND ADDRESS:

Director, Secretary of the Air Force Personnel Council, 1535 Command Drive, Andrews Air Force Base, MD 20762-7002.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Air Force Personnel Center, SAF/MIBR, 550 C Street, Suite 40, Randolph Air Force Base, TX 78150-4742.

Written inquiries should contain individual's full name and Military Service Number or Social Security Number. Visitor must supply their full name and Military Service Number or Social Security Number and provide some form of identification such as driver's license or credit card.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Air Force Personnel Center, SAF/MIBR, 550 C Street, Suite 40, Randolph Air Force Base, TX 78150-4742.

Written inquiries should contain individual's full name and Military Service Number or Social Security Number. Visitor must supply their full name and Military Service Number or Social Security Number and provide some form of identification such as driver's license or credit card.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Instruction 37–132; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual's application form and military personnel record.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 99–11439 Filed 5–6–99; 8:45 am]

BILLING CODE 5001–10–F

DEPARTMENT OF DEFENSE

Department of the Air Force

Privacy Act of 1974; System of Records

AGENCY: Department of the Air Force, DoD.

ACTION: Notice to amend record systems.

SUMMARY: The Department of the Air Force proposes to amend systems of records notices in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The amendments will be effective on June 7, 1999, unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Air Force Access Programs Manager, Headquarters, Air Force Communications and Information Center/ITC, 1250 Air Force Pentagon, Washington, DC 20330–1250.

FOR FURTHER INFORMATION CONTACT: Mrs. Anne Rollins at (703) 588–6187.

SUPPLEMENTARY INFORMATION: The Department of the Air Force's record system notices for records systems 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 address above.

The proposed amendments are not within the purview of subsection (r) of the Privacy Act (5 U.S.C. 552a), as amended, which would require the submission of a new or altered system report for each system. The specific changes to the record systems being amended are set forth below followed

by the notices as amended, published in their entirety.

Dated: May 3, 1999.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

F036 USAFE A

SYSTEM NAME:

Student Identification/Locator Card *(June 11, 1997, 62 FR 31793).*

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with 'United States Air Forces in Europe/Professional Military Education (USAFE/PME), (Kisling NCO Academy), Unit 3345, Box 570, APO AE 09021-5570.'

* * * * *

F036 USAFE A

SYSTEM NAME:

Student Identification/Locator Card.

SYSTEM LOCATION:

United States Air Forces in Europe/ Professional Military Education (USAFE/PME), (Kisling NCO Academy), Unit 3345, Box 570, APO AE 09021-5570.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All students attending United States Air Force in Europe (USAFE) NCO academies and leadership schools.

CATEGORIES OF RECORDS IN THE SYSTEM:

Questionnaire including military data such as name, Social Security Number, grade, age, race, education data, personal data, locator data, and evaluation data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and Duties; delegation as implemented by Air Force Instruction 36-2302, Noncommissioned Officer Professional Military Education, USAFE Supplement 1.

PURPOSE(S):

Used for student identification, locator purposes, and to evaluate student academic progress.

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, these records or information 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 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

Records are used to verify past attendance and final academic standing/ awards.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Destroy 10 years after student completes training by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Information Management, United States Air Forces in Europe/ Professional Military Education (USAFE/PME), (Kisling NCO Academy), Unit 3345, Box 570, APO AE 09021-5570.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to or visit the Commandant at United States Air Forces in Europe/Professional Military Education (USAFE/PME), (Kisling NCO Academy), Unit 3345, Box 570, APO AE 09021-5570'

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to or visit the Commandant at United States Air Forces in Europe/ Professional Military Education (USAFE/PME), (Kisling NCO Academy), Unit 3345, Box 570, APO AE 09021-5570.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Instruction 37–132; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual student.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F036 USAFA B

SYSTEM NAME:

Master Cadet Personnel Record (Active/Historical) *(June 11, 1997, 62 FR 31793).*

CHANGES:

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SYSTEM LOCATION:

United States Air Force Academy, Dean of the Faculty Examinations and Records, HQ USAFA/DFRR, 2354 Fairchild Drive, Suite 6D106, United States Air Force Academy, CO 80840-6210.

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with '(1) Active: Records used in the candidate selection process for the USAF Academy include high school records and college transcripts, College Entrance Examinations Board test scores; admission test scores; personnel data records; personal data to include address; telephone number; Social Security Number; population or ethnic group selections; height; weight; citizenship; statements of reasons for attending the Academy and preparatory school and college records, if applicable; invitation to travel letter; transfer/validation credit information; computer generated products containing academic grade information; parental addresses by state roster and verification of independent studies; computer listings of minority students by population or ethnic group; listings of international cadets; special order assigning cadets to the Cadet Wing; Cadet wing, squadron, and class alpha rosters, and matriculation rosters.

(2) Historical: Selected special orders (appointment, assignment, awards, separation, etc.); letters and records of resignation/separation actions, (if applicable); College Entrance Examination Board test scores; personnel data records, and biographical data; computer generated products reflecting academic grade information; grade and quality point averages; course grade distributions; overall military and academic orders of merit; graduation data; majors awarded; types of degrees conferred; and academic and military honors.'

* * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with 'Office of the Registrar, Dean of the Faculty Examinations and Records, HQ USAFA/ DFRR, 2354 Fairchild Drive, Suite

6D106, United States Air Force Academy, CO 80840-6210.'

* * * * *

F036 USAFA B

SYSTEM NAME:

Master Cadet Personnel Record (Active/Historical).

SYSTEM LOCATION:

United States Air Force Academy, Dean of the Faculty Examinations and Records, HQ USAFA/DFRR, 2354 Fairchild Drive, Suite 6D106, United States Air Force Academy, CO 80840-6210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former United States Air Force (USAF) Academy cadets.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Active: Records used in the candidate selection process for the USAF Academy include high school records and college transcripts, College Entrance Examinations Board test scores; admission test scores; personnel data records; personal data to include address; telephone number; Social Security Number; population or ethnic group selections; height; weight; citizenship; statements of reasons for attending the Academy and preparatory school and college records, if applicable; invitation to travel letter; transfer/validation credit information; computer generated products containing academic grade information; parental addresses by state roster and verification of independent studies; computer listings of minority students by population or ethnic group; listings of international cadets; special order assigning cadets to the Cadet Wing; Cadet wing, squadron, and class alpha rosters, and matriculation rosters.

(2) Historical: Selected special orders (appointment, assignment, awards, separation, etc.); letters and records of resignation/separation actions, (if applicable); College Entrance Examination Board test scores; personnel data records, and biographical data; computer generated products reflecting academic grade information; grade and quality point averages; course grade distributions; overall military and academic orders of merit; graduation data; majors awarded; types of degrees conferred; and academic and military honors.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 9331, Establishment; superintendent; faculty, and E.O. 9397 (SSN).

PURPOSE(S):

(1) Active: These records form the nucleus of the Master Cadet Personnel Record for candidates selected to attend the Academy. These records are used to record the academic, athletic and military training histories of cadets who attend the Academy. They provide a means of checking the performance of each cadet, recording all grades for completed courses, computing grade point averages, identifying deficiencies, and insuring all requirements for graduation are met. Grade information is used by cadets, Academy instructors, counselors, and advisors in selecting majors, determining academic requirements for specific majors, and scheduling courses. Computer listings are also used by faculty and staff members to readily identify cadets by squadron, class, and population or ethnic group. Academic Review Committees and the Academy Board use these records to evaluate cadet performance and to determine eligibility for continuance at the Academy.

(2) Historical: These records form a complete history of each cadet who attended the Academy. They record academic, athletic, and military performance of each cadet and to coordinate statistics relating to cadet strength and attrition. Files are reviewed by organizations within the Department of Defense to determine qualifications for assignments; by Air Force Reserve Officer Training Corps (AFROTC), recruiting and medical services units to determine qualifications and eligibility for training programs and for military service, and by the Air Force Personnel Center (AFPC) to confirm or recreate a military service record.

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, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

Files are disclosed to the Federal Bureau of Investigation for conducting background investigations for security clearances, and to the Department of Veterans Affairs for determining eligibility for benefits.

Academic and personnel information is released to nominating officials, and to the Western Athletic Conference (WAC) officials on cadets participating in WAC-sponsored intercollegiate athletics.

The 'Blanket Routine Uses' published at the beginning of the Air Force'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:

Maintained in file folders, in computers, on computer output products, and on microfilm.

RETRIEVABILITY:

Retrieved by name and Social Security Number.

SAFEGUARDS:

Records are accessed by custodian of the record system, by person(s) responsible for servicing the record system in performance of their official duties, who are properly screened and cleared for need-to-know. Records are stored in locked file containers, cabinets, vaults or rooms, and in computerized data storage devices controlled by computer system software.

RETENTION AND DISPOSAL:

Temporary documents are destroyed 90 days after disenrollment or graduation. Permanent documents are microfilmed one year after graduation. The microfilm is retained permanently in the office of the Registrar. Paper copy is destroyed after 6 years. Records are destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Computer records are destroyed by degaussing or overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Registrar, Dean of the Faculty Examinations and Records, HQ USAFA/DFRR, 2354 Fairchild Drive, Suite 6D106, United States Air Force Academy, CO 80840-6210.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Dean of the Faculty Examinations and Records, HQ USAF/DFRR, 2354 Fairchild Drive, Suite 6D106, United States Air Force Academy, CO 80840-6210.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address written requests to the Dean of the Faculty Examinations and Records, HQ USAF/DFRR, 2354 Fairchild Drive, Suite 6D106, United States Air Force Academy, CO 80840-6210.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and

appealing initial agency determinations are published in Air Force Instruction 37–132; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is obtained from forms the individual fills out during the admissions process; other educational institutions; College Entrance Examination Board and American College Testing scores; Air Force medical examination; individual and personnel records; grades; tests; examinations given at the Academy; high school and college transcripts, and from actions taken by the Academy Board.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

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 record system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b) (1), (2), and (3), (c) and (e) and published in 32 CFR part 806b. For additional information contact the system manager.

F036 USAFA I

SYSTEM NAME:

Educational Research Data Base *(June 11, 1997, 62 FR 31793).*

CHANGES:

* * * * *

SYSTEM NAME:

Delete entry and replace with 'Cadet History Data Base'.

SYSTEM LOCATION:

Delete entry and replace with 'Chief, Institutional Research and Assessment Division, Headquarters, United States Air Force Academy, (HQ USAFA/XPR), 2304 Cadet Drive, Suite 300, United States Air Force Academy, CO 80840-5002'.

CATEGORIES OF RECORDS IN THE SYSTEM:

Add to end of entry 'and names of cadets whose parents are general officers'.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Delete the third paragraph.

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F036 USAFA I

SYSTEM NAME:

Cadet History Data Base.

SYSTEM LOCATION:

Chief, Institutional Research and Assessment Division, Headquarters, United States Air Force Academy, (HQ USAFA/XPR), 2304 Cadet Drive, Suite 300, United States Air Force Academy, CO 80840-5002.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former USAF Academy cadets.

CATEGORIES OF RECORDS IN THE SYSTEM:

High school, college and USAF career information. Including active duty, reserve, and national guard military performance, academic performance, certain medical, disciplinary and personal facts, and test data from interest/personality profiles, and names of cadets whose parents are general officers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 9331, Establishment; Superintendent; faculty; and E.O. 9397 (SSN).

PURPOSE(S):

Used by USAF Academy faculty and staff in conducting studies and analysis relating to attitudes, retention, graduate professional performance, and career pattern.

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, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

Information may be furnished to congressional nominating source for the purpose of enhancing the nomination selection process.

The Association of Graduates may receive information to foster graduates' fellowship and professional development, as well as promote institutional development.

The 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in computers and on computer output products.

RETRIEVABILITY:

Retrieved by Social Security Number.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets. Those in computer storage devices are protected by computer system software.

RETENTION AND DISPOSAL:

Records are retained until superseded, obsolete, no longer needed for reference, or upon inactivation. Records are destroyed by tearing into pieces, shredding, pulping, macerating or burning. Computer records are destroyed by erasing, deleting overwriting or degaussing.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Institutional Research and Assessment Division, Headquarters, United States Air Force Academy (HQ USAFA/XPR), 2304 Cadet Drive, Suite 300, United States Air Force Academy, CO 80840-5002.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on themselves should address inquiries to the Chief, Institutional Research and Assessment Division, Headquarters, United States Air Force Academy (HQ USAFA/XPR), 2304 Cadet Drive, Suite 300, United States Air Force Academy, CO 80840-5002.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to the Chief, Institutional Research and Assessment Division, Headquarters, United States Air Force Academy (HQ USAFA/XPR), 2304 Cadet Drive, Suite 300, United States Air Force Academy, CO 80840-5002.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Instruction 37–132; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from educational institutions, medical institutions, automated system interfaces, Cadet Administrative Management Information System data base, Association of Graduates, and source documents (such as reports).

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F036 USAFA L

SYSTEM NAME:

Cadet Awards Files *(June 11, 1997, 62 FR 31793).*

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with 'Chief, Development and Alumni Programs Division, HQ USAFA/XPA, 2304 Cadet Drive, Suite 351, United States Air Force Academy, CO 80840-5002.'

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with 'Relatives of deceased persons who are memorialized through cadet awards, former USAF Academy cadets who have been honorably discharged due to medical disqualification and USAF Academy cadets winning individual cadet awards.'

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with 'Cadet Awards files by award area, including names of persons memorialized, donor information to include amounts given, and historical data on cadet winners; names, addresses and phone numbers of relatives of deceased persons who are memorialized.'

* * * * *

PURPOSE(S):

Add to entry ', and to invite relatives to awards ceremonies presented in memory of their deceased next of kin.'

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F036 USAFA L

SYSTEM NAME:

Cadet Awards Files.

SYSTEM LOCATION:

Chief, Development and Alumni Programs Division, HQ USAFA/XPA, 2304 Cadet Drive, Suite 351, United States Air Force Academy, CO 80840-5002.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Relatives of deceased persons who are memorialized through cadet awards, former USAF Academy cadets who have been honorably discharged due to medical disqualification and USAF Academy cadets winning individual cadet awards.

CATEGORIES OF RECORDS IN THE SYSTEM:

Cadet Awards files by award area, including names of persons memorialized, donor information to include amounts given, and historical data on cadet winners; names, addresses and phone numbers of relatives of deceased persons who are memorialized.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. Chapter 903, United States Air Force Academy.

PURPOSE(S):

For continuing award sponsorship business with donors, which consist of private individuals, patriotic and veteran organizations, and major air command and used by Cadet Awards Council to aid in their selection of individuals to receive annual award presented to disabled former cadets, and to invite relatives to awards ceremonies presented in memory of their deceased next of kin.

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, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

Records may be disclosed to donors.

The 'Blanket Routine Uses' published at the beginning of the Air Force'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:

Maintained in file folders and in computer databases.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in file containers/cabinets. Awards Council Chairman and appointed project officer are only persons reviewing financial statements, when available and applicable.

RETENTION AND DISPOSAL:

Records are maintained five years in office area before retiring to base staging area for 45 additional years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Development and Alumni Programs Division, HQ USAFA/XPA, 2304 Cadet Drive, Suite 351, United States Air Force Academy, CO 80840-5002.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Development and Alumni Programs Division, HQ USAFA/XPA, 2303 Cadet Drive, Suite 351, United States Air Force Academy, CO 80840-5002.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address requests to the Chief, Development and Alumni Programs Division, HQ USAFA/XPA, 2304 Cadet Drive, Suite 351, United States Air Force Academy, CO 80840-5002.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Instruction 37–132; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information obtained from educational institutions, from individual or next of kin.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

F051 USAFE A

SYSTEM NAME:

Civil Process Case Files *(June 11, 1997, 62 FR 31793).*

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with 'Office of the Staff Judge Advocate General/International Law (JAI), Headquarters, United States Air Forces in Europe, APO AE 09094–5001.'

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Delete second paragraph and replace with 'Information may be disclosed to foreign law enforcement or investigatory or administrative authorities, to comply with requirements imposed by, or to claim rights conferred in the international agreements and arrangements regulating the stationing and status in the Federal Republic of Germany of U.S. military and civilian personnel. Information disclosed to courts or authorities of the Federal Republic of Germany may be further disclosed by the Federal Republic of

Germany to claimants, creditors or their attorneys.'

* * * * *

RETENTION AND DISPOSAL:

Delete entry and replace with 'Paper records are destroyed 2 years after close of calendar year in which last record is filed.'

* * * * *

F051 USAFE A

SYSTEM NAME:

Civil Process Case Files.

SYSTEM LOCATION:

Office of the Staff Judge Advocate General/International Law (JAI), Headquarters, United States Air Forces in Europe, APO AE 09094–5001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military members and civilian employees and their dependents upon whom service is made of documents issued by German courts, customs and taxing agencies, and other administrative agencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents from German authorities regarding payment orders, execution orders, demands for payment of indebtedness, notifications to establish civil liability, customs and tax demands, assessing fines and penalties, demands for court costs or for costs for administrative proceedings summons and subpoenas, paternity notices, complaints, judgments, briefs, final and interlocutory orders, orders of confiscation, notices, and other judicial or administrative writs; correspondence between United States (US) Government authorities and the Federal Republic of Germany; identifying data on individuals concerned; and similar relevant documents and reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force; powers and duties, delegation by; Agreement to Supplement the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces with respect to Foreign Forces stationed in the Federal Republic of Germany (NATO SOFA Supplementary Agreement); 1 United States Treaty 531; Treaties and Other International Acts Series 5351, and 48 United Nations Treaties Series 262, Article 32; and E.O. 9397 (SSN).

PURPOSE(S):

To ensure that military members and civilian employees' obligations under the NATO SOFA Supplementary Agreement are honored and the rights of these personnel are protected by making legal assistance available.

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, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

Information may be disclosed to foreign law enforcement or investigatory or administrative authorities, to comply with requirements imposed by, or to claim rights conferred in the international agreements and arrangements regulating the stationing and status in the Federal Republic of Germany of U.S. military and civilian personnel. Information disclosed to courts or authorities of the Federal Republic of Germany may be further disclosed by the Federal Republic of Germany to claimants, creditors or their attorneys.

The 'Blanket Routine Uses' published at the beginning of the Air Force'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 steel filing cabinets.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

All information is maintained in areas accessible only to designated individuals having official need therefor in the performance of their duties. Records are housed in buildings protected by military police or security guards.

RETENTION AND DISPOSAL:

Paper records are destroyed 2 years after close of calendar year in which last record is filed.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Staff Judge Advocate General/International Law JAI), Headquarters, United States Air Forces in Europe, APO AE 09094–5001.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this record system contains information on themselves may write to or visit the Office of the Staff Judge Advocate General/International Law (JAI), Headquarters, United States Air Forces in Europe, APO AE 09094–5001.

Individuals should furnish their full name, rank/grade, Social Security Number, sufficient details to permit locating the records, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this record system may write to or visit the Office of the Staff Judge Advocate General/International Law (JAI), Headquarters, United States Air Forces in Europe, APO AE 09094–5001.

Individuals should furnish their full name, rank/grade, Social Security Number, sufficient details to permit locating the records, and signature.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, for contesting contents and appealing initial agency determinations are published in Air Force Instruction 37–132; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The individual to whom the record pertains, German authorities and Air Force records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 99–11440 Filed 5–6–99; 8:45 am]

BILLING CODE 5001–10–F

DEPARTMENT OF DEFENSE

Defense Logistics Agency

Privacy Act of 1974; System of Records

AGENCY: Defense Logistics Agency, DoD.

ACTION: Notice to amend record systems.

SUMMARY: The Defense Logistics Agency proposes to amend two systems of records notices in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The amendments will be effective on June 7, 1999, unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2533, Fort Belvior, VA 22060–6221.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Salus at (703) 767–6183.

SUPPLEMENTARY INFORMATION: The Defense Logistics Agency's record system notices for records systems 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 address above.

The Defense Logistics Agency proposes to amend two systems of records notices in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. The changes to the systems of records are not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of new or altered systems report. The record systems being amended are set forth below, as amended, published in their entirety.

Dated: May 3, 1999.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

S322.05 DMDC

SYSTEM NAME:

Noncombatant Evacuation and Repatriation Data Base *(February 22, 1993, 58 FR 10854).*

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with 'Defense Manpower Data Center, DoD Center, Oracle/UNIX Computer Center, 400 Gigling Road, Seaside, CA 93955-6771. Information may be accessed by remote terminals at the repatriation centers. The location of the repatriation centers can be obtained from the Headquarters Department of the Army, Office of Deputy Chief of Staff for Personnel, DAPE-PR, Washington, DC 20310–0300.'

* * * * *

PURPOSE(S):

Delete entry and replace with 'The records are maintained for the purposes of tracking and accounting for individuals evacuated from emergency situations in foreign countries, securing relocation and assistance services, and assessing and recovering relocation costs.'

* * * * *

RETENTION AND DISPOSAL:

Delete entry and replace with 'Disposition pending'.

* * * * *

S322.05 DMDC

SYSTEM NAME:

Noncombatant Evacuation and Repatriation Data Base.

SYSTEM LOCATION:

Defense Manpower Data Center, DoD Center, Oracle/UNIX Computer Center, 400 Gigling Road, Seaside, CA 93955-6771. Information may be accessed by remote terminals at the repatriation centers. The location of the repatriation centers can be obtained from the Headquarters Department of the Army, Office of Deputy Chief of Staff for Personnel, DAPE-PR, Washington, DC 20310–0300.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All noncombatant evacuees including service members, their dependents, DoD and non-DoD employees and dependents, U.S. residents abroad, foreign nationals and corporate employees and dependents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Social Security Number, name, date of birth, passport number, country of citizenship, marital status, sex, employer, destination address and type of assistance needed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 12656, Assignment of Emergency Preparedness Responsibilities, November 18, 1988; DoD Directive 3025.14, Protection and Evacuation of U.S. Citizens and Designated Aliens in Danger Areas Abroad and E.O. 9397 (SSN).

PURPOSE(S):

The records are maintained for the purposes of tracking and accounting for individuals evacuated from emergency situations in foreign countries, securing relocation and assistance services, and assessing and recovering relocation costs.

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, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To individuals who have been evacuated but who have been separated from their family and/or spouse. Information will be released to the individual indicating where the family member was evacuated from and final destination.

To Department of State to plan and monitor evacuation effectiveness and need for services and to verify the number of people by category who have been evacuated.

To the American Red Cross so that upon receipt of information from a repatriation center that a DoD family has arrived safely in the U.S., the Red Cross may notify the service member (sponsor) still in the foreign country that his/her family has safely arrived in the United States.

To the Immigration and Naturalization Service to track and make contact with all foreign nationals who have been evacuated to the U.S.

To the Department of Health and Human Services for purposes of giving financial assistance and recoupment of same. To identify individuals who might arrive with an illness which would require quarantine.

The 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic and hard copy storage.

RETRIEVABILITY:

Retrieved by name, Social Security Number, or location of evacuation point or repatriation center.

SAFEGUARDS:

Computerized records are maintained in a controlled area accessible only to authorized personnel. At Defense Manpower Data Center (DMDC), entry to these areas is restricted by the use of locks, guards, and administrative procedures. Access to personal information is limited to those who require the records in the performance of their official duties. Access to personal information is further restricted by the use of passwords which are changed periodically.

RETENTION AND DISPOSAL:

Disposition pending.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Defense Manpower Data Center, 1600 Wilson Boulevard, Suite 400, Arlington, VA 22209–2593.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this record system should address written inquiries to the Privacy Act Officer, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060-6221.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this record system should address written inquiries to the Privacy Act Officer, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road,

Suite 2533, Fort Belvoir, VA 22060-6221.

Written inquiry should contain the full name, Social Security Number, date of birth, and current address and telephone number of the individual.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records, for contesting contents and appealing initial agency determinations are contained in DLA Regulation 5400.21, 32 CFR part 323, or may be obtained from the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060–6221.

RECORD SOURCE CATEGORIES:

The Military Services, DoD Components, from individuals via application.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S322.35 DMDC

SYSTEM NAME:

Survey and Census Data Base *(June 25, 1996, 58 FR 32779).*

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with 'Primary location: Naval Postgraduate School Computer Center, Naval Postgraduate School, Monterey, CA 93943-5000.

Back-up location: Defense Manpower Data Center, DoD Center Monterey Bay, 400 Gigling Road, Seaside, CA 93955-6771.'

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with 'Individuals who completed census or survey forms, including military members, civilians, persons eligible for DoD benefits, men and women of military age, and applicants to the military services.'

* * * * *

RETENTION AND DISPOSAL:

Delete entry and replace with 'Disposition pending'.

* * * * *

S322.35 DMDC

SYSTEM NAME:

Survey and Census Data Base.

SYSTEM LOCATION:

Primary location: Naval Postgraduate School Computer Center, Naval Postgraduate School, Monterey, CA 93943-5000.

Back-up location: Defense Manpower Data Center, DoD Center Monterey Bay, 400 Gigling Road, Seaside, CA 93955-6771.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who completed census or survey forms, including military members, civilians, persons eligible for DoD benefits, men and women of military age, and applicants to the military services.

CATEGORIES OF RECORDS IN THE SYSTEM:

Survey responses and census information:

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 136, Under Secretary of Defense for Personnel and Readiness; 10 U.S.C. 2358, Research and Development Projects; DoD Directive 5124.2, Under Secretary of Defense for Personnel and Readiness (USD(P&R)); and E.O. 9397 (SSN).

PURPOSE(S):

The purposes of the system are to count DoD personnel and beneficiaries for evacuation planning, apportionment when directed by oversight authority and for other policy planning purposes, and to obtain characteristic information on DoD personnel and households to support manpower and benefits research; to sample attitudes and/or discern perceptions of social problems observed by DoD personnel and to support other manpower research activities; to sample attitudes toward enlistment in and determine reasons for enlistment decisions. This information is used to support manpower research sponsored by the Department of Defense and the military services.

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, these records or information 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 information may be used to support manpower research sponsored by other Federal agencies.

The 'Blanket Routine Uses' set forth at the beginning of DLA'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:

Magnetic computer tape.

RETRIEVABILITY:

Records can be retrieved by Social Security Number; by institutional affiliation such as service membership; and by individual characteristics such as educational level.

SAFEGUARDS:

Access to data at all locations is restricted to those who require the records in the performance of their official duties. Access is further restricted by the use of passwords which are changed periodically. Physical entry is restricted by the use of locks, guards, and administrative procedures.

RETENTION AND DISPOSAL:

Disposition pending.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Defense Manpower Data Center, 1600 Wilson Boulevard, 4th Floor, Arlington, VA 22209–2593.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system contains information about themselves should address written inquiries to the Privacy Act Officer, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060-6221.

Written requests should contain the full name, Social Security Number, and current address and telephone numbers of the individual. In addition, the approximate date and location where the survey was completed should be provided.

For personal visits, the individual should be able to provide some acceptable identification such as driver's license or military or other identification card.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system should address written inquiries to the Privacy Act Officer, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060-6221.

Written requests should contain the full name, Social Security Number, and current address and telephone numbers of the individual. In addition, the approximate date and location where the survey was completed should be provided.

For personal visits, the individual should be able to provide some

acceptable identification such as driver's license or military or other identification card.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records, for contesting contents and appealing initial agency determinations are contained in DLA Regulation 5400.21, 32 CFR part 323, or may be obtained from the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: CAAR, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060–6221.

RECORD SOURCE CATEGORIES:

The survey and census information is provided by the individual; additional data obtained from Federal records are linked to individual cases in some data sets.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 99–11441 Filed 5–6–99; 8:45 am]

BILLING CODE 5001–10–F

DEPARTMENT OF DEFENSE

Department of the Navy

Privacy Act of 1974; System of Records Notice

AGENCY: Department of the Navy, DoD.

ACTION: Notice to amend records systems.

SUMMARY: The Department of the Navy proposes to amend seven systems of records notices in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The amendments will be effective on June 7, 1999, unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Department of the Navy, PA/FOIA Policy Branch, Chief of Naval Operations (N09B30), 2000 Navy Pentagon, Washington, DC 20350–2000.

FOR FURTHER INFORMATION CONTACT: Mrs. Doris Lama at (202) 685–6545 or DSN 325–6545.

SUPPLEMENTARY INFORMATION: The Department of the Navy's record system notices for records systems 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 address above.

The Department of the Navy proposes to amend seven systems of records notices in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. The changes to the systems of records are not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of new or altered systems reports. The records systems being amended are set forth below, as amended, published in their entirety.

Dated: May 3, 1999.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

N05810–2

SYSTEM NAME:

Military Justice Correspondence and Information File *(February 22, 1993, 58 FR 10774).*

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with 'Office of the Judge Advocate General (Code 20), Department of the Navy, Washington Navy Yard, 716 Sicard Street SE, Suite 1000, Washington, DC 20374-5047 and duplicate copies may be maintained in local legal office file.'

* * * * *

N05810–2

SYSTEM NAME:

Military Justice Correspondence and Information File.

SYSTEM LOCATION:

Office of the Judge Advocate General (Code 20), Department of the Navy, Washington Navy Yard, 716 Sicard Street SE, Suite 1000, Washington, DC 20374-5047 and duplicate copies may be maintained in local legal office file.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty, retired, and discharged Navy and Marine Corps personnel who were the subject of military justice proceedings or investigations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain background information relevant to specific military justice cases, and copies of incoming and outgoing correspondence relating to military justice cases.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations.

PURPOSE(S):

To provide a record of individual inquiries and JAG responses concerning military justice related matters, and to maintain background information on military justice matters to assist in responding to inquiries.

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, these records or information 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 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, binder-notebooks, and computer hard drive and floppy disks.

RETRIEVABILITY:

Files are kept in alphabetical order according to the last name of the individual who is the subject of the file.

SAFEGUARDS:

Files are maintained in file cabinets and other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside of working hours.

RETENTION AND DISPOSAL:

Records are maintained in office for two years and then forwarded to the Federal Records Center, Suitland, MD 20409 for storage; files containing background material are maintained on computer hard drive for two years and then purged.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Judge Advocate General (Military Law), Office of the Judge Advocate General, Department of the Navy, Washington Navy Yard, 716 Sicard Street SE, Suite 1000, Washington, DC 20374-5047.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Deputy Assistant Judge Advocate General (Criminal Law), Office of the Judge Advocate General, Department of the Navy, Washington Navy Yard, 716 Sicard Street SE, Suite 1000, Washington, DC 20374-5047.

Information may be obtained by written request stating the full name of the individual concerned. Written requests must be signed by the requesting individual. Personal visits may be made to the Criminal Law

Division, Office of the Judge Advocate General at the above address. Individuals making such visits should be able to provide some acceptable identification, e.g., Armed Forces' identification card, driver's license, etc.

RECORD ACCESS PROCEDURES:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Deputy Assistant Judge Advocate General (Criminal Law), Office of the Judge Advocate General, Department of the Navy, Washington Navy Yard, 716 Sicard Street SE, Suite 1000, Washington, DC 20374-5047.

Information may be obtained by written request stating the full name of the individual concerned. Written requests must be signed by the requesting individual. Personal visits may be made to the Criminal Law Division, Office of the Judge Advocate General at the above address. Individuals making such visits should be able to provide some acceptable identification, e.g., Armed Forces' identification card, driver's license, etc.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Records in this system are compiled from information received from naval field offices, records of trial, and correspondence.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N05819–4

SYSTEM NAME:

Complaints of Wrong Under Article 138/Article 1150 *(September 9, 1996, 61 FR 47483).*

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with 'Office of the Judge Advocate General (Code 13), Department of the Navy, Washington Navy Yard, 1322 Patterson Avenue, SE, Suite 3000, Washington, DC 20374-5066 and duplicate copies may be maintained in local legal office files. Complaints, three years old or older, are stored at the Federal Records Center, Suitland, MD 20409.'

* * * * *

RETRIEVABILITY:

Delete entry and replace with 'Last name of the complainant.'

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with 'Deputy Assistant Judge Advocate General (Administrative Law), Department of the Navy, Washington Navy Yard, 1322 Patterson Avenue, SE, Suite 3000, Washington, DC 20374-5066.'

* * * * *

N05819–4

SYSTEM NAME:

Complaints of Wrong Under Article 138/Article 1150.

SYSTEM LOCATION:

Office of the Judge Advocate General (Code 13), Department of the Navy, Washington Navy Yard, 1322 Patterson Avenue, SE, Suite 3000, Washington, DC 20374-5066 and duplicate copies may be maintained in local legal office files. Complaints, three years old or older, are stored at the Federal Records Center, Suitland, MD 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty Navy and Marine Corps personnel who have submitted complaints of wrong pursuant to Article 138, Uniform Code of Military Justice, or Article 1150 of the U. S. Navy Regulations (1990) which have been forwarded to the Secretary of the Navy for final review of the proceedings.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files consist of complaint or report, the investigations into the complaint or report, the action of the general court-martial authority, and action of the Secretary of the Navy accumulated at the Office of the Judge Advocate General.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Article 138, Uniform Code of Military Justice and Article 1150 of the U.S. Navy Regulations (1990).

PURPOSE(S):

Used by JAG as a working file to review and make recommendations to the Secretary of the Navy on Article 138 and Article 1150 complaints.

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, these records or information 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 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper and automated records.

RETRIEVABILITY:

Last name of the complainant.

SAFEGUARDS:

Files are maintained in file cabinets and other storage devices under control of authorized personnel during working hours; the office spaces in which the file cabinets and storage devices are located is locked outside office working hours. Automated files are password protected.

RETENTION AND DISPOSAL:

Permanent. Retire to Washington National Records Center when 3 years old. Transfer to National Archives and Records Administration when 20 years old.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Assistant Judge Advocate General (Administrative Law), Department of the Navy, Washington Navy Yard, 1322 Patterson Avenue, SE, Suite 3000, Washington, DC 20374-5066.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Deputy Assistant Judge Advocate General (Administrative Law), Department of the Navy, Washington Navy Yard, 1322 Patterson Avenue, SE, Suite 3000, Washington, DC 20374-5066.

The written request should contain full name and the approximate date the complaint was submitted for review, if known. Written requests must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Deputy Assistant Judge Advocate General (Administrative Law), Department of the Navy, Washington Navy Yard, 1322 Patterson Avenue, SE, Suite 3000, Washington, DC 20374-5066.

The written request should contain full name and the approximate date the complaint was submitted for review, if known. Written requests must be signed by the requesting individual

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Complainant; investigatory files; individuals interviewed.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N05830–1

SYSTEM NAME:

JAG Manual Investigative Records *(February 22, 1993, 58 FR 10782).*

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with 'For those records of incidents occurring prior to 1996, and all Litigation type investigations: Office of the Judge Advocate General (Code 35), Department of the Navy, Washington Navy Yard, 1322 Patterson Avenue, SE, Suite 3000, Washington, DC 20374-5066.

For all other incidents occurring after 1996: the General Court Martial Convening Authority of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of system of records notices.'

* * * * *

RETENTION AND DISPOSAL:

Delete entry and replace with 'The records are retained for 75 years. All naval activities which prepare JAG manual Investigative Reports or Command Investigations or which are intermediate addresses, typically retain duplicate copies in local files for a two year period. The release authority or the General Court Martial Convening authority retires his reports after two years to a Federal Storage Facility where they are retained for 75 years.'

* * * * *

N05830–1

SYSTEM NAME:

JAG Manual Investigative Records.

SYSTEM LOCATION:

For those records of incidents occurring prior to 1996, and all Litigation type investigations: Office of the Judge Advocate General (Code 35), Department of the Navy, Washington Navy Yard, 1322 Patterson Avenue, SE, Suite 3000, Washington, DC 20374-5066.

For all other incidents occurring after 1996: the General Court Martial Convening Authority of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of system of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who participated in, who was involved in, who incurred an injury, disease, or death in, who was intoxicated (drugs or alcohol) during, before, or after, or who had an interest in any accident, incident, transaction, or situation involving or affecting the Department of the Navy, naval personnel, or any procedure, operation, material, or design involving the Department of the Navy.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records contain all documented evidence relevant to the item under investigation, together with an investigating officer's report, which makes findings of fact and expresses opinions and recommendations, the reviewing authority's actions which either approved or modified the investigating officer's report or returned the entire record for further investigation or remedial action to perfect the record, and, the results of hearings afforded persons who incurred injuries and diseases, to allow them to explain or rebut adverse information in the record.

The Judge Advocate General's correspondence to locate and obtain required investigations is also included in the record. Some records contain only a field command's explanation as to why an investigation is not required, together with documents pertinent to this lack of requirement. Some records contain only an accident, injury, or death report, prepared for the Department of the Navy by the Army, Air Force, Coast Guard, or other agency under reciprocal agreements, in situations where the Navy or Marine Corps could not conduct the investigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Requirement that Enlisted Men Make Up Time Lost Due to Misconduct or Abuse of Alcohol or Drugs (10 U.S.C. 972(5)); Retirement or Separation for Physical Disability (10 U.S.C. 1201–1221); E.O. 11476; Manual for Courts-Martial, paragraph 133b; Uniform Code of Military Justice (10 U.S.C. 815, 832, 869, 873, 935, 936, and 938–940); Collection From Third Party Payers Act (10 U.S.C. 2095); Military Claims Act (10 U.S.C. 2733); Foreign Claims Act (10 U.S.C. 2734, 2734a, 2734b); Emergency Payment of Claims (10 U.S.C. 2736); Non-scope Claims (10 U.S.C. 2737); Duties of the Secretary of the Navy (10 U.S.C. 5013); Duties of the Office of the Chief of Naval Operations (10 U.S.C. 5031–5033, 5035–5037); Duties of the Bureaus and Offices of the Department of the Navy and Duties of the Judge Advocate General (10 U.S.C. 5131–5153); Duties of the Commandant of the Marine Corps (10 U.S.C. 5043); Reservist's Disability and Death Benefits (10 U.S.C. 6148); Requirement of exemplary conduct (10 U.S.C. 5947); Promotion of Accident and Occupational Safety by the Secretary of the Navy (10 U.S.C. 7205); Admiralty Claims (10 U.S.C. 7622–23); Public Vessels Act (46 U.S.C. 781–790); Suits in Admiralty Act (46 U.S.C. 741–752); Admiralty Extension Act (46 U.S.C. 740); Transportation Safety Act (49 U.S.C. 1901); Federal Tort Claims Act (28 U.S.C. 1346, 2671–2680); Financial Liability of Accountable Officers (31 U.S.C. 82, 89–92); Military Personnel and Civilian Employee's Claims Act of 1964, as amended (31 U.S.C. 240–243); Federal Claim Collection Acts (31 U.S.C. 71–75, 951–953); Forfeiture of Pay for Time Lost Due to Incapacitation Caused by Alcohol or Drug Use (37 U.S.C. 802); Eligibility for Certain Veterans Benefits (38 U.S.C. 105); Postal claims (39 U.S.C. 712); Federal Medical Care Recovery Act (42 U.S.C. 2651–2653); General Authority to Maintain Records (5 U.S.C. 301); Records Management By Agency Heads (44 U.S.C. 3101); and E.O. 9397 (SSN).

PURPOSE(S):

JAG Manual Investigative Records are used internally within the Department of the Navy as a basis for evaluating procedures operations, material, and designs with a view to improving the efficiency and safety of the Department of the Navy; determinations concerning status of personnel regarding disability benefits, entitlements to pay during periods of disability, severance pay, retirement pay, increases of pay for longevity, survivors' benefits, and involuntary extensions of enlistments, dates of expiration of active obligated service and accrual of annual leave; determinations concerning relief of accountable personnel from liability for losses of public funds or property; determinations pertaining to disciplinary or punitive action and evaluation of petitions, grievances, and complaints; adjudication, pursuit, or defense of claims for or against the

Government; and public information releases.

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, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To officials and employees of the Department of Veterans Affairs for use in determinations concerning entitlements to veterans and survivors' benefits.

To Servicemen's Group Life Insurance administrators for determinations concerning payment of life insurance proceeds.

To the U.S. Government Accounting Office for purposes of determinations concerning relief of accountable personnel from liability for losses of public funds and related fiscal matters.

To contractors for use in connection with settlement, adjudication, or defense of claims by or against the Government, and for use in design and evaluation of products, services, and systems.

To agencies of the Federal, State or local law enforcement authorities, court authorities, administrative authorities, and regulatory authorities, for use in connection with civilian and military criminal, civil, administrative, and regulatory proceedings and actions.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of system of record notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper documents and data stored prior to 1985 are stapled together (with real evidence attached, if any) in paper file folders and stored in metal file cabinets, on shelves, and in cardboard boxes.

Records of reports received and stored since 1985 are maintained within a computer data base.

RETRIEVABILITY:

Records and data stored prior to 1985 are filed in calendar year groupings by surname of individual, bureau number of aircraft, name of ship, hull number of unnamed watercraft, or vehicle number of Government vehicles, or date of incident. Incidents are topically cross-referenced.

Records stored since 1985 are maintained on data base and are retrievable from the data base in calendar year groupings by surname, Social Security Number, bureau number of aircraft, name of ship, hull number of unmanned watercraft, vehicle number of Government vehicles, or date of incident. Incidents are topically cross-referenced.

SAFEGUARDS:

Files are maintained in file cabinets and other storage devices under the control of authorized personnel during working hours; the office spaces in which the file cabinets and storage devices are locked outside official working hours. Access to the building is protected by uniformed guards requiring positive identification for admission. The data base system is protected by user account number and password sign-on, data base access authority, data set authority for add and delete, and data item authority for list and update.

RETENTION AND DISPOSAL:

The records are retained for 75 years. All naval activities which prepare JAG manual Investigative Reports or Command Investigations or which are intermediate addresses, typically retain duplicate copies in local files for a two year period. The release authority or the General Court Martial Convening authority retires his reports after two years to a Federal Storage Facility where they are retained for 75 years.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Judge Advocate General (Code 35), Department of the Navy, Washington Navy Yard, 1322 Patterson Avenue, SE, Suite 3000, Washington, DC 20374-5066 for those incidents occurring prior to 1996, and all Litigation type investigations.

For all other incidents occurring after 1996: The General Court Martial Convening Authority of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of system of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Office of the Judge Advocate General (Claims, Investigations, and Tort Litigation), Department of the Navy, Washington Navy Yard, 1322 Patterson Avenue, SE, Suite 3000, Washington, DC 20374-5066 for incidents occurring prior to 1996 and all Litigation type investigations.

All other requests should be directed to the General Court Martial Convening Authority of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of system of record notices.

The request should contain as much identifying data as possible, including, but not limited to the complete names of all individuals involved, the location and date of incident, the bureau number of aircraft or name and hull number of ship, government vehicle number, and type of incident.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Office of the Judge Advocate General (Claims, Investigations, and Tort Litigation), Department of the Navy, Washington Navy Yard, 1322 Patterson Avenue, SE, Suite 3000, Washington, DC 20374-5066 for incidents occurring prior to 1996 and all Litigation type investigations.

All other requests should be directed to the General Court Martial Convening Authority of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of system of record notices.

The request should contain as much identifying data as possible, including, but not limited to the complete names of all individuals involved, the location and date of incident, the bureau number of aircraft or name and hull number of ship, government vehicle number, and type of incident.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Records of JAG Manual Investigations are compilations of evidence, information, and data concerning the circumstances of incidents, accidents, events, transactions, and situations, prepared by administrative fact-finding bodies of utilization by proper authorities in making determinations, decisions, or evaluations relating to the matters under investigation.

Records may contain: (1) Testimony or statements of individuals who are parties to the investigations, witnesses, and others having pertinent knowledge concerning matters under investigation; (2) documentary evidence, including records and reports of military or Federal, state, or foreign, civilian law enforcement investigation, judicial, or corrections authorities; medical records

and reports, investigations and accident and injury reports prepared by federal, state, or foreign governmental agencies or other organizations or persons; court records and other public records; official logs and other official naval records; letters and correspondence, personnel, pay, and medical records; financial records, receipts, and cost estimates; publications, and other pertinent documents and writings; (3) pertinent real evidence; and (4) pertinent demonstrative evidence.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N05890–1

SYSTEM NAME:

Claims Information System *(February 22, 1993, 58 FR 10786).*

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete paragraph 1, and replace with 'Primary location: Office of the Judge Advocate General (Code 35), Department of the Navy, Washington Navy Yard, 1322 Patterson Avenue, SE, Suite 3000, Washington, DC 20374-5066.'

Paragraph 3, line 4, after the word 'commands' add 'with'.

Paragraph 4, beginning at line 2, delete 'U.S. Sending State Office for Australia;'.

Paragraph 6, line 1, after 'Military' add 'personnel'.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Paragraph 3, line 7, replace 'resulting from such tortious conduct' with 'or illness.'

* * * * *

N05890–1

SYSTEM NAME:

Claims Information System.

SYSTEM LOCATION:

Primary location: Office of the Judge Advocate General (Code 35), Department of the Navy, Washington Navy Yard, 1322 Patterson Avenue, SE, Suite 3000, Washington, DC 20374-5066.

Secondary locations:

Federal Tort Claims Files and Military Claims Files are located at Naval Legal Service Offices and Detachments, overseas commands with a Navy or Marine Corps judge advocate attached, and the Federal Records Center, Suitland, MD. Local commands, with which claims under the Federal Tort Claims Act or Military Claims Act are initially filed, retain copies of such claims and accompanying files.

Affirmative Claims Files are located at Naval Legal Service Offices and Detachments; U.S. Sending State Office For Italy; with overseas commands with a Navy or Marine Corps judge advocate attached; the Federal Records Center, Suitland, MD; and such other offices or officers as may be designated by the Judge Advocate General.

Foreign Claims Files are located at U.S. Sending State Office for Italy; Naval Missions (including the office of the naval section of military missions); Military Assistance Advisory Groups (including the Office of Chiefs, Naval Section, Military Assistance Advisory Groups); Office of the Naval Advisory to Argentina; naval attaches; any command which has appointed a Foreign Claims Commission; and the Federal Records Center, Suitland, MD. Local commands, with which claims under the Foreign Claims Act are initially filed and which do not have or choose to appoint a Foreign Claims Commission, retain copies of such claims and accompanying files.

Nonscope Claims Files are located at Naval Legal Service Offices and Detachments, and the Federal Records Center, Suitland, MD. Local commands, with which claims under the 'Nonscope' Claims Act are initially filed, retain copies of such claims and accompanying files.

Military personnel and Civilian Employees' Claims Files are located at Naval Legal Service Offices and Detachments; the Federal Records Center, Suitland, MD; naval activities where there are officers specifically designated by the Judge Advocate General to adjudicate personnel claims.

U.S. Postal Service Indemnity Claims Files are located at the Federal Records Center, Suitland, MD 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who have filed claims against the Department of the Navy under the Federal Tort Claims Act, Military Claims Act, the 'Nonscope' Claims Act, or Military and Civilian Employees' Claims Act.

All individuals who have filed claims with the U.S. Postal Service for loss or damage to mailed matter, and which claims have been paid by the U.S. Postal Service and thereafter forwarded for reimbursement by the Department of the Navy pursuant to 39 U.S.C. 406 and 2601.

All individuals against whom the Navy has claims sounding in tort, and all individuals who are in the military or retired or are dependents of military members and have been provided medical care by a naval medical facility or civilian medical facility for injuries or illness.

All commercial insurance carriers against whom recovery has been sought by the Department of the Navy. Any medical personnel involved in medical malpractice claims against the Department of the Navy.

CATEGORIES OF RECORDS IN THE SYSTEM:

The files may contain claims filed, correspondence, investigative reports, personnel, medical and dental records, x-rays, allied reports (such as police and U.S. Postal Service investigations), photographs, drawings, legal research and memoranda, opinions of experts and others, court documents, reports of injuries to individuals entitled to care at Navy expense, reports of damage to Navy property, statements of charges for medical and dental treatment, copies of orders, copies of insurance policies, government bills of lading, copies of powers of attorney, estimates of loss or damage, inventories, demands on carriers for reimbursement, substantiating documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Tort Claims Act (28 U.S.C. 1346(b), 2671–2680); 32 CFR 750.21–750.40; Medical Care Recovery Act (42 U.S.C. 2651–2653); Collection From Third Party Payers Act (10 U.S.C. 1095); Federal Claims Collection Act (31 U.S.C. 3701, 3711, 3716–3719); 32 CFR 757.1–757.21; Foreign Claims Act (10 U.S.C. 2734); Military Claims Act (10 U.S.C. 2733); 32 CFR 750.41–750.60; 'Nonscope' Claims Act (10 U.S.C. 2737); 32 CFR 750.60–750.69; Military and Civilian Employees Claims Act (31 U.S.C. 3701, 3721); 32 CFR 751.0–751.3; 10 U.S.C. 1552; 39 U.S.C. 406 and 2601; 5 U.S.C. 301, Departmental Regulations; 44 U.S.C. 3101; and 31 U.S.C. 3729.

PURPOSE(S):

To manage and evaluate, and process claims both for and against the Department of the Navy for purposes of adjudication, collection and litigation.

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, these records or information 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 Federal Tort Claims Files and Military Claims Files are used by the claimant or his authorized representative for those claims for

which payment is determined proper; to third parties in those cases in which they indemnify the U.S. Government or to verify claims; to officials and employees of the General Accounting Office and of the Department of Treasury for those claims for which payment is determined proper.

The Affirmative Claims Files are used by insurance companies to support claims by documenting injuries or diseases for which treatment was provided at government expense; by civilian attorneys representing injured parties and the government's interest. For those claims for which payment is determined proper, the files or portions thereof may be provided to the Department of the Treasury.

The Nonscope Claims Files are used by officials and employees of the Department of Justice to defend unauthorized suits brought against the U.S. under the Military Personnel and Civilian Employees' Claim Act. To the claimant of his/her authorized representative.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of system of records notices also 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 stored in file cabinets or other storage devices. Some records are also maintained on magnetic disc, magnetic tape, or within a computer system.

RETRIEVABILITY:

Filed alphabetically by name of claimant or by a locally assigned claim number. Additionally, Military Personnel and Civilian Employees' Claims Act files may be filed alphabetically by name of common carrier, warehousemen, contractors, and insurers.

SAFEGUARDS:

Documents and computer disks are maintained in filing cabinets or other storage devices under control of authorized personnel during working hours. Password access is restricted to those personnel with a need-to-know. The office space in which the file cabinets and storage devices are located is locked and guarded outside official working hours.

RETENTION AND DISPOSAL:

Records are destroyed four years after final action.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Assistant Judge Advocate General (Claims and Tort Litigation), Office of the Judge Advocate General, Department of the Navy, Washington Navy Yard, 1322 Patterson Avenue, SE, Suite 3000, Washington, DC 20374-5066.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Deputy Assistant Judge Advocate General (Claims and Tort Litigation), Office of the Judge Advocate General, Department of the Navy, Washington Navy Yard, 1322 Patterson Avenue, SE, Suite 3000, Washington, DC 20374-5066.

The request should contain full name and address of the individual concerned and must be signed. Visitors should be able to identify themselves by any commonly recognized evidence of identity.

RECORD ACCESS PROCEDURES:

Individuals seeking access to record about themselves contained in this system of records should address written inquiries to the Deputy Assistant Judge Advocate General (Claims and Tort Litigation), Office of the Judge Advocate General, Department of the Navy, Washington Navy Yard, 1322 Patterson Avenue, SE, Suite 3000, Washington, DC 20374-5066.

The request should contain full name and address of the individual concerned and must be signed. Visitors should be able to identify themselves by any commonly recognized evidence of identity.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The sources of information contained in the files include the following: X-rays and medical and dental records from civilian and military doctors and medical facilities; investigative reports of accidents from military and civilian police agencies; report of circumstances if incidents from operators of Government vehicles an equipment; witnesses; correspondence from claimants, their insurance companies, state commissions, United States Attorneys, and various other Government agencies with information concerning the claim; line of duty investigations; commercial credit and asset reports; questionnaires completed by accident victims; statements of charges from civilian and military doctors and medical facilities; information provided by the claimant; investigative reports from personal property offices; investigative reports from a military member's command or an investigative agency; information contributed from commercial carriers; substantiating documents; allied reports (such as U.S. Postal Service investigative reports); legal memoranda.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N05891–1

SYSTEM NAME:

NJAG Litigation Case File *(February 22, 1993, 58 FR 10788).*

CHANGES:

* * * * *

SYSTEM NAME:

Delete 'NJAG' and replace with 'JAG'.

SYSTEM LOCATION:

Delete entry and replace with 'Office of the Judge Advocate General, Department of the Navy, Washington Navy Yard, 1322 Patterson Avenue, SE, Suite 3000, Washington, DC 20375-5066 and duplicate copies may be maintained in local legal office files.'

* * * * *

N05891–1

SYSTEM NAME:

JAG Litigation Case File.

SYSTEM LOCATION:

Office of the Judge Advocate General, Department of the Navy, Washington Navy Yard, 1322 Patterson Avenue, SE, Suite 3000, Washington, DC 20375-5066 and duplicate copies may be maintained in local legal office files.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who may or have instituted litigation concerning matters under the cognizance of the Judge Advocate General, Department of the Navy. Excluded are cases arising in admiralty, under the Federal Tort Claims Act, and from matters under the cognizance of the Navy's General Counsel Office.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records, correspondence, pleadings, documents, memoranda, and notes relating to the litigation or anticipated litigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 5148; and 44 U.S.C. 3101.

PURPOSE(S):

To represent the Department of the Navy and cognizant officials in litigation.

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, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To U.S. Attorneys, litigants, and other parties in litigation.

To Federal and state courts to whom and which information may be provided.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems notices also 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.

RETRIEVABILITY:

Name of litigant or anticipated litigant.

SAFEGUARDS:

Records are maintained in file cabinets accessible only to persons responsible for servicing the record system in performing their official duties.

RETENTION AND DISPOSAL:

Generally retained in office files for six years after final action, then destroyed. Specially designated files are retained for longer periods and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Judge Advocate General, Department of the Navy, Washington Navy Yard, 1322 Patterson Avenue, SE, Suite 3000, Washington, DC 20375-5066.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Judge Advocate General, Department of the Navy, Washington Navy Yard, 1322 Patterson Avenue, SE, Suite 3000, Washington, DC 20375-5066. Written requests should include full name and be signed.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Judge Advocate General, Department of the Navy, Washington Navy Yard, 1322 Patterson Avenue, SE, Suite 3000, Washington, DC 20375-5066. Written requests should include full name and be signed.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From all sources with information which may impact upon actual or anticipated litigation, e.g., other record systems within DON, DOD, and other agencies and departments of the Federal Government, particularly the Department of Justice; state and local governments and law enforcement agencies; counsel and parties in litigation; third parties who provide information voluntarily or in response to discovery, etc.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N05801–2

SYSTEM NAME:

Legal Assistance Management Information System *(September 9, 1996, 61 FR 47483).*

CHANGES:

* * * * *

STORAGE:

Line 2, after the word 'on' add 'computers and'.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Replace '200 Stovall Street, Alexandria, VA 22332-2400.' with 'Washington Navy Yard, 1322 Patterson Avenue, SE, Suite 3000, Washington, DC 20374-5066.'

* * * * *

N05801–2

SYSTEM NAME:

Legal Assistance Management Information System.

SYSTEM LOCATION:

Naval Legal Service Offices (NLSO) and NLSO detachments and other commands that provide legal assistance services under the auspices of the Navy's Legal Assistance Program through an assigned judge advocate or civilian attorney. Official mailing addresses are published as an appendix to the Navy's compilation of system of record notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty military personnel, retirees, dependents, and authorized civilians who have been provided legal assistance.

CATEGORIES OF RECORDS IN THE SYSTEM:

Legal Assistance Card Files contain basic client identification information; e.g., name, address, duty station, telephone number(s), a brief description of the subject of the visit, name of the attorney assigned, and attorney time expended.

Legal Assistance Client Case Files contain personal and privileged information on the client and about the legal matter(s) for which the client is seeking assistance, including various documents related to the client's case, such as copies of client records provided to the attorney; memoranda of attorney-client interviews and attorney-client telephone conversations; memoranda of meetings and telephone conversations with relevant third parties; copies of statutes and case law relevant to the case; attorney research and notes; copies of all documents prepared, and of all correspondence sent or received, by the legal assistance provider; and a record of the results obtained.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 1044; and 32 CFR part 727, Legal Assistance.

PURPOSE(S):

Data from the records is compiled for the purpose of generating periodic workload productivity and statistical reports, for internal management of the office, and for counsel assignment. To provide an administrative record for use by attorneys and clerical personnel directly involved in rendering legal assistance.

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, these records or information 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 'Blanket Routine Uses' published at the beginning of the Navy's

compilation do not apply to this system of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper card and case files are stored in file cabinets. Electronic records are stored on computers and computer disks.

RETRIEVABILITY:

Name of client.

SAFEGUARDS:

Cards, case files, and computer disks are maintained in metal filing cabinets or other storage devices under the control of authorized personnel during working hours. The office space in which the file cabinets and storage devices are located in locked outside normal working hours. The files are not accessible to the public or to persons within the command without an official need-to-know.

RETENTION AND DISPOSAL:

Most files are maintained for two years after the completion of the services and then destroyed. However, some files may be maintained indefinitely if a future legal dispute or inquiry about the matters addressed in the file is reasonably foreseeable.

Files are maintained for two years after completion of the services and then destroyed

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Assistant Judge Advocate General (Legal Assistance), Office of the Judge Advocate General, Department of the Navy, Washington Navy Yard, 1322 Patterson Avenue, SE, Suite 3000, Washington, DC 20374-5066.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the office providing the legal assistance or to the Deputy Assistant Judge Advocate General (Legal Assistance), Office of the Judge Advocate General, Department of the Navy, Washington Navy Yard, 1322 Patterson Avenue, SE, Suite 3000, Washington, DC 20374-5066.

The written request should include full name and must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the office providing the legal assistance or to the Deputy Assistant Judge Advocate General (Legal Assistance), Office of the Judge Advocate General, Department of the Navy, Washington Navy Yard, 1322 Patterson Avenue, SE, Suite 3000, Washington, DC 20374-5066.

The written request should include full name, address, and telephone number of the requester and must be signed by the requesting individual.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Basic information is provided by the client. Additional information regarding the case, including actions taken and the ultimate disposition of the case, is provided by the attorney rendering the service.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N11101–2

SYSTEM NAME:

Family Housing Requirements Survey Record System *(February 22, 1993, 58 FR 10816).*

CHANGES:

* * * * *

AUTHORITY:

Add to entry 'E.O. 9397 (SSN).'

* * * * *

STORAGE:

Delete entry and replace with 'Automated and paper records.'

* * * * *

SAFEGUARDS:

Add to entry 'Automated files are password protected.'

RECORD SOURCE CATEGORIES:

Delete entry and replace with 'Individual.'

* * * * *

N11101–2

SYSTEM NAME:

Family Housing Requirements Survey Record System.

SYSTEM LOCATION:

Military installations with family housing offices. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Officer and enlisted personnel and only key and essential civilian personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Non-individual oriented input documents that reflect local housing assets; family housing survey questionnaires indicating family size, individual preference for housing, housing cost, and indication as to suitability of housing for need of individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations and E.O. 9397 (SSN).

PURPOSE(S):

To determine the housing requirement for the location to support proposed family housing construction, leasing, mobile home spaces and other military construction programs submitted for OSD support and Congressional approval.

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, these records or information 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 'Blanket Routine Uses' that appear at the beginning of the Navy'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:

Automated and paper records.

RETRIEVABILITY:

Social Security Number.

SAFEGUARDS:

Housing files used solely within housing office; tape files used solely within data processing system; and protected by the military installation's security measures. Automated files are password protected.

RETENTION AND DISPOSAL:

Held three years and destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Naval Facilities Engineering Command, 200 Stovall Street, Alexandria, VA 22332. Subordinate record holders of questionnaires: Family housing office at military installation.

NOTIFICATION PROCEDURE:

Contact housing office of installation at which individual was assigned when the individual completed the family housing questionnaire.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the installation family housing office.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 99–11442 Filed 5–6–99; 8:45 am]

BILLING CODE 5001–10–F

DEPARTMENT OF DEFENSE

Department of the Navy

Privacy Act of 1974; System of Records

AGENCY: Department of the Navy, DoD.

ACTION: Delete records systems.

SUMMARY: The Department of the Navy proposes to delete nine systems of records notices in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The actions will be effective on June 7, 1999, unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Department of the Navy, PA/FOIA Policy Branch, Chief of Naval Operations (N09B30), 2000 Navy Pentagon, Washington, DC 20350–2000.

FOR FURTHER INFORMATION CONTACT: Mrs. Doris Lama at (202) 685–6545 or DSN 325–6545.

SUPPLEMENTARY INFORMATION: The Department of the Navy's record system notices for records systems 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 address above.

The Department of the Navy proposes to delete systems of records notices in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. The deletions are not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of new or altered system report.

Dated: May 3, 1999.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

N01130-1

SYSTEM NAME:

Low Quality Recruiting Report *(February 22, 1993, 58 FR 10707).*

Reason: Program no longer exists. All files have been destroyed.

N01136-1

SYSTEM NAME:

Navy Awareness System *(February 22, 1993, 58 FR 10711).*

Reason: Program no longer exists. All files have been destroyed.

N07220–1

SYSTEM NAME:

Armed Forces Health Professional Scholarship System *(February 22, 1993, 58 FR 10799).*

Reason: These records are now under the cognizance of the Defense Finance and Accounting Service. System of records notice T7340, Defense Joint Military Pay System-Active Component.

N07220–2

SYSTEM NAME:

Retired Pay System *(February 22, 1993, 58 FR 10799).*

Reason: These records are now under the cognizance of the Defense Finance and Accounting Service. System of records notice T7347b, Defense Military Retiree and Annuity Pay System.

N07220–3

SYSTEM NAME:

Reserve Pay System *(February 22, 1993, 58 FR 10800).*

Reason: These records are now under the cognizance of the Defense Finance and Accounting Service. System of records notice T7346, Defense Joint Military Pay System-Reserve Component.

N07220–4

SYSTEM NAME:

Naval Reserve Officer Training Corps Pay System *(February 22, 1993, 58 FR 10801).*

Reason: These records are now under the cognizance of the Defense Finance and Accounting Service. System of records notice T7346, Defense Joint Military Pay System-Reserve Component.

N07220–5

SYSTEM NAME:

Joint Uniform Military Pay System (JUMPS) *(February 22, 1993, 58 FR 10802).*

Reason: These records are now under the cognizance of the Defense Finance and Accounting Service. System of records notice T7340, Defense Joint Military Pay System-Active Component.

N07220–6

SYSTEM NAME:

Midshipman Pay System *(March 18, 1997, 62 FR 12806).*

Reason: These records are now under the cognizance of the Defense Finance and Accounting Service. System of records notice T7340, Defense Joint Military Pay System-Active Component.

N12950–6

SYSTEM NAME:

Computer Assisted Manpower Analyses System (CAMAS) *(February 22, 1993, 58 FR 10828).*

Reason: System obsolete. Records have been destroyed.

[FR Doc. 99–11443 Filed 5–6–99; 8:45 am]

BILLING CODE 5001–10–F

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Acting Leader, Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before June 7, 1999.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Danny Werfel, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW, Room 10235, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the internet address DWERFEL@OMB.EOP.GOV. Requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 400 Maryland Avenue, SW, Room 5624, Regional Office Building 3, Washington, DC 20202–4651, or should be electronically mailed to the internet address *Pat__Sherrill@ed.gov*, or should be faxed to 202–708–9346.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill (202) 708–8196. Individuals who use a telecommunications device 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 time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Acting Leader, Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

Dated: May 3, 1999.

William E. Burrow,

Acting Leader, Information Management Group, Office of the Chief Information Officer.

Office of Student Financial Assistance Programs

Type of Review: Extension.

Title: Equity in Athletics Disclosure Act.

Frequency: Annually.

Affected Public: Not-for-profit institutions.

Reporting and Recordkeeping Burden:

Responses: 1,800.

Burden Hours: 9,900.

Abstract: The Equity in Athletics Disclosure Act amended the Higher Education Act of 1965 to require coeducational institutions of higher education that participate in any program under Title IV of the Higher Education Act of 1965 and have an intercollegiate program, to annually make available upon request a report on institutional financing and student and staff participation in men's and women's intercollegiate athletics.

[FR Doc. 99–11479 Filed 5–6–99; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

[Docket No. EA–145–A]

Application To Export Electric Energy; British Columbia Power Exchange Corp.

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of application.

SUMMARY: British Columbia Power Exchange Corporation (Powerex) has applied for renewal of its authority to transmit electric energy from the United States to Mexico pursuant to section 202(e) of the Federal Power Act.

DATES: Comments, protests or requests to intervene must be submitted on or before June 7, 1999.

ADDRESSES: Comments, protests or requests to intervene should be addressed as follows: Office of Coal & Power Im/Ex (FE–27), Office of Fossil Energy, U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585–0350 (FAX 202–287–5736).

FOR FURTHER INFORMATION CONTACT: Xavier Puslowski (Program Office) 202–586–4708 or Michael Skinker (Program Attorney) 202–586–6667.

SUPPLEMENTARY INFORMATION: On May 30, 1997, the Office of Fossil Energy (FE) of the Department of Energy (DOE) authorized Powerex to transmit electric energy from the United States to Mexico as a power marketer using the international electric transmission facilities of San Diego Gas and Electric Company. That two-year authorization will expire on May 30, 1999. On April 15, 1999, Powerex filed an application with FE for renewal of this export authority and requested that the Order be issued for an additional two-year term.

DOE notes that the circumstances described in this application are virtually identical to those for which export authority had previously been granted in FE Order EA–145. Consequently, DOE believes that it has adequately satisfied its responsibilities under the National Environmental Policy Act of 1969 through the documentation of a categorical exclusion in the FE Docket EA–145 proceeding.

Procedural Matters

Any person desiring to become a party to this proceeding or to be heard by filing comments or protests to this application should file a petition to intervene, comment or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the FERC's Rules of Practice and Procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with the DOE on or before the date listed above.

Comments on the Powerex request to export to Mexico should be clearly marked with Docket EA–145–A. Additional copies are to be filed directly with Mr. Douglas Little, Vice President, Trade Policy & Development, British Columbia Power Exchange Corporation, 666 Burrard Street, Suite 1400, Vancouver, British Columbia, Canada V6C 2X8, AND Paul W. Fox, Esq., Bracewell & Patterson, L.L.P., 111 Congress Avenue, Suite 2300, Austin, Texas 78701, AND Tracey L. Bradley, Energy Regulatory Consultant, Bracewell & Patterson, L.L.P., 2000 K Street, NW, Suite 500, Washington, DC 20006.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above or by accessing the Fossil Energy Home Page at http://www.fe.doe.gov. Upon reaching the Fossil Energy Home page, select ''Regulatory Programs,'' then ''Electricity Regulation,'' and then ''Pending Proceedings'' from the options menus.

Issued in Washington, DC, on April 30, 1999.

Anthony J. Como,

Manager, Electric Power Regulation, Office of Coal & Power Im/Ex, Office of Coal & Power Systems, Office of Fossil Energy.

[FR Doc. 99–11519 Filed 5–6–99; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Science Financial Assistance Program Notice 99–19; Computational Structural Biology

AGENCY: U.S. Department of Energy (DOE).

ACTION: Notice inviting grant applications.

SUMMARY: The Office of Biological and Environmental Research (OBER) of the Office of Science (SC), U.S. Department of Energy (DOE), hereby announces its interest in receiving grant applications in its Computational Structural Biology subprogram. There is an immediate

need for greatly improved computational approaches for gene product structure and function elucidation. This solicitation seeks sophisticated prediction, modeling and simulation research for the exploration of the interrelationship of macromolecular sequence, structure and function. The goal will be to establish a robust computational process for predicting the three-dimensional architecture for gene products and for gaining further insight into their biological role.

DATES: Before preparing a formal application, potential applicants are encouraged to submit a brief preapplication. All preapplications, referencing Program Notice 99–19, should be received by DOE by 4:30 P.M., E.D.T., June 15, 1999. A response discussing the programmatic relevance of the proposed submission will be communicated by July 1, 1999. Formal applications submitted in response to this notice must be received by 4:30 P.M., E.D.T., October 5, 1999, to be accepted for merit review and consideration for award in mid-Fiscal Year 2000.

ADDRESSES: Preapplications referencing Program Notice 99–19, must be sent by E-mail to sharon.betson@science.doe.gov. Preapplications will also be accepted if mailed to the following address: Ms. Sharon Betson, Office of Biological and Environmental Research, SC–73, 19901 Germantown Road, Germantown, Maryland 20874–1290.

Formal applications, referencing Program Notice 99–19, should be forwarded to: U.S. Department of Energy, Office of Science, Grants and Contracts Division, SC–64, 19901 Germantown Road, Germantown, Maryland 20874–1290, ATTN: Program Notice 99–19. This address must also be used when submitting applications by U.S. Postal Service Express Mail or any other commercial overnight delivery service, or hand-carried by the applicant. An original and seven copies of the application must be submitted.

FOR FURTHER INFORMATION CONTACT: Dr. Charles G. Edmonds, Office of Biological and Environmental Research, SC–73, U.S. Department of Energy, 19901 Germantown Road, Germantown, MD 20874–1290, telephone: (301) 903–0042, FAX: (301) 903–0567, E-mail: charles.edmonds@science.doe.gov. The full text of Program Notice 99–19 is available via the Internet using the following web site address: http://www.er.doe.gov/production/grants/grants.html.

SUPPLEMENTARY INFORMATION: The Office of Biological and Environmental Research supports a directed, basic research program in the areas of environmental, life and medical science. Major research program emphases are placed on characterization of human and microbial genomes, model organisms for understanding human gene function, structural biology, the biological effects of low dose radiation, global climate change, improved technology for cleanup of DOE contaminated sites, advanced imaging technologies, and molecular nuclear medicine. With the accelerating increase in nucleic acid and derived amino acid sequence data flowing from genome projects and in the particular context of these DOE supported basic research efforts, there is an immediate need for greatly improved experimental and computational approaches for gene product structure and function determination. OBER presently supports a program in computational structural biology that is intended to address this need.

This notice is to solicit applications for grants to maintain and enhance this program which focuses on sophisticated prediction, modeling and simulation research to provide a generalizable approach to the interrelationship of macromolecular sequence, structure and function. *The rapid influx of newly discovered genes, the remarkably large proportion of which no function can so far be inferred, require a global predictive capability. We are seeking tools for the robust prediction of structure and inference of function for any gene and on a whole genome scale of analysis.*

Research applications that integrate existing software tools in novel ways and/or develop new computational strategies to exploit databases of macromolecular structural information, including both high and low resolution structures, are a continuing interest of the program. This includes the goals of predicting the structure and function of newly discovered gene sequences as well as the prediction or computational design of the chemical properties and architectural arrangement of proteins or nucleic acids needed for a particular functional application. Examples of existing approaches that fall into this category are knowledge-based or molecular extension methods (e.g., homology model building), ab initio structure prediction (finding structures that fit sequences) and the development of tools to assign existing or new sequences to specific structures (e.g., finding sequences that fit structures through threading or inverse folding algorithms). Attention may also be focussed on the problem of negative design, the identification of aspects of sequence that precludes its fitting a known structure. Awardees will be expected to attend the biannual Critical Assessment of Techniques for Protein Structure Prediction (CASP) experiment and participate at an appropriate level in the comparative exercise.

Further, the use of structure from experimental and/or computational sources to provide insight into function is a specific target of this solicitation. Computational and visualization techniques exploiting structure to characterize recognition within macromolecular ensembles, ligand-receptor and other specific molecular interactions and to extend this to the understanding and modeling of elaborate functional aggregates including metabolic pathways and interacting circuits are specifically encouraged. This solicitation includes but is not limited to participation in structural genomics projects, i.e., the collaborative experimental, theoretical and computational efforts which seek to establish a catalogue of the structures of a representative set of protein folds occurring in nature and thus facilitating the modeling of the structure of any genomically derived amino acid sequence by reference to its nearest catalogued archetype.

Applications that exploit the latest multiple approaches (in algorithms, simulation, modeling and graphical representation/visualization) or provide for the interpretation and the integration and joint utilization through the World Wide Web of the growing body of sequence, structural and physical information tools will also be considered particularly responsive. We encourage the development of teams to accelerate the deployment of robust software available to the entire community. Established programs should demonstrate such capabilities or discuss plans for web access and dissemination. The long term goal of the program is to develop well-integrated software packages that meet the scientific and technical goals outlined above.

The transformation of the accumulating database of genomic information into a practical understanding of structure-function relationships in biological macromolecules and of the complicated systems which constitute living cells, tissues and organisms is paramount. The ultimate objective of the extension of this new understanding of individual reactive entities to the genome scale will be the elucidation of a vocabulary and

grammar of connectedness in molecular function. Through escalating levels of complexity from functional aggregates to metabolic circuits and homeostatic networks we will arrive at a systems view of biology. This will enable diverse applications in human health, including individualized medicine and drug design, in biotechnology, including, new and improved biomaterials and new biocatalysis in industry and manufacturing, in environmental science for the design of enzymes for effective and efficient removal of environmental contaminants and in energy technology for the development and conversion of biomass for fuels.

Program Funding

It is anticipated that approximately $2.0 million will be available for multiple grant awards during Fiscal Year 2000 contingent upon the availability of appropriated funds. Applications may request project support up to three years, with out-year support contingent on the availability of funds, progress of the research, and programmatic needs. We expect to award several grants in this area of research of up to $500,000 per year.

Preapplications

A brief preapplication should be submitted. The preapplication should identify on the cover sheet the institution, PI name, address, telephone, fax and E-mail address for the principal investigator, and title of the project. The preapplication should consist of two to three pages narrating the research objective, methods for accomplishment and benefits of the effort.

Preapplications will be evaluated relative to the scope and research needs for the Computational Structural Biology subprogram.

Applications will be subjected to scientific merit review (peer review) and will be evaluated against the following evaluation criteria listed in descending order of importance as codified at 10 CFR 605.10(d):

1. Scientific and/or Technical Merit of the Project.
2. Appropriateness of the Proposed Method or Approach.
3. Competency of Applicant's Personnel and Adequacy of Proposed Resources.
4. Reasonableness and Appropriateness of the Proposed Budget.

The evaluation will include program policy factors such as the relevance of the proposed research to the terms of the announcement and an agency's programmatic needs. Note, external peer reviewers are selected with regard to both their scientific expertise and the absence of conflict-of-interest issues. Non-federal reviewers may be used, and submission of an application constitutes agreement that this is acceptable to the investigator(s) and the submitting institution.

To provide a consistent format for the submission, review and solicitation of grant applications submitted under this notice, the preparation and submission of grant applications must follow the guidelines given in the Application Guide for the Office of Science Financial Assistance Program 10 CFR part 605.

Information about the development, submission of applications, eligibility, limitations, evaluation, the selection process, and other policies and procedures may be found in 10 CFR part 605, and in the Application Guide for the Office of Science Financial Assistance Program. Electronic access to the Guide and required forms is made available via the World Wide Web at: http://www.er.doe.gov/production/grants/grants.html. On the SC grant face page, form DOE F 4650.2, in block 15, also provide the PI's phone number, fax number and E-mail address.

The Office of Science as part of its grant regulations requires at 10 CFR 605.11(b) that a recipient receiving a grant and performing research involving recombinant DNA molecules and/or organisms and viruses containing recombinant DNA molecules shall comply with NIH ''Guidelines for Research Involving Recombinant DNA Molecules'', which is available via the world wide web at: http://www.niehs.nih.gov/odhsb/biosafe/nih/rdna-apr98.pdf, (59 FR 34496, July 5, 1994), or such later revision of those guidelines as may be published in the **Federal Register**.

The Catalog of Federal Domestic Assistance Number for this program is 81.049, and the solicitation control number is ERFAP 10 CFR Part 605.

Issued in Washington, D.C. on April 29, 1999.

John Rodney Clark,

Associate Director of Science for Resource Management.

[FR Doc. 99–11532 Filed 5–6–99; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Chicago Operations Office; Notice of Solicitation Entitled ''Support of the U.S. Chemical Industry's Technology Vision 2020'', Financial Assistance Solicitation No. DE–SC02–99CH10989

AGENCY: DOE, Chicago Operation Office.

ACTION: Notice of solicitation for cooperative agreement proposals.

SUMMARY: The Department of Energy (DOE) Office of Industrial Technologies (OIT) announces its intention to issue a competitive solicitation for applications for financial assistance to conduct innovative research and development (R&D). The R&D should improve energy efficiency and support the goals of *Technology Vision 2020: The Chemical Industry*. The Chemical industry and the DOE have entered into a Memorandum of Understanding to provide a framework for joint research, development, and demonstration among industry, academia, and government. OIT seeks collaborative R&D projects that address priority needs that are detailed in industry-developed Technology Roadmaps and other selected topic areas. Roadmap areas for the upcoming solicitation include Computational Chemistry, Materials of Construction, Separations, and Selected Topics Related to Catalysis, Alternative Synthetic Pathways, and the Application and Use of Alternative Chemicals—specifically C1 Compounds as Alternative Raw Materials/Feedstocks, Alternative Reaction Conditions, and Supercritical/Dense Phase Fluids As Solvent Replacements in Production of Chemicals and in Other Applications.

DATES: The complete solicitation document will be available on or about May 24, 1999 on the internet by accessing either the OIT grant program home page at http://www.oit.doe.gov/chemcials/page3.html or the DOE Chicago Operations Office Acquisition and Assistance Group home page at http://www.ch.doe.gov/business/ACQ.htm under the heading ''Current Acquisition Activities'' Solicitation No. DE–SC02–99CH10989. Applications are anticipated to be due no later than 3:00 p.m. (CDT), July 30, 1999. Selection of applications for award is anticipated by October 13, 1999.

DATES: Completed applications referencing Solicitation Number DE–SC02–99CH10989 must be submitted to the U.S. Department of Energy, Chicago Operations Office, Attn: Jennifer Stricker, Bldg. 2101, Rm. 3F–13, 9800 South Cass Avenue, Argonne, IL 60439–4899.

SUPPLEMENTARY INFORMATION: As a result of this solicitation, DOE expects to award twelve (12) to fifteen (15) cooperative agreements. Total estimated Government funding for the solicitation is approximately $12 million with anticipated Government funding of approximately $4 million for FY00. DOE

will consider projects ranging from one (1) to three (3) years in length.

Eligible applicants must have a teaming arrangement consisting of two or more chemical companies. (A ''chemical company'' is defined as a private (profit or non-profit) organization that manufactures chemicals or provides products or serves to such manufactures. In addition to chemical manufacturers, raw material suppliers, equipment and technology suppliers, architectural and engineering companies, software and consulting firms, trade and professional associations, and research institutes that routinely conduct a minimum of 10% of their business with chemical industry manufactures are within the scope of the definition.) In addition, the teaming arrangement may also include, but is not limited to, universities, trade associations, DOE National Laboratories, and small businesses. All projects must offer significant energy savings when compared to the currently-used technology. Eligible applicants must cost share at least 50% of project costs and projects should be planned for one to three years in duration. Teaming arrangements with DOE National Laboratories are encouraged, however national laboratories may not serve as the prime applicant and may not provide cost share. Industry partner(s) must perform at least 50% of the proposed effort. Further, applicants should describe the work to be performed and plans for project management and technology commercialization; describe how the work will advance one or more of the priority needs of the roadmaps and/or above topic areas; estimate energy savings and waste and emission reductions; describe the innovative aspects of the technology; and provide information on the qualifications and experience of both the project team and of key personnel.

FOR FURTHER INFORMATION CONTACT: Jennifer Stricker at (630) 252–2888, U.S. Department of Energy, 9800 South Cass Avenue, Argonne, IL 60439–4899; by fax at (630) 252–5045; or by e–mail at jennifer.stricker@ch.doe.gov.

Issued in Chicago, Illinois on April 28, 1999.

John D. Greenwood,

Acquisition and Assistance Group Manager.

[FR Doc. 99–11406 Filed 5–6–99; 8:45 am]

BILLING CODE 6450–01–M

DEPARTMENT OF ENERGY

Bonneville Power Administration

Mid-Columbia Coho Salmon Reintroduction Feasibility Project

AGENCY: Bonneville Power Administration (BPA), Department of Energy (DOE).

ACTION: Notice of Finding of No Significant Impact (FONSI) and floodplain statement of findings.

SUMMARY: This notice announces BPA's proposal to fund research for 2 to 3 years on the feasibility of reintroducing coho salmon into mid-Columbia River basin tributaries. The research would take place in the Methow and Wenatchee river basins in Chelan and Okanogan counties, Washington. BPA has prepared an Environmental Assessment (EA) (DOE/EA–1282) evaluating the proposed project. Based on the analysis in the EA, BPA has determined that the proposed action is not a major Federal action significantly affecting the quality of the human environment, within the meaning of the National Environmental Policy Act (NEPA) of 1969. Therefore, the preparation of an Environmental Impact Statement (EIS) is not required, and BPA is issuing this FONSI.

The FONSI includes a finding that there is no practicable alternative to locating a portion of the project within 100-year floodplains.

ADDRESSES: For copies of this FONSI or the EA, please call BPA's toll-free document request line: 800–622–4520.

FOR FURTHER INFORMATION CONTACT: Nancy Weintraub, KECN, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon, 97208–3621, phone number 503–230–5373, fax number 503–230–5699.

SUPPLEMENTARY INFORMATION: BPA proposes to fund coho research and broodstock development in the Wenatchee and Methow river basins for 2 to 3 years. BPA is responding to a need to determine the ecological risks and biological feasibility of reintroducing coho to mid-Columbia River basin tributaries, from which they have been extirpated for at least a half century. Reintroduction of coho into the mid-Columbia region has been identified by regional fish-managing entities as one of fifteen high-priority projects for the Columbia River basin. The project is included in the Northwest Power Planning Council's (Council) Fish and Wildlife Program, and was recommended by the Council to BPA for funding in 1996. However, before a full-scale reintroduction program is implemented, feasibility research needs to be conducted. Besides BPA, project participants include Yakama Indian Nation (YIN) and Washington Department of Fish and Wildlife (WDFW), co-managers; National Marine Fisheries Service (NMFS); U.S. Fish and Wildlife Service (USFWS); U.S. Forest Service (USFS); and Confederated Tribes of the Colville Indian Reservation.

Federal and State fish agencies and YIN, as well as environmental groups and individual citizens, have been strongly interested in the project. In the Wenatchee and Methow basins, there are several fish species listed under the Endangered Species Act (ESA), as well as several other game fish species, which are the subject of various enhancement programs. The primary concern of most organizations and citizens has been the potential for reintroduced coho to prey on or compete with other weakened, sensitive, or prized species in the two basins. BPA has participated in extensive discussions leading to alternatives that BPA seriously considered and included in this EA/FONSI (see below). BPA has remained open to the views of the community and all project participants as well as those of the original project proponents (YIN). We realize this project, if fully implemented, could increase the risk of harm to other sensitive fish species in the basin. We believe, however, that in this first phase, the feasibility studies, the risks are low and that they are manageable through monitoring and annual review by project participants, with adjustments as necessary to minimize risks. This FONSI documents that the research can be conducted without significant environmental impacts.

Several possible alternative plans have been identified and are addressed in the EA (Chapter 2). Briefly, they are as follows:

- *Tribal Alternative (Proposed Action):* BPA would fund research into all life phases of coho and their interactions with other species in the Wenatchee and Methow basins, including survival, natural spawning, predation, residualism, and productivity studies; genetics monitoring; and a broodstock development program. Research would depend on acclimation and release of up to 1,000,000 coho smolts in the Wenatchee basin and up to 400,000 smolts in the Methow. Up to three of six alternative acclimation sites would be developed in the Wenatchee; up to three existing acclimation sites in the Methow would be used.

• *Phased Study Alternative:* BPA would fund research as described above, including coho releases and acclimation site development, in the Wenatchee basin only.

• Hatchery Releases Alternative: BPA would fund research, including coho releases, designed to answer one key question: can adult coho return to the mid-Columbia in sufficient numbers to replace themselves? Coho would be acclimated and released only at existing hatcheries in the Wenatchee basin; acclimation in natural habitats would not take place. Studies of coho predation and ability to naturally reproduce would not be done.

• *No-Action Alternative:* Continue coho releases of 700,000 smolts/yearlings/etc. as is done currently under the Management Agreement for 1997 Brood Upper Columbia River Coho, a stipulated order under *United States* v. *Oregon*. There would be no BPA funding or participation and no in-basin acclimation. Release numbers and locations would be agreed to annually by parties to the order. Little, if any, research would be done.

Table 4 in the EA summarizes the impacts of each alternative. The impacts of two of the three action alternatives (Tribal and Phased Study) are similar in nature and intensity; the primary difference between the two is that the geographic scope is reduced in the Phased Study alternative. The impacts of the third action alternative (Hatchery Releases) overall are lower in intensity than the other two. BPA has determined, based on the context and intensity of these impacts, that they are not significant, using the definition of this concept in section 1508.27 of the Council on Environmental Quality Regulations for implementing the National Environmental Policy Act. This determination is based on the following discussion of each point listed in section 1508.27:

1. The project aims to develop knowledge about how a largely domesticated stock might be reintroduced and naturalized in a basin where it has long been absent. This knowledge may be applicable throughout the Columbia basin. When combined with other current and future research on similar issues, the cumulative benefit of the mid-Columbia project would be to increase the chances that other reintroduction projects would succeed, and that the concomitant resource risks would be reduced. These activities would serve to answer critical uncertainties associated with future reintroduction activities. While the benefits of the proposed research warrant BPA funding, the results from this 2–3 year project alone would not significantly increase the potential for success of reintroduction projects in the region.

2. Implementation of the Tribal, Phased Study, or Hatchery Releases alternatives would not affect the health and safety of the people of the Wenatchee or Methow basins. As documented in section 3.4.1.2 and 3.4.2 of the EA, water and chemical use and wastewater discharges would be within permitted amounts. Water temperatures of local rivers would not be increased because amounts used for acclimation sites (Tribal and Phased Study alternatives) would be small, in most cases water would be part of natural or existing ponds, and use would occur in early spring when water is cold and flows are high (section 3.4.1.3). Screw traps are an obstacle to recreational boaters such as rafters, kayakers, and others. However, traps would be located away from high-use areas for recreational boaters and would be flagged to warn boaters of their presence. These issues are not significant in the context of NEPA because the risks are small relative to other factors affecting health and safety in the local area.

3. Research activities for all alternatives would take place in environmentally sensitive areas. However, because acclimation sites are already developed in the Methow basin (Tribal alternative), and because only one of six alternative sites in the Wenatchee basin requires construction-type activity to develop (Tribal and Phased Study), most sensitive areas would not be affected. Specifically:

a. In the Wenatchee basin, Icicle Creek near one proposed acclimation site, and White River near another have been recommended by the Wenatchee National Forest for inclusion in the National Wild and Scenic Rivers System as Recreational Rivers. Installation of a temporary smolt screen at Icicle Creek, and installation of a temporary net and smolt exit pipe in a beaver dam at White River Side Channels, would not adversely affect the recreational and other values of the rivers (EA, section 3.4.1.3).

b. Although proposed acclimation sites are located in ecologically critical areas such as wetlands, floodplains, and State Shoreline areas, development of only one alternative site in the Wenatchee basin (Two Rivers) would adversely affect those areas. A wetland, a 100-year floodplain, and a State Shoreline area could be affected if that site is developed (Tribal Alternative and Phased Study). Acclimation ponds for the site would be dug on the property of an operating sand and gravel quarry in an already disturbed area. The smolt exit channel, however, would disturb or destroy riparian and/or wetland vegetation for a distance of about 80 meters (260 feet). Plant surveys would be completed before ponds and channels are designed and constructed to determine if any sensitive species occupy the area. If any sensitive species are found, the areas would be avoided or the site would not be developed. To avoid impacts on wetlands, information from wetlands delineation surveys would be used during final design to develop mitigation measures, if necessary, to ensure that the project would result in no net loss of wetlands. Buffers from construction activities would be provided. Upon completion of construction, disturbed land would be restored to its previous condition wherever possible. (EA, section 3.4.1.3). Therefore, impacts on wetlands, floodplains, and State Shorelines would not be significant.

The actions proposed would not affect prime farmland or park lands, as there are none present in the vicinity.

4. The impacts of actions proposed under the three action alternatives are not significant due to their controversy. Controversy that surfaced during development and review of the draft EA centered on the number and locations of coho smolt releases and the consequent level of risk to endangered spring chinook populations in the Wenatchee basin, as originally proposed under the Tribal Alternative. BPA and project participants subsequently developed release numbers and sites for 1999 that parties agree pose minimal risk to spring chinook, and they are committed to reaching agreement on future release numbers and sites to maintain minimal risk for the research period.

5. The impacts of actions proposed under the three action alternatives are not significant due to the degree of highly uncertain, unique, or unknown risks. These issues were raised by project participants and members of the public, particularly in regard to the risks of predation by coho smolts on spring chinook. Concerns were that not enough research has been completed to date to confirm that releases of coho smolts in or near spring chinook habitat would not pose a significant predation risk. While one year of study has been completed in the Yakima Basin that did not show significant predation of coho smolts on spring chinook, several project participants believe that additional studies are needed. In order to address this issue, proposed smolt release numbers in Nason Creek, the primary spring chinook habitat, were

reduced for 1999, and an additional year of study is planned in the Yakima Basin. The fish managers (YIN and WDFW) have agreed that they will annually review the results of the previous year's research and come to agreement on release numbers and locations for the subsequent years based on the results of the ongoing research. The Biological Opinion from the National Marine Fisheries Service supports the conclusion that, with monitoring and risk containment measures (EA, section 3.3.1.2), the risk to spring chinook would not jeopardize their continued existence.

6. The actions proposed would not establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration. Contrary to the assertions of some, this project does not constitute a decision to reintroduce coho to mid-Columbia tributaries. BPA is unwilling to commit substantial resources to such an effort without some indication of its potential for success, as reintroduction of an extirpated fish species is not a well-researched action. If research shows that the potential exists for full-scale reintroduction to be successful, and that impacts to other sensitive species can be minimized to acceptable levels, then, under NEPA, the time would be ''ripe'' to assess the effects of such a program.

7. The proposal is not connected (40 CFR 1508.25(a)(1)) to other actions with potentially significant impacts, nor is it related to other proposed actions with cumulatively significant impacts (40 CFR 1508.25(a)(2)). Section 3.6 of the EA addresses the cumulative fishery resource impacts. Although the proposed action is related to actions being addressed under the Impacts of Artificial Salmon and Steelhead Production Strategies in the Columbia River Basin Draft Environmental Impact Statement (Draft EIS), it is not precluded by 40 CFR 1506.1 or 10 CFR 1021.211 because it is not a major Federal action and would not significantly affect the quality of the human environment. The actions proposed are independent of the actions proposed under the Draft EIS and would not prejudice the ultimate decision on the program, as they are low-tech, minimal-impact actions to be taken for research purposes to answer specific questions regarding the potential impacts of and viability of an artificial coho production program in the mid-Columbia. Additional environmental review would be completed prior to the initiation of any long-term, full-scale production program.

8. There are no sites listed on or eligible for the National Register of Historic Places at or near any facility location. Only one of the six potential acclimation sites in the Wenatchee basin (Tribal and Phased Study alternatives) could require ground disturbance (EA, section 3.4.1.3). If developed, its final location would be surveyed before construction to insure that it would not adversely affect cultural resources, including tribal traditional use areas.

9. Several fish, wildlife, and plant species in the Wenatchee and Methow basins are listed or proposed for listing under the Endangered Species Act. Of those discussed in the EA in Chapter 3, the following could be affected:

a. *Upper Columbia River spring-run chinook,* listed as Endangered, spawn and rear in habitat near proposed coho release sites in the Wenatchee and Methow basins. However, little impact to spring chinook is expected because most coho acclimation/release sites are downstream of the primary spawning and summer rearing areas; once released, coho tend to migrate downstream rapidly; most returning adult coho spawners will home to their points of release, which are downstream of the spring chinook spawning/rearing reaches; and most adult coho would be collected to develop the localized broodstock, so few would be spawning in the wild. In addition, as discussed in #4 and #5 above and in section 3.3.1.2 of the EA, risk of impact to spring chinook would be further minimized by working with other fish managers to determine coho release sites and numbers that minimize risk; by releasing coho smolts in low densities; by releasing fish that more closely resemble sizes of wild coho, which tend to be smaller than hatchery fish; and by waiting until smolts are ready to actively migrate before releasing them.

b. *Bull trout* are listed as Threatened. There could be minor, temporary disturbances to bull trout migratory corridor habitat during construction of the Two Rivers acclimation site smolt exit channel, but erosion and sedimentation control best management practices would ensure impacts were not significant. Migratory adult bull trout could be taken during rotary screw trap sampling, beach seining, electro-fishing, and adult coho broodstock collection. To minimize impacts, rotary traps would be attended 24 hours a day and checked every hour to remove fish and debris from the livebox. Bull trout found in the livebox would be released immediately. Bull trout captured by other collection methods also would be released immediately. To reduce potential mortality from electro-fishing, only personnel trained in the technique would be employed. They would follow guidelines for such procedures recently established by NMFS (NMFS 1998) (EA, section 3.5.1; Biological Assessment [BA], section 5.10). Therefore, impacts to bull trout would not be significant.

c. *The grizzly bear* is listed as Threatened. To access the White River Side Channel acclimation site (Tribal and Phased Study alternatives), the Sears Creek Road would be plowed in late March. This area has been identified as potential spring emergence grizzly habitat, although no use occurs at present. The project would install a locked gate at the point where plowing would begin to control the amount of disturbance from use of the road. All the acclimation sites are in areas with at least moderate human disturbance. There would be no disturbance to grizzly bear habitat from the project (EA, section 3.4.1.3; BA, section 5.4). Therefore, there would be no significant effects to grizzly bears from this project.

d. *Two plants—Ute's Ladies Tresses* (Threatened) and *Wenatchee (Oregon) checkermallow* (Proposed, Wenatchee basin only)—could be at or near the Two Rivers acclimation site (Tribal and Phased Study alternatives). If the site were developed, it would be surveyed before ground disturbing activity begins. If plants are found, they would be avoided or the site would not be developed, so these two plants would not be adversely affected (EA, section 3.4.1.3).

Other listed and proposed fish and wildlife species in the two basins would not be adversely affected (EA, Chapter 3).

10. The actions proposed would not threaten to violate Federal, State, or local law or requirements imposed for the protection of the environment. The following permits and consultation may be required and will be obtained, as needed: Section 7 consultation and incidental take permit for trapping and electroshocking activities proposed in 2000 and 2001 (NMFS and USFWS), shoreline development permit (Chelan County), hydraulic project approval permit (Washington Department of Fish and Wildlife), State water quality certification (Washington Department of Ecology), modifications to National Pollutant Discharge Elimination System permits, USFS land use permits, Clean Water Act Section 404 permit (U.S. Army Corps of Engineers), and use permits for nets across highway culverts (Washington Department of Transportation). Final determinations regarding the need for permits will be

made after project participants decide on the final course of action.

Floodplain Statement of Findings

This is a Floodplain Statement of Findings prepared in accordance with 10 CFR Part 1022. A Notice of Floodplain and Wetlands Involvement was published in the **Federal Register** on November 9, 1998, and impacts to floodplains and wetlands were assessed in the EA (section 3.4.1.3). At one alternative acclimation site (Two Rivers), BPA would dig a smolt exit channel from the new ponds to the Little Wenatchee River, within the 100-year floodplain. The channel needs to pass through the floodplain in order to allow smolts access to the river. There are no alternatives that would avoid constructing the smolt exit channel in the floodplain at the Two Rivers site; however, there are alternative acclimation sites identified in the EA that would not affect floodplains. The actions proposed would conform to applicable State and local floodplain protection standards; a county floodplain development permit would be obtained, if needed, for work in the floodplain of the Little Wenatchee River.

The steps to be taken to avoid or minimize potential harm to or within the affected floodplain and wetlands include:

- In floodplain and shoreline areas, disturbed land would be restored as closely as possible to pre-project contours and replanted with native and local species. However, site topography could require bank disruption. A restoration and monitoring plan would be prepared before disturbing floodplain and shoreline areas.
- Erosion control measures would be implemented within the 60-meter (200-foot) State Shoreline area.
- Location of new structures within the identified shoreline and floodplain would be avoided.

BPA will endeavor to allow 15 days of public review after publication of this statement of findings before implementing the selected alternative.

Determination

Based on the information in the EA, as summarized here, BPA determines that the actions proposed, as described and analyzed in either the Tribal, Phased Study, or Hatchery Releases alternatives, are not major Federal actions significantly affecting the quality of the human environment within the meaning of NEPA, 42 U.S.C. 4321 *et seq.* Therefore, an EIS will not be prepared, and BPA is issuing this FONSI.

Issued in Portland, Oregon, on April 28, 1999.

James R. Meyer,

Acting Vice President, Environment, Fish and Wildlife Group.

[FR Doc. 99–11533 Filed 5–6–99; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

Energy Conservation Program for Consumer Products: Energy Conservation Program for Fluorescent Lamp Ballasts, Clothes Washers, and Water Heaters

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of public workshops.

SUMMARY: The Energy Policy and Conservation Act, as amended (EPCA or Act), requires the Department of Energy (DOE or Department) to consider amending the energy conservation standards for certain major household appliances. This notice announces three public workshops as steps in the appliance standards rulemaking procedures. These public workshops will be conducted for the rulemakings on revised energy efficiency standards for fluorescent lamp ballasts, clothes washers, and water heaters.

DATES: The following table lists the respective analyses release dates, workshop dates, and comment period dates.

	Fluorescent lamp ballasts	Clothes washers	Water heaters
Release Analyses	April 27, 1999	June 14, 1999	June 14, 1999.
Comments Due	May 18, 1999	July 6, 1999	July 6, 1999.
Workshops	June 1, 1999	July 22, 1999	July 23, 1999.
Comments Due	June 15, 1999	August 3, 1999	August 3, 1999.

ADDRESSES: The Department will hold the public workshops between the hours of 9:00 a.m. and 4:00 p.m. at the U.S. Department of Energy, Forrestal Building, 1000 Independence Avenue, SW, Room 1E–245, Washington, DC 20585. Written comments are welcome, especially following the workshops. Please submit one signed copy and a computer diskette (WordPerfect 6.1) or 10 copies (no telefacsimiles) to: U.S. Department of Energy, Attn: Brenda Edwards-Jones, Office of Energy Efficiency and Renewable Energy, EE–43, 1000 Independence Avenue, SW, Washington, DC 20585, (202) 586–2945, e-mail: Brenda.Edwards-Jones@ee.doe.gov.

The Department will also accept electronically-mailed comments, but you must supplement such comments with a signed hard copy.

You should identify all comments on both the envelope and document with the name of the product and the appropriate docket number: Fluorescent Lamp Ballasts, EE–RM–97–500; Clothes Washers, EE–RM–94–403; or Water Heaters, EE–RM–97–900.

If you submit information or data that you believe is confidential, and should not be publicly disclosed, you should submit one complete copy of your document and ten (10) copies or one electronic copy from which the information believed to be confidential has been deleted. We will make our own determination regarding the confidentiality of the information or data according to our regulations at 10 CFR 1004.11.

Copies of the completed analyses may also be obtained from: U.S. Department of Energy, Office of Codes and Standards, 1000 Independence Avenue, SW, Room 1J–018, Washington, DC 20585.

Public information: The public may access the Freedom of Information Reading room, located at the U.S. Department of Energy, Forrestal Building, 1000 Independence Avenue, SW, Room 1E–190, Washington, DC 20585, between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, (except Federal holidays). Call (202) 586–3142 for information.

FOR FURTHER INFORMATION CONTACT: Edward Pollock, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Forrestal Building, Mail Station EE–43, 1000 Independence

Avenue, SW, Washington, DC 20585–0121, (202) 586–5778, e-mail: Edward.Pollock@ee.doe.gov, or Michael J. McCabe, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Forrestal Building, Mail Station EE–40, 1000 Independence Avenue, SW, Washington, DC 20585–0121, (202) 586–9155, e-mail: Michael.McCabe@ee.doe.gov; Eugene Margolis, Esq. U.S. Department of Energy, Office of General Counsel, Forrestal Building, Mail Station GC–72, 1000 Independence Avenue, SW, Washington, DC 20585–0103, (202) 586–9507, e-mail: Eugene.Margolis@hq.doe.gov.

SUPPLEMENTARY INFORMATION: In its administration of the Appliance Standards Program, DOE has published procedures to make the rulemaking process more accessible to the public. (Procedures for Consideration of New or Revised Energy Conservation Standards for Consumer Products, 61 FR 36974, July 15, 1996). As part of the revised procedures, the Department pledged to provide ''early opportunities for public input to and comment on the analyses.'' (61 FR 36976).

This notice announces three public workshops by which the Department plans to obtain public comment on the analyses being prepared for Notices of Proposed Rulemakings on revised energy efficiency standards for fluorescent lamp ballasts, clothes washers, and water heaters. In addition to providing interested parties the opportunity to comment on the analyses, the workshops will also provide interested parties with the opportunity to comment on what levels of revised energy efficiency standards proposals they could support from the analyses.

Prior to the public workshops, the Department will make publicly available the analytical results that it presently plans to use in its formal decision process. The material to be presented will be the bases for the Technical Support Documents for the Notices of Proposed Rulemakings. DOE staff and contractors will prepare the material.

These analytical results will be available from the Office of Codes and Standards (OCS) Internet site (http:www.eren.doe.gov/buildings/codes__standards/index.htm), and the DOE Freedom of Information Reading Room. The analyses that the Department plans to provide for review for each product are the results of the engineering cost-efficiency curves, life-cycle costs, paybacks, national energy savings, net national employment impacts, manufacturer impact analyses, and environmental effects. The complete set of analyses will be available according to the schedule in the **DATES** section of this Notice.

Once the analytical results are publicly available for each product, the Department will provide periods during which it will receive comments on both the analyses as well as on the policy implications drawn from the analyses. The Department will review and analyze the comments it receives on the policy recommendations and analyses.

Following receipt and review of comments for each product, the Department will conduct a workshop. The workshops will all have similar formats, wherein there will be a summary of the analytical results that will have been publicly available prior to each respective workshop, followed by a summary discussion of the comments received prior to the workshop. Lastly, a senior DOE official will facilitate a discussion on which standard levels participants at the workshop believe can be supported by the analyses.

The Department will conduct these workshops prior to our selection of proposed revisions to the energy efficiency standards for fluorescent lamp ballasts, clothes washers, and water heaters, and the Department will consider output from the workshops in the development of those proposals.

Following the respective workshops, the Department will provide an additional comment period, during which interested parties will have an opportunity to comment on the proceedings at the workshops, as well as on any aspect of the rulemaking proceedings, including what policy implications the commenters might draw from the analyses.

The Department will also consider all comments provided after the respective workshops in its determination of the appropriate revised energy-efficiency standards to propose.

If you would like to participate in the workshops, receive workshop material, or be added to the DOE mailing list to receive future notices and information regarding these workshops, please contact Ms. Brenda Edwards-Jones, (202) 586–2945.

Issued in Washington, DC, on May 4, 1999.

Dan W. Reicher,

Assistant Secretary, Energy Efficiency and Renewable Energy.

[FR Doc. 99–11566 Filed 5–6–99; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP99–337–000]

Northern Natural Gas Company; Notice of Request Under Blanket Authorization

April 30, 1999.

Take notice that on April 26, 1999, Northern Natural Gas Company (Northern), 1111 South 103rd Street, Omaha, Nebraska 68124–1000, filed in Docket No. CP99–337–000 a request pursuant to §§ 157.205, and 157.212, of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.212) for authorization to relocate an existing delivery point serving Northern States Power Company on the Faribault Branchline located in Rice County, Minnesota under Northern's blanket certificate issued in Docket No. CP82–401–000, pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Northern states that the new delivery point will serve as a master meter and provide a central measurement point on the Faribault branchline and that no facilities are proposed to be retired or abandoned. Northern states that the total estimated cost to install the master meter is $228,000.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

David P. Boergers,

Secretary.

[FR Doc. 99–11509 Filed 5–6–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG99–118–000, et al.]

Capital Center Generating Company, LLC, et al.; Electric Rate and Corporate Regulation Filings

April 26, 1999.

Take notice that the following filings have been made with the Commission:

1. Capital Center Generating Company, LLC

[Docket No. EG99–118–000]

Take notice that on April 16, 1999, Capital Center Generating Company, LLC (CCGC), with its address c/o Noresco, Inc., 255 Main Street, Suite 500, Hartford, CT 06106, filed with the Federal Energy Regulatory Commission (FERC or Commission) an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

CCGC is a Rhode Island limited liability company that will be engaged directly and exclusively in the business of developing, owning and operating an eligible facility to be located in Providence, Rhode Island, The eligible facility will consist of an approximately 6 MW gas-fired electric generation project and related interconnection facilities. The output of the eligible facility will be sold at wholesale to consumers located in the United States.

Comment date: May 17, 1999, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

2. Lamar Power Partners, L.P.

[Docket No. EG99–119–000]

Take notice that on April 21, 1999, Lamar Power Partners, L.P. (Lamar Power) filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to part 365 of the Commission's regulations.

Lamar Power, a Delaware limited partnership, is developing a natural gas-fired eligible facility with a capacity of 1,000 megawatts, powered by four high efficiency ''F'' technology combustion turbines, which will be located in or near Paris, Texas.

Comment date: May 17, 1999, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

3. Ocean Energy Services, Inc., Tractebel Energy Marketing, Inc., Eagle Gas Marketing Company, Lambda Energy Marketing Company, TECO EnergySource, Inc.

[Docket Nos. ER96–588–009, ER94–142–022, ER96–1503–012, ER94–1672–017, ER96–1563–013]

Take notice that on April 21, 1999, the above-mentioned power marketers filed quarterly reports with the Commission in the above-mentioned proceedings for information only. These filings are available for public inspection and copying in the Public Reference Room or on the web at www.ferc.fed.us/online/rims.htm for viewing and downloading (call 202–208–2222 for assistance).

4. Global Energy & Technology, Inc., Texpar Energy, Inc., Conectiv Energy Supply, Inc., Nine Energy Services, LLC Woodruff Energy, Applied Resources Integrated Services, Incorporated, Bonneville Fuels Management Corporation, Poco Petroleum, Inc., and Lakeside Energy Services, LLC

[Docket Nos. ER97–3416–005, ER95–62–017, ER98–2045–004, ER98–1915–004, ER97–3526–004, ER97–3526–005, ER97–2604–006, ER96–659–013, ER97–2197–006, ER97–2198–007, ER99–505–001]

Take notice that on April 23, 1999, the above-mentioned power marketers filed quarterly reports with the Commission in the above-mentioned proceedings for information only. These filings are available for public inspection and copying in the Public Reference Room or on the web at www.ferc.fed.us/online/rims.htm for viewing and downloading (call 202–208–2222 for assistance).

5. CSW Energy Services, Inc., QST Energy Trading Inc., ONEOK Power Marketing Company, InterCoast Power Marketing Company, and NGTS Energy Services

[Docket Nos. ER98–2075–005, ER96–553–014, ER98–3897–003, ER94–6–013, ER96–2892–009]

Take notice that on April 22, 1999, the above-mentioned power marketers filed quarterly reports with the Commission in the above-mentioned proceedings for information only. These filings are available for public inspection and copying in the Public Reference Room or on the web at www.ferc.fed.us/online/rims.htm for viewing and downloading (call 202–208–2222 for assistance).

6. Lakewood Cogeneration Limited Partnership

[Docket No. ER99–1213–000]

Take notice that on April 20, 1999, Lakewood Cogeneration Limited Partnership (Lakewood) submitted for filing a second amended Code of Conduct Regarding the Relationship between Lakewood Cogeneration Limited Partnership and Consumers Energy Company (Code of Conduct) in compliance with Ordering Paragraph A of the Commission's February 26, 1999 Order Conditionally Accepted for Filing Proposed Market-Based Rates.

Comment date: May 10, 1999, in accordance with Standard Paragraph E at the end of this notice.

7. Pacific Gas and Electric Company

[Docket No. ER99–2532–000]

Take notice that on April 20, 1999, Pacific Gas and Electric Company (PG&E) tendered for filing new Procedures for implementation of § 3.3 of the 1987 Agreement between PG&E and the City and County of San Francisco (City). PG&E also tendered for filing two Facilities Authorization Letters (Authorization Letters) between PG&E and City, respectively for large and small facilities.

The purpose of the Procedures is to allow for the filing of Facilities Authorization Letters, which streamline the procedures for filing numerous Facilities, and to facilitate payment of PG&E's costs of designing, constructing, procuring, testing, placing in operation, owning, operating and maintaining the customer-specific Facilities required for firm transmission and distribution service requested by City under these Facilities Authorization Letters.

PG&E has requested permission to use automatic rate adjustments whenever the California Public Utilities Commission (CPUC) authorizes a new Electric Rule 2 Cost of Ownership Rate but cap the monthly Transmission-level rates, respectively, at 0.58% and 1.19% for Customer-financed and PG&E-financed Facilities, and cap the monthly Distribution-level rates, respectively, at 0.77% and 1.34% for Customer-financed and PG&E-financed facilities.

Copies of this filing have been served upon City and the CPUC.

Comment date: May 10, 1999, in accordance with Standard Paragraph E at the end of this notice.

8. Mississippi Power Company and Southern Company Services, Inc.

[Docket No. ER99–2533–000]

Take notice that on April 20, 1999, Mississippi Power Company and Southern Company Services, Inc., its

agent, on tendered for filing a Service Agreement, pursuant to the Southern Companies Electric Tariff Volume No. 4—Market Based Rate Tariff, with South Mississippi Electric Power Association for the Hattiesburg Industrial Park Delivery Point to Pearl River Electric Power Association. The agreement will permit Mississippi Power to provide wholesale electric service to South Mississippi Electric Power Association at a new service delivery point.

Copies of the filing were served upon South Mississippi Electric Power Association, the Mississippi Public Service Commission, and the Mississippi Public Utilities Staff.

Comment date: May 10, 1999, in accordance with Standard Paragraph E at the end of this notice.

9. Consumers Energy Company and Southwood 2000, Inc.

[Docket Nos. ER99–2554–000, ER99–2555–000]

Take notice that on April 21, 1999, the above-mentioned public utilities filed their quarterly transaction report for the first quarter ending March 31, 1999.

Comment date: May 11, 1999, in accordance with Standard Paragraph E at the end of this notice.

10. Boralex Stratton Energy, Inc., Arizona Public Service Company

[Docket Nos. ER99–2562–000, ER99–2572–000]

Take notice that on April 22, 1999, the above-mentioned public utilities filed their quarterly transaction report for the first quarter ending March 31, 1999.

Comment date: May 5, 1999, in accordance with Standard Paragraph E at the end of this notice.

11. David N. Bassett, John R. Cooper, Kevin J. Donovan, Douglas F. Egan, George J. Grunbeck, Sanford L. Hartman, J.W. Maitland Horner, P. Chrisman Iribe, Peter E. Meier, M. Richard Smith, Suzanne Rich, Steven A. Wolfgram

[Docket Nos. ID–3134–002, ID–3132–002, ID–3273–000, ID–3274–000, ID–3235–001, ID–3275–000, ID–3276–000, ID–3131–003, ID–3237–001, ID–3277–000, ID–3278–000, ID–3238–001]

Take notice that on April 22, 1999, the above named individuals filed with the Federal Energy Regulatory Commission an application for authority to hold interlocking positions in Pittsfield Generating Company, L.P. and/or Lake Road Generating Company, L.P., both with their principal place of business at One Bowdoin Square, Boston, Massachusetts 02114.

Comment date: May 24, 1999, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/ online/rims.htm (call 202–208–222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–11464 Filed 5–6–99; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC99–64–000, et al.]

The Cleveland Electric Illuminating Company, et al.; Electric Rate and Corporate Regulation Filings

April 28, 1999.

Take notice that the following filings have been made with the Commission:

1. The Cleveland Electric Illuminating Company

[Docket No. EC99–64–000]

Take notice that on April 22, 1999, The Cleveland Electric Illuminating Company (CEI) filed an amendment to an application pursuant to section 203 of the Federal Power Act, 16 U.S.C. 824b, for authorization to acquire certain jurisdictional transmission facilities. CEI's application was filed on April 16, 1999 in Docket No. EC99–64–000.

CEI states that copies of the amendment were served on the Public Utilities Commission of Ohio and the Pennsylvania Public Utility Commission.

Comment date: May 17, 1999, in accordance with Standard Paragraph E at the end of this notice.

2. Consolidated Edison Company of New York, Inc., NRG Energy, Inc., Arthur Kill Power LLC, Astoria Gas Turbine Power LLC

[Docket Nos. EC99–68–000 and ER99–2610–000]

Take notice that on April 26, 1999, Consolidated Edison Company of New York, Inc., NRG Energy, Inc., Arthur Kill Power LLC, and Astoria Gas Turbine Power LLC (collectively, the Applicants) tendered for filing an application under section 203 of the Federal Power Act for approval to transfer certain jurisdictional facilities associated with the sale of the Arthur Kill Generation Station, located on Staten Island, New York and 20 gas turbine electric generation units at the Astoria Gas Turbine Site in Queens, New York. The Applicants also tendered for filing pursuant to section 205 of the Federal Power Act two continuing site agreements related to the transfer of facilities.

The Applicants have served a copy of this filing on the New York Public Service Commission.

Comment date: May 26, 1999, in accordance with Standard Paragraph E at the end of this notice.

3. Hinson Power Company

[Docket No. EC99–69–000]

Take notice that on April 26, 1999, Hinson Power Company (Hinson), a power marketer, tendered for filing an application under Section 203 of the Federal Power Act for authorization to transfer control of its jurisdictional assets.

Under the proposed transaction, Hinson's stock would be acquired by Columbia Falls Aluminum Company and Columbia Falls Aluminum Company would be merged with and into Glencore Acquisition LLC with the surviving corporation continuing under the name of Columbia Falls Aluminum Company LLC.

Comment date: May 26, 1999, in accordance with Standard Paragraph E at the end of this notice.

4. Somerset Power LLC

[Docket No. EG99–122–000]

Take notice that on April 26, 1999, Somerset Power LLC, with its principal office at 1221 Nicollet Mall, Suite 700, Minneapolis, MN 55403, filed with the Commission an application for determination of exempt wholesale generator status pursuant to part 365 of the Commission's Regulations.

Somerset Power states that it is a limited liability company organized under the laws of the State of Delaware. Somerset Power will be engaged directly

and exclusively in owning an approximately 229 MW coal and jet fuel-fired electric generating facility located in Somerset, Massachusetts. Electric energy produced by the facility will be sold at wholesale to the Independent System Operator and into the New England Power Pool.

Comment date: May 19, 1999, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

5. Somerset Operations Inc.

[Docket No. EG99–123–000]

Take notice that on April 26, 1999, Somerset Operations Inc. (Somerset Operations), with its principal office at 1221 Nicollet Mall, Suite 700, Minneapolis, MN 55403, filed with the Commission an application for determination of exempt wholesale generator status pursuant to part 365 of the Commission's Regulations.

Somerset Operations states that it is a corporation organized under the laws of the State of Delaware. Somerset Operations will be engaged directly and exclusively in operating an approximately 229 MW coal and jet fuel-fired electric generating facility located in Somerset, Massachusetts. Electric energy produced by the facility will be sold at wholesale to the Independent System Operator and into the New England Power Pool.

Comment date: May 19, 1999, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

6. LSP–Kendall Energy, LLC

[Docket No. EG99–124–000]

Take notice that on April 26, 1999, LSP–Kendall Energy, LLC (Applicant), a Delaware limited liability company with a principal place of business at Two Tower Center, 10th Floor, East Brunswick, NJ 08816, filed with the Federal Energy Regulatory Commission (Commission), an application for determination of exempt wholesale generator status pursuant to part 365 of the Commission's Regulations.

The Applicant will begin constructing a natural gas-fired combined cycle electric generation facility with a nominal capacity of up to approximately one thousand one hundred (1,100) megawatts in Kendall County, Illinois (the Facility). The Facility is scheduled to commence commercial operation in the Summer of 2001. The Applicant is engaged directly, or indirectly through one or more affiliates as defined in Section 2(a)(11)(B) of the Public Utility Holding Company Act of 1935, and exclusively in the business of owning or operating, or both owning and operating, all or part of one or more eligible facilities and selling electric energy from the Facility at wholesale.

Comment date: May 19, 1999, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

7. Southwestern Public Service Company

[Docket No. ER85–477–018]

Take notice that on April 23, 1999, Southwestern Public Service Company tendered for filing an amended compliance filing in Docket No. ER85–477–010.

Comment date: May 13, 1999, in accordance with Standard Paragraph E at the end of this notice.

8. Northern States Power Company (Minnesota) and Northern States Power Company (Wisconsin); NRG Power Marketing, Inc.; Cabrillo Power I LLC; Cabrillo Power II LLC; El Segundo Power, LLC; Energy Masters Int'l, Inc.; Long Beach Generation LLC; Somerset Power LLC; Cadillac Renewable Energy LLC; NRG Generating (Parlin) Cogeneration Inc.; Arthur Kill Power LLC; Huntley Power LLC; Astoria Power LLC; Dunkirk Power LLC

[Docket Nos. ER98–2640–002; ER97–4281–006; ER99–1115–002; ER99–1116–002; ER98–1127–003; ER94–1402–021; ER98–1796–002; ER99–1712–001; ER98–4515–001; ER96–1679–001; ER96–1680–001; ER99–2161–001; ER99–2162–001; ER99–2160–001; and ER99–2168–001]

Take notice that on April 20, 1999, Northern States Power Company (Minnesota) and its affiliates Northern States Power Company (Wisconsin), NRG Power Marketing, Inc., Cabrillo Power I LLC, Cabrillo Power II LLC, El Segundo Power, LLC, Energy Masters Int'l, Inc., Long Beach Generation LLC, Somerset Power LLC, Cadillac Renewable Energy LLC, NRG Generating (Parlin) Cogeneration Inc., Arthur Kill Power LLC, Huntley Power LLC, Astoria Power LLC, and Dunkirk Power LLC tendered for filing notification of a change in status to reflect certain departures from the facts the Commission relied upon in granting market-based rate authority. The companies informed the Commission of a planned merger between Northern States Power Company (Minnesota) and New Century Energies, Inc.

Comment date: May 10, 1999, in accordance with Standard Paragraph E at the end of this notice.

9. Duquesne Light Company

[Docket No. ER99–1132–001]

Take notice that on April 23, 1999, Duquesne Light Company tendered for filing an amendment to its proposed changes to Duquesne's Open Access Transmission Tariff (OATT) and for an order accepting its proposed changes.

Duquesne has requested an effective date of April 23, 1999.

A copy of this filing was served on the Pennsylvania Public Utility Commission and customers presently taking service under Duquesne's OATT.

Comment date: May 13, 1999, in accordance with Standard Paragraph E at the end of this notice.

10. Somerset POWERS LLC

[Docket No. ER99–1712–002]

Take notice that on April 22, 1999, Somerset Power LLC, with its principal office at 1221 Nicollet Mall, Suite 700, Minneapolis, Minnesota 55403, tendered for filing with the Commission its modified rate schedule, pursuant to the Commission's March 31, 1999, Order requiring a compliance filing.

Comment date: May 12, 1999, in accordance with Standard Paragraph E at the end of this notice.

11. California Independent System Operator Corporation

[Docket No. ER99–2563–000]

Take notice that on April 22, 1999, the California Independent System Operator Corporation (ISO), tendered for filing amendments to its Employees Code of Conduct and Governors Code of Conduct.

The ISO states that this filing has been served upon the Public Utilities Commission of California, the California Energy Commission, the California Electricity Oversight Board, and all parties with effective Scheduling Coordinator Service Agreements under the ISO Tariff.

Comment date: May 12, 1999, in accordance with Standard Paragraph E at the end of this notice.

12. Puget Sound Energy, Inc.

[Docket No. ER99–2564–000]

Take notice that on April 22, 1999, Puget Sound Energy, Inc., as Transmission Provider, tendered for filing a Service Agreement for Firm Point-To-Point Transmission Service (Firm Point-To-Point Service Agreement) and a Service Agreement for Non-Firm Point-To-Point Transmission Service (Non-Firm Point-To-Point

Service Agreement) with Reliant Energy Services, Inc. (Reliant), as Transmission Customer.

A copy of the filing was served upon Reliant.

Comment date: May 12, 1999, in accordance with Standard Paragraph E at the end of this notice.

13. Niagara Mohawk Power Corporation

[Docket No. ER99–2565–000]

Take notice that on April 22, 1999, Niagara Mohawk Power Corporation (Niagara Mohawk), tendered for filing with Federal Energy Regulatory Commission an executed Transmission Service Agreement between Niagara Mohawk and Merchant Energy Group of the Americas, Inc., (MEGA). This Transmission Service Agreement specifies that MEGA has signed on to and has agreed to the terms and conditions of Niagara Mohawk's Open Access Transmission Tariff as filed in Docket No. OA96–194–000. This Tariff, filed with FERC on July 9, 1996, will allow Niagara Mohawk and MEGA to enter into separately scheduled transactions under which Niagara Mohawk will provide transmission service for MEGA as the parties may mutually agree.

Niagara Mohawk requests an effective date of April 15, 1999, Niagara Mohawk has requested waiver of the notice requirements for good cause shown.

Niagara Mohawk has served copies of the filing upon the New York State Public Service Commission and MEGA.

Comment date: May 12, 1999, in accordance with Standard Paragraph E at the end of this notice.

14. Niagara Mohawk Power Corporation

[Docket No. ER99–2566–000]

Take notice that on April 21, 1999, Niagara Mohawk Power Corporation (Niagara Mohawk), tendered for filing with the Federal Energy Regulatory Commission an executed Transmission Service Agreement between Niagara Mohawk and Merchant Energy Group of the Americas, Inc., (MEGA). This Transmission Service Agreement specifies that MEGA has signed on to and has agreed to the terms and conditions of Niagara Mohawk's Open Access Transmission Tariff as filed in Docket No. OA96–194–000. This Tariff, filed with FERC on July 9, 1996, will allow Niagara Mohawk and MEGA to enter into separately scheduled transactions under which Niagara Mohawk will provide transmission service for MEGA as the parties may mutually agree.

Niagara Mohawk requests an effective date of April 15, 1999. Niagara Mohawk has requested waiver of the notice requirements for good cause shown.

Niagara Mohawk has served copies of the filing upon the New York State Public Service Commission and MEGA.

Comment date: May 11, 1999, in accordance with Standard Paragraph E at the end of this notice.

15. Kansas City Power & Light Company

[Docket No. ER99–2567–000]

Take notice that on April 22, 1999, Kansas City Power & Light Company (KCPL), tendered for filing a Service Agreement dated April 15, 1999, between KCPL and Kansas City, KS Board of Public Utilities. In its filing, KCPL states that the rates included in the above-mentioned Service Agreement are KCPL's rates and charges in the compliance filing to FERC Order No. 888–A in Docket No. OA97–636.

KCPL proposes an effective date of April 21, 1999 and requests waiver of the Commission's notice requirement. This Agreement provides for the rates and charges for Non-Firm Transmission Service.

Comment date: May 12, 1999, in accordance with Standard Paragraph E at the end of this notice.

16. Kansas City Power & Light Company

[Docket No. ER99–2568–000]

Take notice that on April 22, 1999, Kansas City Power & Light Company (KCPL), tendered for filing a Service Agreement dated April 15, 1999, between KCPL and Kansas City, KS Board of Public Utilities. In its filing, KCPL states that the rates included in the above-mentioned Service Agreement are KCPL's rates and charges in the compliance filing to FERC Order No. 888–A in Docket No. OA97–636–000.

KCPL proposes an effective date of March 27, 1999 and requests a waiver of the Commission's notice requirement to allow the requested effective date. This Agreement provides for the rates and charges for Short-term Firm Transmission Service.

Comment date: May 12, 1999, in accordance with Standard Paragraph E at the end of this notice.

17. UtiliCorp United Inc.

[Docket No. ER99–2569–000]

Take notice that on April 21, 1999, UtiliCorp United Inc., tendered for filing, a Service Agreement under its Market-Based Power Sales Tariff, FERC Electric Tariff Original Volume No. 28, with CMMPA/Utilities Plus. The Service Agreement provides for the sale of capacity and energy by UtiliCorp United Inc., to CMMPA/Utilities Plus pursuant to the tariff.

UtiliCorp requests waiver of the Commission's Regulations to permit the Service Agreement to become effective in accordance with its terms.

Comment date: May 11, 1999, in accordance with Standard Paragraph E at the end of this notice.

18. PacifiCorp

[Docket No. ER99–2570–000]

Take notice that on April 21, 1999, PacifiCorp tendered for filing in accordance with 18 CFR 35 of the Commission's Rules and Regulations, Revisions to the Point-to-Point Transmission Service Agreement between PacifiCorp's Transmission Function and PacifiCorp's Merchant Function.

Copies of this filing were supplied to the Washington Utilities and Transportation Commission and the Public Utility Commission of Oregon.

Comment date: May 11, 1999, in accordance with Standard Paragraph E at the end of this notice.

19. Illinois Power Company

[Docket No. ER99–2571–000]

Take notice that on April 22, 1999, Illinois Power Company (Illinois Power), 500 South 27th Street, Decatur, Illinois 62526, tendered for filing a Power Sales Tariff, Service Agreement under which Omaha Public Power District will take service under Illinois Power Company's Power Sales Tariff. The agreements are based on the Form of Service Agreement in Illinois Power's tariff.

Illinois Power has requested an effective date of March 23, 1999.

Comment date: May 12, 1999, in accordance with Standard Paragraph E at the end of this notice.

20. UtiliCorp United Inc.

[Docket No. ER99–2573–000]

Take notice that on April 21, 1999, UtiliCorp United Inc., tendered for filing, a Service Agreement under its Market-Based Power Sales Tariff, FERC Electric Tariff Original Volume No. 28, with Minnesota Power, Inc. The Service Agreement provides for the sale of capacity and energy by UtiliCorp United Inc. to Minnesota Power, Inc., pursuant to the tariff.

UtiliCorp requests waiver of the Commission's regulations to permit the Service Agreement to become effective in accordance with its terms.

Comment date: May 11, 1999, in accordance with Standard Paragraph E at the end of this notice.

21. Carolina Power & Light Company

[Docket No. ER99–2574–000]

Take notice that on April 22, 1999, Carolina Power & Light Company (CP&L), tendered for filing an executed Service Agreement with Duke Energy Trading and Marketing, L.L.C., under the provisions of CP&L's Market-Based Rates Tariff, FERC Electric Tariff No. 4. This Service Agreement supersedes the un-executed Agreement originally filed in Docket No. ER98–3385–000 and approved effective May 18, 1998.

Copies of the filing were served upon the North Carolina Utilities Commission and the South Carolina Public Service Commission.

Comment date: May 12, 1999, in accordance with Standard Paragraph E at the end of this notice.

22. Florida Power Corporation

[Docket No. ER99–2575–000]

Take notice that on April 22, 1999, Florida Power Corporation (FPC), tendered for filing an amendment to its Open Access Transmission Tariff that provides for the establishment of a charge for redispatch for network integration transmission service and network contract demand transmission service.

FPC requests that the Commission waive its notice requirements to allow the amendment to become effective on May 10, 1999.

Comment date: May 12, 1999, in accordance with Standard Paragraph E at the end of this notice.

23. Peco Energy Company

[Docket No. ER99–2576–000]

Take notice that on April 21, 1999, PECO Energy Company (PECO), tendered a Service Agreement dated April 9, 1999 with Cinergy Capital & Trading, Inc. (CCT), under PECO's FERC Electric Tariff Original Volume No. 1 (Tariff). The Service Agreement adds CCT as a customer under the Tariff.

PECO requests an effective date of April 9, 1999, for the Service Agreement.

PECO states that copies of this filing have been supplied to CCT and to the Pennsylvania Public Utility Commission.

Comment date: May 11, 1999, in accordance with Standard Paragraph E at the end of this notice.

24. Public Service Company of New Mexico

[Docket No. ER99–2577–000]

Take notice that on April 22, 1999, Public Service Company of New Mexico (PNM), tendered for filing a mutual netting/close-out agreement between PNM and Avista Energy, Inc., (Avista).

PNM requested waiver of the Commission's notice requirement so that service under the PNM/Avista netting agreement may be effective as of April 1, 1999.

Copies of the filing were served on Avista and the New Mexico Public Regulation Commission.

Comment date: May 12, 1999, in accordance with Standard Paragraph E at the end of this notice.

25. CSW Power Marketing, Inc.

[Docket No. ER99–2579–000]

Take notice that on April 22, 1999, the above-mentioned Affiliated Power Producer filed a quarterly report for the quarter ending March 31, 1999.

Comment date: May 12, 1999, in accordance with Standard Paragraph E at the end of this notice.

26. Duke Energy Corporation

[Docket No. ER99–2580–000]

Take notice that on April 22, 1999, Duke Energy Corporation (Duke), tendered for filing a revised true-up filing for Calendar Year 1997, under Article II.3 of the Settlement Agreement approved by Commission's Letter Order issued October 9, 1991 in Docket No. ER90–315–000.

Comment date: May 12, 1999, in accordance with Standard Paragraph E at the end of this notice.

27. New Century Services, Inc.

[Docket No. ER99–2581–000]

Take notice that on April 23, 1999, New Century Services, Inc., on behalf of Cheyenne Light, Fuel and Power Company, Public Service Company of Colorado, and Southwestern Public Service Company (collectively Companies), tendered for filing a Service Agreement under their Joint Open Access Transmission Service Tariff for Non-Firm Point-to-Point Transmission Service between the Companies and Statoil Energy Trading, Inc.

Comment date: May 13, 1999, in accordance with Standard Paragraph E at the end of this notice.

28. Jersey Central Power & Light Company, Metropolitan Edison Company, Pennsylvania Electric Company

[Docket No. ER99–2584–000]

Take notice that on April 23, 1999, Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company (d/b/a GPU Energy), tendered for filing an executed Service Agreement between GPU Energy and Florida Power & Light Company (FP&L), dated April 22, 1999. This Service Agreement specifies that FP&L has agreed to the rates, terms and conditions of GPU Energy's Market-Based Sales Tariff (Sales Tariff) designated as FERC Electric Rate Schedule, Second Revised Volume No. 5. The Sales Tariff allows GPU Energy and FP&L to enter into separately scheduled transactions under which GPU Energy will make available for sale, surplus capacity and/or energy.

GPU Energy requests a waiver of the Commission's notice requirements for good cause shown and an effective date of April 22, 1999, for the Service Agreement.

GPU Energy has served copies of the filing on regulatory agencies in New Jersey and Pennsylvania.

Comment date: May 13, 1999, in accordance with Standard Paragraph E at the end of this notice.

29. Jersey Central Power & Light Company, Metropolitan Edison Company, Pennsylvania Electric Company

[Docket No. ER99–2586–000]

Take notice that on April 23, 1999, Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company (d/b/a GPU Energy), tendered for filing an executed Service Agreement between GPU Energy and Morgan Stanley Capital Group Inc. (MORGAN), dated April 14, 1999. This Service Agreement specifies that MORGAN has agreed to the rates, terms and conditions of GPU Energy's Market-Based Sales Tariff (Sales Tariff) designated as FERC Electric Rate Schedule, Second Revised Volume No. 5. The Sales Tariff allows GPU Energy and MORGAN to enter into separately scheduled transactions under which GPU Energy will make available for sale, surplus capacity and/or energy.

GPU Energy requests a waiver of the Commission's notice requirements for good cause shown and an effective date of April 14, 1999, for the Service Agreement.

GPU Energy has served copies of the filing on regulatory agencies in New Jersey and Pennsylvania.

Comment date: May 13, 1999, in accordance with Standard Paragraph E at the end of this notice.

30. Jersey Central Power & Light Company, Metropolitan Edison Company, Pennsylvania Electric Company

[Docket No. ER99–2587–000]

Take notice that on April 23, 1999, Jersey Central Power & Light Company,

Metropolitan Edison Company and Pennsylvania Electric Company (d/b/a GPU Energy), tendered for filing an executed Service Agreement between GPU Energy and DTE Energy Trading, Inc. (DET), dated March 1, 1999. This Service Agreement specifies that DET has agreed to the rates, terms and conditions of GPU Energy's Market-Based Sales Tariff (Sales Tariff) designated as FERC Electric Rate Schedule, Second Revised Volume No. 5. The Sales Tariff allows GPU Energy and DET to enter into separately scheduled transactions under which GPU Energy will make available for sale, surplus capacity and/or energy.

GPU Energy requests a waiver of the Commission's notice requirements for good cause shown and an effective date of March 1, 1999, for the Service Agreement.

GPU Energy has served copies of the filing on regulatory agencies in New Jersey and Pennsylvania.

Comment date: May 13, 1999, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–11466 Filed 5–6–99; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER97–3729–001, et al.]

PJM Interconnection, L.L.C., et al.; Electric Rate and Corporate Regulation Filings

April 30, 1999.

Take notice that the following filings have been made with the Commission:

1. PJM Interconnection, L.L.C.

[Docket No. ER97–3729–001]

Take notice that on April 27, 1999, in accordance with a letter order issued by the Commission on March 19, 1999 in the above captioned docket, PJM Interconnection, L.L.C. (PJM), tendered for filing revised pages to the Amended and Restated Operating Agreement of PJM Interconnection, L.L.C., and the PJM Open Access Transmission Tariff.

PJM requests an effective date of April 1, 1999, for the compliance amendments, the date previously set by the Commission for implementation of market based rates in the PJM Interchange Market.

Copies of this filing were served upon all PJM Members, the state electric regulatory commissions in the PJM Control Area, and all parties to this docket.

Comment date: May 17, 1999, in accordance with Standard Paragraph E at the end of this notice.

2. PJM Interconnection, L.L.C.

[Docket No. ER98–3527–003]

Take notice that on April 27, 1999, in compliance with PJM Interconnection, L.L.C., 86 FERC ¶ 61,247 (1999), PJM Interconnection, L.L.C. (PJM), tendered for filing revised pages to the PJM Open Access Transmission Tariff, modifying the PJM Market Monitoring Plan (Plan).

PJM requests an effective date of April 1, 1999, for the compliance amendments as previously set by the Commission for the Plan.

Copies of this filing were served upon all PJM Members, each state electric utility regulatory commission in the PJM control area, and all parties to this docket.

Comment date: May 17, 1999, in accordance with Standard Paragraph E at the end of this notice.

3. Carolina Power & Light Company

[Docket No. ER99–2275–000]

Take notice that on April 27, 1999, Carolina Power & Light Company requested withdrawal of the Service Agreement filed with the Federal Energy Regulatory Commission in the above-referenced docket on March 26, 1999.

Copies of the filing were served upon the North Carolina Utilities Commission and the South Carolina Public Service Commission.

Comment date: May 17, 1999, in accordance with Standard Paragraph E at the end of this notice.

4. Green Mountain Energy Resources Inc.

[Docket No. ER99–2489–000]

Take notice that on April 27, 1999, Green Mountain Energy Resources Inc. (Green Mountain), tendered for filing an amendment to its filing of a Petition For Acceptance of Initial Rate Schedule, Waivers And Blanket Authority, dated April 13, 1999 and filed with the Federal Energy Regulatory Commission on April 14, 1999. The intent of the amendment is to expand on Section II of the Petition titled ''Description of the Applicant.''

Comment date: May 17, 1999, in accordance with Standard Paragraph E at the end of this notice.

5. Duke Energy Corporation

[Docket No. ER99–2611–000]

Take notice that on April 27, 1999, Duke Energy Corporation (Duke), tendered for filing Service Agreements with Carolina Power & Light Company (CP&L), for Firm Transmission Service under Duke's Open Access Transmission Tariff.

Duke requests that the proposed Service Agreement for OASIS #73500 be permitted to become effective on October 1, 2000. Duke also requests that the proposed Service Agreement for OASIS #75469 be permitted to become effective July 1, 1999.

Duke states that this filing is in accordance with Part 35 of the Commission's Regulations and a copy has been served on the North Carolina Utilities Commission.

Comment date: May 17, 1999, in accordance with Standard Paragraph E at the end of this notice.

6. West Texas Utilities Company

[Docket No. ER99–2612–000]

Take notice that on April 27, 1999, West Texas Utilities Company (WTU), tendered for filing an Assignment of Service Agreements between WTU, Midwest Electric Cooperative, Inc. (Midwest) and Big Country Electric Cooperative, Inc. (Big Country), an Assignment of Service Agreement between WTU, Stamford Electric Cooperative, Inc. (Stamford) and Big Country, two Service Agreement between WTU and Big Country under WTU's Wholesale Power Choice (WPC) Tariff and Exhibit A's describing points

of delivery for service to Big Country. Pursuant to the Assignment Agreements, Midwest and Stamford have agreed to assign to Big Country their existing Service Agreements with WTU under WTU's WPC Tariff.

WTU requests an effective date of January 1, 1999, for the agreements and Exhibit A's to the Big Country Service Agreements. Accordingly, WTU requests waiver of the Commission's notice requirements.

WTU states that copies of this filing have been served on the affected customers and the Public Utility Commission of Texas.

Comment date: May 17, 1999, in accordance with Standard Paragraph E at the end of this notice.

7. Carolina Power & Light Company

[Docket No. ER99–2617–000]

Take notice that on April 27, 1999, Carolina Power & Light Company (CP&L), tendered for filing a quarterly report of transaction summaries for service under the provisions of CP&L's Market-Based Rates Tariff, FERC Electric Tariff No. 4, for the quarter ending March 31, 1999.

Comment date: May 17, 1999, in accordance with Standard Paragraph E at the end of this notice.

8. Consumers Energy Company

[Docket No. ER99–2618–000]

Take notice that on April 27, 1999, Consumers Energy Company (Consumers), tendered for filing an executed service agreement for Non-Firm Point-to-Point Transmission Service with Columbia Energy Power Marketing Corporation (Customer), pursuant to the Joint Open Access Transmission Service Tariff filed on December 31, 1996 by Consumers and The Detroit Edison Company (Detroit Edison).

The agreement has an effective date of April 12, 1999.

Copies of the filed agreement were served upon the Michigan Public Service Commission, Detroit Edison, and the Customer.

Comment date: May 17, 1999, in accordance with Standard Paragraph E at the end of this notice.

9. Commonwealth Electric Company and Cambridge Electric Light Company

[Docket No. ER99–2619–000]

Take notice that on April 27, 1999, Commonwealth Electric Company (Commonwealth) and Cambridge Electric Light Company (Cambridge), collectively referred to as the Companies, tendered for filing with the Federal Energy Regulatory Commission their quarterly reports under Commonwealth's Market-Based Power Sales Tariff (FERC Electric Tariff Original Volume No. 7) and Cambridge's Market-Based Power Sales Tariff (FERC Electric Tariff Original Volume No. 9) for the period of January 1, 1999 to March 31, 1999.

Comment date: May 17, 1999, in accordance with Standard Paragraph E at the end of this notice.

10. Allegheny Power Service Corp., on Behalf of Monongahela Power Co. The Potomac Edison Company, and West Penn Power Company (Allegheny Power)

[Docket No. ER99–2620–000]

Take notice that on April 27, 1999, Allegheny Power Service Corporation on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power), tendered for filing Supplement No. 52 to add Illinois Power Company to Allegheny Power Open Access Transmission Service Tariff which has been accepted for filing by the Federal Energy Regulatory Commission in Docket No. ER96–58–000.

The proposed effective date under the Service Agreement is April 26, 1999.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, and the West Virginia Public Service Commission.

Comment date: May 17, 1999, in accordance with Standard Paragraph E at the end of this notice.

11. Allegheny Power Service Corp., on Behalf of Monongahela Power Co., The Potomac Edison Company and West Penn Power Company (Allegheny Power)

[Docket No. ER99–2621–000]

Take notice that on April 27, 1999, Allegheny Power Service Corporation on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power), tendered for filing Supplement No. 45 to add one (1) new Customer to the Standard Generation Service Rate Schedule under which Allegheny Power offers standard generation and emergency service on an hourly, daily, weekly, monthly or yearly basis. Allegheny Power requests a waiver of notice requirements to make service available as of April 26, 1999, to Nicole Energy Services, Inc.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the West Virginia Public Service Commission, and all parties of record.

Comment date: May 17, 1999, in accordance with Standard Paragraph E at the end of this notice.

12. Allegheny Power Service Corp., on Behalf of Monongahela Power Co., The Potomac Edison Company and West Penn Power Company (Allegheny Power)

[Docket No. ER99–2622–000]

Take notice that on April 27, 1999, Allegheny Power Service Corporation on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power) tendered for filing Supplement No. 21 to add two (2) new Customers to the Market Rate Tariff under which Allegheny Power offers generation services.

Allegheny Power requests a waiver of notice requirements to make service available as of April 26, 1999, to Nicole Energy Services, Inc., and Tennessee Valley Authority.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the West Virginia Public Service Commission, and all parties of record.

Comment date: May 17, 1999, in accordance with Standard Paragraph E at the end of this notice.

13. Florida Power & Light Company

[Docket No. ER99–2623–000]

Take notice that on April 27, 1999, Florida Power & Light Company (FPL), tendered for filing a Service Agreement with PP&L, Inc., for service pursuant to FPL's Market Based Rates Tariff.

FPL requests that the Service Agreement be made effective on April 1, 1999.

Comment date: May 17, 1999, in accordance with Standard Paragraph E at the end of this notice.

14. Indeck Pepperell Power Associates Inc.

[Docket No. ER99–2624–000]

Take notice that on April 27, 1999, Indeck Pepperell Power Associates, Inc. (Indeck Pepperell), tendered for filing with the Federal Energy Regulatory Commission a Power Purchase and Sale Agreement (Service Agreement)

between Indeck Pepperell and PG&E Energy Trading Power, L.P., (PG&E Energy Trading), dated March 26, 1999, for service under Rate Schedule FERC No. 1.

Indeck Pepperell requests that the Service Agreement be made effective as of April 1, 1999.

Comment date: May 17, 1999, in accordance with Standard Paragraph E at the end of this notice.

15. Florida Power Corporation

[Docket No. ER99–2625–000]

Take notice that on April 27, 1999, Florida Power Corporation (FPC), tendered for filing a service agreement between Koch Energy Trading, Inc., and FPC for service under FPC's Market-Based Wholesale Power Sales Tariff (MR–1), FERC Electric Tariff, Volume Number No. 8, as amended. This Tariff was accepted for filing by the Commission on June 26, 1997, in Docket No. ER97–2846–000.

The service agreement is proposed to be effective April 16, 1999.

Comment date: May 17, 1999, in accordance with Standard Paragraph E at the end of this notice.

16. Florida Power Corporation

[Docket No. ER99–2626–000]

Take notice that on April 27, 1999, Florida Power Corporation (FPC), tendered for filing a report of short-term transactions that occurred under its Market-Based Rate Wholesale Power Sales Tariff (FERC Electric Tariff No. 8) during the quarter ending March 31, 1999.

Comment date: May 17, 1999, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/ online/rims.htm (call 202–208–222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–11467 Filed 05–06–99; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC99–67–000, et al.]

Portland General Electric Company, et al.; Electric Rate and Corporate Regulation Filings

April 29, 1999.

Take notice that the following filings have been made with the Commission:

1. Portland General Electric Company

[Docket No. EC99–67–000]

Take notice that on April 23, 1999, Portland General Electric Company (PGE) submitted an application pursuant to section 203 of the Federal Power Act for authority to sell certain jurisdictional transmission facilities, as more fully set forth in the application, to PP&L Montana, LLC, or, in part and in the alternative, to Montana Power Company.

A copy of this application has been served upon the Oregon Public Utility Commission.

Comment date: May 24, 1999, in accordance with Standard Paragraph E at the end of this notice.

2. Coastal Technology Nicaragua, S.A.

[Docket No. EG99–125–000]

Take notice that on April 27, 1999, Coastal Technology Nicaragua, S.A. (Applicant), West Wind Building, P.O. Box 1111, Grand Cayman, Cayman Islands, BWI, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to part 365 of the Commission's Regulations.

Applicant, a Nicaragua Corporation intends to operate certain power generating facilities in Nicaragua. These facilities will include a 50.9 MW fuel oil fired power plant near Managua, Nicaragua.

Comment date: May 20, 1999, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

3. Coastal Technology Pakistan (Private) Limited

[Docket No. EG99–126–000]

Take notice that on April 27, 1999, Coastal Technology Pakistan (Private) Limited, (Applicant), 73–E, G.D. Arcade, Fazal-ul-Haq Road, Islamabad, Pakistan, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to part 365 of the Commission's Regulations.

Applicant, a Pakistan limited liability corporation intends to operate certain generating facilities in Pakistan. These facilities will include a 124.7 MW oil fired thermal electric generating facility located near Farouqabad, Pakistan.

Comment date: May 5, 1999, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

4. PG&E Energy Services Corporation; Morgan Stanley Capital Group Inc.; Merchant Energy Group of the Americas, Inc.; Williams Energy Marketing & Trading Company

[Docket Nos. ER95–1614–019; ER94–1384–023; ER98–1055–005; ER95–305–020]

Take notice that on April 27, 1999, the above-mentioned power marketers filed quarterly reports with the Commission in the above-mentioned proceedings for information only. These filings are available for public inspection and copying in the Public Reference Room or on the web at www.ferc.fed.us/online/rims.htm for viewing and downloading (call 202–208–2222 for assistance).

5. Energy2, Inc.; Energy Atlantic, LLC; Questar Energy Trading Company; Brennan Power, Inc.; ENMAR Corporation; Preferred Energy Services, Inc.; Conoco Power Marketing, Inc.; California Polar Power Brokers, LLC; Brooklyn Navy Yard Cogeneration, L.P.

[Docket Nos. ER96–3086–009; ER98–4381–002; ER96–404–014; ER97–1630–003; ER99–254–002; ER96–2141–011; ER95–1441–017; ER98–701–002; ER97–886–005]

Take notice that on April 26, 1999, the above-mentioned power marketers filed quarterly reports with the Commission in the above-mentioned proceedings for information only. These filings are available for public inspection and copying in the Public Reference Room or on the web at www.ferc.fed.us/online/rims.htm for viewing and downloading (call 202–208–2222 for assistance).

6. American Energy Trading, Inc.

[Docket No. ER97–360–010]

Take notice that on April 23, 1999, the above-mentioned power marketer filed a quarterly report with the Commission in the above-mentioned proceeding for information only. This filing is available for public inspection and copying in the Public Reference Room or on the web at www.ferc.fed.us/online/rims.htm for viewing and downloading (call 202–208–2222 for assistance).

7. ProLiance Energy, LLC and Atlanta Gas Light Services, Inc.

[Docket Nos. ER97–420–009 and ER97–542–007]

Take notice that on April 28, 1999, the above-mentioned power marketers filed quarterly reports with the Commission in the above-mentioned proceedings for information only. These filings are available for public inspection and copying in the Public Reference Room or on the web at www.ferc.fed.us/online/rims.htm for viewing and downloading (call 202–208–2222 for assistance).

8. Sempra Energy Trading Corp.

[Docket No. ER99–1473–000]

Take notice that on April 26, 1999, Sempra Energy Trading Corp. (SET), tendered for filing an amendment to its filing of January 26, 1999. In that filing, SET sought authorization to make sales of certain ancillary services in southern Nevada and Arizona at market-based rates.

Comment date: May 14, 1999, in accordance with Standard Paragraph E at the end of this notice.

9. Carolina Power & Light Company

[Docket No. ER99–1871–000]

Take notice that on April 22, 1999, Carolina Power & Light Company amended the original filing made in this docket on February 18, 1999.

Copies of the filing were served upon the North Carolina Utilities Commission and the South Carolina Public Service Commission.

Comment date: May 12, 1999, in accordance with Standard Paragraph E at the end of this notice.

10. New Century Services, Inc.

[Docket No. ER99–2582–000]

Take notice that on April 23, 1999, New Century Services, Inc., on behalf of Cheyenne Light, Fuel and Power Company, Public Service Company of Colorado, and Southwestern Public Service Company (collectively Companies), tendered for filing a Service Agreement under their Joint Open Access Transmission Service Tariff for Firm Point-to-Point Transmission Service between the Companies and Statoil Energy Trading, Inc.

The Companies request that the Agreement be made effective on March 29, 1999.

Comment date: May 13, 1999, in accordance with Standard Paragraph E at the end of this notice.

11. Consolidated Edison Company of New York, Inc. and Delmarva Power & Light Company

[Docket Nos. ER99–2585–000 and ER99–2588–000]

Take notice that on April 23, 1999 the above-mentioned public utilities filed their quarterly transaction report for the first quarter ending March 31, 1999.

Comment date: May 13, 1999, in accordance with Standard Paragraph E at the end of this notice.

12. Commonwealth Electric Company and Cambridge Electric Light Company

[Docket No. ER99–2589–000]

Take notice that on April 26, 1999, Commonwealth Electric Company (Commonwealth) and Cambridge Electric Light Company (Cambridge), (collectively referred to as the Companies), tendered for filing with the Federal Energy Regulatory Commission executed Service Agreements between the Companies and the following Market-Based Power Sales Customers (collectively referred to herein as the Customers):

Select Energy, Inc. and Sithe Power Marketing, Inc.

These Service Agreements specify that the Customer has signed on to and has agreed to the terms and conditions of the Companies' Market-Based Power Sales Tariffs designated as Commonwealth's Market-Based Power Sales Tariff (FERC Electric Tariff Original Volume No. 7) and Cambridge's Market-Based Power Sales Tariff (FERC Electric Tariff Original Volume No. 9). These Tariffs, accepted by the FERC on February 27, 1997, and which have an effective date of February 28, 1997, will allow the Companies and the Customers to enter into separately scheduled short-term transactions under which the Companies will sell to the Customers capacity and/or energy as the parties may mutually agree.

The Companies request an effective date as specified on each Service Agreement.

Comment date: May 14, 1999, in accordance with Standard Paragraph E at the end of this notice.

13. Tampa Electric Company

[Docket No. ER99–2592–000]

Take notice that on April 26, 1999, Tampa Electric Company (Tampa Electric), tendered for filing an updated weekly capacity charge for short term power service provided under its interchange service contract with Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, and Savannah Electric and Power Company (collectively, Southern Companies). Tampa Electric also tendered for filing updated caps on energy charges for emergency assistance and short term power service under the contract.

Tampa Electric requests that the updated capacity charge and caps on charges be made effective as of May 1, 1999, and therefore requests waiver of the Commission's notice requirement.

Tampa Electric states that a copy of the filing has been served upon Southern Companies and the Florida Public Service Commission.

Comment date: May 14, 1999, in accordance with Standard Paragraph E at the end of this notice.

14. Tampa Electric Company

[Docket No. ER99–2593–000]

Take notice that on April 26, 1999, Tampa Electric Company (Tampa Electric), tendered for filing cost support schedules showing an updated daily capacity charge for its scheduled/short-term firm interchange service provided under interchange contracts with each of 17 other utilities. Tampa Electric also tendered for filing updated caps on the charges for emergency and scheduled/short-term firm interchange transactions under the same contracts.

Tampa Electric requests that the updated daily capacity charge and caps on charges be made effective as of May 1, 1999, and therefore requests waiver of the Commission's notice requirement.

Tampa Electric states that a copy of the filing has been served upon each of the parties to the affected interchange contracts with Tampa Electric, as well as the Florida and Georgia Public Service Commissions.

Comment date: May 14, 1999, in accordance with Standard Paragraph E at the end of this notice.

15. Tampa Electric Company

[Docket No. ER99–2594–000]

Take notice that on April 26, 1999, Tampa Electric Company (Tampa Electric), tendered for filing updated transmission service rates under its agreements to provide qualifying facility transmission service for Mulberry Phosphates, Inc. (Mulberry), Cargill

Fertilizer, Inc. (Cargill), and Auburndale Power Partners, Limited Partnership (Auburndale).

Tampa Electric proposes that the updated transmission service rates be made effective as of May 1, 1999, and therefore requests waiver of the Commission's notice requirement.

Copies of the filing have been served on Mulberry, Cargill, Auburndale, and the Florida Public Service Commission.

Comment date: May 14, 1999, in accordance with Standard Paragraph E at the end of this notice.

16. Boston Edison Company

[Docket No. ER99–2598–000]

Take notice that on April 23, 1999, Boston Edison Company (BECo), tendered for filing an Interconnection Agreement between BECo and ANP Blackstone Energy Company (ANP). The agreement provides for the payment for the construction of transmission facilities necessary to connect ANP's generation in Blackstone, Massachusetts to BECo's 345 kV Line No. 336.

BECo requests an effective date of June 1, 1999.

Comment date: May 13, 1999, in accordance with Standard Paragraph E at the end of this notice.

17. Northeast Utilities Service Company

[Docket No. ER99–2601–000]

Take notice that on April 26, 1999, Northeast Utilities Service Company (NUSCO) on behalf of its affiliates, The Connecticut Light and Power Company, Western Massachusetts Electric Company, and Public Service Company of New Hampshire, tendered for filing pursuant to Section 205 of the Federal Power Act and section 35.13 of the Commission's Regulations, a rate schedule change for sales of electric energy to Middleton Municipal Electric Department (Middleton).

NUSCO states that a copy of this filing was mailed to Middleton.

Comment date: May 14, 1999, in accordance with Standard Paragraph E at the end of this notice.

18. LSP-Kendall Energy, LLC

[Docket No. ER99–2602–000]

Take notice that on April 26, 1999, LSP-Kendall Energy, LLC (LSP-Kendall), tendered for filing an initial rate schedule and request for certain waivers and authorizations pursuant to section 35.12 of the Regulations of the Federal Energy Regulatory Commission (the Commission). The initial rate schedule provides for the sale to wholesale purchasers of the output of an electric power generation facility to be developed by LSP-Kendall in Kendall County, Illinois.

LSP-Kendall requests that the Commission set an effective date for the rate schedule on the date which is sixty (60) days from the date of this filing, or the date the Commission issues an order accepting the rate schedule, whichever first occurs.

A copy of the filing was served upon the Illinois Commerce Commission.

Comment date: May 14, 1999, in accordance with Standard Paragraph E at the end of this notice.

19. Consumers Energy Company

[Docket No. ER99–2605–000]

Take notice that on April 26, 1999, Consumers Energy Company (Consumers), tendered for filing 19 executed service agreements for unbundled wholesale power service at cost-based rates pursuant to Consumers' Power Sales Tariff accepted for filing in Docket No. ER97–964–000. The service agreements all have effective dates of April 14, 1999 and are with the following customers:

1. Amoco Energy Trading Corporation
2. Cargill-Alliant, L.L.C.
3. Columbia Power Marketing Corporation
4. DTE Energy Trading, Inc.
5. Duke Power
6. DukeSolutions, Inc.
7. e prime, Inc.
8. The Energy Authority, Inc.
9. Entergy Power Marketing Corporation
10. FirstEnergy Trading and Power Marketing Inc.
11. Griffin Energy Marketing, L.L.C.
12. Merchant Energy Group of the Americas, Inc.
13. NorAm Energy Services, Inc.
14. PacifiCorp Power Marketing, Inc.
15. Plum Street Energy Marketing, Inc.
16. SCANA Energy Marketing, Inc.
17. Southern Company Services, Inc.
18. Tenaska Power Services Co.
19. Tennessee Valley Authority

Copies of the filing have been served on the Michigan Public Service Commission and the customers listed above.

Comment date: May 14, 1999, in accordance with Standard Paragraph E at the end of this notice.

20. Genessee Power Station L.P. and Grayling Generating Station L.P.

[Docket Nos. ER99–2607–000 and ER99–2608–000]

Take notice that on April 26, 1999 the above-mentioned Affiliated Power Producers filed quarterly reports for the quarter ending March 31, 1999.

Comment date: May 17, 1999, in accordance with Standard Paragraph E at the end of this notice.

21. FirstEnergy Operating Companies

[Docket No. ER99–2609–000]

Take notice that on April 26, 1999, the FirstEnergy Operating Companies tendered for filing an application to increase the rates charged for transmission service under the FirstEnergy Open Access Tariff. This filing is made pursuant to section 205 of the Federal Power Act.

Comment date: May 14, 1999, in accordance with Standard Paragraph E at the end of this notice.

22. Western Kentucky Energy Corp. and WKE Station Two Inc.

Docket Nos. ER99–2627–000 and ER99–2628–000]

Take notice that on April 27, 1999, the above-mentioned Affiliated Power Producers filed quarterly reports for the quarter ending March 31, 1999.

Comment date: May 17, 1999, in accordance with Standard Paragraph E at the end of this notice.

23. Williams Generation Company-Hazelton; Consolidated Water Power Company; Potomac Electric Power Company

Docket Nos. ER99–2629–000; ER99–2630–000; ER99–2590–000]

Take notice that on April 27, 1999, the above-mentioned public utilities filed their quarterly transaction report for the first quarter ending March 31, 1999.

Comment date: May 17, 1999, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://

www.ferc.fed.us/online/rims.htm (call 202–208–222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–11463 Filed 5–6–99; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG99–94–000, et al.]

Westwood Operating Company, L.L.C., et al.; Electric Rate and Corporate Regulation Filings

April 27, 1999.

Take notice that the following filings have been made with the Commission:

1. Westwood Operating Company, L.L.C.

[Docket No. EG99–94–000]

Take notice that on April 26, 1999, Westwood Operating Company, L.L.C. (Applicant), 139 East Fourth Street, P.O. Box 960, Cincinnati, Ohio 45201, filed with the Federal Energy Regulatory Commission an amended application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's Regulations.

Applicant, a Delaware Limited Liability Company, is a wholly owned subsidiary of Cinergy Capital & Trading, Inc., an Indiana Corporation. Applicant will be engaged directly and exclusively in the business of operating a 30 MW waste coal-fired generating facility located in Schuylkill County, Pennsylvania. Applicant will operate and maintain the facility pursuant to an agency relationship with the owner of the eligible facility. Applicant further states that all material facts set forth in its previous application for exempt wholesale generator status remain true, except as amended by this application.

Comment date: May 12, 1999, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

2. Energy Services, Inc., Exact Power Co., Inc., CMS Marketing Services and Trading Company, Illinova Energy Partners, Inc., Coral Power, L.L.C. and Unicom Power Marketing, Inc.

[Docket Nos. ER95–1021–015 ER97–382–009 ER96–2350–017 ER94–1475–016 ER96–25–015 ER97–3954–007]

Take notice that on April 26, 1999, the above-mentioned power marketers filed quarterly reports with the Commission in the above-mentioned proceedings for information only. These filings are available for public inspection and copying in the Public Reference Room or on the web at www.ferc.fed.us/ online/rims.htm for viewing and downloading (call 202–208–2222 for assistance).

3. Montaup Electric Company

[Docket No. ER99–1663–000]

Take notice that on April 21, 1999, Montaup Electric Company (Montaup), tendered for filing a corrected amendment to its April 15, 1999, filing in the above-referenced docket.

Comment date: May 11, 1999, in accordance with Standard Paragraph E at the end of this notice.

4. New York State Electric & Gas Corporation

[Docket No. ER99–2556–000]

Take notice that on April 21, 1999, New York State Electric & Gas Corporation (NYSEG), tendered for filing pursuant to Part 35 of the Federal Energy Regulatory Commission's Rules of Practice and Procedure, 18 CFR 35, a service agreement (the Service Agreement) under which NYSEG may provide capacity and/or energy to Enserch Energy Services (New York), Inc. (Enserch NY) in accordance with NYSEG's FERC Electric Tariff, Original Volume No. 3.

NYSEG has requested waiver of the notice requirements so that the Service Agreement with Enserch NY becomes effective as of April 12, 1999.

NYSEG has served copies of the filing upon the New York State Public Service Commission and Enserch NY.

Comment date: May 11, 1999, in accordance with Standard Paragraph E at the end of this notice.

5. Virginia Electric and Power Company

[Docket No. ER99–2557–000]

Take notice that on April 21, 1999, Virginia Electric and Power Company (Virginia Power), tendered for filing a Service Agreement for Long Term Firm Point-to-Point Transmission Service with PECO Energy Company under the Open Access Transmission Tariff to Eligible Purchasers dated July 14, 1997. Under the tendered Service Agreement, Virginia Power will provide Long Term Firm Point-to-Point Transmission Service to the Transmission Customer under the rates, terms and conditions of the Open Access Transmission Tariff.

Virginia Power requests an effective date of June 1, 1999.

Copies of the filing were served upon PECO Energy Company, the Virginia State Corporation Commission and the North Carolina Utilities Commission.

Comment date: May 11, 1999, in accordance with Standard Paragraph E at the end of this notice.

6. Virginia Electric and Power Company

[Docket No. ER99–2558–000]

Take notice that on April 21, 1999, Virginia Electric and Power Company (Virginia Power), tendered for filing an Amendment to the Service Agreement for Network Integration Transmission Service and an Amendment to the Network Operating Agreement between Virginia Power and the towns of Stantonsburgh, Black Creek and Lucama, North Carolina. Under the tendered Amended Agreements, Virginia Power's Wholesale Power Group will be substituted for the towns of Stantonsburgh, Black Creek and Lucama as the transmission customer while all other provisions of the filed agreements remain in effect.

Virginia Power requests an effective date of August 1, 1998.

Copies of the filing were served upon The Wholesale Power Group, the Virginia State Corporation Commission and the North Carolina Utilities Commission.

Comment date: May 11, 1999, in accordance with Standard Paragraph E at the end of this notice.

7. Allegheny Power Service Corp., on behalf of Monongahela Power Co., The Potomac Edison Company, and West Penn Power Company (Allegheny Power)

[Docket No. ER99–2559–000]

Take notice that on April 21, 1999, Allegheny Power Service Corporation on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power), filed Supplement No. 51 to add Duke Power to Allegheny Power's Open Access Transmission Service Tariff which has been accepted for filing by the Federal Energy Regulatory Commission in Docket No. ER96–58–000.

The proposed effective date under the Service Agreement is April 20, 1999.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, and the West Virginia Public Service Commission.

Comment date: May 11, 1999, in accordance with Standard Paragraph E at the end of this notice.

8. Northern Indiana Public Service Company

[Docket No. ER99–2560–000]

Take notice that on April 21, 1999, Northern Indiana Public Service Company (Northern Indiana), tendered for filing a Service Agreement pursuant to its Power Sales Tariff with Minnesota Power, Inc., (MP).

Northern Indiana has requested an effective date of April 19, 1999.

Copies of this filing have been sent to MP, to the Indiana Utility Regulatory Commission, and to the Indiana Office of Utility Consumer Counselor.

Comment date: May 11, 1999, in accordance with Standard Paragraph E at the end of this notice.

9. Dayton Power and Light Company

[Docket No. ER99–2561–000]

Take notice that on April 21, 1999, Dayton Power and Light Company (Dayton), tendered for filing service agreements establishing NorAm Energy Services, Inc., as a customer under the terms of Dayton's Market-Based Sales Tariff.

Dayton requests an effective date of one day subsequent to this filing for the service agreements. Accordingly, Dayton requests waiver of the Commission's notice requirements.

Copies of this filing were served upon NorAm Energy Services, Inc., and the Public Utilities Commission of Ohio.

Comment date: May 11, 1999, in accordance with Standard Paragraph E at the end of this notice.

10. Allegheny Power Service Corp., on behalf of Monongahela Power Co., The Potomac Edison Company, and West Penn Power Company (Allegheny Power)

[Docket No. ER99–2583–000]

Take notice that on April 21, 1999, Allegheny Power Service Corporation on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power), filed Supplement No. 50 to add PECO Energy Company—Power Team to Allegheny Power's Open Access Transmission Service Tariff which has been accepted for filing by the Federal Energy Regulatory Commission.

The proposed effective date under the Service Agreement is April 20, 1999.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the West Virginia Public Service Commission.

Comment date: May 11, 1999, in accordance with Standard Paragraph E at the end of this notice.

11. Geysers Power Company LLC

[Docket No. QF95–61–002]

Take notice that on April 21, 1999, Geysers Power Company, LLC, 50 West San Fernando Street, San Jose, California 95113 (Geysers Power), tendered for filing with the Federal Energy Regulatory Commission an application for recertification of a facility as a qualifying small power production facility pursuant to § 292.207(b) of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

The facility is a 63 MW geothermal small power production facility located in The Geysers area of Sonoma County, California, and known as Calpine Geothermal Unit 9/10 (Facility). The Facility is being acquired by Geysers Power from Pacific Gas & Electric Company (PG&E). Geysers Power states that the purpose of this Application is to reflect proposed changes in the ownership of the Facility and to confirm the status of the Facility as a qualifying small power production facility and an eligible facility under the Solar, Wind, Waste And Geothermal Power Production Incentives Act of 1990.

The Facility is interconnected with PG&E. Geysers Power expects to sell power into the deregulated California electricity market. Standby, back-up and/or interruptible power will be purchased from PG&E.

Comment date: May 21, 1999, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–11465 Filed 5–6–99; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6337–7]

Air Pollution Control; Proposed Action on Clean Air Act Grant to the Santa Barbara County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; proposed determination with request for comments and notice of opportunity for public hearing.

SUMMARY: The U.S. EPA has made a proposed determination under section 105(c) of the Clean Air Act (CAA) that a reduction in expenditures of non-Federal funds for the Santa Barbara County Air Pollution Control District (SBAPCD, or ''District'') in Santa Barbara, California is the result of a non-selective reduction in expenditures. This determination, when final, will permit the SBAPCD to be awarded financial assistance for FY–99 by EPA, under section 105(c) of the CAA.

DATES: Comments and/or requests for a public hearing must be received by EPA at the address stated below by June 7, 1999.

ADDRESSES: All comments and/or requests for a public hearing should be mailed to: Sara Bartholomew, Grants and Program Integration Office (AIR–8), Air Division, U.S. EPA Region 9, 75 Hawthorne Street, San Francisco, California 94105–3901; FAX (415) 744–1076.

FOR FURTHER INFORMATION CONTACT: Sara Bartholomew, Grants and Program Integration Office (AIR–8), Air Division, U.S. EPA Region 9, 75 Hawthorne Street, San Francisco, California 94105–3901 at (415) 744–1250.

SUPPLEMENTARY INFORMATION: Under the authority of section 105 of the CAA, EPA provides financial assistance (grants) to the SBAPCD to aid in the operation of its air pollution control programs. In FY–98, EPA awarded the SBAPCD $422,000, which represented approximately 10% of the District's budget.

Section 105(c)(1) of the CAA, 42 U.S.C. 7405(c)(1), provides that ''[n]o agency shall receive any grant under this section during any fiscal year when

its expenditures of non-Federal funds for recurrent expenditures for air pollution control programs will be less than its expenditures were for such programs during the preceding fiscal year. In order for [EPA] to award grants under this section in a timely manner each fiscal year, [EPA] shall compare an agency's prospective expenditure level to that of its second preceding year.'' EPA may still award financial assistance to an agency not meeting this requirement, however, if EPA, ''after notice and opportunity for public hearing, determines that a reduction in expenditures is attributable to a non-selective reduction in the expenditures in the programs of all Executive branch agencies of the applicable unit of Government.'' CAA section 105(c)(2). These statutory requirements are repeated in EPA's implementing regulations at 40 CFR 35.210(a).

In its FY–99 section 105 application, SBAPCD projected expenditures of non-Federal funds for recurrent expenditures (or its maintenance of effort (MOE)) of $3,285,988. This amount represents a shortfall of $133,552 from the actual FY–98 MOE of $3,419,540. In order for the District to be eligible to be awarded its FY–99 grant, EPA must make a determination under § 105(c)(2).

The SBAPCD is a single-purpose agency whose primary source of funding is permit fee revenue. Fees associated with permits issued by the SBAPCD go directly to the district to fund its operations. It is the ''unit of Government'' for section 105(c)(2) purposes. The SBAPCD submitted documentation to EPA which shows that air permit fee revenues have continued to decrease due to emission reductions from permitted sources and a decline in oil and gas activity. As a result, the SBAPCD's overall budget and its MOE decreased. The SBAPCD also submitted documentation to EPA which shows that the District lost 12.75 staff positions since FY97. These reductions in fees and staff have been non-selective in that all programs within SBAPCD have been impacted.

In summary, the SBAPCD's MOE reductions resulted from budget cuts stemming from a loss of fee revenues due to circumstances beyond the District's control. EPA proposes to determine that the SBAPCD's lower FY–99 MOE level meets the section 105(c)(2) criteria as resulting from a non-selective reduction of expenditures. Pursuant to 40 CFR 35.210, this determination will allow the SBAPCD to be awarded financial assistance for FY–99.

This document constitutes a request for public comment and an opportunity for public hearing as required by the Clean Air Act. All written comments received by June 7, 1999 on this proposal will be considered. EPA will conduct a public hearing on this proposal only if a written request for such is received by EPA at the address above by June 7, 1999.

If no written request for a hearing is received, EPA will proceed to the final determination. While notice of the final determination will not be published in the **Federal Register**, copies of the determination can be obtained by sending a written request to Sara Bartholomew at the above address.

Dated: April 23, 1999.

David P. Howekamp,

Director, Air Division, Region 9.

[FR Doc. 99–11563 Filed 5–6–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6242–4]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared April 12, 1999 Through April 16, 1999 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564–7167.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 9, 1999 (64 FR 17362).

Draft EISs

ERP No. D–DOA–F36162–MN, Rating EC2, Snake River Watershed Plan, Watershed Protection and Flood Prevention, NPDES Permit and COE section 404 Permit, Marshall Pennington and Polk Counties, MN.

Summary: EPA expressed environmental concerns regarding alternatives, characterization of the affected environment, impacts to wetlands and waters of the United States, and mitigation. EPA requested that those issues be addressed in the final document.

ERP No. D–USA–G11036–AR, Rating EC2, Fort Chaffee Disposal and Reuse, Implementation, Ozark Mountains, Sebastian, Crawford, Franklin, Smith, Barling and Greenwood Counties, AR.

Summary: EPA had environmental concerns regarding potential wetland, and landfill expansion impact. EPA requested that the final document provide additional information on these issues.

ERP No. DA–NOA–K91007–00, Rating EC2, Pacific Coast Salmon Plan (1997) for Amendment 14, Fishery Management Plan, Comprehensive Updating, Exclusive Economic Zone (EEZ), Off the Coasts of WA, OR and CA.

Summary: EPA requested addition information on hook-and release mortality assumptions, misidentification of harvestable fish and modelling limits.

Final EISs

ERP No. F–COE–K01008–CA, Santa Maria and Sisquoc Rivers Specific Plan, Mining and Reclamantion Plans, (MRPs), Coast Rock Site and S.P. Milling Site, Conditional Use Permits, Approval of Reclamantion Plans, and Section 404 Permits, Santa Barbara and San Luis Obispo County, CA.

Summary: The FEIS satisfactorily addressed EPA's previous objections. EPA requested that the mitigation measures described in the FEIS be included in the Corps' Record of Decision and as permit conditions in the Clean Water Act Section 404 permits for the proposed mining activities.

ERP No. F–SFW–K65115–CA, Headwaters Forest Acquisition and the Palco Sustained Yield Plan and Habitat Conservation Plan, Implementation, Humboldt, Del Norte and Mendocino Counties, CA.

Summary: EPA supports the proposed HCP, EPA remains concerned with the ability of the lead agencies to fully implement all commitments and with the precedent of permitting timber harvest at a level that exceeds growth for the first two decades. Since these watersheds are already over the cumulative effects threshold, EPA recommended reduced harvest levels or limitations on clearcutting.

ERP No. FC–NOA–L64015–AK, Groundfish Fishery of the Bering Sea and Aleutian Islands Area and Groundfish of the Gulf of Alaska, Implementation of Groundfish Total Allowable Catch Specifications and Prohibited Species Catch Limits Under the Authority of the Fishery Management Plans, AK.

Summary: EPA believes that NMFS was generally responsive to EPA's concerns at the DEIS stage. However, EPA continue to be concerned with the range of alternatives related to the ''Total Allowable Catch'' and the depth of discussion on impacts to Sensitive Species and Native Subsistence need.

ERP No. FS–NOA–A91054–00, Atlantic, Gulf and Caribean Exclusive Economic Zones (EEZ) Billfish Fishery Management Plan, White and Blue Marlin, Sailfish, and the Longbill Spearfish, Implemetation.

Summary: EPA had not objections to the proposed regulations.

Dated: May 4, 1999.

William A. Dickerson,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 99–11558 Filed 05–06–99; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6242–3]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7167 *or* (202) 564–7153.

Weekly receipt of Environmental Impact Statements

Filed April 26, 1999 Through April 30, 1999

Pursuant to 40 CFR 1506.9.

EIS No. 990144, FINAL EIS, AFS, FL, Florida National Forests, Revised Land and Resource Management Plan, Implementation, Apalachicola, Choctowhatchee, Ocala and Osceola National Forests, Several Counties, FL, Due: June 07, 1999, Contact: Marsha Kearney (850) 942–9300.

EIS No. 990145, DRAFT EIS, AFS, UT, South Manti Timber Salvage, To address Ecological and Economic Values affected by Spruce Beetle Activity in the South Manti Project, Manti-La National Forest, Ferron-Price and Sanpeter Ranger Districts, Sanpete and Sevier Counties, UT, Due: June 21, 1999, Contact: Don Fullmer (435) 637–2817.

EIS No. 990146, DRAFT EIS, FHW, NV, US–95 Improvements, Along Summerlin Parkway to the Local and Arterial Road Network in the Northwest Region of Las Vegas, Construction and Operation, Clark County, NV, Due: July 09, 1999, Contact: Daryl James (775) 888–7013.

EIS No. 990147, DRAFT EIS, SFW, WA, Little Pend Oreille National Wildlife Refuge, Implementation, Comprehensive Conservation Plan, Stevens and Pend Oreille Counties, WA, Due: June 30, 1999, Contact: Mike Marxen (503) 590–6596.

Amended Notices

EIS No. 990071, DRAFT EIS, FHW, CT, CT 82/85/11 Corridor Transportation Improvements, Funding and COE Section 404 Permit, In the Towns of Salem, Montville, East Lyme and Waterford, CT, Due: May 21, 1999, Contact: Donald J. West (860) 659–6703.

Published FR 03–19–99—Review Period extended.

EIS No. 990075, FINAL EIS, COE, TX, Dallas Floodway Extension, Implementation, Trinity River Basin, Flood Damage Reduction and Environmental Restoration, Dallas County, TX, Due: May 19, 1999, Contact: Gene T. Rice, Jr. (817) 978–2110.

Published FR—12–04–98—Review Period Extended.

EIS No. 990101, DRAFT EIS, COE, IL, WI, Upper Des Plaines River Flood Damage Reduction Project, Recommended Plan to Construction of a Lateral Storage Area, National Economic Development (NED), Lake County, IL and Kenosha and Racine Counties, WI, Due: June 04, 1999, Contact: Keith Ryder (312) 353–6400.

Published FR 04–09–99 Review Period Extended.

EIS No. 990115, DRAFT EIS, SFW, WI, Karner Blue Butterfly Habitat Conservation Plan State-wide, Application for an Incidental Take Permit, several counties, WI, Due: June 15, 1999, Contact: Lisa Mandell (612) 713–5343.

Published FR–04–16–99 Due Date Correction.

Dated: May 4, 1999.

William D. Dickerson,

Director, Office of Federal Activities.

[FR Doc. 99–11557 Filed 05–06–99; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6337–6]

Meeting of the Ozone Transport Commission for the Northeast United States

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: The United States Environmental Protection Agency is announcing the Annual meeting of the Ozone Transport Commission to be held on June 16, 1999.

This meeting is for the Ozone Transport Commission to deal with appropriate matters within the transport region, as provided for under the Clean Air Act Amendments of 1990. This meeting is not subject to the provisions of the Federal Advisory Committee Act, Public Law 92–463, as amended.

DATES: The meeting will be held on June 16, 1999 from 9:00 a.m. to 3:00 p.m.

ADDRESSES: The meeting will be held at: The Gideon Putnam Hotel and Conference Center, 24 Gideon Putnam Road, Saratoga Springs, NY 12866, (518) 584–3000.

FOR FURTHER INFORMATION CONTACT: *EPA:* Susan Studlien, U.S. Environmental Protection Agency—Region I, John F. Kennedy Federal Building, Boston, MA 02203, (617) 918–1510.

FOR DOCUMENTS AND PRESS INQUIRIES CONTACT: Stephanie A. Cooper, Ozone Transport Commission, 444 North Capitol Street, N.W., Suite 638, Washington, DC 20001, (202) 508–3840, e-mail: ozone@sso.org, website: http://www.sso.org/otc.

SUPPLEMENTARY INFORMATION: The Clean Air Act Amendments of 1990 contain at Section 184 provisions for the ''Control of Interstate Ozone Air Pollution.'' Section 184(a) establishes an ozone transport region comprised of the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, parts of Virginia and the District of Columbia.

The Assistant Administrator for Air and Radiation of the Environmental Protection Agency convened the first meeting of the commission in New York City on May 7, 1991. The purpose of the Transport Commission is to deal with ground level oxone formation, transport, and control within the transport region.

The purpose of this notice is to announce that this Commission will meet on June 16, 1999. The meeting will be held at the address noted earlier in this notice.

Section 176A(b)(2) of the Clean Air Act Amendments of 1990 specifies that the meetings of the Ozone Transport Commission are not subject to the provisions of the Federal Advisory Committee Act. This meeting will be open to the public as space permits.

TYPE OF MEETING: Open.

AGENDA: Copies of the final agenda will be available from Stephanie Cooper of the OTC office (202) 508–3840 (by e-mail: ozone@sso.org or via our website at http://www.sso.org/otc) on Wednesday, June 9, 1999. The purpose of this meeting is to review air quality needs within the Northeast and Mid-Atlantic States, including reduction of motor vehicle and stationary source air pollution. The OTC is also expected to address issues related to the transport of

ozone into its region, including actions by EPA under sections 110 of the Clean Air Act, to evaluate the potential for additional emission reductions through new motor vehicle emission standards, and to discuss market-based programs to reduce pollutants that cause ozone.

Dated: April 30, 1999.

John DeVillars,

Regional Administrator, Region I.

[FR Doc. 99–11564 Filed 5–6–99; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–3139–EM]

Florida; Amendment No. 1 to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency for the State of Florida, (FEMA–3139–EM), dated April 27, 1999, and related determinations.

EFFECTIVE DATE: April 28, 1999.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: The notice of an emergency for the State of Florida is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of April 27, 1999:

Martin County for appropriate assistance for required emergency protective measures as authorized under Title V of the Stafford Act.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Laurence W. Zensinger,

Human Services Division Director, Response and Recovery Directorate.

[FR Doc. 99–11530 Filed 5–6–99; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1271–DR]

Georgia; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Georgia, (FEMA–1271–DR), dated April 20, 1999, and related determinations.

EFFECTIVE DATE: April 26, 1999.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Georgia is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 20, 1999:

Candler County for Individual Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 99–11528 Filed 5–6–99; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Open Meeting, Technical Mapping Advisory Council

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice of meeting.

SUMMARY: In accordance with § 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. 1, the Federal Emergency Management Agency gives notice that the following meeting will be held:

Name: Technical Mapping Advisory Council.

Date of Meeting: May 27–28, 1999.

Place: Portland Marriott Downtown; 1401 SW Naito Parkway; Portland, Oregon.

Times: May 27: 9:00 a.m. to 5:00 p.m.; May 28: 9:00 a.m. to 12 noon.

Proposed Agenda:

1. Call to Order and Announcements.
2. Action on Minutes of Previous Meeting.
3. Review Revised Draft Standards for Base Maps and DFIRM Products.
4. Discuss Federal/State/Local Partnerships and Cooperation.
5. Discuss Challenges of Unique Flood Hazards.
6. Establish Guidelines for Invited Guests.
7. Discuss the Role of the Council's Technical Advisors.
8. New Business.
9. Adjournment.

STATUS: This meeting is open to the public.

FOR FURTHER INFORMATION CONTACT: Michael K. Buckley, P.E., Federal Emergency Management Agency, 500 C Street SW., room 421, Washington, DC 20472, telephone (202) 646–2756 or by facsimile at (202) 646–4596.

SUPPLEMENTARY INFORMATION: This meeting is open to the public with limited seating available on a first-come, first-served basis. Members of the general public who plan to attend the meeting should contact Sally Magee, Federal Emergency Management Agency, 500 C Street SW., room 444, Washington, DC 20472, telephone (202) 646–8242 or by facsimile at (202) 646–4596 on or before May 14, 1999.

Minutes of the meeting will be prepared and will be available upon request 30 days after they have been approved by the next Technical Mapping Advisory Council meeting.

Dated: April 29, 1999.

Michael J. Armstrong,

Associate Director for Mitigation.

[FR Doc. 99–11531 Filed 05–06–99; 8:45 am]

BILLING CODE 6718–04–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

SUMMARY

Background. Notice is hereby given of the final approval of a proposed information collection by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, as per 5 CFR 1320.16 (OMB Regulations on Controlling Paperwork Burdens on the Public). Board-approved

collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the OMB 83-Is and supporting statements and approved collection of information instrument(s) are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

FOR FURTHER INFORMATION CONTACT:

Chief, Financial Reports Section—Mary M. West—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202-452-3829)

OMB Desk Officer—Alexander T. Hunt—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503 (202-395-7860)

Final approval under OMB delegated authority of the extension for three years, with revision, of the following report:

1. Report title: The Ongoing Intermittent Survey of Households

Agency form number: FR 3016

OMB Control number: 7100-0150

Effective Date: [Insert date 30 days from publication in Federal Register]

Frequency: on occasion

Reporters: households and individuals

Annual reporting hours: 405 burden hours

Estimated average hours per response: 4.2 minutes

Number of respondents: 500

Small businesses are not affected.

General description of report: This information collection is voluntary (12 U.S.C. 225a, 263, and 15 U.S.C. 1691b) and is given confidential treatment (5 U.S.C. 552(b)(6)).

Abstract: The Federal Reserve uses this voluntary telephone survey to obtain household-based information specifically tailored to the Federal Reserve's policy, regulatory, and operational responsibilities, and the survey is necessary to provide information on developing events in the financial markets. Intermittently, on request, the University of Michigan's Survey Research Center includes survey questions on behalf of the Federal Reserve in an addendum to their regular monthly Survey of Consumer Attitudes and Expectations. The frequency and content of the questions depends on changing economic, regulatory, legislative, and consumer developments.

Board of Governors of the Federal Reserve System, May 3, 1999.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 99-11489 Filed 5-6-99; 8:45AM]

Billing Code 6210-01-F

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of Banks 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 offices 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 May 21, 1999.

A. Federal Reserve Bank of Atlanta (Lois Berthaume, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303-2713:

1. Stoinoff Investments, L.P., Hiawassee, Georgia, and James M. Stoinoff and Elizabeth S. Stoinoff, as general partners, both of Hiawassee, Georgia; to retain voting shares of Chatuge Bank Shares, Inc., Hiawassee, Georgia, and thereby indirectly retain voting shares of Bank of Hiawassee, Hiawassee, Georgia.

B. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63102-2034:

1. Scherrie Viola Giamanco, Mt. Vernon, Illinois; to retain voting shares of First Nokomis Bancorp, Inc., Nokomis, Illinois, and thereby indirectly retain voting shares of Ayars State bank, Moweaqua, Illinois, and First National Bank of Nokomis, Nokomis, Illinois.

Board of Governors of the Federal Reserve System, May 3, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–11452 Filed 5–6–99; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act. Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

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 1, 1999.

A. Federal Reserve Bank of Atlanta (Lois Berthaume, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303-2713:

1. BancTenn Corp., Kingsport, Tennessee; to acquire up to 8.75 percent of the voting shares of Independence Bank, Kernersville, North Carolina.

Board of Governors of the Federal Reserve System, May 3, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–11451 Filed 5–6–9; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 10:00 a.m., Wednesday, May 12, 1999.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any matters carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Lynn S. Fox, Assistant to the Board; 202–452–3204.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at http://www.federalreserve.gov for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: May 5, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–11679 Filed 5–5–99; 11:54 am]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

[File No. 9723149]

LS Enterprises, LLC et al.; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint that accompanies the consent agreement and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before July 6, 1999.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, Room 159, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: John Dugan and Andrew Caverly, Boston Regional Office, Federal Trade Commission, 101 Merrimac Street, Suite 810, Boston, MA 02114–4719, (617) 424–5960.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46, and Section 2.34 of the Commission's Rules of Practice, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for April 21, 1999), on the World Wide Web, at ''http://www.ftc.gov/os/actions97.htm.'' A paper copy can be obtained from the FTC Public Reference Room, Room H–130, 600 Pennsylvania Avenue, NW., Washington, DC 20580, either in person or by calling (202) 326–3627.

Public comment is invited. Comments should be directed to: FTC/Office of the Secretary, Room 159, 600 Pennsylvania Avenue, NW, Washington, DC 20580. Two paper copies of each comment should be filed, and should be accompanied, if possible, by a 3½ inch diskette containing an electronic copy of the comment. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from LS Enterprises, LLC, Internet Promotions, LLC, and Louis Salatto. The proposed respondents promoted and sold various products and services through the Internet via unsolicited commercial E-Mail (''UCE). In particular, the proposed respondents promoted and sold UCE products and services, whereby the proposed respondents offered to assist in sending bulk UCE on behalf of other companies or individuals who were selling products or services, and sold UCE software and mailing lists so that other companies or individuals could send their own bulk UCE. The proposed respondents also promoted and sold various work-at-home and business opportunities via UCE.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement and take other appropriate action or make final the agreement's proposed order.

The Commission's complaint alleges several unfair or deceptive acts or practices related to the proposed respondents' promotion and sale of various products and services via UCE. The complaint charges that, with respect to the promotion and sale of UCE products and services, the proposed respondents: falsely represented that they acted as an E-Mail Internet Service Provider; falsely represented their experience in providing UCE services; made false and unsubstantiated earnings claims for purchasers of their UCE products and services; and made false and unsubstantiated claims about the receptivity of consumers on their E-Mail recipient lists towards receiving UCE.

The complaint further charges that the proposed respondents made several false or unsubstantiated claims in the promotion and sale of various work-at-home and business opportunities via UCE. The complaint charges that in a promotion concerning setting consumers up with jobs as ''mystery shoppers,'' the proposed respondents: falsely represented that they acted as contractors for major corporations to hire consumers to work as ''mystery shoppers,'' have hired thousands of consumers to work as ''mystery shoppers,'' have actual job openings for ''mystery shoppers'' all over the country, and will give consumers as many ''mystery shopper'' assignments from the proposed respondents as they want or need; and made false and unsubstantiated earnings and free merchandise claims. The complaint also charges that in a general work-at-home promotion, the proposed respondents: falsely claimed that they have helped thousands of consumers to find home-based work; and made false and unsubstantiated claims about earnings, when consumers can begin work, and when and for how long they can receive paychecks. Finally, in a promotion concerning the sale of reproduction and distribution rights for various consumer manuals, the complaint charges that the proposed respondents: falsely related their experience in selling consumer manuals; and made false and unsubstantiated earnings claims

associated with the sale of these manuals.

The proposed consent order contains provisions designed to remedy the violations charged and to prevent the proposed respondents from engaging in similar acts in the future. Parts I and II of the proposed order apply to the promotion of any UCE product or service, or any product or service concerning business opportunities or work-at-home opportunities. Part I prohibits the proposed respondents from misrepresenting in any manner, expressly or by implication: (A) Their ability to provide any such product or service; (B) their experience in providing any such product or service; (C) that they act as contractors for other companies to hire consumers for any type of work; or (D) the availability of actual job openings or any other type of employment opportunities, or the level of assistance provided by them in securing any job or other type of employment opportunity. Part II prohibits the proposed respondents from making any claim about: (A) The amount of earnings, income, or sales that a prospective purchaser could reasonably expect to attain; (B) the amount of time within which a prospective purchaser could reasonably expect to: (1) begin earning money; (2) continue earning money; (3) attain any amount of earnings, income, or sales; or (4) recoup his or her investment; (C) the availability of free merchandise; or (D) the receptivity of persons on any type of mailing list towards receiving commercial solicitations, unless the representation is true and, at the time it is made, the proposed respondents possess and rely upon competent and reliable evidence that substantiates the representation.

Part III of the proposed order prohibits misrepresentations in UCEs, including, but not limited to, misrepresentations in the subject line or the text of the UCE. Part IV applies to the sale of any product or service, and prohibits the proposed respondents from making any representation, in any manner, expressly or by implication, about the benefits, performance, efficacy, or success rate of such product, unless such representation is true and, at the time the representation is made, the proposed respondents possess and rely upon competent and reliable evidence, which when appropriate must be competent and reliable scientific evidence, that substantiates the representation.

Part V of the proposed order contains a bond provision requiring the proposed respondents to post a $100,000 bond before advertising, promoting, offering for sale, selling, or distributing any UCE product or service via any media, or any other product or service via UCE.

Part VI of the proposed order contains record-keeping requirements for materials that demonstrate the compliance of the proposed respondents with the proposed order. Part VII requires distribution of a copy of the consent decree to certain current and future personnel who have responsibilities related to the subject matter of the order. Part VIII provides for Commission notification upon any change in the corporate respondents affecting compliance obligations arising under the order. Part IX provides for Commission notification upon any change in the individual respondent's employment status. Part X requires the filing of compliance report(s). Finally, Part XI provides for the termination of the order after twenty years under certain circumstances.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 99–11492 Filed 5–6–99; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Notice of a Meeting of the National Bioethics Advisory Commission (NBAC)

SUMMARY: Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is given of a meeting of the National Bioethics Advisory Commission. The Commission will address religious views on research involving human embryonic stem cells. Some Commission members may participate by telephone conference. The meeting is open to the public and opportunities for statements by the public will be provided on May 7, 1999 from 1:00 pm–1:30 pm.

Dates/times	Location
May 7, 1999 8:30 am–2:30 pm.	Riggs Library, Healy Hall, Georgetown University, 37th and O Streets, NW Washington, DC 20057.

SUPPLEMENTARY INFORMATION: The President established the National Bioethics Advisory Commission (NBAC) on October 3, 1995 by Executive Order 12975 as amended. The mission of the NBAC is to advise and make recommendations to the National Science and Technology Council, its Chair, the President, and other entities on bioethical issues arising from the research on human biology and behavior, and from the applications of that research. NBAC is aware of the requirement to publish notices 15 calendar days prior to a meeting. However, this meeting has a short lead time due to it being a special addition to NBAC's meeting schedule.

Public Participation

The meeting is open to the public with attendance limited by the availability of space on a first come, first serve basis. Members of the public who wish to present oral statements should contact Ms. Patricia Norris by telephone, fax machine, or mail as shown below and as soon as possible at least 4 days before the meeting. The Chair will reserve time for presentations by persons requesting to speak and asks that oral statements be limited to five minutes. The order of persons wanting to make a statement will be assigned in the order in which requests are received. Individuals unable to make oral presentations can mail or fax their written comments to the NBAC staff office at least five business days prior to the meeting for distribution to the Commission and inclusion in the public record. The Commission also accepts general comments at its website at bioethics.gov. Persons needing special assistance, such as sign language interpretation or other special accommodations, should contact NBAC staff at the address or telephone number listed below as soon as possible.

FOR FURTHER INFORMATION CONTACT: Ms. Patricia Norris, National Bioethics Advisory Commission, 6100 Executive Boulevard, Suite 5B01, Rockville, Maryland 20892–7508, telephone 301–402–4242, fax number 301–480–6900.

Dated: April 29, 1999.

Eric M. Meslin,

Executive Director, National Bioethics Advisory Commission.

[FR Doc. 99–11481 Filed 5–6–99; 8:45 am]

BILLING CODE 4160–17–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

[Program Announcement 99083]

Program To Build Capacity To Develop, Implement, and Evaluate Health Education and Promotion Activities in Tribal Communities; Notice of Availability of Funds

A. Purpose

The Agency for Toxic Substances and Disease Registry (ATSDR) announces the availability of fiscal year (FY) 1999 funds for a cooperative agreement program to build capacity in tribal communities to develop, implement, and evaluate health education and health promotion activities in tribal communities. This program addresses the ''Healthy People 2000'' priority areas of educational and community-based programs, and environmental health. This five-year cooperative agreement program is designed to assist American Indian and Alaska Native Nations and consortia of Indian tribes in dealing with present and potential environmental health challenges related to National Priorities List (NPL) and CERCLA hazardous substances waste sites and releases on or adjacent to Indian lands. Specifically, cooperative agreement funds will be used to assist tribal and village governments in addressing community health concerns related to environmental toxins. This will be accomplished by increasing tribal capacity to develop, implement, and evaluate culturally relevant and appropriate environmental health education and promotion activities for American Indian and Alaska Native communities and for the health professionals and para-professionals serving these communities.

B. Eligible Applicants

This program is directed only to federally-recognized Indian tribes or consortia of Indian tribes. Indian tribes are defined in section 101(36) (42 U.S.C. 9601 (36)) as ''any Indian tribe, band, nation, or other organized group or community, including any Alaska Native Village but not including any Alaska Native regional or village corporation, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.''

C. Availability of Funds

Approximately $170,000 is available in FY 1999 to fund 3–4 awards. The average award is anticipated to be approximately $50,000, ranging from $35,000 to $75,000. It is expected the awards will begin on or about September 30, 1999, and will be made for a 12-month budget period within a project period of up to five years. Funding estimates may change.

Continuation awards within the approved project period will be made on the basis of satisfactory progress as evidenced by required reports and the availability of funds.

Use of Funds

The funding awarded may be expended for reasonable program purposes, such as personnel, travel, supplies and services, including contractual services. ATSDR funding is generally not to be used for the purchase of furniture or equipment. Any equipment purchased will be forwarded to ATSDR at the end of the funding period. The awardees shall serve as the direct recipients in this grant program and must perform a substantive role in carrying out project activities. They cannot merely serve as a conduit for an award to another party or provide funds to an ineligible party.

D. Program Requirements

In conducting activities related to NPL sites and hazardous substance releases to achieve the purpose of the program, the recipient shall be responsible for conducting activities under 1, below, and ATSDR will be responsible for conducting activities under 2, below:

1. Recipient Activities

a. Conduct community-based health education and promotion needs assessment(s) and asset inventory(ies), and develop project period and budget period workplans based on these identified needs and resources. Children should be recognized as a susceptible population of special interest and concern.

b. Develop environmental health education materials for American Indian and Alaska Native communities and the health professionals and paraprofessionals serving them, including materials in appropriate languages, literacy levels, and age-groups.

c. Implement methods to disseminate educational materials to American Indian and Alaska Native communities and the health professionals and para-professionals serving them. These materials should also be made available to other tribes and audiences as feasible and appropriate.

d. Develop and implement health education and promotion activities related to preventing and managing environmental health problems related to NPL sites or hazardous substances releases on or adjacent to tribal lands. These activities should be designed to improve the knowledge and skills of community members and health professionals and paraprofessionals concerning such topics as:

(1) Health conditions possibly related to hazardous substances at sites, including prevention, diagnosis, and treatment of exposure-related conditions in adults and children;

(2) Health studies being done by ATSDR concerning acute or chronic exposure of American Indian/Alaska Natives to hazardous substances;

(3) Chemical-specific and site-specific information resources;

(4) American Indian and Alaska Native community risk communication and outreach;

(5) Environmental health guidelines and policy, and health-based environmental standards.

e. Evaluate the effectiveness and impact of project activities and the overall health education and promotion program.

f. Attend and participate in annual ATSDR Partners' Meetings held in Atlanta, Georgia, or other locations, including assisting in planning meeting and presenting program activities and evaluation results.

2. ATSDR Activities

a. Assist in development of a needs assessment process, the identification of education and training needs of target audiences, and the development of work plans.

b. Assist in the design, implementation, and evaluation of community environmental health education materials, including providing examples of materials developed by other tribes under cooperative agreement.

c. Provide assistance in the dissemination of educational materials developed under cooperative agreement to the attention of State, regional, or national audiences.

d. Assist in the design and implementation of community and health professional education and promotion activities and training activities for tribal staff and others serving the environmental health needs of American Indian and Alaska Native communities. This assistance could include providing current information and instructional resources about the possible health effects related to

exposure to hazardous substances in the environment.

e. Assist in development of an overall evaluation plan to determine the effectiveness and impact of the project on the knowledge, skills, attitudes, and behaviors of target audiences.

f. Provide site-specific assistance and direction on possible cost recovery activities.

E. Application Content

Use the information in the Program Requirements, Other Requirements, and Evaluation Criteria sections to develop the application content. Your application will be evaluated on the criteria listed, so it is important to follow them in laying out your program plan. The narrative should be no more than 20 double-spaced pages, excluding appendices, printed on one side, one-inch margins, and unreduced font.

F. Submission and Deadline

Submit the original and two copies of PHS 516l (OMB Number 0937-0189). Forms are in the application kit. On or before July 15, 1999, submit the application to: Nelda Godfrey, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Announcement #99083, Centers for Disease Control and Prevention (CDC), 2920 Brandywine Road, Suite 3000, Atlanta, GA 30341–4146.

Deadline: Applications shall be considered as meeting the deadline if they are either:

(a) Received on or before the deadline date; or

(b) Sent on or before the deadline date and received in time for orderly processing. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or the U. S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

Late Applications: Applications which do not meet the criteria in (a) or (b) above are considered late applications, will not be considered, and will be returned to the applicant.

G. Evaluation Criteria

Each application will be evaluated individually against the following criteria by an independent review group appointed by ATSDR.

1. Proposed Program—50 percent

a. Clearly stated understanding of environmental health problem(s) to be addressed, including the proximity of NPL sites and any special risks to children as a susceptible population.

b. Clear and reasonable project goals.

c. Extent to which stated project objectives are realistic, measurable, and related to program requirements.

d. Identification of specific target audiences and their environmental health education and promotion needs.

e. Specificity and feasibility of the proposed timeline for implementing project activities.

2. Proposed Personnel—20 percent

a. Ability of the applicant to provide adequate program staff and support staff, including any proposed consultants or contractors. Award should support at least 1 full-time employee.

b. Experience of proposed staff in conducting needs assessments, developing materials, implementing activities, and conducting program evaluation related to community health education and promotion.

c. Experience of staff in conducting culturally appropriate activities for tribal communities.

3. Capability—30 percent

a. Cultural-appropriateness of the health education and promotion activities proposed for the proposed target groups—including collaboration with tribal colleges and universities in the development of the activities.

b. Thoroughness of the health education and promotion activities proposed.

c. Extent to which the evaluation plan includes measures of program outcome and effectiveness, such as changes in participants' knowledge, attitudes, and behaviors.

d. Plans for collaborative efforts and appropriate letters of support, including coordination with tribal colleges and universities.

4. Proposed Budget—(not scored)

The extent to which the proposed budget is reasonable, clearly justified with a budget narrative, and consistent with the intended use of cooperative agreement funds.

H. Other Requirements

Technical Reporting

Provide CDC with the original plus two copies of:

1. Quarterly progress reports;

2. financial status report, no more than 90 days after the end of the budget period, and

3. final financial report and performance report, no more than 90 days after the end of the project.

Send all reports to: Nelda Godfrey, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 2920 Brandywine Road, Suite 3000, Atlanta, GA 30341–4146.

The following additional requirements are applicable to this program. For a complete description of each see Attachment 1, in the application kit. Additional ATSDR requirements are also included in Attachment 1.

AR–7 Executive Order 12372 Review
AR–8 Public Health System Reporting Requirements
AR–9 Paperwork Reduction Act Requirements
AR–10 Smoke-Free Workplace Requirements
AR–11 Healthy People 2000
AR–18 Cost Recovery—ATSDR
AR–19 Third Party Agreements—ATSDR
AR–20 Conference Support

I. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under Sections 104(i)(14) and (15) and 126 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA) [42 U.S.C. 9604 (i)(14), (15) and 9626]. The Catalog of Federal Domestic Assistance Number is 93.161.

J. Where To Obtain Additional Information

To receive additional written information, and to request an application kit, call 1–888-GRANTS4 (1–888–472–6874). You will be asked to leave your name and address and will be instructed to identify the Announcement Number of interest (Announcement 99083). You will receive a complete program description, information on application procedures, and application forms. See also the CDC home page on the Internet for a complete copy of the announcement: *http://www.cdc.gov*

If you have questions after reviewing the contents of all the documents, business management technical assistance may be obtained from: Nelda Godfrey, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention, 2920 Brandywine Road, Suite 3000, Atlanta, GA 30341–4146, telephone (770) 488–2722, e-mail address: nag9@cdc.gov.

Programmatic technical assistance may be obtained from: Christine Rosheim, D.D.S., M.P.H., Health Education Specialist, Division of Health

Education and Promotion, Agency for Toxic Substances and Disease Registry, 1600 Clifton Road, Mailstop E–33, Atlanta, GA 30333, Telephone (404) 639–6351.

Dated: May 3, 1999.

Georgi Jones,

Director, Office of Policy and External Affairs, Agency for Toxic Substances and Disease Registry.

[FR Doc. 99–11482 Filed 5–6–99; 8:45 am]

BILLING CODE 4163–70–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

Bunker Hill Workshop on Early Detection of Nephropathy

The Agency for Toxic Substances and Disease Registry announces the following meeting:

NAME: Bunker Hill Workshop on Early Detection of Nephropathy.

TIMES AND DATES: 9 a.m.–5 p.m., May 25, 1999, 9 a.m.–5 p.m., May 26, 1999.

PLACE: Sheraton Buckhead Hotel, 3405 Lenox Road, NE, Atlanta, Georgia 30326, telephone 404/848–7308.

STATUS: Open to the public, limited only by the space available. The meeting room accommodates approximately 100 people.

PURPOSE: The Agency for Toxic Substances and Disease Registry (ATSDR) is developing a Medical Monitoring for Disorders of the Kidney Associated with the Bunker Hill Site. In order to assure that the program is based on the latest scientific findings in this field, the Agency is convening a workshop of experts to provide guidance and input.

MATTER TO BE CONSIDERED: As a result of contamination by the Bunker Hill Mining site in Kellog, Idaho, the workers and surrounding population were exposed to nephrotoxic heavy metals, primarily lead and cadmium. This workshop will bring together international experts to provide ATSDR information and individual input on the latest scientific findings in this field and how they may be applied to the medical monitoring program at the Bunker Hill location. Of special interest to ATSDR is the availability of biomarkers to screen for early signs of reversible nephropathy before progressive renal dysfunction occurs.

CONTACT PERSON FOR MORE INFORMATION: Erik Auf der Heide, M.D., MPH., Division of Health Education and Promotion, Agency for Toxic Substances and Disease Registry, 1600 Clifton Rd, NE, M/S E–33, Atlanta, Georgia 30333, telephone 404/639–6252, e-mail: eaa9@cdc.gov.

Dated: May 3, 1999.

Georgi Jones,

Director, Office of Policy and External Affairs, Agency for Toxic Substances and Disease Registry.

[FR Doc. 99–11483 Filed 05–06–99; 8:45 am]

BILLING CODE 4163–70–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 99113]

Cooperative Agreement for a National Poison Prevention and Control Program; Availability of Funds

A. Purpose

The Centers for Disease Control and Prevention (CDC) and Health Resources Services Administration (HRSA) announce the availability of fiscal year 1999 funds for a cooperative agreement program for a National Poison Prevention and Control Program.

The purpose of the program is to support an integrated system of poison prevention and control services including; coordination of all poison control centers (PCCs) through development, implementation and evaluation of standardized public education, development of a plan to improve national toxicosurveillance and development of a single, nationwide toll-free telephone number and related public service media campaign.

For additional background see: Addendum 2 in the application kit.

B. Eligible Applicants

Applications may be submitted by public and private nonprofit organizations and by governments and their agencies; that is, universities, colleges, research institutions, hospitals, other public and private nonprofit organizations, State and local governments or their bona fide agents, and Federally recognized Indian tribal governments, Indian tribes, or Indian tribal organizations.

C. Availability of Funds

Approximately $1,050,000 is available in FY 1999 to fund one award. It is expected that the award will begin on or about September 30, 1999, and will be made for a 12-month budget period within a project period of up to 3 years. Funding estimates may change.

Continuation awards within an approved project period will be made on the basis of satisfactory progress as evidenced by required reports and the availability of funds.

D. Cooperative Activities

In conducting the activities to achieve the purpose of this program, the recipient will be responsible for the activities under 1 (Recipient Activities) and CDC, in consultation with HRSA, will be responsible for the activities under 2 (CDC Activities).

1. Recipient Activities

(a) Develop a plan and begin implementation to assess and improve the current national toxicosurveillance system.

(b) Develop and coordinate a plan with poison control centers, State health departments, and voluntary organizations to provide standardized public education for poison control services.

(c) Develop a plan and begin implementation of a national public service media campaign to familiarize the public with poison control services.

(d) Develop a plan for and begin implementation of a national poison prevention and control program including a nationwide toll-free number with 24 hour capability that provides nationwide access by all U.S. residents to poison prevention and control information.

2. CDC Activities

(a) Provide technical advice and consultation, in conjunction with HRSA, on all aspects of recipient activities.

(b) Assist in the development and implementation of the public service media campaign to familiarize the public with poison control services.

(c) Assist in the assessment of the national toxicosurveillance system and related improvement plan.

E. Application Content

Use the information in the Cooperative Activities, Other Requirements, and Evaluation Criteria sections to develop the application content. Your application will be evaluated on the criteria listed, so it is important to follow them in laying out your program plan. The narrative should be no more than [30] double-spaced pages, printed on one side, with one inch margins, and unreduced font.

The application must include:

1. Abstract:

A one page abstract and summary of the proposed effort.

2. Background and Need:

Application should describe the background and need for an integrated program of poison prevention and control services including; development, implementation and evaluation of standardized public education, development of a plan to improve national toxicosurveillance and coordination of all poison control centers (PCCs) through the development of a single, nationwide toll-free telephone number and related public service media campaign.

3. Methods:

Describe activities required to implement an integrated system of poison prevention and control services, (refer to purpose). Provide (a) goals and objectives for implementation; (b) timeline for implementation of activities that is logically sequenced. Describe the coordination of the poison control centers and other organizations who will participate and how this will occur. Include letters of support from all involved individuals and organizations.

4. Evaluation:

Provide and describe how the proposed evaluation system will document program process and effectiveness and the impact on delivering poison prevention and control services. Document staff availability and expertise and capacity to perform the evaluations. Indicate willingness to participate in a process of continuous improvement which may require frequent review of progress and process utilized, remidiation of identified barriers, and adoption of modified methods and measures.

5. Staff and Resources:

Describe the responsibilities of a program coordinator and each of the other staff members responsible for carrying out the national poison prevention and control program. Description should include: experience, professional education and the time devoted to program. Curriculum Vitae should be included for each critical staff member.

6. Budget:

A detailed budget with accompanying narrative justifying all individual budget items which make up the total amount of funds requested. The budget should be consistent with the stated goals and objectives.

F. Submission and Deadline

Application

Submit the original and two copies of PHS 5161–1 (OMB Number 0937–0189) Forms are in the application kit. On or before July 7, 1999, submit the application to the Grants Management Specialist identified in the ''Where To Obtain Additional Information'' Section of this announcement.

Deadline: Applications shall be considered as meeting the deadline if they are either:

(a) Received on or before the deadline date; or

(b) Sent on or before the deadline date and received in time for orderly processing. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

Late Applications: Applications which do not meet the criteria in (a) or (b) above are considered late applications, will not be considered, and will be returned to the applicant.

G. Evaluation Criteria

Each application will be evaluated individually against the following criteria by an independent review group appointed by CDC.

1. Background and Need (25 Percent)

The extent to which the applicant presents an understanding of the need for a national poison prevention and control program and demonstrates experience in this area, especially the ability to work with poison control centers and their key issues, and describes the likely impact of their activities on this problem.

2. Methods (30 Percent)

The extent to which the applicant provides a detailed description of all proposed activities and collaboration needed to achieve each objective and the overall program goal(s). The extent to which the applicant provides a reasonable logically sequenced and complete schedule for implementing all activities. The extent to which position descriptions, lines of command, and collaborations are appropriate to accomplishing the program goal(s) and objectives.

3. Evaluation (10 Percent)

The extent to which the proposed evaluation plan is detailed and capable of documenting program process and outcome measures. The extent to which the applicant demonstrates staff and/or collaborator availability, expertise, and capacity to perform the evaluation.

4. Staff and Resources (35 Percent)

The extent to which the applicant can provide adequate facilities, staff and/or collaborators, including a full-time coordinator and resources to accomplish the proposed goal(s)and objectives during the project period. The extent to which the applicant demonstrates staff and/or collaborator availability, expertise, previous experience, and capacity to perform the undertaking successfully.

5. Budget and Justification (Not scored)

The extent to which the applicant provides a detailed budget and narrative justification consistent with the stated objectives and planned program activities.

H. Other Requirements

Technical Reporting Requirements

Provide CDC with original plus two copies of

1. semiannual progress reports;
2. financial status report, no more than 90 days after the end of the budget period; and
3. final financial status and performance reports, no more than 90 days after the end of the project period.

Send all reports to the Grants Management Specialist identified in the ''Where To Obtain Additional Information'' Section of this announcement.

The following additional requirements are applicable to this program. For a complete description of each, see Attachment I. (List all applicable requirements by number and title. The Grants Management Branch will include the applicable descriptions in the application kit.)

AR–7 Executive Order 12372 Review
AR–8 Public Health System Reporting Requirements
AR–9 Paperwork Reduction Act Requirements
AR–10 Smoke-Free Workplace Requirements
AR–11 Healthy People 2000
AR–12 Lobbying Restrictions
AR–13 Prohibition on Use of CDC Funds for Certain Gun Control Activities
AR–14 Accounting System Requirements
AR–15 Proof of Non-Profit Status

I. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under section 301(a), 317(k)(2), 391, 392, 394, and 394A [42 U.S.C. 241(a), 247b(k)(2), 280b, 280b–1, 280b–2, 280b–3] of the Public Health Service Act, as amended. The Catalog of Federal Domestic Assistance number is 93.136.

J. Where To Obtain Additional Information

See also the CDC home page on the Internet: http://www.cdc.gov for this and other program announcements.

To receive additional written information and to request an application kit, call 1–888–GRANTS4 (1–888–472–6874). You will be asked to leave your name and address and will be instructed to identify the Announcement number of interest. Please refer to Program Announcement 99113 when you request information. After reviewing the Program Announcement, for business management assistance, contact: Joanne Wojick, Grants Management Specialist Grants Management Branch, Procurement and Grants Office, Announcement 99113, Centers for Disease Control and Prevention (CDC), 2920 Brandywine Road, Suite 3000, Atlanta, GA 30341–4146, Telephone (404) 488–2717, Email address jcw6@cdc.gov.

For program technical assistance, contact: Paul Burlack, Centers for Disease Control and Prevention, National Center for Injury Prevention and Control, 4770 Buford Highway N.E., Mailstop F41, Atlanta, GA 30341–3724, Telephone (770) 488–4031, pab5@cdc.gov.

Dated: May 3, 1999.

John L. Williams,

Director, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 99–11484 Filed 5–6–99; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Collection of Fees at United States Ports Designated To Conduct Rodent Infestation Inspections and Issue Deratting and Deratting Exemption Certificates

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (DHHS).

ACTION: Notice.

SUMMARY: The Centers for Disease Control and Prevention (CDC) is adopting a requirement for collection of user fees for conducting rodent infestation inspection of ships, and issuing Deratting and Deratting Exemption Certificates. While the United States does not require these certificates for ships to enter its seaports, the United States conducts inspections and issues certificates in accordance with 42 CFR 71.46 and Article 17 of the International Health Regulations.

DATES: Effective date is June 6, 1999.

FOR FURTHER INFORMATION CONTACT: James E. Barrow, Chief, Program Operations Branch, Division of Quarantine, National Center for Infectious Diseases, CDC, Mailstop E–03, Atlanta, Georgia 30333, telephone: (404) 639–8107, fax (404) 639–2599, e-mail: jeb1@cdc.gov.

Authority: 42 U.S.C. 264–271, 42 CFR 71.46, IHR Articles 17 and 53.

SUPPLEMENTARY INFORMATION: A proposal to charge fees for rodent infestation inspections of ships, and issuance of Deratting and Deratting Exemption Certificates, where these services are provided directly by employees or vendors of the CDC was published in the **Federal Register** on November 24, 1998 (63 FR 64967).

Comments Received

Interested parties were afforded an opportunity to comment on the proposal. One media inquiry and no comments were received during the comment period.

Conclusion

CDC has determined that in the interest of defraying the cost of inspection and certificate issuance, user fees will be implemented for rodent infestation of ships, and issuance of Deratting and Deratting Exemption Certificates. Rodent infestation inspections for ships will be conducted at 11 major ports upon request, including: Baltimore, Maryland; Honolulu, Hawaii; Houston, Texas; Jacksonville, Florida; Los Angeles, California; Miami, Florida; New Orleans, Louisiana; New York, New York; San Francisco, California; Savannah, Georgia; and Seattle, Washington.

Cost Impact

The United States does not require a Rodent Infestation Inspection, or a Deratting or Deratting Exemption Certificate, for ships to enter its seaports. Article 17 of the International Health Regulations, published by the World Health Organization, Geneva, Switzerland, requires that each Health Administration provide these services, and Article 82 outlines the criteria for charging fees. 42 CFR 71.46 authorizes the performance of these services by the Public Health Service as carried out by CDC. CDC has for many years offered these services at no cost to the owners or agents of ships requesting them. These user fees will, in a manner consistent with most other countries, pass the cost of conducting these services along as a charge to those receiving and benefitting from the inspections and certificates.

Regulatory Impact

The requirements adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this action does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

This action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) 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; and (3) does not impose additional costs upon any State or local government as a result of a mandate imposed upon them as a government agency, as described in the Unfunded Mandates Reform Act.

Collection of Information

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

User Fee Administration

1. Effective June 6, 1999, user fees will be collected for all rodent infestation inspections of ships, and the associated issuance of Deratting and Deratting Exemption Certificates, by CDC and its vendors.

2. Rodent infestation inspections for ships will be conducted at 11 ports upon request, including: Baltimore, Maryland; Honolulu, Hawaii; Houston, Texas; Jacksonville, Florida; Los Angeles, California; Miami, Florida; New Orleans, Louisiana; New York, New York; San Francisco, California; Savannah, Georgia; and Seattle, Washington.

3. Costs are determined by taking into consideration such items as salaries, benefits, vendor services, printing, supplies, and agency overhead. The charge for the first full year during which fees for rodent infestation inspections and issuance of Deratting and Deratting Exemption Certificates are assessed is $150 for each inspection conducted. Shipping companies will be provided by mail instructions for submitting fees. The fees will be due at the address specified in the bill, not later than 30 days following the inspection. Arrangements may also be made to prepay user fees and draw against those prepayments.

Dated: May 3, 1999.

Joseph R. Carter,

Acting Associate Director for Management and Operation, Centers for Disease Control and Prevention (CDC).

[FR Doc. 99–11485 Filed 5–6–99; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Quarterly Performance Report, ORR–6.

OMB No.: 0970–0036.

Description: Data gathered from the Quarterly Performance Report (Form ORR–6) are used by ORR to estimate the number of months of Refugee Cash Assistance (RCA) and Refugee Medical Assistance (RMA) that ORR can provide based on appropriations; to determine priorities; and standards, budget requests, and assistance policies; to analyze data on service caseloads and program outcomes in order to monitor performance; and to compute refuge medical assistance (RMA) utilization rates.

Respondents: State, Local or Tribal Governments.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Program Estimates (CMA)	48	4	3.875	744

Estimated Total Annual Burden Hours: 744.

Additional Information: Copies of the proposed collection may be writing to the Administration for Children and Families, Office of Information Services, 370 L'Enfant Promenade, SW, Washington, DC 20447, Attn: ACF Reports Clearance Officer.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 to 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, 725 17th Street, NW, Washington, DC 20503, Attn: Ms. Lori Schack.

Dated: May 3, 1999.

Bob Sargis,

Acting Reports Clearance Officer.

[FR Doc. 99–11536 Filed 5–6–99; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99N–0123]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Food Labeling; Notification Procedures for Statements on Dietary Supplements

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the proposed collection of information listed below has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (the PRA).

DATES: Submit written comments on the collection of information by June 7, 1999.

ADDRESSES: Submit written comments on the collection of information to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW., rm. 10235, Washington, DC 20503, Attn: Desk Officer for FDA.

FOR FURTHER INFORMATION CONTACT: Peggy Schlosburg, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: In compliance with section 3507 of the PRA (44 U.S.C. 3507), FDA has submitted the following proposed collection of information to OMB for review and clearance.

Food Labeling; Notification Procedures for Statements on Dietary Supplements—21 CFR 101.93 (OMB Control Number 0910–0331—Extension)

Section 403(r)(6) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 343(r)(6)) requires that the agency be notified by manufacturers, packers, and distributors of dietary supplements that they are marketing a dietary supplement product that bears on its label or in its labeling a statement provided for in section 403(r)(6) of the act. Section 403(r)(6) of the act requires that the agency be notified, with a submission about such statements, no later than 30 days after the first marketing of the dietary supplement. Information that is required in the submission includes: (1) The name and address of the manufacturer, packer, or distributor of the dietary supplement product; (2) the text of the statement that is being made; (3) the name of the dietary ingredient or supplement that is the subject of the statement; (4) the name of the dietary supplement (including the brand name); and (5) a signature of a responsible individual who can certify the accuracy of the information presented.

The agency established § 101.93 (21 CFR 101.93) as the procedural regulation for this program. Section 101.93 provides details of the procedures associated with the submission and identifies the information that must be included in order to meet the requirements of section 403 of the act.

Description of Respondents: Businesses or other for-profit organizations.

In the **Federal Register** of February 4, 1999 (64 FR 5664), the agency requested comments on the proposed collections of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
101.93	700	1	700	0.5 to 1	350 to 700

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

The agency believes that there will be minimal burden on the industry to generate information to meet the requirements of section 403 of the act in submitting information regarding section 403(r)(6) of the act statements on labels or labeling of dietary supplements. The agency is requesting only information that is immediately available to the manufacturer, packer, or distributor of the dietary supplement that bears such a statement on its label or in its labeling. This estimate is based on the average number of notification submissions received by the agency in the last 3 years.

Dated: April 29, 1999.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 99–11453 Filed 5–6–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99N–0124]

Agency Information Collection Activities; Submission for OMB Review; Comment Request and Correction; Premarket Notification for a New Dietary Ingredient

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; correction.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the proposed collection of information listed below has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (the PRA). In addition, this document is correcting the information collection notice that appeared in the **Federal Register** of February 9, 1999 (64 FR 6364).

DATES: Submit written comments on the collection of information by June 7, 1999.

ADDRESSES: Submit written comments on the collection of information to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW., rm. 10235, Washington, DC 20503, Attn: Desk Officer for FDA.

FOR FURTHER INFORMATION CONTACT: Peggy Schlosburg, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: In compliance with section 3507 of the PRA (44 U.S.C. 3507), FDA has submitted the following proposed collection of information to OMB for review and clearance.

Premarket Notification for a New Dietary Ingredient—21 CFR 190.6 (OMB Control Number 0910–0330—Extension)

Description: Section 413(a) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 350b(a)) provides for the notification of the Secretary of Health and Human Services (the Secretary) (and by delegation FDA) at least 75 days before the introduction or delivery for introduction into interstate commerce of a dietary supplement that contains a new dietary ingredient. The agency established 21 CFR 190.6 as the procedural regulation for this program. This regulation provides details of the administrative procedures associated with the submission and identifies the information that must be included in the submission in order to meet the requirements of section 413(a) of the act and to show the basis on which a manufacturer or distributor of a new dietary ingredient or a dietary supplement containing a new dietary ingredient has concluded that the dietary supplement containing such dietary ingredient will reasonably be expected to be safe.

Description of Respondents: Businesses or other for-profit organizations.

In the **Federal Register** of February 9, 1999 (64 FR 6364), the agency requested comments on the proposed collections of information. No comments were received.

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
190.6	11	1	11	20	220

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

The agency believes that there will be a minimal burden on the industry to generate data to meet the requirements of the premarket notification program because the agency is requesting only that information that the manufacturer or distributor should already have developed to satisfy itself that a dietary supplement containing a new dietary ingredient is in full compliance with the act. However, the agency estimates that extracting and summarizing the relevant information from the company's files, and presenting it in a format that will meet the requirements of section 413 of the act, will require a burden of approximately 20 hours of work per submission. This estimate is based on the average number of premarket notifications received by the agency in the last 3 years.

Additionally, in FR Doc. 99–3014, appearing on page 6364 in the **Federal Register** of Tuesday, February 9, 1999, the following correction is made:

1. On page 6365, in the first column, the title ''New Dietary Ingredient Premarket Notification—21 CFR 190.6 (OMB Control Number 0910–0330—

Extension)'' is corrected to read ''Premarket Notification for a New Dietary Ingredient—21 CFR 190.6 (OMB Control Number 0910–0330—Extension)''

Dated: April 29, 1999.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 99–11454 Filed 5–6–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99N–1076]

Risk Assessment of the Public Health Impact of Foodborne Listeria Monocytogenes; Request for Comments and for Scientific Data and Information

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; request for comments and for scientific data and information.

SUMMARY: The Food and Drug Administration (FDA), in consultation with the U.S. Department of Agriculture's Food Safety and Inspection Service (USDA/FSIS), is announcing plans to conduct a risk assessment (RA) to determine the prevalence and extent of exposure of consumers to foodborne *Listeria monocytogenes* and to assess the resulting public health impact of such exposure. The agencies request comments on certain aspects of their approach to the RA and request that scientific data and information relevant to the conduct of the RA be submitted.

DATES: Written comments and scientific data and information by July 6, 1999.

ADDRESSES: Submit written comments and scientific data and information to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Richard C. Whiting, Center for Food Safety and Applied Nutrition (HFS–300), Food and Drug Administration, rm. 3822, 200 C St. SW., Washington, DC 20204, 202–260–0511, FAX 202–260–9653, or e-mail ''rwhiting@bangate.fda.gov''.

SUPPLEMENTARY INFORMATION:

I. Background

L. monocytogenes is a bacterium that occurs widely in both the agricultural (soil, plants, and water) and food processing environment. The bacterium is resistant to various environmental conditions such as high salt or acidity (Ref. 1). *L. monocytogenes* grows at low oxygen conditions and refrigeration temperatures, and survives for long periods of time in the environment, on foods, in processing plants, and in household refrigerators. Although frequently present in raw foods of both plant and animal origin, it also can be present in cooked foods due to post-processing contamination. *L. monocytogenes* has been isolated in such foods as: Raw and pasteurized fluid milk, cheeses (particularly soft-ripened varieties), ice cream, raw vegetables, fermented raw meat sausages, raw and cooked poultry, raw meats (all types), and raw and smoked fish (Refs. 1, 2, and 3). Even when L. monocytogenes is initially present at a low level in a contaminated food, the organism can multiply during storage, including storage at refrigeration temperatures. A survey of a wide variety of foods from the refrigerators of listeriosis patients in the United States found 11 percent of the samples contained L. monocytogenes (Ref. 4).

It is well established that ingestion of *L. monocytogenes* can cause serious human illness, listeriosis (Refs. 1, 2, 5, 6, and 7). In 1997, the Centers for Disease Control and Prevention (CDC) Foodborne Diseases Active Surveillance Network (FoodNet) showed that of all foodborne illnesses, the rate of hospitalization was highest for persons infected with *L. monocytogenes* (88 percent). Similarly, of all of the foodborne pathogens tracked by CDC, *L. monocytogenes* had the highest case fatality rate in that 20 percent of persons infected died. CDC also found that the incidence of listeriosis is 0.5 per 100,000 population, compared to a combined rate of 51.2 per 100,000 for all 9 of the foodborne illnesses surveyed (Ref. 8). Thus, although serious, listeriosis is a relatively rare foodborne illness. Most cases of listeriosis occur in pregnant women or individuals with a predisposing disease (such as alcoholism, diabetes, or cirrhosis of the liver) or an impaired immune system resulting from either a disease (such as AIDS) or immunosuppressive treatment for a malignancy or an organ transplant. (Refs. 1 and 6).

Listeriosis has a long incubation time (up to 5 weeks) and a range of symptoms. Infection of a pregnant woman may result in flu-like symptoms with fever, muscular pain, or headache, or the listeriosis infection may be asymptomatic. Importantly, however, when a pregnant woman contracts listeriosis, the fetus or newborn infant is likely to suffer severe consequences from the maternal infection, including: Spontaneous abortion, fetal death, stillbirth, neonatal septicemia, or meningitis. In nonpregnant adults, septicemia and meningitis are the most common result of a listeriosis infection, although organ infections and mild gastroenteritis can also occur.

Although the consequences of listeriosis may be severe, an estimated 2 to 6 percent of the healthy population harbors *L. monocytogenes* in their intestinal tract without signs of illness (Refs. 1 and 6). Because the documented prevalence of *L. monocytogenes* in people and in commonly eaten foods is much higher than the documented incidence of listeriosis, some experts believe that the ingestion of low levels of *L. monocytogenes* may not result in illness and thus, may not constitute a general public health hazard (Refs. 9 and 10).

Since 1990, CDC has documented a decrease in the incidence of listeriosis. Although not certain, this decrease may be attributed to government and industry programs directed at improved sanitation and process control. Listeriosis is typically characterized by sporadic cases. However, a recent multi-State listeriosis outbreak associated with the consumption of processed meats, with at least 73 illnesses and 16 deaths, has reaffirmed concerns that more preventative efforts are needed.

Historically, FDA has had a policy of ''zero tolerance'' for *L. monocytogenes* based on the absence of the microorganism in a 25-gram sample of a given production lot. In other words, FDA's position has been that the detection of any *L. monocytogene* in a 25-gram sample renders the food adulterated within the meaning of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342(a)(1)). As recently as 1995, FDA affirmed this policy, as reflected in the decision in *United States* v. *Union Cheese Co*., 902 F. Supp. 778, 784, 786 (N.D. Ohio 1995). In that litigation, FDA's expert witness testified that the *L. monocytogenes* bacterium grows at refrigerator temperatures and that the level of *L. monocytogenes* required to cause illness is unknown (902 F. Supp at 784). FSIS (which regulates meat and poultry) likewise has historically had a zero tolerance policy for *L. monocytogenes*.

Other countries, including certain major trading partners of the United States, take a slightly different approach to *L. monocytogenes* contamination. Relying upon their interpretation of the existing scientific data, countries such as Canada and Denmark have a ''non-zero tolerance'' for *L. monocytogenes* for some classes of foods (Refs. 10 and 11).

For example, in Canada, ready-to-eat foods that have not been associated with an outbreak and do not allow any growth of *L. monocytogenes* during a 10-day period of refrigerated storage may contain up to 100 *L. monocytogenes* organisms per gram without being considered unlawful (Ref. 12). Denmark has six classes of foods that have to meet various criteria for *L. monocytogenes*. In raw, ready to eat foods, for example, 2 of 5 samples can contain between 10 and 100 organisms per gram, and no sample can exceed 100 organisms per gram. Although the course taken by other countries concerning *L. monocytogenes* contamination is not determinative of the U.S. approach, the policies of certain major trading partners provides further context to any reexamination of current U.S. policy.

Quantitative RA has recently been identified as a useful tool for evaluating the public health impact of microbial contamination. USDA/FSIS and FDA recently completed a quantitative RA of *Salmonella* Enteritidis in shell eggs and egg products (Ref. 13). This RA is being used to review and evaluate Federal regulatory approaches to ensuring the safety of these products.

As noted, although the incidence of listeriosis is relatively low, the consequences of such infection are quite serious. A quantitative RA of the prevalence and extent of exposure of *L. monocytogenes* will provide a structured approach to synthesize and evaluate the available data and information. To the extent that U.S. policy regarding *L. monocytogenes* contamination requires reexamination, such a RA can serve as a foundation for such reconsideration.

II. Objectives of the Risk Assessment

As noted previously, FDA and USDA/FSIS are jointly planning to conduct an assessment of the risk posed by *L. monocytogenes* to American consumers. A RA is a systematic and comprehensive collection of information and analysis of such information that promotes an understanding of the interactions of various factors in a complex situation and provides a basis for making decisions. The goal of this RA is to provide FDA and FSIS with the information needed to review current programs relating to the regulation of *L. monocytogenes* contamination in foods to ensure that such programs provide maximum public health protection.

III. Risk Assessment Plan

The RA will seek and analyze three types of information: Information concerning the epidemiology of foodborne listeriosis, information concerning the level of *L. monocytogenes* contamination of foods and consumption levels of such foods (i.e., an exposure assessment), and information regarding the human health consequences of such exposure (i.e., a dose-response analysis).

1. The RA will analyze epidemiological evidence concerning the foods implicated both in documented outbreaks and in sporadic cases of listeriosis, the numbers of *L. monocytogenes* consumed, the populations which became ill, and the severity of their illnesses.

2. The exposure assessment component of the RA will determine the frequency of occurrence of *L. monocytogenes* in different classes of foods, particularly the ready-to-eat foods that are intended for consumption without additional heating. Ready-to-eat foods are represented by numerous types of dairy, seafood, meat, and plant products. The RA also will collect and analyze information on the number of viable organisms associated with these foods at the time of consumption. When data are collected at processing stages prior to consumption, the RA will utilize models for growth, survival, or thermal inactivation to estimate actual exposure of the consumer to *L. monocytogenes*. The RA also will utilize food consumption databases to assess the amount of these foods that are consumed. The RA will use the information about the frequency of occurrence and numbers of *L. monocytogenes* and food consumption to estimate the number of *L. monocytogenes* cells consumed.

3. The RA will include an evaluation of the dose-response relationship, which will describe the health effects from consuming specific numbers of *L. monocytogenes* organisms. The information that will form the basis of the dose-response relationship element of the RA may come from epidemiological, animal, or in vitro studies. FDA and FSIS recognize that the frequency and severity of illness may be affected by the food matrix, characteristics of specific strains of the organism, and variability in human susceptibility.

The RA will examine a number of issues, including: What foods contribute most to the consumption of *L. monocytogenes*, what are the numbers of organisms when a food is contaminated, how frequently are foods heavily contaminated, are some strains of *L. monocytogenes* more virulent that others, what is the extent of organism growth during storage (including storage at refrigeration temperatures), and what is the likelihood of illness to various subpopulations from consuming different numbers of *L. monocytogenes*. All assumptions and uncertainties in the RA will be identified and documented. The RA process will also include an evaluation of the adequacy of current scientific knowledge, data, and information. This will suggest where future research could be directed to reduce any uncertainty in the risk estimate that prevents a clear understanding of the causes and impact of listeriosis.

IV. Data and Information Requested

FDA and FSIS request comments on the risk assessment approach outlined previously and the submission of any information relevant to this RA. The agencies specifically request scientifically valid data on the quantitative levels of *L. monocytogenes* in foods and data relating to rate of consumption of foods likely to contain high levels of *L. monocytogenes*.

FDA believes that the credibility and validity of the RA require that the process for the conduct of the RA be transparent, and thus, all the data and information evaluated in the context of the RA and utilized in the RA must be publically available. Accordingly, any data or information submitted in response to this notice should be in a form that permits public disclosure. Submitters of data and information should not mark any information as ''Confidential'' and should fully expect that any data or information submitted will be made available to the public. Questions regarding the public availability of data and information submitted in response to this notice should be directed to the contact person above.

As noted, the purpose of this request for data is to gather relevant information to facilitate a valid RA of *L. monocytogenes* with the larger goal of providing a sound scientific basis for the agencies' policies regarding the regulation of *L. monocytogenes* contamination in food. Although FDA would seek to remove from the market any existing food product known to be adulterated, FDA does not intend to utilize the submitted data and information to support future enforcement activity against the manufacturers submitting the data. Accordingly, it is acceptable that data submitted in response to this notice be ''blinded'' in the sense that the data need not identify the particular manufacturer or processor that was the source of the samples underlying the results.

The RA team plans to present a summary of available literature to the National Advisory Committee on Microbiological Criteria for Foods at a meeting scheduled for May 26 through 28, 1999, in Chicago, IL. A copy of the literature summary will be available prior to that meeting on the Internet at ''http://vm.cfsan.fda.gov''. Comments and data submitted in response to this notice or at that meeting will be incorporated into the RA process, and the completed RA will be publically presented in September 1999.

Two copies of comments and scientific data and information are to be submitted, except that individuals may submit one copy. Comments and scientific data and information should be addressed to the Dockets Management Branch (address above) and identified with the docket number found in brackets in the heading of this document. Received materials may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

V. References

The following references have been placed on display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

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Dated: April 29, 1999.

William K. Hubbard,

Acting Director Commissioner for Policy.

[FR Doc. 99–11319 Filed 05–06–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99N–1168]

Public Health Impact of Foodborne Listeria Monocytogenes

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public meeting; request for comments.

SUMMARY: The Food and Drug Administration (FDA), Center for Food Safety and Applied Nutrition, in conjunction with the Risk Assessment Working Group of the National Advisory Committee on Microbiological Criteria for Foods, and in cooperation with the Food Safety and Inspection Service, the U.S. Department of Agriculture, is announcing a public meeting to discuss issues related to risk assessment models being developed to examine the relationship between *Listeria monocytogenes* and human health. The agency invites comments on issues related to the public meeting.

DATES: The public meeting will be held on Thursday, May 27, 1999, from 8 a.m. to 5 p.m. Registration must be submitted by May 20, 1999. Submit written comments by June 30, 1999.

ADDRESSES: The public meeting will be held at the Ambassador West Hotel, 1300 North State Pkwy., Chicago, IL. Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Catherine M. DeRoever, Executive Operations Staff (HFS–22), Center for Food Safety and Applied Nutrition, Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–4251, FAX 202–205–4970, or e-mail ''cderoeve@bangate.fda.gov''.

Interested persons should send registration information (including name, title, firm name, address, telephone number, and fax number), written material with an outline of their presentation, and requests to make oral presentations to the contact person by May 20, 1999.

There is no registration fee for this public meeting, but advance registration is suggested because space may be limited.

SUPPLEMENTARY INFORMATION: This purpose of the public meeting is to provide an opportunity for an open discussion on the issues related to risk assessment models under development that will be used to examine the relationship between *L. monocytogenes* and human health.

The agenda will include presentations on such topics as: (1) Introduction to the risk assessment, (2) epidemiology of *L. monocytogenes* outbreaks, (3) presence of *L. monocytogenes* in foods, (4) consumption patterns of foods containing *L. monocytogenes*, and (5) characteristics of *L. monocytogenes* dose-response.

The sponsoring agencies encourage individuals with relevant scientific data or information, (i.e., information concerning the epidemiology, exposure, and dose-response relationship of *L. monocytogenes*) to present such information at the meeting or in written comments.

Transcripts of the public meeting may be requested in writing from the Freedom of Information Office (HFI–35), Food and Drug Administration, 5600 Fishers Lane, rm. 12A–16, Rockville, MD 20857, approximately 15 working days after the meeting at 10 cents per page. The transcript of the public meeting and submitted comments will be available for public examination at the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 29, 1999.

William K. Hubbard,

Acting Deputy Commissioner for Policy.

[FR Doc. 99–11317 Filed 05–06–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99N–1075]

Public Health Impact of Vibrio Parahaemolyticus in Molluscan Shellfish

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public meeting.

SUMMARY: The Food and Drug Administration (FDA), Center for Food Safety and Applied Nutrition, in conjunction with the Risk Assessment Working Group of the National Advisory Committee on Microbiological Criteria for Foods, in cooperation with the Food Safety and Inspection Service, U.S. Department of Agriculture (FSIS/USDA) is announcing a public meeting to discuss issues related to risk assessment models being developed to examine the relationship between *Vibrio parahaemolyticus* and human health.

DATE: The public meeting will be held on Wednesday, May 26, 1999, from 8 a.m. to 5 p.m. Submit written notices of participation by May 20, 1999. Written comments will be accepted until June 30, 1999.

ADDRESSES: The public meeting will be held at the Ambassador West Hotel, 1300 North State Parkway, Chicago, IL. Submit registration and written notices of participation to Catherine M. DeRoever (address below). Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Catherine M. DeRoever, Executive Operations Staff (HFS–22), Center for Food Safety and Applied Nutrition, Food and Drug Administration, 200 C St., SW., Washington, DC 20204, 202–205–4251, FAX 202–205–4970, or e-mail ''cderoeve@bangate.fda.gov''.

Those persons interested in attending the public meeting should, by May 20, 1999, fax their name, title, firm name, address, and telephone number to Catherine M. DeRoever (fax number above).

Those persons interested in presenting information at the meeting should, by May 20, 1999, fax their name, title, firm name, address, telephone number, and an outline of their presentation to Catherine M. DeRoever (fax number above).

There is no registration fee for this public meeting, but advance registration is suggested. Interested persons are encouraged to register early because space may be limited.

SUPPLEMENTARY INFORMATION: This public meeting will provide an opportunity for an open discussion of the issues related to risk assessment models under development that will be used to examine the relationship between *V. parahaemolyticus* and human health.

The agenda will include presentations on such topics as: (1) Introduction to the risk assessment, (2) preharvest and harvest, (3) postharvest, (4) epidemiology of *V. parahaemolyticus* outbreaks, (5) consumption patterns, and (6) characteristics of *V. parahaemolyticus* dose-response.

The sponsoring agencies encourage individuals with relevant scientific data or information, i.e., information concerning preharvesting, harvesting and postharvesting, epidemiology, exposure, and dose-response relationship of *V. parahaemolyticus*, to present such information at the meeting or in written comments to this record.

A transcript of the public meeting will be prepared. Copies of the transcript may be requested in writing from the Freedom of Information Office (HFI–35), Food and Drug Administration, 5600 Fishers Lane, rm. 12A–16, Rockville, MD 20857, approximately 15 working days after the meeting. The transcript of the public meeting and submitted comments will be available for public examination at the Dockets Mnagement Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 29, 1999.

William K. Hubbard,

Acting Deputy Commissioner for Policy.

[FR Doc. 99–11316 Filed 5–6–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99N–1075]

Risk Assessment on the Potential Public Health Impact of Vibrio Parahaemolyticus in Molluscan Shellfish; Request for Scientific Data and Information

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; request for scientific data and information.

SUMMARY: The Food and Drug Administration (FDA) is announcing a call for scientific data and information relevant to the agency's planned risk assessment on the potential public health impact of pathogenic *Vibrio parahaemolyticus* infections resulting from the consumption of raw molluscan shellfish. The risk assessment will assist FDA by providing a scientific framework for developing food safety policies relating to raw molluscan shellfish contaminated with pathogenic *V. parahaemolyticus*. FDA plans to hold public meetings to present the process of the risk assessment, to present information collected, and to allow interested parties additional opportunities to present data to facilitate this effort.

DATES: Submit scientific data and information by July 6, 1999.

ADDRESSES: Submit scientific data and information to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Marianna D. Miliotis, Center for Food Safety and Applied Nutrition (HFS–327), Food and Drug Administration, 200 C St., SW., rm. 3472, Washington, DC 20204, 202–205–4824, FAX 202–205–4939, or e-mail ''mmilioti@bangate.fda.gov.''

SUPPLEMENTARY INFORMATION:

I. Background

A. Vibrio parahaemolyticus

V. parahaemolyticus is a gram-negative, halophilic bacterium that occurs naturally in estuarine environments and, therefore, can be present in many fishery products, including molluscan shellfish (Ref. 1). The organism can cause acute gastroenteritis in consumers (Refs. 2, 3, and 4), and in some individuals can also cause septicemia (Ref. 5) and even death (Ref. 6), though such cases have been reported only rarely. Worldwide, this organism is one of the leading causes of foodborne illnesses (Ref. 7). In the United States, the outbreaks caused by this organism usually have been associated with cooked crabs (Ref. 8), and illnesses transmitted by raw molluscan shellfish generally have been limited to sporadic cases (Ref. 9). However, in 1997 *V. parahaemolyticus* from molluscan shellfish caused a large outbreak of illness involving a total of 209 individuals in the Pacific Northwest region, from California to British Columbia (Ref. 10). Many of these cases implicated oysters from specific growing areas, and the magnitude of this outbreak was considerably larger than

any previously caused by shellfish in the United States. In 1998, outbreaks caused by molluscan shellfish-borne *V. parahaemolyticus* occurred again, this time in three different coastal regions of the United States. Overall, more than 500 individuals from the Gulf Coast (Ref. 11), the Northeast (Ref. 12), and the Pacific Northwest (Ref. 13) reportedly became ill after consuming raw molluscan shellfish, and many of these cases were culture confirmed as attributable to *V. parahaemolyticus*.

V. parahaemolyticus has been widely studied for years, and many of the factors influencing its pathogenicity and natural occurrence have been reported. For example, the organism is mesophilic, halophilic, grows optimally in alkaline pH, and causes illnesses and outbreaks principally during warmer weather months (Refs. 2, 5, and 14). However, those environmental factors and production practices that influence the incidence and prevalence of the organism and which would enable reliable estimates of risks associated with the consumption of seafood, especially molluscan shellfish, remain unknown.

Investigations of both the 1997 and the June 1998 outbreaks demonstrated both epidemiological and direct relationships between illness and raw oyster consumption (Refs. 10 and 11). Moreover, accounts from some patients indicated that illness may result from the consumption of a single infected oyster, which suggests the possibility of a highly virulent strain, or a low infectious dose. A single serotype of *V. parahaemolyticus*, that being O3:K6, was identified as predominant in the June 1998 outbreak (Ref. 11). In September 1998, the same serotype of V. parahaemolyticus again was identified in a U.S. outbreak caused by raw oysters, this time in the Northeast region (Ref. 12). Prior to 1998, with the exception of one isolated case in 1972 (Ref. 15), serotype O3:K6 had been associated only with outbreaks in Asian countries (Japan, Bangladesh, Laos, and Taiwan) (Ref. 16). Notably, this serotype has repeatedly been associated with outbreaks, whereas most other serotypes are primarily associated with sporadic cases. For example, in Japan there were 43 *V. parahaemolyticus* outbreaks involving 1,131 patients during the summer of 1998. Thirty of the outbreaks (70 percent) were due to serotype O3:K6 (Ref. 16). Based on all information available, the Centers for Disease Control and Prevention (CDC) have described the O3:K6 serotype as ''an outbreak strain'' of *V. parahaemolyticus*, and FDA concurs with this current assessment. Other serotypes of the organism, such as O4:K8 currently seen predominantly in Japan (Ref. 17), may also merit special concern. FDA therefore believes that the U.S. outbreaks of illness in 1997 and 1998 have identified certain serotypes of *V. parahaemolyticus* as important emerging pathogens linked to the consumption of raw molluscan shellfish, particularly oysters.

However, since not all *V. parahaemolyticus* strains are enteropathogenic as determined by their ability to produce a thermostable direct hemolysin (TDH) (Ref. 18), FDA is concerned that determining the total concentration of this species in shellfish is unlikely to be useful for evaluating the risk of illness posed by *V. parahaemolyticus*. Other strain characteristics, such as invasion of the enterocytes (Ref. 19) and production of an enterotoxin (Ref. 20) may also be important to pathogenicity and thus useful in identification of pathogenic *V. parahaemolyticus*, other than the production of TDH.

B. Current Efforts

FDA and the States share responsibility for the safety of molluscan shellfish for human consumption through the National Shellfish Sanitation Program (NSSP), a long-standing Federal/State cooperative program recognized by FDA for the sanitary control of molluscan shellfish produced and sold for human consumption. To promote safety, the NSSP has developed and maintained recommended shellfish sanitation control practices for adoption by member States. These control practices or guidelines are set out in the ''NSSP Guide for the Control of Molluscan Shellfish'' (Ref. 21) which also includes State growing area classification and dealer certification programs, and FDA evaluation of State shellfish control programs.

In 1984, FDA entered into a Memorandum of Understanding (MOU) with the Interstate Shellfish Sanitation Conference (ISSC) recognizing the ISSC as the primary voluntary national organization of State shellfish regulatory officials that provides guidance and counsel on matters for the sanitary control of shellfish. The purpose of the ISSC is to provide a formal structure for State regulatory authorities to participate in establishing updated regulatory guidelines and procedures for uniform State application of the program. The ISSC has adopted formal procedures for State representatives to review shellfish sanitation issues and develop regulatory guidelines. Following FDA concurrence, these guidelines are published in revision of the NSSP guidelines mentioned above (Ref. 21).

Historically, most illness caused by consumption of molluscan shellfish can be traced back to pathogens resulting from sewage contaminated water, and the NSSP has focused on control measures to prevent illnesses caused by pathogens that may occur in fecal material (Ref. 22). *V. parahaemolyticus*, however, occurs naturally in estuarine environments. Thus, there is uncertainty about the effectiveness of current NSSP measures to control *V. parahaemolyticus* in molluscan shellfish.

In addition, FDA has previously indicated that *V. parahaemolyticus* in raw molluscan shellfish should not exceed a level of 10,000 cells per gram. This limit was based on data and reports from human volunteer studies (Refs. 2, 3, 14 and 23) conducted more than 25 years ago, and on investigations of U.S. outbreaks caused predominantly by cross contamination of cooked crabs (Ref. 8), which supported an estimation of minimum infectious dose of about 10^5 cells. However, the overall levels of *V. parahaemolyticus* found in oysters from harvest sites implicated during the 1997 and 1998 U.S. outbreaks suggest that the number of pathogenic cells required to cause illness is probably far less than previously believed, and it may be as low as 100 and 1,000 cells. FDA now believes the 10,000 cells per gram level may be inadequate to protect the public health and did not rely on this level during the recent outbreaks. Instead, during the recent U.S. outbreaks, closing shellfish waters to harvesting was based on the occurrence of human illness. Reopening was based primarily on two factors: (1) Change in a season and/or conditions, particularly temperature, to those which historically have not been associated with illness, and (2) absence of the particular strains of *V. parahaemolyticus* associated with the outbreak. However, it is not certain that these measures are the most appropriate or effective.

II. Questions to be Considered by the Risk Assessment

FDA is requesting scientific data and information that will allow it to respond to the following questions:

1. What is the frequency of occurrence of pathogenic strains of *V. parahaemolyticus* in the shellfish waters? What parameters (e.g., water temperature, salinity, turbidity, and nutrient profiles) can be used as indicators of the presence of the organism in growing waters?

2. What is the frequency of occurrence of pathogenic strains of *V. parahaemolyticus* in molluscan shellfish, and what are the numbers of viable pathogenic organisms at time of consumption? How are levels present in the bivalves at the time of consumption related to the initial levels in the growing waters?

3. What is known about the dose-response relationship from outbreak, epidemiological, animal and other studies? What are the differences in dose-response relations among different strains and serotypes of *V. parahaemolyticus*, and among the different human susceptible subpopulations?

4. What is the role of postharvest handling that may be influencing the numbers of *V. parahaemolyticus* in oysters? What reductions in risks can be achieved by intervention strategies such as depuration or relaying?

5. What is the adequacy of current scientific knowledge, and where should future research be focused to reduce the uncertainty in the risk estimate?

III. Scope of the Risk Assessment

Risk assessment is separate from risk management and risk communication. Thus, FDA's risk assessment will determine the relationships between molluscan shellfish, *V. parahaemolyticus* and illnesses; it will not determine an acceptable level of pathogenic *V. parahaemolyticus*.

To accurately assess the exposure to pathogenic *V. parahaemolyticus*, the consumption of raw molluscan shellfish, especially oysters, will be considered. Exposure is a function of the *V. parahaemolyticus* prevalence in the shellfish and the consumption patterns of the population. The number of pathogenic *V. parahaemolyticus* in raw molluscan shellfish at consumption is the critical exposure information. Modeling will be used when *V. parahaemolyticus* data are collected during outbreaks, and at retail outlets to estimate actual exposure.

The risk assessment will produce estimates of illness for levels of pathogenic *V. parahaemolyticus* likely to be consumed by different subpopulations. All assumptions and uncertainties will be identified and documented.

FDA expects the risk assessment to provide the scientific underpinnings FDA needs to develop food safety policies that reduce the risk of disease resulting from ingestion of *V. parahaemolyticus* in molluscan shellfish, and other seafood consumed raw. Among other things, FDA anticipates that the data from the risk assessment will assist in determining the principal factors that should be considered in developing criteria for closing of shellfish waters to harvest in order to prevent illness and reopening waters after outbreaks of *V. parahaemolyticus* are over.

IV. Request for Data and Information

FDA is requesting scientific data and information that will allow it to respond to the questions under section II of this document. The purpose of this request for data is to gather relevant information to facilitate a valid risk assessment of *V. parahaemolyticus* with the larger goal of providing a sound scientific basis for the food safety policies relating to raw molluscan shellfish contaminated with *V. parahaemolyticus*. FDA does not intend to utilize the submitted data and information to support future enforcement activity against seafood producers submitting the data. Accordingly, it is acceptable that data submitted in response to this notice be ''blinded'' in the sense that the data need not identify the particular seafood producer or processor that was the source of the samples underlying the results.

Two copies of the scientific data and information are to be submitted, except that individuals may submit one copy. Scientific data and information should be addressed to the Dockets Management Branch (address above) and be identified with the docket number found in brackets in the heading of this document. Received materials may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

V. References

The following references have been placed on display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

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Dated: April 29, 1999.

William K. Hubbard,

Acting Deputy Commissioner for Policy.

[FR Doc. 99–11318 Filed 5–6–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–R–194]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this

collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection;

Title of Information Collection: Medicare Disproportionate Share Adjustment Procedure and Criteria and Supporting Regulations in 42 CFR, Section 412.106;

Form No.: HCFA R–194;

Use: Regulation sets up an alternative process for hospitals that choose to have their disproportionate share adjustment statistics calculated based on their cost reporting periods rather than the Federal fiscal year.

Frequency: On occasion;

Affected Public: Business or other for-profit, and Not-for-profit institutions;

Number of Respondents: 100;

Total Annual Responses: 100;

Total Annual Hours Requested: 100.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards, Attention: Dawn Willinghan, Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: April 28, 1999.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 99–11461 Filed 5–6–99; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Board of Scientific Counselors, NIAAA.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, NIAAA.

Date: June 4, 1999.

Open: 8:30 a.m. to 8:45 a.m.

Agenda: To discuss administrative details.

Place: National Institutes of Health, Building 1, Wilson Hall, 9000 Rockville Pike, Bethesda, MD 20892.

Closed: 8:45 a.m. to 4:30 p.m.

Agenda: To review and evaluate the laboratory of clinical studies.

Place: National Institutes of Health, Building 1, Wilson Hall, 9000 Rockville Pike, Bethesda, MD 20892.

Contact Person: Benedict J. Latteri, Acting Deputy Director, Division of Intramural Clinical and Biological Research, National Institute on Alcohol Abuse and Alcoholism, 9000 Rockville Pike, Room 1B58, Building 31—MSC 2088, Bethesda, MD 20892–2088, 301–402–1227.

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants, National Institutes of Health, HHS)

Dated: May 3, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy, National Institutes of Health.

[FR Doc. 99–11539 Filed 5–6–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel.

Date: May 13, 1999.

Time: 1 p.m. to Adjournment.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 7201 Wisconsin Avenue, Bethesda, MD 20814, (Telephone Conference Call).

Contact Person: Arthur Schaerdel, DVM, The Bethesda Gateway Building, 7201 Wisconsin Avenue/suite 2C212, Bethesda, MD 20892, (301) 496–9666.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS).

Dated: May 3, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–11540 Filed 5–6–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4281–N–09]

Notice of Designation of Urban Empowerment Zones

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice of designation of Urban Empowerment Zones.

SUMMARY: On April 16, 1998, HUD published a notice inviting applications for designation of Empowerment Zones, which receive special tax benefits for area businesses. This notice announces the fifteen urban areas designated as Empowerment Zones in response to the applications submitted. This notice also announces the names of fifteen other communities, called Strategic Planning Communities, that were finalists in the competition.

FOR FURTHER INFORMATION CONTACT: Elaine Braverman, Empowerment Zone/Enterprise Community Initiative, Department of Housing and Urban Development, Room 7130, 451 Seventh Street, SW, Washington, DC 20410, telephone (202) 708–6339. (This telephone number is not toll-free.) For persons with hearing or speech disabilities, this telephone number may be accessed via TTY (text telephone) by calling the Federal Information Relay Service at 1–800–877–8339 (toll-free).

SUPPLEMENTARY INFORMATION: The rule that governs the selection of this second round of urban Empowerment Zones (published on April 16, 1998 at 63 FR 19151) is based on section 1391 of the Internal Revenue Code (26 U.S.C. 1391), as amended by sections 952–954 of the Taxpayer Relief Act of 1997 (Pub. L. 105–34, 111 Stat. 788, enacted on August 5, 1997) (the 1997 Act). Section 952 of the Taxpayer Relief Act of 1997 added a new section 1391(g), which changed the eligibility criteria for this second round of 20 Empowerment Zones. Fifteen of the new zones were to be in urban areas, designated by the Secretary of HUD, and five of them were to be in rural areas, designated by the Secretary of Agriculture. The Act expanded the eligibility criteria slightly, provided different tax incentives applicable to the new EZs, and made other changes affecting EZs, thus necessitating changes to the implementing regulations.

The notice inviting applications from States and local governments for nomination of urban areas as Empowerment Zones also was published on April 16, 1998. That notice provided for an application deadline of October 9, 1998. HUD carefully considered all applications, and on January 13, 1999, Vice President Al Gore announced the urban areas that were designated by HUD as Empowerment Zones and the rural areas that were designated by the Department of Agriculture as rural Empowerment Zones. On that date, Vice President Gore also announced the fifteen communities, called Strategic Planning Communities, that were finalists in the competition.

Appendix A to this notice lists the urban areas that HUD designated as urban Empowerment Zones. Appendix A to this notice also lists the communities, called Strategic Planning Communities, that were finalists in the competition.

Authority: 26 U.S.C. 1391.

Dated: April 30, 1999.

Cardell Cooper,

Assistant Secretary for Community Planning and Development.

APPENDIX A

State	City
Empowerment Zones	
California	Santa Ana.
Connecticut	New Haven.
Florida	Miami.
Indiana	Gary/E. Chicago, Indiana.
Massachusetts	Boston.
Minnesota	Minneapolis.
Missouri	St. Louis/E. St. Louis, Illinois.
New Jersey	Cumberland County.
Ohio	Cincinnati.
Ohio	Columbus.
South Carolina	Columbia/Sumter.
Tennessee	Knoxville.
Texas	El Paso.
Virginia	Norfolk/Portsmouth.
West Virginia	Huntington, West Virginia/Ironton, Ohio.
Strategic Planning Communities	
Alabama	Birmingham.
Alaska	Anchorage.
Arkansas	Little Rock/North Little Rock.
Kentucky	Louisville.
Louisiana	New Orleans.
Mississippi	Jackson.
Missouri	Kansas City/Kansas City Kansas.
New Jersey	Newark/Elizabeth.
New York	New York City/Brooklyn.
Nevada	Las Vegas/North Las Vegas.
Rhode Island	Providence
South Carolina	Charleston/North Charleston.
Texas	San Antonio.
Vermont	Burlington/Plattsburgh, New York.

APPENDIX A—Continued

State	City
Washington	Tacoma/Lakewood.

[FR Doc. 99–11506 Filed 5–6–99; 8:45 am]

BILLING CODE 4210–29–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4432–N–18]

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: Mark Johnston, room 7256, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410; telephone (202) 708–1226; TTY number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 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.).*

Propoerties 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 make 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. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Brian Rooney, Division of Property Management, Program Support Center, HHS, room 5B–41, 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 Mack 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: AIR FORCE: Ms. Barbara Jenkins, Air Force Real Estate Agency, (Area–MI), Bolling Air Force Base, 112 Luke Avenue, Suite 104, Building 5683, Washington, DC 20332–8020; (202) 767–4184; ENERGY: Ms. Marsha Penhaker, Department of Energy, Facilities Planning and Acquisition Branch, FM–20, Room 6H–058, Washington, DC 20585; (202) 586–0426; GSA: Mr. Brian K. Polly, Assistant Commissioner, General Services Administration, Office of Property Disposal, 18th and F Streets, NW, Washington, DC 20405; (202) 501–0052; NAVY: Mr. Charles C. Cocks, Department of the Navy, Director, Real Estate Policy Division, Naval Facilities Engineering Command, Washington Navy Yard, 1322 Patterson Ave., SE, Suite 1000, Washington, DC 20374–5056; (202) 685–9200; (These are not toll-free numbers).

Dated: April 29, 1999.

Fred Karnas, Jr.,

Deputy Assistant Secretary for Economic Development.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER REPORT FOR 5/7/99

Suitable/Available Properties

Buildings (by State)

New Hampshire

Bldg. 97
Portsmouth Naval Shipyard
Portsmouth Co: NH 03804–5000
Landholding Agency: Navy
Property Number: 77199920064
Status: Unutilized
Comment: 573 sq. ft., most recent use—scale house/storage, off-site use only.

Rhode Island

Bldg. 118
Naval Undersea Warfare Center
Middletown Co: Newport RI 02841–1708
Landholding Agency: Navy
Property Number: 77199920065
Status: Excess
Comment: 1604 sq ft., presence of asbestos/lead paint, most recent use—offices/storage, off-site use only.

Bldg. 136
Naval Undersea Warfare Center
Middletown Co: Newport RI 02841–1708
Landholding Agency: Navy
Property Number: 77199920066
Status: Excess
Comment: 882 sq. ft., presence of asbestos/lead paint, most recent use—operations office, off-site use only.

Unsuitable Properties

Buildings (by State)

Alaska

Bldg. 32–189
Elmendorf Air Force Base
Anchorage Co: AK 99506–3230
Landholding Agency: Air Force
Property Number: 18199920001
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

California

Bldg. 739
Naval Air Weapons Station, Point Mugu
Oxnard Co: Ventura CA 93042–5001
Landholding Agency: Navy
Property Number: 77199920028
Status: Excess
Reason: Extensive deterioration.

Bldg. 703
Naval Air Weapons Station, Point Mugu
Oxnard Co: Ventura CA 93042–5001
Landholding Agency: Navy
Property Number: 77199920029
Status: Excess
Reason: Extensive deterioration.

Bldg. 870
Naval Air Weapons Station,
Point Mugu
Oxnard Co: Ventura CA 93042–5001
Landholding Agency: Navy
Property Number: 77199920030
Status: Excess
Reason: Extensive deterioration.

Bldg. 871
Naval Air Weapons Station,
Point Mugu
Oxnard Co: Ventura CA 93042–5001
Landholding Agency: Navy
Property Number: 77199920031
Status: Excess
Reason: Extensive deterioration.

Bldg. 00431
Naval Air Weapons Station
China Lake Co: CA 93555–6001
Landholding Agency: Navy
Property Number: 77199920032
Status: Excess
Reason: Extensive deterioration.

Bldg. 00483
Naval Air Weapons Station
China Lake Co: CA 93555–6001
Landholding Agency: Navy
Property Number: 77199920033
Status: Excess
Reason: Extensive deterioration.

Bldg. 00484
Naval Air Weapons Station
China Lake Co: CA 93555–6001
Landholding Agency: Navy
Property Number: 77199920034
Status: Excess
Reason: Extensive deterioration.

Bldgs. 00491, 00493
Naval Air Weapons Station
China Lake Co: CA 93555–6001
Landholding Agency: Navy
Property Number: 77199920035
Status: Excess
Reason: Extensive deterioration.

Bldg. 00669
Naval Air Weapons Station
China Lake Co: CA 93555–6001
Landholding Agency: Navy
Property Number: 77199920036
Status: Excess
Reason: Extensive deterioration.

Bldg. 00929
Naval Air Weapons Station
China Lake Co: CA 93555–6001
Landholding Agency: Navy
Property Number: 77199920037

Status: Excess
Reason: Extensive deterioration.

Bldg. 00955
Naval Air Weapons Station
China Lake Co: CA 93555–6001
Landholding Agency: Navy
Property Number: 77199920038
Status: Excess
Reason: Extensive deterioration.

Bldg. 02032
Naval Air Weapons Station
China Lake Co: CA 93555–6001
Landholding Agency: Navy
Property Number: 77199920039
Status: Excess
Reason: Extensive deterioration.

Bldgs. 02294–02297
Naval Air Weapons Station
China Lake Co: CA 93555–6001
Landholding Agency: Navy
Property Number: 77199920040
Status: Excess
Reason: Extensive deterioration.

Bldg. 02309
Naval Air Weapons Station
China Lake Co: CA 93555–6001
Landholding Agency: Navy
Property Number: 77199920041
Status: Excess
Reason: Extensive deterioration.

Bldg. 02330
Naval Air Weapons Station
China Lake Co: CA 93555–6001
Landholding Agency: Navy
Property Number: 77199920042
Status: Excess
Reason: Extensive deterioration.

Bldg. 02338
Naval Air Weapons Station
China Lake Co: CA 93555–6001
Landholding Agency: Navy
Property Number: 77199920043
Status: Excess
Reason: Extensive deterioration.

Bldg. 91065
Naval Air Weapons Station
China Lake Co: CA 93555–6001
Landholding Agency: Navy
Property Number: 77199920044
Status: Excess
Reason: Extensive deterioration.

Bldg. 00032
Naval Air Weapons Station
China Lake Co: CA 93555–6001
Landholding Agency: Navy
Property Number: 77199920045
Status: Excess
Reason: Extensive deterioration.

Bldgs. 00352–00355
Naval Air Weapons Station
China Lake Co: CA 93555–6001
Landholding Agency: Navy
Property Number: 77199920046
Status: Excess
Reason: Extensive deterioration.

Bldg. 00652
Naval Air Weapons Station
China Lake Co: CA 93555–6001
Landholding Agency: Navy
Property Number: 77199920047
Status: Excess
Reason: Extensive deterioration.

Bldg. 01026
Naval Air Weapons Station
China Lake Co: CA 93555–6001
Landholding Agency: Navy
Property Number: 77199920048
Status: Excess
Reason: Extensive deterioration.

Bldgs. 02299, 02300
Naval Air Weapons Station
China Lake Co: CA 93555–6001
Landholding Agency: Navy
Property Number: 77199920049
Status: Excess
Reason: Extensive deterioration.

Bldgs. 02328, 92331
Naval Air Weapons Station
China Lake Co: CA 93555–6001
Landholding Agency: Navy
Property Number: 77199920050
Status: Excess
Reason: Extensive deterioration.

Bldg. 02332
Naval Air Weapons Station
China Lake Co: CA 93555–6001
Landholding Agency: Navy
Property Number: 77199920051
Status: Excess
Reason: Extensive deterioration.

Bldgs. 02336, 02337
Naval Air Weapons Station
China Lake Co: CA 93555–6001
Landholding Agency: Navy
Property Number: 77199920052
Status: Excess
Reason: Extensive deterioration.

Bldg. 30702
Naval Air Weapons Station
China Lake Co: CA 93555–6001
Landholding Agency: Navy
Property Number: 77199920053
Status: Excess
Reason: Extensive deterioration.

Bldgs. 30713, 30745
Naval Air Weapons Station
China Lake Co: CA 93555–6001
Landholding Agency: Navy
Property Number: 77199920054
Status: Excess
Reason: Extensive deterioration.

Florida

Facility 1737
Cape Canaveral Air Station
Cape Canaveral Co: Brevard FL 32907–
Landholding Agency: Air Force
Property Number: 1819992002
Status: Underutilized
Reason: Secured Area.

Facility 5200
Cape Canaveral Air Station
Cape Canaveral Co: Brevard FL 32907–
Landholding Agency: Air Force
Property Number: 18199920003
Status: Underutilized
Reason: Secured Area.

Facility 49950
Cape Canaveral Air Station
Cape Canaveral Co: Brevard FL 32907–
Landholding Agency: Air Force
Property Number: 1819992004
Status: Underutilized
Reason: Secured Area.

Illinois

Bldg. 996
Fermi National Accelerator Laboratory
Batavia Co: Dupage IL 60510–
Landholding Agency: Energy
Property Number: 41199920001
Status: Excess
Reason: Extension deterioration.

Bldg. 910
Naval Training Center
Great Leakes Co: IL 60088–5000
Landholding Agency: Navy
Property Number: 77199920055
Status: Unutilized
Reason: Secured Area.

Bldg. 800
Naval Training Center
Great Lakes Co: IL 60088–5000
Landholding Agency: Navy
Property Number: 77199920056
Status: Unutilized
Reason: Secured Area.

Bldg. 1000
Naval Training Center
Great Lakes Co: IL 60088–5000
Landholding Agency: Navy
Property Number: 77199920057
Status: Unutilized
Reason: Secured Area.

Bldg. 1200
Naval Training Center
Great Lakes Co: IL 60088–5000
Landholding Agency: Navy
Property Number: 77199920058
Status: Unutilized
Reason: Secured Area.

Bldg. 1400
Naval Training Center
Great Lakes Co: IL 60088–5000
Landholding Agency: Navy
Property Number: 77199920059
Status: Unutilized
Reason: Secured Area.

Bldg. 1600
Naval Training Center
Great Lakes Co: IL 60088–5000
Landholding Agency: Navy
Property Number: 77199920060
Status: Unutilized
Reason: Secured Area.

Bldg. 2600
Naval Training Center
Great Lakes Co: IL 60088–5000
Landholding Agency: Navy
Property Number: 77199920061
Status: Unutilized
Reason: Secured Area.

Montana

Bldgs. 1218, 1220
Malmstrom Air Force Base
Malmstrom AFB: Cascade, MT 59402–
Landholding Agency: Air Force
Property Number: 18199920005
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldgs. 1210, 1212, 1214,1216
Malmstrom Air Force Base
Malmstrom AFB Co: Cascade, MT 59402–
Landholding Agency: Air Force
Property Number: 18199920006
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 1701
Malmstrom Air Force Base
Malmstrom AFB Co: Cascade, MT 59402–

Landholding Agency: Air Force
Property Number: 18199920007
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 117
New Boston Air Force Station
Amherst Co: Hillsborough, NH 03031–1514
Landholding Agency: Air Force
Property Number: 18199920008
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 129
New Boston Air Force Station
Amherst Co: Hillsborough, NH 03031–1514
Landholding Agency: Air Force
Property Number: 18199920009
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 5210
Newington POL DFS
Newington Co: Rockingham, NH 03801–
Landholding Agency: Air Force
Property Number: 18199920010
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material.

New York

Facility 1200
Verona Test Annex
Town of Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18199920011
Status: Unutilized
Reason: no public access.

Facility 1202
Verona Test Annex
Town of Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18199920012
Status: Unutilized
Reason: no public access.

Facility 1203
Verona Test Annex
Town of Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18199920013
Status: Unutilized
Reason: no public access.

Facility 1204
Verona Test Annex
Town of Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18199920014
Status: Unutilized
Reason: no public access.

Facility 1205
Verona Test Annex
Town of Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18199920015
Status: Unutilized
Reason: no public access.

Facility 1206
Verona Test Annex
Town of Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18199920016
Status: Unutilized
Reason: no public access.

Facility 1207
Verona Test Annex
Town of Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18199920017
Status: Unutilized
Reason: no public access.

Facility 1208
Verona Test Annex
Town of Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18199920018
Status: Unutilized
Reason: no public access.

Facility 1209
Verona Test Annex
Town of Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18199920019
Status: Unutilized
Reason: no public access.

Facility 1210
Verona Test Annex
Town of Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18199920020
Status: Unutilized
Reason: no public access.

Facility 1259
Verona Test Annex
Town of Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18199920021
Status: Unutilized
Reason: no public access.

Facility 1260
Verona Test Annex
Town of Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18199920022
Status: Unutilized
Reason: no public access.

Peconic ''H'' Facility
Brookhaven Co: Suffolk NY 00000–
Landholding Agency: GSA
Property Number: 54199920002
Status: Excess
Reason: no public access
GSA Number: 1–U–NY–641B.

North Carolina

Bldg. TC–849
Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 77199920062
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. TC–852
Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 77199920063
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

South Dakota

Bldg. 608
Ellsworth Air Force Base
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 18199920023
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Within airport runway clear zone, Secured Area.

Bldg. 3501
Ellsworth Air Force Base
Ellsworth AFB Co: Pennington SD 57706
Landholding Agency: Air Force
Property Number: 181999200024
Status: Unutilized
Reason: Secured Area.

5 Bldgs.
Ellsworth Air Force Base
6926, 6928, 6929, 6930, 6931
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 18199920025
Status: Unutilized
Reason: Secured Area.

Bldg. 8001
Ellsworth Air Force Base
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 18199920026
Status: Unutilized
Reason: Secured Area.

Virginia

Bldg. SC–319
Armed Forces Staff College
Norfolk Naval Base
Norfolk Co: VA 23511–1702
Landholding Agency: Navy
Property Number: 77199920067
Status: Excess
Reason: Extensive deterioration.

Bldg. 449
Naval Shipyard
Portsmouth Co: VA 23709–
Landholding Agency: Navy
Property Number: 77199920068
Status: Excess
Reason: Extensive deterioration.

Bldg. 450
Norfolk Naval Shipyard
Portsmouth Co: VA 23709–
Landholding Agency: Navy
Property Number: 77199920069
Status: Excess
Reason: Extensive deterioration.

Bldg. 451
Norfolk Naval Shipyard
Portsmouth Co: VA 23709–
Landholding Agency: Navy
Property Number: 77199920070
Status: Excess
Reason: Extensive deterioration.

Bldg. 453
Norfolk Naval Shipyard
Portsmouth Co: VA 23709–
Landholding Agency: Navy
Property Number: 77199920071
Status: Excess
Reason: Extensive deterioration.

Bldg. 454
Norfolk Naval Shipyard
Portsmouth Co: VA 23709–
Landholding Agency: Navy
Property Number: 77199920072
Status: Excess
Reason: Extensive deterioration.

Bldg. 708
Norfolk Naval Shipyard
Portsmouth Co: VA 23709–
Landholding Agency: Navy
Property Number: 77199920073

Status: Excess
Reason: Extensive deterioration.

Bldg. 709
Norfolk Naval Shipyard
Portsmouth Co: VA 23709–
Landholding Agency: Navy
Property Number: 77199920074
Status: Excess
Reason: Extensive deterioration.

Bldg. 710
Norfolk Naval Shipyard
Portsmouth Co: VA 23709–
Landholding Agency: Navy
Property Number: 77199920075
Status: Excess
Reason: Extensive deterioration.

Bldg. 711
Norfolk Naval Shipyard
Portsmouth Co: VA 23709–
Landholding Agency: Navy
Property Number: 77199920076
Status: Excess
Reason: Extensive deterioration.

Bldg. 712
Norfolk Naval Shipyard
Portsmouth Co: VA 23709–
Landholding Agency: Navy
Property Number: 77199920077
Status: Excess
Reason: Extensive deterioration.

Bldg. 713
Norfolk Naval Shipyard
Portsmouth Co: VA 23709–
Landholding Agency: Navy
Property Number: 77199920078
Status: Excess
Reason: Extensive deterioration.

Bldg. 714
Norfolk Naval Shipyard
Portsmouth Co: VA 23709–
Landholding Agency: Navy
Property Number: 77199920079
Status: Excess
Reason: Extensive deterioration.

Bldg. 715
Norfolk Naval Shipyard
Portsmouth Co: VA 23709–
Landholding Agency: Navy
Property Number: 77199920080
Status: Excess
Reason: Extensive deterioration.

Bldg. 716
Norfolk Naval Shipyard
Portsmouth Co: VA 23709–
Landholding Agency: Navy
Property Number: 77199920081
Status: Excess
Reason: Extensive deterioration.

Bldg. 717
Norfolk Naval Shipyard
Portsmouth Co: VA 23709–
Landholding Agency: Navy
Property Number: 77199920082
Status: Excess
Reason: Extensive deterioration.

Bldg. 718
Norfolk Naval Shipyard
Portsmouth Co: VA 23709–
Landholding Agency: Navy
Property Number: 77199920083
Status: Excess
Reason: Extensive deterioration.

Bldg. 1454
Norfolk Naval Shipyard
Portsmouth Co: VA 23709–
Landholding Agency: Navy
Property Number: 77199920084
Status: Excess
Reason: Extensive deterioration.

Washington

Bldg. 894
Naval Undersea Warfare Center
Keyport Co: Kitsap WA 98345–7610
Landholding Agency: Navy
Property Number: 77199920085
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area.

[FR Doc. 99–11214 Filed 5–6–99; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*):

PRT–011288

Applicant: H. Allen Netherland, Escatawpa, MS

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

PRT–008520

Applicant: Edward Louis, Henry Doorly Zoo, Omaha, NE

The applicant has requested amendment of an application originally published March 4, 1999. The revised application requests a permit to import biological samples of all species of lemur collected from animals in the wild on Madagascar for the purpose of scientific research in lemur genetics. This notification covers activities conducted by this applicant for a period of five years

PRT–834015

Applicant: NIH/National Cancer Institute, Frederick, MD

The applicant requests to have their permit re-issued for the import of hair, tissue, and blood samples from Vicuna (*Vicugna vicugna*) from Bolivia and Argentina, Chile, and Peru for the purpose of enhancement of the survival of the species through scientific research over a five year period.

PRT–011262

Applicant: Douglas Yajko, Glenwood Springs, CO

The applicant requests a permit to import a sport-hunted trophy of a cheetah (*Acinonyx jubatus*) from Namibia for the purpose of enhancement to the survival of the species.

PRT–011261

Applicant: Robert Senter, Sr., Plaistow, NH

The applicant requests a permit to import a sport-hunted trophy of a cheetah (*Acinonyx jubatus*) from Zimbabwe for the purpose of enhancement to the survival of the species.

PRT–011260

Applicant: Clifford Senter, Plaistow, NH

The applicant requests a permit to import a sport-hunted trophy of a cheetah (*Acinonyx jubatus*) from Zimbabwe for the purpose of enhancement to the survival of the species.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

The public is invited to comment on the following application for a permit to conduct certain activities with marine mammals. The application was submitted to satisfy requirements of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) and the regulations governing marine mammals (50 CFR 18).

PRT–010370

Applicant: Monterey Bay Aquarium, Monterey, CA

Permit Type: Take for scientific research.

Name and Number of Animals: Southern sea otter (*Enhydra lutris nereis*), up to 10.

Summary of Activity to be Authorized: The applicant requests a permit to develop and test an enhanced radio tagging technique for Southern sea otters.

Source of Marine Mammals: Captive sea otters held by Monterey Bay Aquarium under Section 109(h) of the Marine Mammal Protection Act. *Period of Activity*: Up to 5 years, if issued.
Applicant: Renee Snider, Elk Grove, CA.

PRT–011107

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the Lancaster Sound

polar bear population, Canada for personal use.
Applicant: Terry Michael Marshall, Wildwood, MO.

PRT–011106

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the Lancaster Sound polar bear population, Canada for personal use.
Applicant: Ray Richard Fisher, II, Charlotte, NC.

PRT–011105

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the Southern Beaufort Sea polar bear population, Canada for personal use.
Applicant: Allen L. Ebnet, Aitkin, MN.

PRT-MA–011207

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the McClintock Channel polar bear population, Canada for personal use.
Applicant: Michael J. Boyce, Reno, NV.

PRT–011282

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the Lancaster Sound polar bear population, Canada for personal use.
Applicant: William F. Chesley, Crofton, MD.

PRT–011279

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the Lancaster Sound polar bear population, Canada for personal use.
Applicant: Warren F. Florkiewicz, Scottsdale, AZ.

PRT–011278

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the Lancaster Sound polar bear population, Canada for personal use.

Written data or comments, requests for copies of the complete application, or requests for a public hearing on this application should be sent to the U.S. Fish and Wildlife Service, Office of Management Authority, 4401 N. Fairfax Drive, Room 700, Arlington, Virginia 22203, telephone 703/358–2104 or fax 703/358–2281 and must be received within 30 days of the date of publication of this notice. Anyone requesting a hearing should give specific reasons why a hearing would be appropriate. The holding of such a hearing is at the discretion of the Director.

Documents and other information submitted with these applications are available for review, *subject to the requirements of the Privacy Act and Freedom of Information Act*, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203. Phone: (703/358–2104); FAX: (703/358–2281).

Dated: May 3, 1999.

MaryEllen Amtower,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 99–11472 Filed 5–6–99; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service.

Endangered Species Permit Applications

AGENCY: Fish and Wildlife Service.

ACTION: Notice of receipt of permit applications.

SUMMARY: The following applicants have applied for a scientific research permit to conduct certain activities with endangered species pursuant to section 10 (a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Permit No. TE–001075
Applicant: Marc Blain, Pasadena, California

The applicant requests a permit amendment to take (harass by survey) the southwestern willow flycatcher (*Empidonax traillil extimus*) in conjunction with presence or absence surveys throughout Los Angeles, San Bernardino, Orange, Riverside, and San Diego Counties, California, for the purpose of enhancing its survival.

Permit No. TE–011021
Applicant: U.S. Bureau of Reclamation, Denver, Colorado

The applicant requests a permit to take (capture, mark, and collect) the desert pupfish (*Cyprinodon macularius*) in conjunction with presence or absence surveys and scientific research throughout the shoreline pools, irrigation drains, and tributaries of the Salton Sea, California, for the purpose of enhancing its survival.

Permit No. TE–010350
Applicant: Lisa Edgington, Los Angeles, California

The applicant requests a permit to take (remove and reduce to possession) specimens of Lyon's pentachaeta (*Pentachaeta lyonii*) in conjunction with scientific research throughout the species' range for the purpose of enhancing its survival.

Permit No. TE–009396
Applicant: Zay Denise Ebsen, El Cajon, California

The applicant requests a permit to take (harass by survey, collect, and sacrifice) the San Diego fairy shrimp (*Brachinecta sandiegonensis*) and the Riverside fairy shrimp (*Streptocephalus woottoni*) in conjunction with surveys in Riverside, San Diego, and Orange Counties, California for the purpose of enhancing their survival.

Permit No. TE–009838
Applicant: Siskiyou Resource Geographic, Ashland, Oregon

The applicant requests a permit to take (harass by survey, collect, and sacrifice) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), vernal pool tadpole shrimp (*Lepidurus packardi*), San Diego fairy shrimp (*Brachinecta sandiegonensis*), and the Riverside fairy shrimp (*Streptocephalus woottoni*) throughout the species range in conjunction with surveys for the purpose of enhancing their survival.

Permit No. TE–009396
Applicant: Mary Anne Pentis, Ramona, California

The applicant requests a permit to take (collect and reduce to possession) the San Diego mesa mint (*Pogogyne abramsii*), Otay mesa mint (*Pogogyne nudiuscula*), button celery (*Eryngium aristualtum parishii*), and spreading Navarretia (*Navarretia fossalis*), and take (survey, collect, and sacrifice) the San Diego fairy shrimp (*Brachinecta sandiegonensis*) and the Riverside fairy shrimp (*Streptocephalus woottoni*) in San Diego County, California, in conjunction with surveys and scientific research for the purpose of enhancing their survival.

Permit No. TE–010897
Applicant: Ricardo Montijo, Santa Barbara, California

The applicant requests a permit to take (harass by survey, collect, and sacrifice) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), vernal pool tadpole shrimp (*Lepidurus packardi*), San Diego fairy shrimp (*Brachinecta sandiegonensis*), and the Riverside fairy shrimp (*Streptocephalus woottoni*) throughout the species range in California, in conjunction with surveys for the purpose of enhancing their survival.

Permit No. TE–797999
Applicant: Merkel & Associates, San

Diego, California

The applicant requests a permit to take (harass by survey, collect, and sacrifice) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), vernal pool tadpole shrimp (*Lepidurus packardi*), San Diego fairy shrimp (*Brachinecta sandiegonensis*), and the Riverside fairy shrimp (*Streptocephalus woottoni*) throughout the species range in California, in conjunction with surveys for the purpose of enhancing their survival.

DATES: Written comments on these permit applications must be received by June 7, 1999.

ADDRESSES: Written data or comments should be submitted to the Chief, Division of Recovery, Planning and Permits, Ecological Services, Fish and Wildlife Service, 911 N.E. 11th Avenue, Portland, Oregon 97232–4181; Fax: (503) 231–6243. Please refer to the respective permit number for each application when submitting comments. All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

FOR FURTHER INFORMATION CONTACT: Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 20 days of the date of publication of this notice to the address above; telephone: (503) 231–2063. Please refer to the respective permit number for each application when requesting copies of documents.

Dated: April 29, 1999.

Thomas Dwyer,

Acting Regional Director, Region 1, Portland, Oregon.

[FR Doc. 99–11486 Filed 5–6–99; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Geological Survey

Land Processes Distributed Active Archive Center (DAAC) Science Advisory Panel Meeting; Advisory Panel Meeting

AGENCY: U.S. Geological Survey.

ACTION: Notice of meeting.

SUMMARY: The Land Processes Distributed Active Archive Center (DAAC) Science Advisory Panel will meet at the U.S. Geological Survey (USGS) Earth Resources Observation Systems (EROS) Data Center (EDC) near Sioux Falls, South Dakota, on May 25–27, 1999. The Committee, comprised of 12 members from academia, government, and private industry provide Land Process DAAC management and staff with advice and guidance in development, implementation, and operation of DAAC data processing, archiving, and distribution systems and related science support capabilities.

Topics to be reviewed and discussed by the Panel include Landsat 7 flight and ground systems status, data and product distribution and pricing policies, Earth Observing System (EOS) Data Gateway devleopment and implementation status, validation science support, systems test activities, EOS Core System (ECS) maintenance and operations status and plans, and FY 1999 budget and activities update.

DATES: May 25–27, 1999, beginning at 8:30 a.m. on Tuesday, May 25 and adjourning at 2:00 p.m. on Thursday, May 27.

FOR FURTHER INFORMATION CONTACT: Dr. G. Bryan Bailey, Land Processes DAAC Project Scientist, U.S. Geological Survey, EROS Data Center, Sioux Falls, South Dakota 57198 at (605) 594–6001 or e-mail at gbbailey@usgs.gov

SUPPLEMENTARY INFORMATION: Meetings of the Land Processes DAAC Science Advisory Panel are open to the public.

Dated: April 27, 1999.

Richard E. Witmer,

Chief, National Mapping Division.

[FR Doc. 99–11460 Filed 5–6–99; 8:45 am]

BILLING CODE 4310–Y7–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Irrigation Operation and Maintenance Rate Adjustment for San Carlos Irrigation Project, Arizona

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Irrigation Operation and Maintenance (O&M) Rate Adjustment.

SUMMARY: The Bureau of Indian Affairs is adjusting the irrigation assessment rates for operating and maintaining the San Carlos Irrigation Project for the 1999 season.

DATES: The new irrigation assessment rate for 1999 will become effective May 7, 1999.

FOR FURTHER INFORMATION CONTACT: Wayne Nordwall, Area Director, Bureau of Indian Affairs, Phoenix Area Office, P.O. Box 10, Phoenix, AZ 85001, telephone (602) 379–6956.

SUPPLEMENTARY INFORMATION: The authority to issue this document is vested in the Secretary of the Interior by 5 U.S.C. 301 and the Act of August 15, 1914 (38 Stat. 583, 25 U.S.C. 385). The Secretary has delegated this authority to the Assistant Secretary-Indian Affairs under part 209 Departmental Manual, Chapter 8.1A and Memorandum dated January 25, 1994, from Chief of Staff, Department of the Interior, to Assistant Secretaries, and Heads of Bureaus and Offices.

This notice is given in accordance with Section 171.1(e) of part 171, Subchapter H, Chapter 1, of Title 25 of the Code of Federal Regulations, which provides for fixing and announcing the rates for annual operation and maintenance assessments and related information for BIA operated and owned irrigation projects.

The assessment rates are based on an estimate of the cost of normal operation and maintenance of the irrigation project. Normal operation and maintenance means the expenses we incur to provide direct support or benefit to the project's activities for administration, operation, maintenance, and rehabilitation. We must include at least:

(a) Personnel salary and benefits for the project engineer/manager and our employees under his/her management control,

(b) Materials and supplies,

(c) Major and minor vehicle and equipment repairs,

(d) Equipment, including transportation, fuel, oil, grease, lease and replacement,

(e) Capitalization expenses,

(f) Acquisition expenses, and

(g) Other expenses we determine necessary to properly perform the activities and functions characteristic of an irrigation project

Payments

The irrigation operation and maintenance assessments become due based on locally established payment requirements. No water shall be delivered to any of these lands until all irrigation charges have been paid.

Interest and Penalty Fees

Interest, penalty, and administrative fees will be assessed, where required by law, on all delinquent operation and maintenance assessment charges as prescribed in the Code of Federal Regulations, Title 4, Part 102, Federal Claims Collection Standards; and 42 BIAM Supplement 3, part 3.8 Debt

Collection Procedures. Beginning 30 days after the due date interest will be assessed at the rate of the current value of funds to the U.S. Treasury. An administrative fee of $12.50 will be assessed each time an effort is made to collect a delinquent debt; a penalty charge of 6 percent per year will be charged on delinquent debts over 90 days old and will accrue from the date the debt became delinquent. After 180 days a delinquent debt will be forwarded to the United States Treasury for further action in accordance with the Debt Collection Improvement Act of 1996 (Pub. L. 104–134).

Comments: On September 17, 1997, the Bureau of Indian Affairs published a notice in the **Federal Register**, 62 FR 44992, proposing to adjust the irrigation assessment rates for operating and maintaining SCIP for 1998, 1999, and subsequent years. The notice of proposed rate adjustment provided a 30-day public comment period. No comments were received for the 1998 irrigation season and a **Federal Register** notice was published on March 16, 1998, 62 FR 12818–12819, for the 1998 irrigation season only. Comments were received for the proposed adjustment to the assessment for 1999.

The San Carlos Irrigation and Drainage District (SCIDD) commented on the proposed 1999 irrigation assessment increase of $6.00 per acre to a $26.00 per acre assessment. Their comment questioned the inclusion in the assessment of the cost for future repair of the spillway gates at Coolidge Dam. Coolidge Dam is part of the infrastructure of the San Carlos Irrigation Project (SCIP). Subsequent to correspondence and meetings between BIA and SCIDD to review the proposed rate increase of $6.00 per acre, the BIA has decided not to increase the assessment to $26.00 at this time. The irrigation assessment for SCIP will remain at $20.00 per acre until further notice. The BIA has initiated a study of the spillway gates at Coolidge Dam to analyze the benefits of their repairing. Upon completion of the study, SCIP will review its possible impact on any future irrigation rate assessment.

Executive Order 12988

The Department has certified to the Office of Management and Budget (OMB) that this rate adjustment meets the applicable standards provided in sections 3(a) and 3(b)(2) of Executive Order 12988.

Executive Order 12866

This rate adjustment is not a significant regulatory action and has been reviewed by the Office of Management and Budget under Executive Order 12866.

Regulatory Flexibility Act

This rate making is not a rule for the purposes of the Regulatory Flexibility Act because it is ''a rule of particular applicability relating to rates.'' 5 U.S.C. 601(2).

Executive Order 12630

The Department has determined that this rate adjustment does not have significant ''takings'' implications.

Executive Order 12612

The Department has determined that this rate adjustment does not have significant Federalism effects because it pertains solely to Federal-tribal relations and will not interfere with the roles, rights, and responsibilities of states.

NEPA Compliance

The Department has determined that this rate adjustment does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement is required under the National Environmental Policy Act of 1969.

Paperwork Reduction Act of 1995

This rate adjustment does not contain collections of information requiring approval under the Paperwork Reduction Act of 1995.

Unfunded Mandates Act of 1995

This rate adjustment imposes no unfunded mandates on any governmental or private entity and is in compliance with the provisions of the Unfunded Mandates Act of 1995.

Rate Adjustment: The following table illustrates the rate adjustment:

SAN CARLOS IRRIGATION PROJECT IRRIGATION RATE PER ASSESSABLE ACRE

	1998	1999
Rate	$20.00	$20.00

Dated: April 29, 1999.

Kevin Gover,

Assistant Secretary—Indian Affairs.

[FR Doc. 99–11456 Filed 5–6–99; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK–962–1410–00–P]
[AA–9288, AA–9330, and AA–10424]

Alaska Native Claims Selection

In accordance with Departmental regulations 43 CFR 2650.7(d), notice is hereby given that decisions to issue conveyance under the provisions of Sec. 14(h)(1) of the Alaska Native Claims Settlement Act of December 18, 1971, (ANCSA), 43 U.S.C. 1601, 1613(h)(1), will be issued to the Calista Corporation for three sites aggregating approximately 529 acres. The lands involved are in the vicinity of Nunivak Island, Alaska.

Seward Meridian, Alaska

T. 1 N., R. 103 W.,
T. 2 S., R. 103 W.,

A notice of the decisions will be published once a week, for four (4) consecutive weeks, in the *Anchorage Daily News*. Copies of the decisions may be obtained by contacting the Alaska State Office of the Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513–7599 ((907) 271–5960).

Any party claiming a property interest which is adversely affected by the decisions, shall have until June 7, 1999 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management at the address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements in 43 CFR Part 4, Subpart E, shall be deemed to have waived their rights.

Patricia A. Baker,

Land Law Examiner Branch of ANCSA Adjudication.

[FR Doc. 99–11488 Filed 5–6–99; 8:45 am]

BILLING CODE 4310–01–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM–910–08–1020–00]

New Mexico Resource Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of new member orientation meeting and council meeting.

SUMMARY: In accordance with the Federal Land Policy and Management

Act and the Federal Advisory Committee Act of 1972 (FACA), 5 U.S.C. Appendix 1, The Department of the Interior, Bureau of Land Management (BLM), announces an orientation meeting of the New Mexico Resource Advisory Council (RAC). This meeting is focused toward the new RAC members. Existing RAC members may also attend.

The one day orientation meeting will be held on Wednesday June 16, 1999 at the Amberley Suite Hotel, 7620 Pan American NE, Albuquerque, NM 87109. This meeting starts at 8 a.m. The draft agenda for the orientation meeting includes presentation and discussion on the regulations and laws under which the RAC functions, the RAC Charter, travel voucher procedures, summaries of recent RAC recommendations, Southwest Strategy, the BLM/New Mexico Strategic Plan and minutes from previous RAC meetings. Agenda items may be change depending on the needs of the RAC. This RAC meetings is open to the public. The end time of 4:30 p.m. for the orientation meeting may be changed depending on the needs of the RAC.

The regular RAC meeting will be held on Thursday, June 17 and Friday, June 18, 1999 at the Amberly Suite Hotel, 7620 Pan American NE, Albuquerque, NM 87109. The meeting on June 17 and 18, 1999 starts at 8 a.m. both days. The draft agenda for the RAC meeting includes getting acquainted and welcome, agreement on the meeting agenda, any RAC comments on the draft summary minutes of the last RAC meeting on November 19 and 20, 1998 in Las Cruces, NM., check in with RAC members, presentation and discussion on Standard and Guidelines Resource Management Plan Amendment/ Environmental Impact Statement, public comment to the RAC, facilitated dialogue on RAC Standards and Guidelines, BLM Field Managers presentations, RAC selection of draft agenda items and location for next RAC meeting, presentation and discussion on Rio Grand Corridor proposed plan and final EIS and RAC assessment of this meeting. Specific agenda items, dates, times and locations may be adjusted with approval of the RAC.

The time for the public to address the RAC is 3 p.m. to 5 p.m. Thursday, June 17, 1999. The RAC may reduce or extend the end time of 5 p.m. depending on the number of people wishing to address the RAC. The length of time available for each person to address the RAC will be established at the start of the public comment period and will depend on how many people there are that wish to address the RAC. At the completion of the public comments the RAC may continue discussion on its Agenda items. The meeting on June 18, 1999, is planned to end at 5 p.m. The end time of 5 p.m. for the meeting may be changed depending on the work remaining for the RAC.

FOR FURTHER INFORMATION CONTACT: Bob Armstrong, New Mexico State Office, Planning and Policy Team, Bureau of Land Management, 1474 Rodeo Road, PO Box 27115, Santa Fe, New Mexico 87502–0115, telephone (505) 438–7436.

SUPPLEMENTARY INFORMATION: The purpose of the Resource Advisory Council is to advise the Secretary of the Interior, through the BLM, on a variety of planning and management issues associated with the management of public lands. The Council's responsibilities include providing advice on long-range planning, establishing resource management priorities and assisting the BLM to identify State and regional standards for public land health and guidelines for livestock grazing management.

Dated: April 30, 1999.

M.J. Chávez,

State Director.

[FR Doc. 99–11487 Filed 5–6–99; 8:45 am]

BILLING CODE 4310–FB–M

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–384 (Final) and 731–TA–806–808 (Final)]

Certain Hot-Rolled Steel Products From Brazil, Japan, and Russia; Notice of Commission Determination to Conduct a Portion of the Hearing In Camera

AGENCY: International Trade Commission.

ACTION: Closure of a portion of a Commission hearing to the public.

SUMMARY: Upon request of Japanese respondents (Nippon Steel Corporation, NKK Corporation, Kobe Steel, Ltd., Kawasaki Steel Corporation, Sumitomo Metal Industries, Ltd., and Nisshin Steel Co., Ltd.) and Brazilian respondents (USIMINAS, COSIPA, and CSN), the Commission has determined to conduct a portion of its hearing in the above-captioned investigations scheduled for May 4, 1999, *in camera. See* Commission rules 207.24(d), 201.13(m) and 201.36(b)(4) (19 CFR 207.24(d), 201.13(m) and 201.36(b)(4)). The remainder of the hearing will be open to the public. The Commission has determined that the seven-day advance notice of the change to a meeting was not possible. See Commission rule 201.35(a), (c)(1) (19 CFR 201.35(a), (c)(1)).

FOR FURTHER INFORMATION CONTACT: Aaron Fishman, Office of General Counsel, U.S. International Trade Commission, 500 E Street, SW, Washington, DC 20436, telephone 202–205–3115, e-mail afishman@usitc.gov. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Commission's TDD terminal on 202–205–1810.

SUPPLEMENTARY INFORMATION: The Commission believes that the Japanese and Brazilian respondents have justified the need for a closed session. The Japanese and Brazilian respondents seek a closed session to allow for a company by company analysis of certain domestic producers' valuation and cost allocation of internal transfers of certain hot-rolled steel products. Because such discussions will necessitate disclosure of business proprietary information (BPI), they can only occur if a portion of the hearing is held *in camera.* In making this decision, the Commission nevertheless reaffirms its belief that whenever possible its business should be conducted in public.

The hearing will include the usual public presentations by petitioners and by respondents, with questions from the Commission. In addition, the hearing will include an *in camera* session for a confidential presentation by the Japanese and Brazilian respondents and for questions from the Commission relating to the BPI, followed by an *in camera* rebuttal presentation by petitioners. For any *in camera* session the room will be cleared of all persons except those who have been granted access to BPI under a Commission administrative protective order (APO) and are included on the Commission's APO service list in this investigation. See 19 CFR 201.35(b)(1), (2). The time for the parties' presentations and rebuttals in the *in camera* session will be taken from their respective overall allotments for the hearing. All persons planning to attend the *in camera* portions of the hearing should be prepared to present proper identification.

Authority: The General Counsel has certified, pursuant to Commission Rule 201.39 (19 CFR 201.39) that, in her opinion, a portion of the Commission's hearing in *Certain Hot-Rolled Steel Products from Brazil, Japan, and Russia,* Inv. Nos. 701–TA–384 (Final) and 731–TA–806–808 (Final), may be closed to the public to prevent the disclosure of BPI.

Issued: May 4, 1999.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 99–11538 Filed 5–6–99; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332–345]

Recent Trends in U.S. Services Trade

AGENCY: United States International Trade Commission.

ACTION: Scheduling of 2000 report on Recent Trends in U.S. Services Trade and the opportunity for the public to submit information.

EFFECTIVE DATE: April 27, 1999.

SUMMARY: The Commission has prepared and published annual reports on U.S. trade in selected industries/commodity areas in conjunction with Commission investigation No. 332–345, *U.S. Trade Shifts in Selected Industries*, since 1993. Under the investigation the Commission publishes two annual reports, *Shifts in U.S. Merchandise Trade, and Recent Trends in U.S. Services Trade.* The latest version of the Recent Trends report may be obtained from the ITC's Internet server (http://www.usitc.gov). A printed report may be requested by contacting the Office of the Secretary at 202–205–2000 or by fax at 202–205–2104. The Commission plans to publish its 1999 report on services trade in May 1999. The 2000 report, scheduled to be published in May 2000, will cover cross-border trade for the period ending in 1998 and transactions by affiliates based outside the country of their parent firm for the period ending in 1997.

FOR FURTHER INFORMATION CONTACT: Questions about the *Recent Trends* report may be directed to the project leader, Dennis Luther, Office of Industries (202–205–3497). For information on the legal aspects, please contact Mr. William Gearhart, Office of General Counsel (202–205–3091). The media should contact Ms. Margaret O'Laughlin, Public Affairs Officer (202–205–1819). Hearing impaired individuals are advised that information on this matter can be obtained by contacting the TDD terminal on (202–205–1810). Inquiries or suggestions from the public regarding the report are welcome and should be addressed to the Secretary to the Commission, at (202–205–2000), U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. General information concerning the Commission may also be obtained by accessing its Internet server (http://www.usitc.gov).

Background

The initial notice of institution of this investigation was published in the **Federal Register** of September 8, 1993 (58 FR 47287). The Commission expanded the scope of this investigation to cover services trade in a separate report, which it announced in a notice published in the **Federal Register** of December 28, 1994 (59 FR 66974). The services trade report has been published annually since June 1996 under investigation No. 332–345, while the merchandise trade report has been published under the same investigation annually since September 1993.

As in past years, the report will summarize trade in services in the aggregate and provide analyses of trends and developments in trade in selected service industries that occurred in the latest period for which data are published by the U.S. Department of Commerce, Bureau of Economic Analysis.

Written Submission

No public hearing is planned. However, interested persons are invited to submit written information relating to trade in service industries for the May 2000 report. Commercial or financial information which a submitter desires the Commission to treat as confidential must be provided on separate sheets of paper, each clearly marked ''Confidential Business Information'' at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's rules and practice and procedure (19 CFR 201.6). All written submissions, except for confidential business information, will be made available in the Office of the Secretary of the Commission for inspection by interested persons. To be assured of consideration by the Commission, written statements relating to the Commission's report should be submitted to the Commission in accordance with § 201.8 at the earliest practical date and should be received no later than the close of business on August 31, 1999. All submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street SW, Washington, DC 20436. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means.

Issued: May 3, 1999.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 99–11537 Filed 5–6–99; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Registration

By Notice dated December 17, 1998 and published in the **Federal Register** on December 29, 1998 (63 FR 71655), B.I. Chemicals, Inc., 2820 N. Normandy Drive, Petersburg, Virginia 23805, made application to the Drug Enforcement Administration to be registered as an importer of phenylacetone (8501), a basic class of controlled substance listed in Schedule II.

The firm plans to import the phenylacetone for the bulk manufacture of amphetamine.

No comments or objections have been received. DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration of B.I. Chemicals, Inc. to import phenylacetone is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971, at this time. DEA has investigated B.I. Chemicals, Inc. to ensure that the company's registration is consistent with the public interest. Therefore, pursuant to Section 1008(a) of the Controlled Substances Import and Export Act and in accordance with Title 21, Code of Federal Regulations, Section 1301.34, the above firm is granted registration as an importer of the basic class of controlled substance listed above.

Dated: April 26, 1999.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 99–11444 Filed 5–6–99; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated December 14, 1998, and published in the **Federal Register** on December 23, 1998 (63 FR 71154), B.I. Chemicals, Inc., 2820 N. Normandy Drive, Petersburg, Virginia 23805, made

application by letter to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of amphetamine (1100), a basic class of controlled substance listed in Schedule II.

The firms plans to bulk manufacture amphetamine for distribution to its customers.

DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration of B.I. Chemicals, Inc. to manufacture the listed controlled substance is consistent with the public interest at this time. DEA has investigated B.I. Chemicals, Inc. on a regular basis to ensure that the company's continued registration is consistent with the public interest. These investigations have included inspection and testing of the company's physical security systems, audits of the company's records, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823 and 28 CFR 0.100 and 0.104, the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substance listed above is granted.

Dated: April 26, 1999.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 99–11445 Filed 5–6–99; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated December 2, 1998, and published in the **Federal Register** on December 11, 1998, (63 FR 68473), Cauldron Inc., DBA Cauldron Process Chemistry, 383 Phoenixville Pike, Malvern, Pennsylvania 19355, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of amphetamine, a basic class of controlled substance listed in Schedule II.

The firm plans to bulk manufacture amphetamine for the purpose of performing bioequivalency studies.

DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration of Cauldron Inc. to manufacture the listed controlled substance is consistent with the public interest at this time. DEA has investigated the firm on a regular basis to ensure that the company's continued registration is consistent with the public interest. These investigations have included inspection and testing of the company's physical security systems, audits of the company's records, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823 and 28 CFR 0.100 and 0.104, the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substance listed above is granted.

Dated: April 26, 1999.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 99–11446 Filed 5–6–99; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Registration

By Notice dated December 28, 1998, and published in the **Federal Register** on January 4, 1999, (64 FR 181), Cauldron Inc., DBA Cauldron Process Chemistry, 383 Phoenixville Pike, Malvern, Pennsylvania 19355, made application by letter to the Drug Enforcement Administration to be registered as an importer of phenylacetone (8501), a basic class of controlled substance listed in Schedule II.

The firm plans to import the phenylacetone for the bulk manufacture of amphetamine basic class.

No comments or objections have been received. DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration of Cauldron Inc. to import phenylacetone is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971, at this time. DEA has investigated Cauldron Inc. to ensure that the company's registration is consistent with the public interest. Therefore, pursuant to Section 1008(a) of the Controlled Substances Import and Export Act and in accordance with Title 21, Code of Federal Regulations, Section 1301.34, the above firm is granted registration as an importer of the basic class of controlled substance listed above.

Dated: April 26, 1999.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 99–11447 Filed 5–6–99; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application

Pursuant to Section 1301.33(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on March 15, 1999, Dupont Pharmaceuticals, 1000 Stewart Avenue, Garden City, New York 11530, made application by renewal to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Oxycodone (9143)	II
Hydrocodone (9193)	II
Oxymorphone (9652)	II

The firm plans to manufacture the listed controlled substances to make finished products.

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the proposed registration.

Any such comments or objections may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, D.C. 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than July 6, 1999.

Dated: April 26, 1999.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 99–11449 Filed 5–6–99; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importation of Controlled Substances; Notice of Application

Purusant to Section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(i)), the Attorney General shall, prior to issuing a registration under this Section to a bulk manufacturer of a controlled substance in Schedule I or II and prior to issuing a regulation under Section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with Section 1301.34 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on March 19, 1999, Noramco of Delaware, Inc., Division of McNeilab, Inc., 500 Old Swedes Landing Road, Wilmington, Delaware 19801, made application by renewal to the Drug Enforcement Administration to be registered as an importer of the basic classes of controlled substances listed below:

Drug	Schedule
Opium, raw (9600)	II
Opium granulated (9640)	II

The firm plans to import the listed controlled substances for the bulk manufacture of other controlled substances.

Any manufacturer holding, or applying for, registration as a bulk manufacturer of these basic classes of controlled substances may file written comments on or objections to the application described above and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.43 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, D.C. 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than June 7, 1999.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1301.34(b), (c), (d), (e), and (f). As noted in a previous notice at 40 FR 43745–46 (September 23, 1975), all applicants for registration to import a basic class of any controlled substance in Schedule I or II are and will continue to be required to demonstrate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1301.34(a), (b), (c), (d), (e), and (f) are satisfied.

Dated: April 26, 1999.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 99–11450 Filed 5–6–99; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated January 27, 1999, and published in the **Federal Register** on February 4, 1999, (64 FR 5689), Orpharm, Inc., 4815 Dacoma, Houston, Texas 77072, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Methadone (9250)	II
Methadone-intermediate (9254)	II
levo-alphacetylmethadol (9648)	II

The firm plans to manufacture methadone and methadone-intermediate for production of LAAM.

DEA has considered the factors in 21 U.S.C. § 823(a) and determined that the registration of Orpharm, Inc. to manufacture the listed controlled substances is consistent with the public interest at this time. DEA has investigated Orpharm, Inc. on a regular basis to ensure that the company's continued registration is consistent with the public interest. These investigations have included inspection and testing of the company's physical security systems, audits of the company's records, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823 and 28 C.F.R. 0.100 and 0.104, the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: April 26, 1999.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 99–11448 Filed 5–6–99; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[INS No. 1990–99]

Announcement of District Advisory Council on Immigration Matters Sixth Meeting

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice of meeting.

SUMMARY: The Immigration and Naturalization Service (Service) has established a District Advisory Council on Immigration Matters (DACOIM) to provide the New York District Director of the Service with recommendations on ways to improve the response and reaction to customers in the local jurisdiction, and to develop new partnerships with local officials and community organizations to build and enhance a broader understanding of immigration policies and practices. The purpose of this notice is to announce the forthcoming meeting.

DATES AND TIMES: The Sixth meeting of the DACOIM is scheduled for May 27, 1999, at 1 p.m.

ADDRESSES: The meeting will be held at Orange County Community College, 115 South Street, Middletown, New York, 10940, in the Biotech Building (between Ramview and South Street), Room 207.

FOR FURTHER INFORMATION CONTACT: Susan Young, Designated Federal Officer, Immigration and Naturalization Service, 26 Federal Plaza, Room 14–100, New York, New York, 10278, telephone: (212) 264–0736.

SUPPLEMENTARY INFORMATION: Meetings will be held tri-annually on the fourth Thursday during the months of January, May, and September 1999.

Summary of Agenda

The purpose of the meeting will be to conduct general business, review subcommittee reports, and facilitate public participation. The DACOIM will be chaired by Charles Troy, Assistant District Director for Management, New York District, Immigration and Naturalization Service.

Public Participation

The DACOIM meeting is open to the public, but advance notice of attendance

is requested to ensure adequate seating. Persons planning to attend should notify the contact person at least two (2) days prior to the meeting. Members of the public may submit written statements at any time before or after the meeting for consideration by the DACOIM. Written statements should be sent to Susan Young, Designated Federal Officer, Immigration and Naturalization Service, 26 Federal Plaza, Room 14–100, New York, New York, 10278, telephone: (212) 264–0736. Only written statements received by 5 p.m. on May 24, 1999, will be considered for presentation at the meeting. Minutes of the meeting will be available upon request.

Dated: April 30, 1999.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 99–11512 Filed 5–6–99; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

May 3, 1999.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). A copy of each individual ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor, Departmental Clearance Officer, Ira Mills (202) 219–5096 ext. 143) or by E-Mail to Mills-Ira@dol.gov.

Comments should be sent to office of Information and Regulatory Affairs, Attn: OMB Desk Officer for BLS, DM, ESA, ETA, MSHA, OSHA, PWBA, or VETS, Office of Management and Budget, Room 10235, Washington, DC 20503 (202) 395–7316), within 30 days from the date of this publication in the **Federal Register**.

The OMB 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 if 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.

Agency: Occupational Safety and Health Administration.

Title: Construction Roofing Industry Partnership Pilot Program.

OMB Number: 1218–0NEW.

Frequency: On occasion.

Affected Public: Business or other for-profit.

Number of Respondents: 24.

Estimated Time Per Respondent: 16 hours (applications) and 8 hours (report).

Total Burden Hours: 404 hours.

Total Annualized capital/startup costs: $0.

Total annual costs (operating/maintaining systems or purchasing services): $0.

Description: In OSHA's construction standards that address roofing work, employers are required to protect employees from hazards such as falls from roofs and burns from hot asphalt. The Construction Industry Partnership Pilot Program fosters compliance with these standards through outreach efforts and incentives that reward voluntary compliance.

Ira L. Mills,

Departmental Clearance Officer.

[FR Doc. 99–11554 Filed 5–6–99; 8:45 am]

BILLING CODE 4510–26–M

DEPARTMENT OF LABOR

Office of The Secretary

Submission for OMB Emergency Review; Comment Request

May 1, 1999.

The Department of Labor has submitted the following information collection request (ICR), utilizing emergency review procedures, to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995 Pub. L. 104–13, 44 U.S.C. Chapter 35). OMB approval has been requested by May 10, 1999. A copy of this ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor Departmental Clearance Officer, Ira Mills ((202) 219–5096 x143)

Comments and questions about the ICR listed below should be forwarded to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for Employment and Training, Office of Management and Budget, Room 10235, Washington, DC 20503 ((202) 395–7316).

The Office of Management and Budget 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.

Agency: Employment and Training Administration.

Title: Welfare-to-Work Census Employment Project: Solicitation for Grant Applications.

OMB Number: 1205–0new.

Frequency: One-time only.

Affected Public: Private non-profit entities.

Number of Respondents: 10.

Estimated Time Per Respondent: 100 hours.

Total Burden Hours: 1,000.

Total Burden Cost (capital/startup): $40,000.

Total Burden Cost (operating/maintaining): 0.

Description: The Balanced Budget Act of 1997, signed by the President on August 5, 1997, authorized the Department of Labor to provide Welfare-to-Work (WtW) grants to States and local communities to provide transitional employment assistance to move Temporary Assistance for Needy Families (TANF) recipients with significant employment barriers into unsubsidized jobs providing long-term employment opportunities. The Department of Labor seeks applicants who have a nationwide network of non-profit affiliate organizations to facilitate the employment of WtW program

participants as enumerators for Census 2000 in local areas across the country.

Ira Mills,

Departmental Clearance Officer.

[FR Doc. 99–11555 Filed 5–6–99; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment Standards Administration; Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decision shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determination as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedes decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decision are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled ''General Wage Determination Issued Under The Davis-Bacon And Related Acts,'' shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data maybe obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, N.W., Room S–3014, Washington, D.C. 20210.

Modifications to General Wage Determination Decisions

The number of decisions listed in the Government Printing Office document entitled ''General Wage Determinations Issued Under the Davis-Bacon and Related Acts'' being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

Connecticut
- CT990001 (Mar. 12, 1999)
- CT990003 (Mar. 12, 1999)
- CT990004 (Mar. 12, 1999)

New Jersey
- NJ990002 (Mar. 12, 1999)
- NJ990005 (Mar. 12, 1999)
- NJ990007 (Mar. 12, 1999)

New York
- NY990002 (Mar. 12, 1999)
- NY990003 (Mar. 12, 1999)
- NY990004 (Mar. 12, 1999)
- NY990005 (Mar. 12, 1999)
- NY990006 (Mar. 12, 1999)
- NY990007 (Mar. 12, 1999)
- NY990008 (Mar. 12, 1999)
- NY990009 (Mar. 12, 1999)
- NY990010 (Mar. 12, 1999)
- NY990011 (Mar. 12, 1999)
- NY990012 (Mar. 12, 1999)
- NY990013 (Mar. 12, 1999)
- NY990015 (Mar. 12, 1999)
- NY990016 (Mar. 12, 1999)
- NY990017 (Mar. 12, 1999)
- NY990018 (Mar. 12, 1999)
- NY990019 (Mar. 12, 1999)
- NY990020 (Mar. 12, 1999)
- NY990021 (Mar. 12, 1999)
- NY990022 (Mar. 12, 1999)
- NY990025 (Mar. 12, 1999)
- NY990026 (Mar. 12, 1999)
- NY990031 (Mar. 12, 1999)
- NY990032 (Mar. 12, 1999)
- NY990033 (Mar. 12, 1999)
- NY990034 (Mar. 12, 1999)
- NY990036 (Mar. 12, 1999)
- NY990037 (Mar. 12, 1999)
- NY990038 (Mar. 12, 1999)
- NY990040 (Mar. 12, 1999)
- NY990041 (Mar. 12, 1999)
- NY990042 (Mar. 12, 1999)
- NY990043 (Mar. 12, 1999)
- NY990044 (Mar. 12, 1999)
- NY990045 (Mar. 12, 1999)
- NY990047 (Mar. 12, 1999)
- NY990048 (Mar. 12, 1999)
- NY990049 (Mar. 12, 1999)
- NY990051 (Mar. 12, 1999)
- NY990060 (Mar. 12, 1999)
- NY990072 (Mar. 12, 1999)
- NY990074 (Mar. 12, 1999)
- NY990076 (Mar. 12, 1999)
- NY990077 (Mar. 12, 1999)

Rhode Island
- RI990001 (Mar. 12, 1999)

Volume II

District of Columbia
- DC990001 (Mar. 12, 1999)
- NY990003 (Mar. 12, 1999)

Maryland
- MD990001 (Mar. 12, 1999)
- MD990002 (Mar. 12, 1999)
- MD990006 (Mar. 12, 1999)
- MD990010 (Mar. 12, 1999)
- MD990016 (Mar. 12, 1999)
- MD990017 (Mar. 12, 1999)
- MD990021 (Mar. 12, 1999)
- MD990031 (Mar. 12, 1999)
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General Wage Determination Publication

General wage determination issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon and Related Acts.'' This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

The general wage determinations issued under the Davis-Bacon and related Acts are available electronically by subscription to the FedWorld Bulletin Board System of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at 1–800–363–2068

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, (202) 512–1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the seven separate volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates are distributed to subscribers.

Signed at Washington, D.C. this 28th day of April 1999.

Carl J. Poleskey,

Chief, Branch of Construction Wage Determinations.

[FR Doc. 99–11108 Filed 5–6–99; 8:45 am]

BILLING CODE 4510–27–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Advisory Committee on Construction Safety and Health; Notice of Cancellation of Public Meeting

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

SUMMARY: Notice is hereby given that the public meeting scheduled for the Advisory Committee on Construction Safety and Health (ACCSH) on May 6 and 7 is being canceled.

FOR FURTHER INFORMATION CONTACT: Theresa Berry, Office of Public Affairs, Room N–3647, telephone (202) 693–1999 at the Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Washington, DC 20210.

SUPPLEMENTARY INFORMATION: Due to the absence of quorum of the ACCSH members the meeting is being canceled. The Occupational Safety and Health Administration will reschedule the meeting for the near future.

An official record of past meetings is available for public inspection at the OSHA Docket Office, Room N–2625, telephone 202–693–2350.

ACCSH was established under section 107(e)(1) of the Contact Work Hours and Safety Standards Act (40 U.S.C. 333)

and section 7(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656).

Signed at Washington, DC this 3rd day of May, 1999.

Charles N. Jeffress,

Assistant Secretary of Labor.

[FR Doc. 99–11553 Filed 05–06–99; 8:45 am]

BILLING CODE 4510–26–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (99–065)]

NASA Advisory Council (NAC), Space Science Advisory Committee (SScAC), Astronomical Search for Origins and Planetary Systems (ORIGINS); Subcommittee Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space Science Advisory Committee, ORIGINS Subcommittee.

DATES: Monday, May 24, 1999, 8:30 a.m. to 5 p.m.; Tuesday, May 25, 1999, 8:30 a.m. to 5 p.m.

ADDRESSES: NASA Headquarters, Conference Room MIC–7 West, Room 7H46, 300 E Street, SW, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Dr. Harley Thronson, Code SR, National Aeronautics and Space Administration, Washington, DC 20546, 202/358–0362.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the capacity of the room. The agenda for the meeting includes the following topics:

—Response from Origins Theme Director to Actions from last OS Meeting
—Report from Origins Theme Director
—Astrobiology Laboratory at Ames Research Center
—SIM Science Team Announcement of Opportunity
—SIM Architecture Downselect Process
—Evaluation of Future Mission Concepts for the OSS Strategic Plan.

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: April 29, 1999.

Matthew M. Crouch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 99–11547 Filed 5–6–99; 8:45 am]

BILLING CODE 7510–01–U

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 99–064]

NASA Advisory Council; meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council.

DATES: Thursday, May 20, 1999, 8:30 a.m. to 4:15 p.m. and Friday, May 21, 1999, 8:00 a.m. to 10:00 a.m. and 1:30 p.m. to 3:00 p.m., except, if launch of the NASA Space Shuttle Mission STS–96, occurs on Thursday, May 20, 1999, then the Thursday meeting start time will be 11:00 a.m.; and if that launch occurs on May 21st, then the Friday meeting time will be 10:00 a.m. to 12:00 Noon.

ADDRESSES: NASA Visitors Center, Center for Space Education, Building M6–306, Kennedy Space Center, FL 32899.

FOR FURTHER INFORMATION CONTACT: Ms. Kathy Dakon, Code Z, National Aeronautics and Space Administration, Washington, DC 20546, 202/358–0732.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

—International Space Station Update
—ISS Probability Risk Assessment
—ISS Research Status
—Space Transportation Architecture Studies and Faster, Better, Cheaper Update
—Committee/TaskForce/Working Group Reports
—Discussion of Findings and Recommendations

A detailed agenda and further information about the NASA Advisory Council is available on the world wide web at: http://www.hq.nasa.gov/office/codez/nac.htm

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: April 29, 1999.

Matthew M. Crouch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 99–11546 Filed 5–6–99; 8:45 am]

BILLING CODE 7510–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–275 and 50–323]

Pacific Gas and Electric Company (Diablo Canyon Nuclear Power Plant, Units 1 and 2); Exemption

I

Pacific Gas and Electric Company, et al. (the licensee) is the holder of Facility Operating License Nos. DPR–80 and DPR–82, which authorize operation of the Diablo Canyon Nuclear Power Plant (DCNPP), Units 1 and 2. The license provides, among other things, that the licensee is subject to all rules, regulations, and Orders of the Commission now or hereafter in effect.

The facility consists of two pressurized-water reactors at the licensee's site located in San Luis Obispo County, California.

II

Section 50.60 of Title 10 of the *Code of Federal Regulations* (10 CFR), ''Acceptance criteria for fracture prevention measures for lightwater nuclear power reactors for normal operation,'' paragraph (a) states, in part, that ''all light-water nuclear power reactors, * * * must meet the fracture toughness and material surveillance program requirements for the reactor coolant pressure boundary set forth in appendices G and H to this part.'' Pressurized water reactor licensees have installed cold overpressure mitigation systems/low temperature overpressure protection systems (LTOP) in order to protect the reactor coolant pressure boundary from being operated outside of the boundaries established by the pressure temperature (P/T) limit curves and to provide pressure relief of the reactor coolant pressure boundaries during low temperature overpressurization events.

III

Section 50.12(a) of 10 CFR, ''Specific exemption,'' states that * * *

The Commission may, upon application by any interested person, or upon its own initiative, grant exemptions from the requirements of the regulations of this part, which are: (1) Authorized by law, will not present an undue risk to the public health

and safety, and are consistent with the common defense and security. (2) The Commission will not consider granting an exemption unless special circumstances are present.

Section 50.12(a)(2)(ii) of 10 CFR states that special circumstances are present when ''Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule.* * *'' The licensee's proposed use of Code Case N–514 will be used as an alternative method for establishing the setpoints for the LTOP systems. Based on the conservatism that is incorporated into the methods of Appendix G of Section XI to the ASME Code for calculating P/T limit curves, it is concluded that permitting the LTOP setpoints to be established in accordance with the Code Case (e.g., at a level ≤110% of the limit defined by the P/T limit curves) would provide an adequate margin of safety against brittle fracture failure of the reactor pressure vessels. Accordingly, the Commission has determined that special circumstances as defined in 10 CFR 50.12(a)(2)(ii) exist.

IV

The Commission has determined that, pursuant to 10 CFR 50.12, the exemption is authorized by law, will not present an undue risk to the public health and safety and is consistent with the common defense and security, and is otherwise in the public interest. Therefore, the Commission hereby grants Pacific Gas and Electric Company an exemption from the requirements of 10 CFR 50.60 and 10 CFR Part 50, Appendix G, to establish LTOP setpoints. The licensee will be allowed to use Code Case N–514 to establish LTOP setpoints to be used in their P/T limit curves.

Pursuant to 10 CFR 51.32, the Commission has determined that granting of this exemption will have no significant effect on the environment (64 FR 23688).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 3rd day of May 1999.

For the Nuclear Regulatory Commission.

John A. Zwolinski,

Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 99–11515 Filed 5–6–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Regulatory Oversight Process Pilot Workshop

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of meeting.

SUMMARY: The Nuclear Regulatory Commission (NRC) will hold an additional session to the Regulatory Oversight Process Pilot Workshop on May 20, 1999 (April 23, 1999; 64 R 20025). This session will provide an overview of the regulatory oversight processes and is intended for those who cannot attend the entire workshop. Topics to be covered are an overview of the pilot program, performance indicator, baseline inspection program, significance determination process, enforcement, and assessment. This meeting is open to the public.

DATES: The additional session will be held on May 20, 1999, from 2:00 p.m. to 5:00 p.m.

ADDRESSES: The workshop will be held at the Philadelphia Airport Ramada Inn, 76 Industrial Highway (Rt. 291), Essington, PA 19029. The hotel phone number is (610) 521–9600 or (800) 277–3900.

FOR FURTHER INFORMATION CONTACT: August Spector at 301–415–2140 or Lee Miller at 301–415–1361, Mail Stop: O–5H4, Inspection Program Branch, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Dated at Rockville, Maryland, this 4th day of May 1999.

For the Nuclear Regulatory Commission.

Cornelius F. Holden,

Acting Chief, Inspection Program Branch, Division of Inspection Program Management, Office of Nuclear Reactor Regulation.

[FR Doc. 99–11516 Filed 5–6–99; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: This gives notice of positions placed or revoked under Schedules A and B, and placed under Schedule C in the excepted service, as required by Civil Service Rule VI, Exceptions from the Competitive Service.

FOR FURTHER INFORMATION CONTACT: Patricia H. Paige, Staffing Reinvention Office, Employment Service (202) 606–0830.

SUPPLEMENTARY INFORMATION: The Office of Personnel Management published its last monthly notice updating appointing authorities established or revoked under the Excepted Service provisions of 5 CFR part 213 on March 26, 1996 (64 FR 14772). Individual authorities established or revoked under Schedules A and B and established under Schedule C between February 1, 1999, and March 31, 1999, appear in the listing below. Future notices will be published on the fourth Tuesday of each month, or as soon as possible thereafter. A consolidated listing of all authorities as of June 30 will also be published.

Schedule A

No Schedule A authorities were established or revoked during February 1999.

One Schedule A authorities was established:

Department of Health and Human Services

Intermittent positions, at GS–15 and below and WG–10 and below, on teams under the National Disaster Medical System including Disaster Medical Assistance Teams and specialty teams, to respond to disasters, emergencies, and incidents/events involving medical, mortuary and public health needs. Effective March 3, 1999.

No Schedule A authorities were revoked during March 1999.

Schedule B

No Schedule B authorities were established or revoked during February 1999.

No Schedule B authorities were established or revoked during March 1999.

Schedule C

The following Schedule C authorities were established during February and March 1999:

Council on Environmental Quality

Special Assistant to the Chair, Council on Environmental Quality. Effective March 8, 1999.

Commodity Futures Trading Commission

Administrative Assistant to the Commissioner. Effective February 4, 1999.

Department of Agriculture

Confidential Assistant to the Administrator, Food and Nutrition Service. Effective February 3, 1999.

Regional Director, Outreach to the Associate Chief, Natural Resources

Conservation Service. Effective February 3, 1999.

Staff Assistant to the Confidential Assistant, Office of the Secretary. Effective February 3, 1999.

Confidential Assistant to the Administrator, Rural Utilities Service. Effective February 18, 1999.

Confidential Assistant to the Chief, Forest Service. Effective March 4, 1999.

Deputy Chief of Staff to the Chief of Staff. Effective March 4, 1999.

Speech Writer to the Director, Office of Communications. Effective March 4, 1999.

Confidential Assistant to the Assistant Secretary for Congressional Relations. Effective March 8, 1999.

Special Assistant to the Director, Civil Rights. Effective March 16, 1999.

Confidential Assistant to the Deputy Administrator, Office of Community Development. Effective March 25, 1999.

Confidential Assistant to the Administrator, Economic Research Service. Effective March 25, 1999.

Regional Director, Davis, California, to the Administrator, Farm Service Agency. Effective March 25, 1999.

Staff Assistant to the Administrator, Farm Service Agency. Effective March 25, 1999.

Confidential Assistant to the Administrator, Risk Management Agency. Effective March 29, 1999.

Department of Commerce

Special Assistant to the Assistant Secretary for Legislative and Intergovernmental Affairs. Effective February 9, 1999.

Confidential Assistant to the Assistant Secretary and Commissioner of Patents and Trademarks. Effective February 22, 1999.

Assistant Director for Public Affairs to the Director of Public Affairs and Press Secretary. Effective February 26, 1999.

Congressional Affairs Officer to the Associate Director for Communications. Effective February 26, 1999.

Special Assistant to the Assistant to the Secretary and Director, Office of Policy and Strategic Planning. Effective March 4, 1999.

Senior Advisor to the Assistant Secretary for Market Access and Compliance. Effective March 11, 1999.

Department of Defense

Director, Cooperative Threat Reduction to the Assistant Secretary for Strategy and Threat Reduction. Effective February 24, 1999.

Speechwriter to the Assistant Secretary for Public Affairs. Effective February 24, 1999.

Staff Specialist to the Special Assistant to the President/Senior Director for Intelligence Programs. Effective March 9, 1999.

Assistant for Anti-Terrorism Policy to the Deputy Assistant Secretary (Policy and Missions). Effective March 11, 1999.

Department of Education

Confidential Assistant to the Chief of Staff. Effective February 3, 1999.

Confidential Assistant to the Director, Office of Bilingual Education and Minority Languages Affairs. Effective February 12, 1999.

Director, Intergovernmental and Interagency Affairs Coordination to the Deputy Assistant Secretary, Intergovernmental and Interagency Affairs Coordination. Effective February 12, 1999.

Confidential Assistant to the Assistant Secretary, Office of Elementary and Secondary Education. Effective February 17, 1999.

Confidential Assistant to the Special Assistant to the Secretary, Office of the Secretary. Effective February 26, 1999.

Special Assistant to the Director, Scheduling and Briefing. Effective March 2, 1999.

Confidential Assistant to the Assistant Secretary, Office of Postsecondary Education. Effective March 8, 1999.

Special Assistant to the Assistant Secretary, Office of Postseconadry Education. Effective March 11, 1999.

Special Assistant to the Director, White House Initiative on Hispanic Education. Effective March 15, 1999.

Special Assistant to the Counselor to the Secretary. Effective March 15, 1999.

Department of Energy

Director of Communications to the Assistant Secretary for Energy Efficiency and Renewable Energy. Effective February 3, 1999.

Scheduler to the Assistant Secretary for Human Resources and Administration. Effective February 5, 1999.

Deputy Assistant Secretary for House Liaison to the Assistant Secretary for Congressional and Intergovernmental Affairs. Effective February 17, 1999.

Senior Advisor for Scheduling and Advance to the Director of Scheduling. Effective February 22, 1999.

Senior Advisor for Community and Intergovernmental Involvement to the Assistant Secretary for Environmental Management. Effective March 2, 1999.

Special Projects Officer to the Director, Office of Public Affairs. Effective March 2, 1999.

Special Projects Officer to the Director, Office of Public Affairs. Effective March 4, 1999.

Special Assistant for Community Outreach to the Assistant Secretary for Environment, Safety and Health. Effective March 5, 1999.

Special Assistant to the Principal Deputy Assistant Secretary for Environmental Management. Effective March 8, 1999.

Special Assistant to the Director of Field Management. Effective March 8, 1999.

Department of Health and Human Services

Special Assistant (Speechwriter) to the Director of Speechwriting. Effective February 22, 1999.

Confidential Assistant (Scheduling) to the Director of Scheduling. Effective February 24, 1999.

Special Assistant to the Director of Communications. Effective March 5, 1999.

Special Assistant to the Assistant Secretary, Administration for Aging. Effective March 5, 1999.

Department of Housing and Urban Development

Special Assistant (Advance) to the Director, Executive Services. Effective February 1, 1999.

Scheduling Assistant to the Director of Executive Scheduling. Effective February 1, 1999.

Special Counsel to the General Counsel. Effective February 9, 1999.

Special Counsel to the General Counsel. Effective February 12, 1999.

Deputy Assistant Secretary for Policy, Program and Legislative Initiatives to the Assistant Secretary for Public and Indian Housing. Effective February 26, 1999.

Assistant for Congressional Relations to the Deputy Assistant Secretary for Congressional Relations. Effective March 4, 1999.

Special Assistant to the Secretary's Representative, Office of the Secretary's Representative, Southeast/Caribbean. Effective March 23, 1999.

Deputy Assistant Secretary for Strategic Planning to the Assistant Secretary for Congressional and Intergovernmental Relations. Effective March 25, 1999.

Deputy General Counsel for Programs and Regulations to the General Counsel. Effective March 30, 1999.

Department of the Interior

Deputy Scheduler (Outreach) to the Deputy Chief of Staff. Effective March 9, 1999.

Department of Justice

Deputy Director, Office of Public Affairs to the Director, Office of Public Affairs. Effective March 15, 1999.

Department of Labor

Legislative Officer to the Assistant Secretary for Congressional and Intergovernmental Affairs. Effective March 19, 1999.

Director of Communications and Public Information to the Assistant Secretary of Labor. Effective March 23, 1999.

Department of State

Legislative Management Officer to the Deputy Assistant Secretary. Effective February 3, 1999.

Legislative Management Officer to the Assistant Secretary, Bureau of Legislative Affairs. Effective February 17, 1999.

Staff Assistant to the Assistant Secretary, Bureau of Legislative Affairs. Effective February 17, 1999.

Staff Assistant to the Deputy Assistant Secretary, Bureau of Legislative Affairs. Effective February 22, 1999.

Special Advisor to the Deputy Assistant Secretary, Bureau of International Narcotics and Law Enforcement. Effective February 22, 1999.

Foreign Affairs Officer to the Under Secretary for Global Affairs. Effective February 22, 1999.

Legislative Management Officer to the Assistant Secretary, Bureau of Legislative Affairs. Effective February 24, 1999.

Foreign Affairs Officer to the Deputy Director, Office of Policy Planning. Effective March 17, 1999.

Department of the Treasury

Special Assistant to the Assistant Secretary, Legislative Affairs and Public Liaison. Effective February 22, 1999.

Director, Public and Business Liaison to the Deputy Assistant Secretary Public Liaison, Office of Legislative Affairs and Public Liaison. Effective March 11, 1999.

Senior Deputy to the Assistant Secretary, Legislative Affairs and Public Liaison. Effective March 12, 1999.

Director, Public and Business Liaison to the Deputy Assistant Secretary for Public Liaison. Effective March 12, 1999.

Legislative Analyst to the Assistant Secretary for Legislative Affairs. Effective March 15, 1999.

Senior Advisor to the Assistant Secretary (Financial Markets). Effective March 17, 1999.

Department of Veterans Affairs

Executive Assistant to the Deputy Secretary of Veterans Affairs. Effective February 23, 1999.

Executive Assistant to the Secretary of Veterans Affairs. Effective March 8, 1999.

Special Assistant to the Assistant Secretary for Public and Intergovernmental Affairs. Effective March 23, 1999.

Environmental Protection Agency

Congressional Liaison Specialist to the Assistant Administrator, Office of Congressional and Intergovernmental Relations. Effective March 4, 1999.

Equal Employment Opportunity Commission

Attorney-Advisor (Civil Rights) to the Chairman. Effective February 12, 1999.

Farm Credit Administration

Public and Congressional Affairs Specialist to the Director, Office of Congressional and Public Affairs. Effective February 8, 1999.

Secretary of the Board to the Chairman and Chief Executive Officer. Effective February 9, 1999.

Special Assistant to the Member, Farm Credit Administration Board. Effective February 23, 1999.

Federal Deposit Insurance Corporation

Confidential Assistant to the Deputy to the Chairman. Effective February 10, 1999.

Federal Maritime Commission

Special Advisor to the Commissioner. Effective February 5, 1999.

Office of National Drug Control Policy

Staff Assistant to the Director, Office of the National Drug Control Policy. Effective February 24, 1999.

Staff Assistant to the Director, Office of the National Drug Control Policy. Effective March 1, 1999.

Office of Personnel Management

Special Assistant to the Director of Communications. Effective February 12, 1999.

Office of Science and Technology Policy

Public Affairs Specialist to the Chief of Staff, Office of the Director. Effective February 12, 1999.

Securities and Exchange Commission

Legislative Affairs Specialist to the Director, Legislative Affairs. Effective February 9, 1999.

Small Business Administration

Regional Administrator, Region III, Philadelphia, PA to the Administrator, Small Business Administration. Effective February 22, 1999.

U.S. Arms Control and Disarmament Agency

Confidential Assistant to the Assistant Director, Multilateral Affairs Bureau. Effective February 9, 1999.

Authority: 5 U.S.C. 3301 and 3302; E.O. 10577, 3 CFR 1954—1958 Comp., P.218

Office of Personnel Management.

Janice R. Lachance,

Director.

[FR Doc. 99–11514 Filed 5–6–99; 8:45 am]

BILLING CODE 6325–01–U

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–23821]

Notice of Applications for Deregistration Under Section 8(f) of the Investment Company Act of 1940

April 30, 1999.

The following is a notice of applications for deregistration under section 8(f) of the Investment Company Act of 1940 for the month of April, 1999. A copy of each application may be obtained for a fee at the SEC's Public Reference Branch, 450 Fifth St., N.W., Washington, DC 20549–0102 (tel. 202–942–8090). An order granting each application will be issued unless the SEC orders a hearing. Interested persons may request a hearing on any application by writing to the SEC's Secretary at the address below and serving the relevant applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on May 25, 1999, and should be accompanied by proof of service on the 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 Secretary, SEC, 450 Fifth Street, N.W., Washington, DC 20549–0609. For Further Information Contact: Diane L. Titus, at (202) 942–0564, SEC, Division of Investment Management, Office of Investment Company Regulation, Mail Stop 5–6, 450 Fifth Street, N.W., Washington, DC 20549–0506.

Paragon Portfolio [File No. 811–5879]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On March 26, 1996, seven of applicant's series, Treasury Money Market Fund, Short-Term Government Fund, Intermediate-Term Bond Fund, Value Equity Income Fund, Louisiana Tax-Free Fund, Value Growth Fund, and Gulf South Growth Fund (collectively, the ''Paragon Funds''), transferred their assets to a corresponding series of The One Group®, in exchange for shares of the corresponding series of The One Group®

based on net asset value. On April 29, 1996, the sole shareholder of the remaining series of applicant, Power Intermediate-Term Bond Portfolio, Power Value Growth Portfolio, Power Value Equity Income Portfolio, and Power Gulf South Growth Portfolio (collectively, the ''Power Portfolios''), redeemed its interest in each Power Portfolio at net asset value. The Paragon Funds paid approximately $71,000 in expenses incurred in connection with the reorganization. All other expense related to the reorganization were paid by Banc One Investment Advisors Corporation applicant's investment adviser, and The One Group®

Filing Dates: The application was filed on February 3, 1999, and amended on March 31, 1999.

Applicant's Address: 4900 Sears Tower, Chicago, Illinois 60606.

DEM, Inc. [File No. 811–9118]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. By April 7, 1999, applicant will have completed a liquidating distribution to its stockholders at net asset value. Applicant incurred approximately $49,123 in expenses in connection with the liquidation.

Filing Dates: The application was filed on December 21, 1998 and amended on March 26, 1999.

Applicant's Address: World Trade Center—Baltimore, 28th floor, 401 East Pratt Street, Baltimore, Maryland 21202.

Tax-Exempt Money Market Fund [811–3442]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On October 14, 1988, applicant transferred all of its assets, subject to liabilities, to the Tax-Exempt Portfolio of Cash Equivalent Fund in exchange for share based on net asset value per share. Expenses incurred in connection with the merger were $28,000 and were borne by applicant.

Filing Dates: The application was filed on December 10, 1997, and amended on February 16, 1999.

Applicant's Address: 222 South Riverside Plaza, Chicago, IL 60606–5808.

Kemper Short-Term Global Income Fund [811–6147]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On August 26, 1994, applicant transferred all of its assets, less reserves for debt, to the Kemper Global Income Fund in exchange for Class A shares based on net asset value per share. Expenses incurred in connection with the merger were $32,000 and were borne by applicant.

Filing Dates: the application was filed on December 10, 1997, and amended on February 16, 1999.

Applicant's Address: 222 South Riverside Plaza, Chicago, IL 60606–5808.

Zazove Convertible Fund, L.P. [File No. 811–8324]

Summary: Appplicant seeks an order declaring that it has ceased to be an investment company. On January 1, 1999, applicant transferred all of its assets to Zazove Convertible Securities Fund, Inc. (''Convertible Securities Fund'') in exchange for shares of the Convertible Securities Fund based on net asset value. The Convertible Securities Fund will pay approximately $40,000 in expenses in connection with the merger.

Filing Dates: The application was filed on January 27, 1999, and amended on April 21, 1999.

Applicant's Address: 4801 West Peterson Avenue, Suite 615, Chicago, Illinois 60646.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–11458 Filed 5–6–99; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 27015]

Filings Under the Public Utility Holding Company Act of 1935, as Amended (''Act'')

April 30, 1999.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated under the Act. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments is/are available for public inspection through the Commission's Branch of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by May 24, 1999, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549–0609, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing should identify specifically the issues of facts or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After May 24, 1999, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Columbia Energy Group (70–9421)

Columbia Energy Group (''Columbia''), 13880 Dulles Corner Lane, Herndon, Virginia 20171–4600, a registered holding company, has filed an application-declaration under sections 6(a), 7, 9(a), 10 and 12(f) of the Act.

Columbia proposes to engage in the business of factoring accounts receivable (''Receivables'') through one or more, existing or newly formed or acquired, direct or indirect subsidiaries (''Factoring Subsidiaries''). Factoring Subsidiaries would factor Receivables of associate and nonassociate companies.

Factoring Subsidiaries also propose to enter into agreements to purchase and sell Receivables with third-party financial institutions (''Purchasers''). Columbia states that the Factoring Subsidiaries will require no additional financing to acquire associate or nonassociate Receivables, because they will sell the Receivables to Purchasers the day the Receivables are acquired. Columbia will report the acquisition and sale of all Receivables as sales under generally accepted accounting principles.

Factoring Subsidiaries would purchase Receivables from an associate company at a discounted rate that, among other things, reflects its cost of capital and the collection histories of the associates generating the Receivables. Columbia expects that Purchasers of associate Receivables will elect to maintain current collection procedures, which are managed by associate companies. Accordingly, the discounting of Receivables acquired by both Factoring Subsidiaries and Purchasers would incorporate a collection fee component attributable to the collection services rendered by associate companies. The acquisition of Receivables from associate and nonassociate companies would be limited so that the trailing twelve-month average amount of nonassociate company Receivables held as of the end

of any calendar month would be less than the trailing twelve-month average amount of any Receivables acquired from associate companies held as of the end of the same calendar month.

For the Commission by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–11457 Filed 5–6–99; 8:45 am]

BILLING CODE 8010–01–M

SOCIAL SECURITY ADMINISTRATION

Privacy Act of 1974; Computer Matching Program (SSA/Department of Labor (DOL)—SSA Match Number 1013

AGENCY: Social Security Administration (SSA).

ACTION: Notice of computer matching program.

SUMMARY: In accordance with the provisions of the Privacy Act, as amended, this notice announces a computer matching program that SSA plans to conduct with DOL.

DATES: SSA will file a report of the subject matching program with the Committee on Governmental Affairs of the Senate, the Committee on Government Reform and Oversight of the House of Representatives and the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). The matching program will be effective as indicated below.

ADDRESSES: Interested parties may comment on this notice by either telefax to (410) 966–0869 or writing to the Associate Commissioner for Program Support, 4400 West High Rise Building, 6401 Security Boulevard, Baltimore, MD 21235. All comments received will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: The Associate Commissioner for Program Support as shown above.

SUPPLEMENTARY INFORMATION:

A. General

The Computer Matching and Privacy Protection Act of 1988 (Public Law (Pub. L.) 100–503) amended the Privacy Act (5 U.S.C. 552a) by establishing the conditions under which computer matching involving the Federal Government 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. Among other things, it requires Federal agencies involved in computer matching programs to:

(1) Negotiate written agreements with the other agency or agencies participating in the matching programs;

(2) Obtain the approval of the matching agreement by the Data Integrity Boards (DIB) of the participating Federal Agencies;

(3) Furnish detailed reports about matching programs to Congress and OMB;

(4) Notify applicants and beneficiaries that their records are subject to matching; and

(5) Verify match findings before reducing, suspending, terminating or denying an individual's benefits or payments.

B. SSA Computer Matches Subject to the Privacy Act

We have taken action to ensure that this computer matching program complies with the requirements of the Privacy Act, as amended.

Dated: April 16, 1999.

Kenneth S. Apfel,

Commissioner of Social Security.

Notice of Computer Matching Program, Social Security Administration (SSA) With the Department of Labor (DOL)

A. Participating Agencies

SSA and DOL.

B. Purpose of the Matching Program

The purpose of this matching program is to establish conditions and procedures for DOL's disclosure of certain Federal Employee Compensation Act benefit data to SSA. The data is needed by SSA in the process of verifying the eligibility of, and the amount of benefits payable to individuals under the Disability Insurance Program administered by SSA under title II of the Social Security Act (the Act), and in verifying eligibility and payment amounts of individuals under the Supplemental Security Income (SSI) program. The SSI program was created under title XVI of the Act to provide benefits to individuals with income and resources below levels established by law and regulations.

C. Authority for Conducting the Matching Program

Sections 224, 1631(e)(1)(B) and 1631(f) of the Act (42 U.S.C. 424a, 1383(e)(1)(B) and 1383(f)).

D. Categories of Records and Individuals Covered by the Match

DOL will provide SSA with an electronic or magnetic tape file extracted from the Office of Workers' Compensation Programs Federal Employees' Compensation Act File, DOL(GOVT–1). The extracted file will contain certain workers' compensation payment information. Each record on the DOL file will be matched to SSA's Supplemental Security Income Record, SSA/OSR 09–60–0103; Master Files of Social Security Number (SSN) Holders and SSN Applications, SSA/OSR 09–60–0058; and Master Beneficiary Record, SSA/OSR 09–60–0090, to identify individuals potentially subject to benefit reductions or termination of payment eligibility under applicable requirements of the above described benefit programs.

E. Inclusive Dates of the Match

The matching program shall become effective upon signing of the agreement by both parties to the agreement and approval of the agreement by the Data Integrity Boards of the respective agencies, but no sooner than 40 days after notice of this matching program is sent to Congress and the Office of Management and Budget, or 30 days after publication of this notice in the **Federal Register**, whichever date 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. 99–11508 Filed 5–6–99; 8:45 am]

BILLING CODE 4190–29–P

DEPARTMENT OF STATE

[Public Notice No. 3032]

Advisory Committee on Historical Diplomatic Documentation; Notice of Meeting

The Advisory Committee on Historical Diplomatic Documentation will meet in the Department of State, 2201 ''C'' Street NW, Washington, DC, May 24–25, 1999, in Conference Room 1406. Prior notification and a valid photo are mandatory for entrance into the building. One week before the meeting prospective public attendees must notify Gloria Walker, Office of Historian (202–663–1124) providing

relevant date(s) of birth, social security number(s) and telephone number(s).

The Committee will meet in open session from 1:30 p.m. through 4:30 p.m. on the afternoon of Monday, May 24, 1999. The remainder of the Committee's sessions from 9 a.m. until 5 p.m. on Tuesday, May 25, 1999, will be closed in accordance with section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463). The agenda calls for discussions involving consideration of matters not subject to public disclosure under 5 U.S.C. 552b(c)(1), and that the public interest requires that such activities be withheld from disclosure.

Questions concerning the meeting should be directed to William Z. Slany, Executive Secretary, Advisory Committee on Historical Diplomatic Documentation, Department of State, Office of the Historian, Washington, DC 20520, telephone (202) 663–1123, (e-mail pahistoff@panet.us-state.gov).

Dated: April 28, 1999.

William Z. Slany,

Executive Secretary.

[FR Doc. 99–11551 Filed 5–6–99; 8:45 am]

BILLING CODE 4710–45–U

DEPARTMENT OF STATE

[Public Notice 3049]

Office of the Deputy Assistant Secretary for Energy, Sanctions, and Commodities; Receipt of Application for a Presidential Permit for Pipeline Facilities To Be Constructed and Maintained on the Borders of the United States

AGENCY: Department of State.

SUMMARY: The Department of State has received an application from the Penn Octane Corporation requesting a permit, pursuant to Executive Order 11423 of August 16, 1968, as amended by Executive Order 12847 of May 17, 1993, authorizing Penn Octane to construct and maintain two pipelines to transport liquefied petroleum gas (LPG) and refined product (motor gasoline and diesel fuel) crossing the international boundary between the United States and Mexico at a point in El Paso County, Texas. Penn Octane Corporation is a publicly held company having its principal office in Los Angeles, California. The project consists of two pipelines of approximately 21 miles in length crossing beneath the Rio Grande River.

DATES: Interested parties are invited to submit, in duplicate, comments relative to this proposal on or before June 3, 1999.

FOR FURTHER INFORMATION CONTACT: Matthew McManus, Division Chief, Energy Producing Countries, Department of State, Washington, D.C., 20520. (202) 647–4557.

Dated: May 4, 1999.

Matthew McManus,

Division Chief, Energy Producing Countries, Bureau of Economic and Business Affairs.

[FR Doc. 99–11552 Filed 5–6–99; 8:45 am]

BILLING CODE 4710–07–U

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Notice With Respect To List of Countries Denying Fair Market Opportunities for Government-Funded Airport Construction Projects

AGENCY: Office of the United States Trade Representative.

ACTION: Notice with respect to a list of counties denying fair market opportunities for products and suppliers of the United States in airport construction procurements.

SUMMARY: Pursuant to section 533 of the Airport and Airway Improvement Act of 1982, as amended (49 U.S.C. 50104), the United States Trade Representative (''USTR'') has determined not to include any countries on the list of countries that deny fair market opportunities for U.S. products, suppliers, or bidders in foreign government-funded airport construction projects.

DATES: Effective May 1, 1999.

ADDRESSES: Office of the United States Trade Representative, 600 17th Street, N.W., Washington, D.C. 20508.

FOR FURTHER INFORMATION CONTACT: John Ellis, Director of Government Procurement Issues, (202) 395–3063; or Stephen Kho, Assistant General Counsel, (202) 395–3581.

SUPPLEMENTARY INFORMATION: Section 533 of the Airport and Airway Improvement Act of 1982, as amended by section 115 of the Airport and Airway safety and Capacity Expansion Act of 1987, Pub. L. 100–223 (codified at 49 U.S.C. 50104) (''the Act''), requires USTR to decide by May 1, 1999, whether any foreign countries have denied fair market opportunities to U.S. products, suppliers, or bidders in connection with airport construction projects of $500,000 or more that are funded in whole or in part by the governments of such countries. The list of such countries must be published in the **Federal Register**. For the purposes of the Act, USTR has decided not to include any countries on the list of countries that deny fair market opportunities for U.S. products, suppliers, or bidders in foreign government-funded airport construction projects.

Charlene Barshefsky,

United States Trade Representative.

[FR Doc. 99–11480 Filed 5–6–99; 8:45 am]

BILLING CODE 3190–01–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

AGENCY: Office of the Secretary, DOT.

ACTION: Announcement of public forum on economic analysis in rulemaking.

TIME AND DATE: 1:00 p.m.–4:00 p.m., May 17, 1999.

PLACE: Nassif Building, Room 2230, Department of Transportation, 400 Seventh Street, SW, Washington, DC 20590.

STATUS: Open to public with attendance limited to space available.

PURPOSE: The purpose of the forum is to have an exchange of ideas and to start a dialogue that will better enable the Department to analyze its rules. We do not want comments on specific rules or proposals, although it would be appropriate to use an existing rule to illustrate a point.

SUMMARY: The Department of Transportation will be hosting a public forum on economic analysis in rulemaking. Expert panelists from the Air Transport Association (David Swierenga), American Trucking Association (Bob Castello), Association of American Railroads (Peter French), International Brotherhood of Teamsters (Mike Conyingham), National Highway Traffic Safety Administration (Larry Blincoe), Public Citizen (Joan Claybrook), and U.S. Coast Guard (Fred Scheer) will give their perspective on the Department's economic analysis of rules. The moderator of the forum will present a series of issues to the panel for discussion; the audience will also be encouraged to ask questions or make comments. The forum will address various issues such as problems with data, valuation of costs and benefits, and the basis of assumptions in DOT's analysis. This forum is one of three—the other two will be on risk assessment and small entities—the Department will be sponsoring before October 1, 1999, in which we will ask the public to join us.

REGISTRATION: Participants are requested to register their intent to attend this forum meeting by pointing their web browser to the following URL: http://course.ost.dot.gov. Also, remember to use the buttons provided on the web

pages to navigate from screen to screen, rather than the browser controls, whenever possible. If you do not have internet access, you can register by calling 202–366–4723 or by writing to the contact person below. Please include your name, address, and phone number in your letter/postcard. Also, remember that space is limited and registration is on a first-come-first-served basis.

FOR FURTHER INFORMATION CONTACT: Blane Workie, Office of General Counsel (C–50), Department of Transportation, Room 10424, 400 Seventh Street, SW, Washington, DC 20590. Phone: (202) 366–4723 (voice), (202) 755–7687 (TDD); Email: blane.workie@ost.dot.gov.

Issued in Washington, DC., this 3rd day of May, 1999.

Robert C. Ashby,

Deputy Assistant General Counsel for Regulation and Enforcement.

[FR Doc. 99–11494 Filed 05–06–99; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Index of Administrator's Decisions and Orders in Civil Penalty Actions; Publication

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of publication.

SUMMARY: This notice constitutes the required quarterly publication of an index of the Administrator's decisions and orders in civil penalty cases. This publication represents the quarter ending on March 31, 1999. This publication ensures that the agency is in compliance with statutory indexing requirements.

FOR FURTHER INFORMATION CONTACT: James S. Dillman, Assistant Chief Counsel for Litigation (AGC–400), Federal Aviation Administration, 400 7th Street, SW, Suite PL 200–A, Washington, DC 20590; telephone (202) 366–4118.

SUPPLEMENTARY INFORMATION: The Administrative Procedure Act requires Federal agencies to maintain and make available for public inspection and copying current indexes containing identifying information regarding materials required to be made available or published. 5 U.S.C. 552(a)(2). In a notice issued on July 11, 1990, and published in the **Federal Register** (55 FR 29148; July 17, 1990), the FAA announced the public availability of several indexes and summaries that provide identifying information about the decisions and orders issued by the Administrator under the FAA's civil penalty assessment authority and the rules of practice governing hearings and appeals of civil penalty actions. 14 CFR part 13, subpart G.

The FAA maintains an index of the Administrator's decisions and orders in civil penalty actions organized by order number and containing identifying information about each decision or order. The FAA also maintains a cumulative subject-matter index and digests organized by order number.

The indexes are published on a quarterly basis (*i.e.*, January, April, July, and October.) This publication represents the quarter ending on March 31, 1999.

The FAA first published these indexes and digests for all decisions and orders issued by the Administrator through September 30, 1990. 55 FR 35984; October 31, 1990. The FAA announced in that notice that only the subject-matter index would be published cumulatively and that the order number index would be non-cumulative. The FAA announced in a later notice that the order number indexes published in January would reflect all of the civil penalty decisions for the previous year. 58 FR 5044; 1/19/93.

The previous quarterly publications of these indexes have appeared in the **Federal Register** as follows:

Dates of quarter	Federal register publication
11/1/89–9/30/90	55 FR 45984; 10/31/90.
10/1/90–12/31/90 ..	56 FR 44886; 2/6/91.
1/1/91–3/31/91	56 FR 20250; 5/2/91.
4/1/91–6/30/91	56 FR 31984; 7/12/91.
7/1/91–9/30/91	56 FR 51735; 10/15/91.
10/1/91–12/31/91 ..	57 FR 2299; 1/21/92.
1/1/92–3/31/92	57 FR 12359; 4/9/92.
4/1/92–6/30/92	57 FR 32825; 7/23/92.
7/1/92–9/30/92	57 FR 48255; 10/22/92.
10/1/92–12/31/92 ..	58 FR 5044; 1/19/93.
1/1/93–3/31/93	58 FR 21199; 4/19/93.
4/1/93–6/30/93	58 FR 42120; 8/6/93.
7/1/93–9/30/93	58 FR 58218; 10/29/93.
10/1/93–12/31/93 ..	59 FR 5466; 2/4/94.
1/1/94–3/31/94	59 FR 22196; 4/29/94.
4/1/94–6/30/94	59 FR 39618; 8/3/94.
7/1/94–12/31/94	60 FR 4454; 1/23/95.
1/1/95–3/31/95	60 FR 19318; 4/17/95.
4/1/95–6/30/95	60 FR 36854; 7/18/95.
7/1/95–9/30/95	60 FR 53228; 10/12/95.
10/1/95–12/31/95 ..	61 FR 1972; 1/24/96.
1/1/96–3/31/96	61 FR 16955; 4/18/96.
4/1/96–6/30/96	61 FR 37526; 7/18/96.
7/1/96–9/30/96	61 FR 54833; 10/22/96.
10/1/96–12/31/96 ..	62 FR 2434; 1/16/97.
1/1/97–3/31/97	62 FR 24533; 5/2/97.
4/1/97–6/30/97	62 FR 38339; 7/17/97.
7/1/97–9/30/97	62 FR 53856; 10/16/97.
10/1/97–12/31/97 ..	63 FR 3373; 1/22/98.
1/1/98–3/31/98	63 FR 19559; 4/20/98.
4/1/98–6/30/98	63 FR 37914; 7/14/98.
7/1/98–9/30/98	63 FR 57729; 10/28/98.
10/1/98–12/31/98 ..	64 FR 1855; 1/12/99.

The civil penalty decisions and orders, and the indexes and digests are available in FAA offices. In addition, the Administrator's civil penalty decisions have been published by commercial publishers (Hawkins Publishing Company and Clark Boardman Callaghan) and are available on computer on-line services (Westlaw, LEXIS, Compuserve and FedWorld). (A list of the addresses of the FAA offices where the civil penalty decisions may be reviewed and information regarding these commercial publications and computer databases are provided at the end of this notice.)

Information regarding the accessibility of materials filed in recently initiated civil penalty cases in FAA civil penalty cases at the DOT Docket and over the Internet is also set forth at the end of this notice.

Civil Penalty Actions—Orders Issued by the Administrator

Order Number Index

(This index includes all decisions and orders issued by the Administrator from January 1, 1999, to March 31, 1999.)

1999–1—American Airlines

3/2/99—CP95SW0195, CP95SO0196, CP95SW0197, CP95SW0199, CP95SW0200, CP95SW0201, CP95SW0202, CP95SW0207, CP95SW0208, CP95SW0209, CP95SW0210, CP95SW0211, CP95SW0212, CP95SW0213, CP95SW0215, CP95SW0216, CP95SW0217, CP95SW0294, CP95SW0295, CP96SW0132, CP96SW0133, CP96SW0134, CP96SW0170

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Civil Penalty Actions—Orders Issued by the Administrator

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Civil Penalty Actions—Orders Issued by the Administrator

Digests

(Current as of March 31, 1999)

The digests of the Administrator's final decisions and orders are arranged by order number, and briefly summarize key points of the decision. The following compilation of digests includes all final decisions and orders issued by the Administrator from January 1, 1999, to March 31, 1999. The FAA will publish non-cumulative supplements to this compilation on a quarterly basis (*e.g.*, April, July, October, and January of each year).

These digests do not constitute legal authority, and should not be cited or relied upon as such. The digests are not intended to serve as a substitute for proper legal research. Parties, attorneys, and other interested persons should always consult the full text of the Administrator's decisions before citing them in any context.

In the Matter of American Airlines

Order No. 99–1 (3/2/99)

Badge Display Requirement. This appeal involved 23 related security cases and 51 alleged violations of the badge display requirement at Dallas/Fort Worth Airport by American employees. Under the Air Carrier Standard Security Program, the

employees' badges were not adequately displayed when they were hidden inside a shirt or pants pocket or under an outer garment. American knew or should have known that the FAA intended continuous display. Before the FAA initiated the instant cases, it repeatedly provided American notice that the security program required continuous display. It did so first when the FAA provided American a copy of the proposed change, again when it actually promulgated the change, and finally when it initiated each of the hundreds of Dallas-Fort Worth badge display cases that the agency ultimately closed administratively prior to the instant cases.

Due Process. Due process does not require an evidentiary hearing where there are no factual issues to resolve. The law judge ordered American to outline, in its prehearing brief, its anticipated factual presentation and any justification for lowering the sanctions, but American failed to comply. Later, when Complainant FAA filed its motion for decision, American again had the opportunity, as well as the obligation, to show that a hearing was necessary, but once again American filed no affidavits or other evidence.

American has never denied that the badges of its employees and contractors were hidden. For example, it stated in its appeal brief that ''[t]he 23 badge cases pending before [the Administrator] involve circumstances where an American employee wore his identification media * * * attached to a work shirt or placed in a pocket [so that] it was covered by an outer garment * * *.''

Work on Particular Flight. An airline employee's work on a particular flight is not an element of a violation of 14 CFR 108.5. The badge display requirement applies to all portions of the Security Identification Display Area. American does not dispute that the American employees were inside the Security Identification Display Area, or that American conducts operations subject to Part 108 at the Dallas-Fort Worth Airport.

Conclusion. American's appeal is denied and American is assessed civil penalties of $250,500.

In the Matter of Oxygen Systems, Inc.

Order No. 99–2 (3/4/99)

Appeal Dismissed for Failure to Perfect. Respondent Oxygen Systems filed a timely notice of appeal from the law judge's written initial decision. However, Oxygen Systems failed to file an appeal brief or request for an extension of time. In addition, Oxygen Systems failed to reply to Complainant FAA's motion to dismiss the appeal for failure to perfect. Accordingly, Oxygen Systems' appeal is dismissed under 14 CFR 13.233(D)(2).

Commercial Reporting Services of the Administrator's Civil Penalty Decisions and Orders

1. *Commercial Publications:* The Administrator's decisions and orders in civil penalty cases are available in the following commercial publications:

Civil Penalty Cases Digest Service, published by Hawkins Publishing Company, Inc., P.O. Box 480, Mayo, MD, 21106, (410) 798–1677;

Federal Aviation Decisions, Clark Boardman Callaghan, a subsidiary of West Information Publishing Company, 50 Broad Street East, Rochester, NY 14694, 1–800–221–9428.

2. *CD–ROM.* The Administrator's orders and decisions are available on CD–ROM through Aeroflight Publications, P.O. Box 854, 433 Main Street, Gruver, TX 79040, (806) 733–2483.

3. *On-Line Services.* The Administrator's decisions and orders in civil penalty cases are available through the following on-lien services:

- Westlaw (the Database ID is FTRAN–FAA)
- LEXIS [Transportation (TRANS) Library, FAA file.]
- Compuserve
- FedWorld

Docket

The FAA Hearing Docket is located at FAA Headquarters, 800 Independence Avenue, SW, Room 926A, Washington, DC, 20591 (tel. no. 202–267–3641.) The clerk of the FAA Hearing Docket is Ms. Stephanie McClain. All documents required to be filed in civil penalty proceedings must be filed with the FAA Hearing Docket Clerk at the FAA Hearing Docket. (See 14 CFR 13.210.) Materials contained in the dockets of any case not containing sensitive security information (protected by 14 CFR part 191) may be viewed at the FAA Hearing Docket.

In addition, materials filed in the FAA Hearing Docket in non-security cases in which the complaints were filed on or after December 1, 1997, are available for inspection at the Department of Transportation Docket, located at 400 7th Street, SW, Room PL–401, Washington, DC, 20590, (tel. no. 202–366–9329.) While the originals will be retained in the FAA Hearing Docket, the DOT Docket will scan copies of documents in non-security cases in which the complaint was filed after December 1, 1997, into their computer database. Individuals who have access to the Internet can view the materials in these dockets using the following Internet address: http://dms.dot.gov.

FAA Offices

The Administrator's decisions and orders, indexes, and digests are available for public inspection and copying at the following location in FAA headquarters; FAA Hearing Docket, Federal Aviation Administration, 800 Independence Avenue, SW, Room 924A, Washington, DC 20591; (202) 267–3641.

These materials are also available at all FAA regional and center legal offices at the following locations:

Office of the Regional Counsel for the Aeronautical Center (AMC–7), Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73125; (405) 954–3296.

Office of the Regional Counsel for the Alaskan Region (AAL–7), Alaskan Region Headquarters 222 West 7th Avenue, Anchorage, AL 99513; (907) 271–5269.

Office of the Regional Counsel for the Central Region (ACE–7), Central Region Headquarters, 601 East 12th Street, Federal Building, Kansas City, MO 64106; (816) 426–5446.

Office of the Regional Counsel for the Eastern Region (AEA–7), Eastern Region Headquarters, JFK International Airport, Federal Building, Jamaica, NY 11430; (718) 553–3285.

Office of the Regional Counsel for the Great Lakes Region (AGL–7), 2300 East Devon Avenue, Suite 419, Des Plaines, IL 60018; (708) 294–7108.

Office of the Regional Counsel for the New England Region (ANE–7), New England Region Headquarters, 12 New England Executive Park, Room 401, Burlington, MA 01803–5299; (617) 238–7050.

Office of the Regional Counsel for the Northwest Mountain Region (ANM–7), Northwest Mountain Region Headquarters, 1601 Lind Avenue, SW, Renton, WA 98055–4056; (425) 227–2007.

Office of the Regional Counsel for the Southern Region (ASO–7), Southern Region Headquarters, 1701 Columbia Avenue, College Park, GA 30337; (404) 305–5200.

Office of the Regional Counsel for the Southwest Region (ASW–7), Southwest Region Headquarters, 2601 Meacham Blvd., Fort Worth, TX 76137–4298; (817) 222–5087.

Office of the Regional Counsel for the Technical Center (ACT–7), Federal Aviation Administration Technical Center, Atlantic City International

Airport, Atlantic City, NJ 08405; (609) 485–7087.

Office of the Regional Counsel for the Western-Pacific Region (AWP–7), Western-Pacific Region Headquarters, 15000 Aviation Boulevard, Lawndale, CA 90261; (310) 725–7100.

Issued in Washington, DC on April 26, 1999.

James S. Dillman,

Assistant Chief Counsel for Litigation.

[FR Doc. 99–11178 Filed 05–06–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application 99–02–C–00–CID To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at the Eastern Iowa Airport, Cedar Rapids, IA

AGENCY: Federal Aviation Administration, (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at the Eastern Iowa Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Commentst must be received on or before June 7, 1999.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation Administration, Central Region, Airports Division, 601 E. 12th Street, Kansas City, MO 64106

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Lawrence K. Mullendore, Airport Director, The Eastern Iowa Airport, at the following address: Cedar Rapids Airport Commission, 2515 Wright Brothers Boulevard, Cedar Rapids, IA 52404.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Cedar Rapids Airport Commission under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Lorna Sandridge, PFC Program Manager, FAA, Central Region, 601 E. 12th Street, Kansas City, MO 64106, (816) 426–4730. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at the Eastern Iowa Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On January 13, 1999, the FAA determined that the application to impose and use the revenue from a PFC submitted by the Eastern Iowa Airport, Cedar Rapids, Iowa, was not substantially complete within the requirements of § 158.25 of part 158. The Cedar Rapids Airport Commission submitted supplemental information on April 14, 1999. The FAA will approve or disapprove the supplemental application, in whole or in part, no later than August 16, 1999.

The following is a brief overview of the application.

Level of the proposed PFC: $3.00.

Proposed charge effective date: July, 2000.

Proposed charge expiration date: June, 2004.

Total estimated PFC revenue: $4,303,003.

Brief description of proposed project(s): Construct snow removal equipment and deicing material building; acquire snow removal multipurpose unit broom, snow blower, and snow plow, acquire two snow plow trucks, two each snow plow, dump box, and spreader; acquire high-rise turret with penetrating nozzle; acquire disabled passenger lift; replace multiple user flight information display system; renovate terminal public-use corridor and waiting areas near the airline ticketing areas; and construct new loading bridge.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTRACT.**

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Eastern Iowa Airport.

Issued in Kansas City, Missouri on April 23, 1999.

Gerorge A. Hendon,

Manager, Airports Division, Central Region.

[FR Doc. 99–11544 Filed 5–6–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Customer Service Survey of FTA Circular 4220.1D, Third Party Contracting Requirements

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Transit Administration (''FTA'') is publishing a notice of its Customer Service Survey for FTA Circular 4220.1D. The objective of this survey is to assess the degree to which the changes implemented in FTA Circular 4220.1D (''Circular'') have met the needs of grant recipients and contractors (including Disadvantaged Business Enterprises) in accomplishing their procurement function. Many of your comments may also provide useful information for the preparation of a Notice of Proposed Rulemaking on Third Party Procurement Requirements, which will be issued by FTA later this year. In addition, suggestions and ideas are being sought for improvement in the Circular and other procurement related documents such as the Best Practices Procurement Manual.

DATES: Survey responses due by May 14, 1999.

ADDRESSES: All responses to the survey should be mailed to: Leon Snead & Company, P.C.; 416 Hungerford Drive, Suite 400; Rockville, Maryland 20850.

FOR FURTHER INFORMATION CONTACT: Ms. Lucy Jackson, (202) 366–4980 or Mr. Reginald Lovelace, (202) 366–2654, Office of Procurement.

SUPPLEMENTARY INFORMATION: This Customer Service Survey should take no more than thirty (30) minutes to complete. Your prompt response will insure that you play a meaningful role in the maintenance and continual updating of the Best Practices Procurement Manual and the administrative and regulatory requirements imposed in FTA Circular 4220.1D. FTA's goal is to reduce the unnecessarily burdensome requirements imposed upon our customers while providing an enhanced level of technical assistance.

You are encouraged to distribute copies of the survey to other individuals who are directly and/or indirectly involved in the procurement process. It will be helpful to FTA to hear all of their perspectives. The responses to the survey will remain confidential. The information provided and the resultant findings will not be associated with any individual or organization.

Issued on May 3, 1999.

Gordon J. Linton,

Administrator.

BILLING CODE 4910–57–U

ATTACHMENT

CUSTOMER SURVEY
IMPLEMENTATION OF FTA CIRCULAR 4220.1D AND BEST PROCUREMENT PRACTICES

1. Select your organization's size/type from the choices below:
   - ❑ LT100 veh.
   - ❑ 100-500 veh.
   - ❑ 500 veh.+
   - ❑ State DOT
   - ❑ FTA
   - ❑ Vendor/Certified DBE
   - ❑ Vendor
   - ❑ Other _____

2. Indicate your occupation (i.e. General Manager, Procurement Specialist, etc.)

   _____

3. What is the most convenient medium for you to receive the Best Practices Procurement Manual?
   - ❑ Internet by itself
   - ❑ Other media _____

3a. If other media, please explain: _____

4. Is the five (5) year contract period of performance limitation in FTA C4220.1D appropriate for all contracts?
   - ❑ Yes
   - ❑ No

4a. If no, please explain: _____

5. Is the current FTA C4220.1D more or less useful than FTA C4220.1B?
   - ❑ (5) Much more
   - ❑ (4) Little more
   - ❑ (3) No difference
   - ❑ (2) Little less
   - ❑ (1) Much less
   - ❑ N/A

5a. Please explain: _____

6. Have revisions contained in FTA C4220.1D expedited your procurement process?
   - ❑ Yes
   - ❑ No
   - ❑ N/A

6a. Please explain: _____

7. The advance payment prohibition in FTA C4220.1D is clear and easily implemented.
   - ❑ (5) Strongly agree
   - ❑ (4) Somewhat agree
   - ❑ (2) Disagree
   - ❑ (1) Strongly disagree

❑ (3) Neutral ❑ N/A

7a. Please explain: _____

8. Which requirements can be waived under the Circular? (Write in below.)

_____

_____

❑ Don't Know

9. Are the FTA sponsored courses beneficial?

❑ Yes
❑ No
❑ N/A

9a. If no, please explain: _____

10. Are current types and levels of technical assistance (TA) adequate?

❑ Yes
❑ No
❑ N/A

10a. If no, what TA would address your needs: _____

11. Do your contract solicitations provide for assignment of Contract Rights?

❑ Yes
❑ No
❑ N/A

12. Are income generating contracts (such as advertising) normally awarded on a competitive basis?

❑ Yes
❑ No

12a. If no, please explain: _____

13. Are there specific provisions in the circular that are unclear and need to be rewritten? If yes, please cite each provision by paragraph number and state the nature of the problem.

14. Are there any provisions in the circular that you feel are inappropriate or are there other provisions that should be included?

❑ Yes
❑ No

14a. If yes, please explain:

15. Comments:

[FR Doc. 99–11496 Filed 5–6–99; 8:45 am]
BILLING CODE 4910–57–C

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–99–5101; Notice 1]

Comments on Truck Splash and Spray Reduction for a Report to Congress

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice requesting comments.

SUMMARY: The Senate Appropriations Committee has directed NHTSA to provide Congress with a report updating the agency's research on truck splash and spray by conducting a comprehensive review and evaluation of spray suppression measures that can be employed on heavy duty vehicles to provide clearer highway visibility and safety during periods of adverse weather conditions. The report is due to Congress by October 21, 1999. This notice invites any interested person to provide NHTSA with any information or data in this area that the person believes NHTSA should consider in preparing this report to Congress.

DATES: All comments received by NHTSA no later than June 21, 1999 will be considered in preparing this report to Congress on progress in heavy vehicle splash and spray suppression.

ADDRESSES: All comments should refer to Docket No. NHTSA–99–5101; Notice 7 and be submitted to: Docket Management, Room PL–401, 400 Seventh Street, SW, Washington, D.C. 20590. Docket hours are from 10:00 a.m. to 5:00 p.m. Monday through Friday.

For public comments and other information related to previous notices on this subject, please refer to Docket No. 83–005, NHTSA Docket, Room 5111, 400 Seventh Street, SW, Washington, DC 20590. NHTSA Docket hours are from 9:30 am to 4:00 pm Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. Jere Medlin, Office of Crash Avoidance Standards, NPS–20, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, telephone (202) 366–5276, fax (202) 366–4329.

SUPPLEMENTARY INFORMATION: The terms ''splash and spray'' are commonly used to describe the adverse effects on driver visibility caused by other vehicles when traveling on wet roads. While spray clouds are produced by all vehicles traveling on wet roads, those produced by large trucks and buses are much larger than the clouds produced by passenger cars and light trucks. This can result in reduced driver visibility for adjacent motorists and for the driver of the large truck or bus.

NHTSA and others have studied the subject of splash and spray for more than 30 years. The most recent time the agency evaluated this subject was in late 1993, in response to a request from the Senate Appropriations Committee. In its report on NHTSA's FY94 appropriation, the Committee asked that the agency report ''* * * on the status of recent technological progress in the design and testing of splash and spray suppression devices [for large commercial vehicles] and NHTSA's view on the need for regulation in this safety area.'' In response, NHTSA submitted a report to Congress in March 1994, ''Splash and Spray Suppression, Technological Developments in the Design and Testing of Spray Reduction Devices for Heavy Trucks'' (DOT HS 808 085), copies of which are available from the National Technical Information Service, Springfield, Virginia 22161. The report provided a comprehensive evaluation and summary of available data and studies conducted before and after NHTSA terminated rulemaking on splash and spray in 1988. The 1994 report concluded the following about developments in splash and spray reduction for heavy trucks:

1. There are no data available to support the position that heavy truck splash and spray presents a major safety problem, in terms of crashes caused and injuries in those crashes. The greatest involvement ever found for splash and spray was that it was a factor in 0.41% of crashes studied according to a 1959 British study. A more recent study in Indiana found that splash and spray could not be documented as a cause of any crash studied, and a North Carolina study found that splash and spray was a factor in 0.0055% of 450,000 crashes evaluated. No information has become available since 1988 suggesting that splash and spray is a larger safety problem than was previously known.

2. No study or other information has become available since 1988 that would cause the Agency to change its previous determination that no technology or combination of technologies has been demonstrated that will consistently and significantly reduce splash and spray from tractors, semi-trailers, and trailers to the extent that driver visibility will be significantly improved.

3. Several manufacturers of large trucks believe that aerodynamic improvements, which were made to their vehicles in an effort to improve fuel economy and reduce operating costs, will also serve to reduce splash and spray. This belief is based on very limited testing under controlled conditions. More extensive testing conducted in connection with NHTSA's previous rulemaking indicated that aerodynamic devices are not as effective at suppressing spray in the presence of crosswinds. Previous engineering analysis suggested that aerodynamic devices on truck tractors would not be effective at reducing spray when the tractor was connected to a trailer or semitrailer that was not a van. The testing done to date by truck manufacturers of more aerodynamic tractors has not examined these previously identified concerns to see if they are still valid.

4. The truck manufacturers appear to be working to reduce the splash and spray generated by their vehicles in the absence of any government requirement for them to do so. In addition to the efforts of Freightliner and Paccar in testing more aerodynamic truck tractors, the SAE has worked for years to develop a consensus test procedure that can be used to evaluate the performance of spray suppression devices.

Given these circumstances and the information available to it, the Agency has no plans to initiate a new rulemaking action on heavy truck splash and spray reduction.

More recently, in its report on NHTSA's appropriation for fiscal year 1999, the Senate Committee on Appropriations has again asked the agency to review this matter as follows:

Spray suppression research.—The Committee acknowledges the work previously undertaken by NHTSA in the area of spray suppression research and evaluation of abatement technologies and continues to support further research by NHTSA in this area to make travel on the Nation's highways safer and less stressful. The Committee is aware of the progress made in the European Union in designing beneficial performance standards and implementing roadway spray suppression regulations to improve highway visibility. The Committee directs NHTSA to update its research by conducting a comprehensive review and evaluation of spray suppression measures that can be employed on heavy duty vehicles (over 8,500 pounds gross vehicle weight rating) to provide clearer highway visibility and safety during periods of adverse weather conditions. NHTSA shall publish and report its findings to Congress within 12 months of enactment.

The agency has begun gathering the information it will need to respond to this request. NHTSA will conduct a comprehensive review and evaluation of spray suppression measures that can be employed on heavy duty vehicles to update its research since 1993. However, to ensure that the agency is aware of and considers all relevant information on this subject when preparing the Report to Congress, NHTSA is publishing this notice to invite public comment. All interested persons are invited to provide data and other relevant information which has become available since 1993, particularly developments that were not included in NHTSA's 1994 Report to Congress, concerning spray suppression measures that can be employed on heavy duty vehicles.

The agency will consider all public comments it has received by June 21, 1999, when preparing the report to Congress. While NHTSA is interested in any splash and spray information the public may have to offer, the agency is especially interested in responses to the following questions.

Questions

1. Please provide information and data on any technological improvements made since 1993 in the design and/or testing of splash and spray devices for use on heavy duty vehicles. NHTSA is especially interested in supporting data that are the basis for the commenter's conclusion that the device represents a technological improvement that will consistently and significantly reduce splash and spray to the extent that driver visibility will be significantly improved.

2. Please provide information on any data bases that NHTSA should examine or consider to estimate the extent to which splash and spray from heavy duty vehicles contributes to crashes on the public roads.

3. In the agency's rulemaking on this subject that was terminated in 1988, NHTSA indicated that aerodynamic improvements, made by large truck manufacturers to their vehicles to improve fuel economy and reduce operating costs, had shown promise for reducing splash and spray in some situations. That is, if such aerodynamic devices were attached to a truck tractor pulling a van-type semitrailer and if there were little or no crosswind present, the devices could improve visibility to a level that would be helpful to other motorists. In its March 1994 report to Congress, the agency indicated that several large truck manufacturers believed that aerodynamic improvements made since 1988 would reduce splash and spray. However, this was based on very limited testing under controlled conditions. The testing done by truck manufacturers did not examine whether the previously identified concerns were still valid.

Please provide information on any aerodynamic improvements to truck tractors since 1993, and data showing to what extent, if any, such improvements have lessened the amount of splash and spray generated by tractor/van-semitrailer combinations with crosswinds present. NHTSA had found in its testing that a crosswind of 8 miles per hour or more significantly diminished the benefits of the splash and spray countermeasures that were tested. In a 1987 rulemaking notice on this subject, NHTSA cited National Weather Service data indicating the mean wind velocity for the vast majority of the United States is 8 mph or greater. Similarly, please provide information and supporting data on other solutions that have been developed since 1993, which lessen the amount of splash and spray generated by other tractor/trailer combinations, such as tanks or flatbeds, or other types of heavy duty vehicles with crosswinds present.

4. Please provide information on any aftermarket devices introduced since 1993 that are intended to reduce the amount of splash and spray generated by heavy duty vehicles. Include a specific description of the devices, a brief explanation of how they reduce splash and spray, and all tests and other data that demonstrate the devices are effective in reducing splash and spray across a range of heavy vehicles under representative weather conditions.

5. If a person believes that some means would be effective at reducing splash and spray from tractor-single trailer combinations, please provide any information and data on whether that means would also work to reduce spray from tractors combined with double or triple trailers.

6. In its March 1994 report to Congress, NHTSA provided a comprehensive summary of the data and studies that were conducted before and after the agency terminated its rulemaking on splash and spray in 1988. This included all relevant information of which the agency was aware. NHTSA would like commenters to provide information on any study or testing of splash and spray suppression measures that was not considered in the 1994 report to Congress but should be considered in preparing this report to Congress.

7. Please provide information on the costs associated with splash and spray devices introduced since 1993, both original equipment and aftermarket, along with data on how effective the devices are at reducing splash and spray across a range of heavy duty vehicles and representative weather conditions.

8. In its current request that NHTSA again review this matter, the Senate Appropriations Committee stated that ''The Committee is aware of the progress made in the European Union in designing beneficial performance standards and implementing roadway spray suppression regulations to improve highway visibility.'' NHTSA is aware of European Economic Community (EEC) Directive 91–226, ''Spray Suppression Systems,'' issued in April 1991. The Directive applies to heavy duty vehicles and involves EEC member component type-approval addressing two types of spray suppression devices: (1) energy absorption and (2) air/water separator. The Directive includes laboratory performance tests of the devices along with vehicle location and component marking requirements.

Please provide any information along with supporting data on how effective EEC Directive 91–226 has been at reducing splash and spray across a range of heavy duty vehicles and representative weather conditions, to what extent driver visibility is improved, and whether U.S. trucks would need additional equipment, like fenders, to achieve the same visibility benefits from the spray suppression equipment.

9. In 1994 the Society of Automotive Engineers published a ''Recommended Practice For Splash and Spray Evaluation,'' J2245. It provides general guidelines for measuring splash and spray from vehicles operating over wet pavements. The guidelines describe two methods of analysis: (1) video-digitizing and (2) laser. The video-digitizing method uses video images and contrast measurements between black and white checkerboards when a spray cloud is superimposed on them as a means of measuring the obscuring spray. The laser method uses laser transmittance through the spray cloud as the means of measurement. The test procedures involve actual test vehicles fitted with splash and spray devices, and include measurements under various wind conditions.

NHTSA is interested in any information along with supporting data on the use of these two test procedures by manufacturers and others. Specifically, the agency would like to know whether one method is preferred over the other, and why, along with information on the extent to which each method represents real world conditions. In addition, please provide any information on how well reductions in splash and spray through either method correlate to improvements in actual driver visibility.

The agency invites written comments from all interested persons. It is requested that two copies of each written comment be submitted. As always, NHTSA will try to consider comments that it receives after the comment closing date. However, in this case, the deadline imposed by the Senate Appropriations Committee means that comments submitted after the closing date of June 21, 1999 are less likely to be considered.

All comments must not exceed 15 pages in length (49 CFR 553.21). Necessary attachments may be appended to these submissions without

regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in concise fashion.

If a commenter wishes to submit specified information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and two copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation, 49 CFR Part 512.

Comments on this notice will be available for inspection in the docket. NHTSA will continue to file relevant information as it becomes available in the docket after the closing date. Those persons desiring to be notified upon receipt of their written comments in the Docket Section should enclose, in the envelope with their comments, a self-addressed stamped postcard. Upon receipt, the docket supervisor will return the postcard by mail.

Issued on: May 4, 1999.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 99–11545 Filed 5–6–99; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33733 (Sub–No. 1)]

CSX Transportation, Inc.—Trackage Rights Exemption—Consolidated Rail Corporation

AGENCY: Surface Transportation Board.

ACTION: Notice of exemption.

SUMMARY: The Board, under 49 U.S.C. 10502, exempts the trackage rights described in STB Finance Docket No. 33733 to permit the trackage rights to expire on the Split Date (as described in this decision) or June 30, 1999, whichever occurs first, in accordance with the agreement of the parties. [1]

The Conrail trackage that is the subject of the trackage rights is to be allocated to Conrail's subsidiary, New York Central Lines LLC, and operated by CSXT, after what is referred to as the ''Split Date,'' or the date of the division of Conrail's assets, as authorized by the Board in *CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company—Control and Operating Leases/Agreements—Conrail Inc., and Consolidated Rail Corporation*, STB Finance Docket No. 33388 (STB served July 23, 1998). CSXT states that it expects the Split Date to occur on June 1, 1999. The parties intend for the trackage rights to terminate on the Split Date, but if the Split Date does not occur before June 30, 1999, the parties' agreement provides for termination of the trackage rights on June 30, 1999.

DATES: This exemption will be effective on June 1, 1999.

Petitions to reopen must be filed by May 25, 1999.

ADDRESSES: An original and 10 copies of all pleadings referring to STB Finance Docket No. 33733 (Sub-No. 1) must be filed with the Office of the Secretary, Surface Transportation Board, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, a copy of all pleadings must be served on petitioner's representative Charles M. Rosenberger, Senior Counsel, CSX Transportation, Inc., 500 Water Street, J–150, Jacksonville, FL 32202.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar (202) 565–1600. [TDD for the hearing impaired (202) 565–1695.]

SUPPLEMENTARY INFORMATION: Additional information is contained in the Board's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: DC NEWS & DATA, INC., Suite 210, 1925 K Street, N.W., Washington, DC 20006. Telephone: (202) 289–4357. [Assistance for the hearing impaired is available through TDD services (202) 565–1695.]

Board decisions and notices are available on our website at ''WWW.STB.DOT.GOV.''

Decided: May 3, 1999.

By the Board, Chairman Morgan, Vice Chairman Clyburn and Commissioner Burkes.

Vernon A. Williams,

Secretary.

[FR Doc. 99–11567 Filed 5–6–99; 8:45 am]

BILLING CODE 4915–00–P

[1] On March 25, 1999, CSX Transportation, Inc. (CSXT) filed a notice of exemption under the Board's class exemption procedures at 49 CFR 1180.2(d)(7). The notice covered the agreement by Consolidated Rail Corporation (Conrail) to grant temporary overhead trackage rights to CSXT, to operate its trains, locomotives, cars and equipment with CSXT's own crews, over Conrail's Porter Branch between milepost 246.7± at Willow Creek, IN, and milepost 259.5± at Gibson, IN (CP Ivanhoe), a total distance of approximately 12.8 miles. *See CSX Transportation, Inc.—Trackage Rights Exemption— Consolidated Rail Corporation*, STB Finance Docket No. 33733 (STB served Apr. 13, 1999). The trackage rights operations under the exemption became effective on April 1, 1999, and are subject to standard labor protective conditions.

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Minority Veterans, Notice of Meeting

The Department of Veterans Affairs (VA), in accordance with Public Law 103–446, gives notice that a meeting of the Advisory Committee on Minority Veterans will be held from Wednesday, May 12 through Friday, May 14, 1999, in Washington, DC. The purpose of the Advisory Committee on Minority Veterans is to advise the Secretary of Veterans Affairs on the administration of VA benefits and services for minority veterans, to assess the needs of minority veterans and to evaluate whether VA compensation, medical and rehabilitation services, outreach, and other programs are meeting those needs. The Committee will make recommendations to the Secretary regarding such activities.

The meeting will convene in room 430, VA Central Office (VACO) Building, 810 Vermont Avenue, NW, Washington, DC, from 8:30 a.m. to 5 p.m. On May 12, the meeting will focus on the findings of the committee's site visit to VA facilities in the Caribbean. The Committee will also review reports of the four subcommittees. On Thursday, May 13, the Committee will concentrate on VA programs and facilities located in the mid-western states to include Michigan, Ohio, Indiana, Kentucky, Iowa, and Kansas as well as receive a briefing from the Director, Center for Women Veterans. On Friday, May 14, the Committee will begin drafting the annual report for Fiscal Year 1999. These sessions will be open to the public. For those wishing to attend, please contact Mr. Anthony T. Hawkins, Department of Veterans Affairs at (202) 273–6708, prior to May 10, 1999. The Committee will accept written comments from interested parties on issues affecting minority veterans. Comments should be referred to the Committee at the following address: Advisory Committee on Minority Veterans, Center for Minority Veterans (OOM), U.S. Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420.

Dated: April 29, 1999.

By Direction of the Secretary.

Heyward Bannister,

Committee Management Officer.

[FR Doc. 99–11505 Filed 5–6–99; 8:45 am]

BILLING CODE 8320–01–M

DEPARTMENT OF VETERANS AFFAIRS

Research and Development Cooperative Studies Evaluation Committee; Notice of Meeting

The Department of Veterans Affairs gives notice under Public Law 92–463 (Federal Advisory Committee Act) as amended, by section 5(c) of Pub. L. 94–409, that a meeting of the Research and Development Cooperative Studies Evaluation Committee will be held at the Marriott Residence Inn, 500 Army Navy Drive, Arlington, VA 22202, May 11–13, 1999. The session on May 11 will begin at 7:30 a.m. until 5:45 p.m., on May 12 from 7:30 a.m. until 5:00 p.m. and on May 13 from 7:30 a.m. until 12:00 noon. The meeting will be for the purpose of reviewing the following six new proposals: treatment of knee osteoarthritis, Type II Diabetes, statins in reducing the risk of stroke, Pallidal procedure for Parkinson's disease, homocysteinemia in kidney and end stage renal disease, and genetic tissue banking in clinical research. The Committee will also review the progress of four on going studies on Antiarrhythmic Therapy, group treatment of PTSD, computer-assisted neuropsychological screening battery and Naltrexone treatment of alcoholism.

The Committee advises the Chief Research and Development Officer through the Chief of the Cooperative Studies Program on the relevance and feasibility of the studies, the adequacy of the protocols, and the scientific validity and propriety of technical details, including protection of human subjects.

The meeting will be open to the public from 7:30 a.m. to 8:00 a.m. on all three days to discuss the general status of the program. Those who plan to attend should contact Dr. Ping Huang, Coordinator, Research and Development Cooperative Studies Evaluation Committee, Department of Veterans Affairs, Washington, DC, (202–273–8295).

The meeting will be closed during the following portions: on May 11, from 8:15 a.m. until 5:45 p.m., on May 12, from 8:00 a.m. until 5:00 p.m. and on May 13 from 8:00 a.m. until 12:00 noon. These portions of the meeting involve consideration of specific proposals in accordance with provisions set forth in section 10(d) of Pub. L. 92–463, as amended by Pub. L. 94–409, and 5 U.S.C. 552b(c)(6) and (9)(B). During the closed sessions of the meeting, discussions and recommendations will deal with qualifications of personnel conducting the studies (the disclosure of which would constitute a clearly unwarranted invasion of personal privacy), as well as staff and consultant critiques of research protocols, and similar documents, and the medical records of patients who are study subjects (the premature disclosure of which would significantly frustrate implementation of proposed agency action regarding such research projects).

Dated: May 3, 1990.

By Direction of the Secretary.

Heyward Bannister,

Committee Management Officer.

[FR Doc. 99–11504 Filed 5–6–99; 8:45 am]

BILLING CODE 8320–01–M

Corrections

Federal Register

Vol. 64, No. 88

Friday, May 7, 1999

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP99-320-000]

Sumas Energy 2, Inc.; Notice of Application for Section 3 Authorization and Request for a Presidential Permit

Correction

In notice document 99–11082, appearing on page 23832, in the issue of Tuesday, May 4, 1999, make the following correction:

On page 23832, in the second column, the docket number is corrected to read as set forth above.

[FR Doc. C9–11082 Filed 5-6-99; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM–930–1430–01; NMNM–102308]

Notice of Proposed Withdrawal; New Mexico

Correction

In notice document 99–9556, beginning on page 18932, in the issue of Friday, April 16, 1999, make the following corrections:

1. On page 18932, in the third column, in the **SUPPLEMENTARY INFORMATION:** section, in the last line, ''Geoplogy'' should read ''Geology''.

2. On page 18933, in the first column, under the first heading **New Mexico Principal Meridian, New Mexico**, in the fifth line, ''E¼, NW¼'' should read ''E½, NW¼''.

2. On the same page, in the same column, under the same heading, in the seventh line, ''E½,SW¼'' should read ''E½SW¼''.

3. On the same page, in the same column, under the same heading, in the 20th line, ''W½NE¼, SE¼, NE¼, W½'' should read ''W½NE¼, SE¼NE¼, W½''.

[FR Doc. C9–9556 Filed 5–6–99; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Intent to Repatriate Cultural Items in the Possession of Bandelier National Monument, National Park Service, Los Alamos, NM

Correction

In notice document 99–10209 beginning on page 20020 in the issue of Friday, April 23, 1999, make the following correction(s):

On page 20021, in the first column, in the fourth line from the bottom, ''[*thirty days after publication in the Federal Register*]'' should read ''May 24, 1999''.

[FR Doc. C9–10209 Filed 5-6-99; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99-AGL-7]

Modification of Class E Airspace; Flint, MI

Correction

In rule document 99–10432 beginning on page 20162 in the issue of Monday, April 26, 1999, make the following correction(s):

On page 20163, in the second column, in the eighth line, ''long. 83°46′39″W.'' should read ''long. 83°46′29″W.''.

[FR Doc. C9–10432 Filed 5–6–99; 8:45 am]

BILLING CODE 1505–01–D

federal register

Friday
May 7, 1999

Part II

Department of Health and Human Services

Health Care Financing Administration

42 CFR Parts 412, 413, 483, and 485

Medicare Program; Changes to the Hospital Inpatient Prospective Payment Systems and Fiscal Year 2000 Rates; Proposed Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 412, 413, 483, and 485

[HCFA–1053–P]

RIN 0938–AJ50

Medicare Program; Changes to the Hospital Inpatient Prospective Payment Systems and Fiscal Year 2000 Rates

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Proposed rule.

SUMMARY: We are proposing to revise the Medicare hospital inpatient prospective payment systems for operating costs and capital-related costs to implement changes arising from our continuing experience with the systems. In addition, in the addendum to this proposed rule, we are describing proposed changes in the amounts and factors necessary to determine rates for Medicare hospital inpatient services for operating costs and capital-related costs. These changes would be applicable to discharges occurring on or after October 1, 1999. We also are setting forth proposed rate-of-increase limits as well as proposed policy changes for hospitals and hospital units excluded from the prospective payment systems. Finally, we are proposing changes to the policies governing payment to hospitals for the direct costs of graduate medical education.

DATES: Comments will be considered if received at the appropriate address, as provided below, no later than 5 p.m. on July 6, 1999.

ADDRESSES: Mail written comments (an original and three copies) to the following address: Health Care Financing Administration, Department of Health and Human Services, Attention: HCFA–1053–P P.O. Box 7517, Baltimore, MD 21207.

If you prefer, you may deliver your written comments (an original and three copies) to one of the following addresses:

Room 445–G, Hubert H. Humphrey Building, 200 Independence Avenue, SW, Washington, DC 20201, or

Room C5–11–03, Central Building, 7500 Security Boulevard, Baltimore, MD 21244–1850

FOR FURTHER INFORMATION CONTACT:

Steve Phillips, (410) 786–4531, Operating Prospective Payment, DRG, and Wage Index Issues

Tzvi Hefter, (410) 786–4487, Capital Prospective Payment, Excluded Hospitals, and Graduate Medical Education Issues

SUPPLEMENTARY INFORMATION:

Comments, Procedures, Availability of Copies, and Electronic Access

Because of staffing and resource limitations, we cannot accept comments by facsimile (FAX) transmission. In commenting, please refer to file code HCFA–1053–P. Comments received timely will be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, in Room 445–G of the Department's offices at 200 Independence Avenue, SW, Washington, DC, on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (phone: (202) 690–7890).

For comments that relate to information collection requirements, mail a copy of comments to:

Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503, Attn: Allison Herron Eydt, HCFA Desk Officer; and

Health Care Financing Administration, Office of Information Services, Security Standards Group, Division of HCFA Enterprise Standards, Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850. Attn: John Burke HCFA–1053–P.

Copies: To order copies of the **Federal Register** containing this document, send your request to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954. Specify the date of the issue requested and enclose a check or money order payable to the Superintendent of Documents, or enclose your Visa or Master Card number and expiration date. Credit card orders can also be placed by calling the order desk at (202) 512–1800 or by faxing to (202) 512–2250. The cost for each copy is $8.00. As an alternative, you can view and photocopy the **Federal Register** document at most libraries designated as Federal Depository Libraries and at many other public and academic libraries throughout the country that receive the **Federal Register**.

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

A. Summary

Section 1886(d) of the Social Security Act (the Act) sets forth a system of payment for the operating costs of acute care hospital inpatient stays under Medicare Part A (Hospital Insurance) based on prospectively set rates. Section 1886(g) of the Act requires the Secretary to pay for the capital-related costs of hospital inpatient stays under a prospective payment system. Under these prospective payment systems, Medicare payment for hospital inpatient operating and capital-related costs is made at predetermined, specific rates for each hospital discharge. Discharges are classified according to a list of diagnosis-related groups (DRGs).

Certain specialty hospitals are excluded from the prospective payment systems. Under section 1886(d)(1)(B) of the Act, the following hospitals and hospital units are excluded from the prospective payment system: psychiatric hospitals or units, rehabilitation hospitals or units, children's hospitals, long-term care hospitals, and cancer hospitals. For these hospitals and units, Medicare payment for operating costs is based on reasonable costs subject to a hospital-specific annual limit.

Under section 1886(a)(4) of the Act, costs incurred in connection with approved graduate medical education (GME) programs are excluded from the operating costs of inpatient hospital services. Hospitals with approved GME programs are paid for the direct costs of GME in accordance with section 1886(h) of the Act; the amount of payment for direct GME costs for a cost reporting period is based on the hospital's number of residents in that period and the hospital's costs per resident in a base year.

The regulations governing the hospital inpatient prospective payment system are located in 42 CFR part 412. The regulations governing excluded hospitals and hospital units are located in parts 412 and 413, and the GME regulations are located in part 413.

On July 31, 1998, we published a final rule in the **Federal Register** (63 FR 40954) that implemented both statutory requirements and other changes to the Medicare hospital inpatient prospective

payment systems for both operating costs and capital-related costs, as well as changes addressing payment for excluded hospitals and payments for GME costs. Generally, these changes were effective for discharges occurring on or after October 1, 1998.

In addition, on February 25, 1999, we published in the **Federal Register** (64 FR 9378) a final rule that implemented revised wage index values, geographic adjustment factors, operating standardized amounts, and capital Federal rates for hospitals subject to the inpatient hospital prospective payment system. These changes are effective for discharges occurring on or after March 1, 1999.

B. Major Contents of This Proposed Rule

In this proposed rule, we are setting forth proposed changes to the Medicare hospital inpatient prospective payment systems for both operating costs and capital-related costs. We also are proposing changes concerning GME costs and excluded hospitals and units, including critical access hospitals (CAHs). This proposed rule would be effective for discharges occurring on or after October 1, 1999.

We note that the efforts that we are undertaking to make the Medicare computer systems compliant on January 1, 2000, will not delay our ability to make timely and updated payments to hospitals under the FY 2000 prospective payment system final rule that will follow this proposed rule. The following is a summary of the major changes that we are proposing to make.

1. Proposed Changes to the DRG Reclassifications and Recalibrations of Relative Weights

Section 1886(d)(4)(C) of the Act requires us to adjust the DRG classifications and relative weights at least annually. In order to avoid compromising our ability to process and pay hospital claims during the period leading up to and immediately following January 1, 2000, we are not implementing any revisions to the International Classification of Diseases, Ninth Revision, Clinical Modification (ICD–9–CM) coding system. The changes that we are proposing to make relating to DRG reclassifications and recalibrations for FY 2000 are set forth in section II of is preamble.

2. Proposed Changes to the Hospital Wage Index

In section III of this preamble, we discuss proposed revisions to the wage index and the annual update of the wage data. Specific issues addressed in this section include the following:

- The FY 2000 wage index update, using FY 1996 wage data.
- The exclusion from the wage index of Part A physician wage costs that are teaching-related, as well as resident and Part A certified registered nurse anesthetist (CRNA) costs.
- Revisions to the wage index based on hospital redesignations.

3. Other Decisions and Proposed Changes to the Prospective Payment System for Inpatient Operating and Graduate Medical Education Costs

In section IV of this preamble, we discuss several provisions of the regulations in 42 CFR Parts 412 and 413 and set forth proposed changes concerning the following:

- Sole community hospitals.
- Rural referral centers.
- Indirect medical education adjustment.
- Medicare Geographic Classification Review Board (MGCRB) decisions.
- Direct GME programs.

4. Proposed Changes to the Prospective Payment System for Capital-Related Costs

In section V of this preamble, we discuss the special exceptions process for certain eligible hospitals to receive additional payments for major construction or renovation projects that began soon after the start of the capital prospective payment system.

5. Proposed Changes for Hospitals and Hospital Units Excluded From the Prospective Payment Systems

In section VI of this preamble, we discuss the following proposals concerning excluded hospital and hospital units and CAHs:

- Limits on and adjustments to the proposed target amounts for FY 2000.
- Changes in bed size or status of excluded hospitals or hospital units.
- Payment for services furnished at satellite hospital locations.
- Responsibility for care of patients in hospitals within hospitals.
- The allowable emergency response time for CAHs located in frontier or other specifically defined remote areas.
- Compliance with minimum data set requirements by CAHs with swing bed approval.

6. Determining Prospective Payment Operating and Capital Rates and Rate-of-Increase Limits

In the addendum to this proposed rule, we set forth proposed changes to the amounts and factors for determining the FY 2000 prospective payment rates for operating costs and capital-related costs. We also address update factors for determining the rate-of-increase limits for cost reporting periods beginning in FY 2000 for hospitals and hospital units excluded from the prospective payment system.

7. Impact Analysis

In Appendix A, we set forth an analysis of the impact that the proposed changes described in this proposed rule would have on affected entities.

8. Capital Acquisition Model

Appendix B contains the technical appendix on the proposed FY 2000 capital cost model.

9. Report to Congress on the Update Factor for Hospitals under the Prospective Payment System and Hospitals and Units Excluded From the Prospective Payment System

Section 1886(e)(3)(B) of the Act requires the Secretary to report to Congress on our initial estimate of a recommended update factor for FY 2000 for both hospitals included in and hospitals excluded from the prospective payment systems. This report is included as Appendix C to this proposed rule.

10. Proposed Recommendation of Update Factor for Hospital Inpatient Operating Costs

As required by sections 1886(e)(4) and (e)(5) of the Act, Appendix D provides our recommendation of the appropriate percentage change for FY 2000 for the following:

- Large urban area and other area average standardized amounts (and hospital-specific rates applicable to sole community and Medicare-dependent, small rural hospitals) for hospital inpatient services paid for under the prospective payment system for operating costs.
- Target rate-of-increase limits to the allowable operating costs of hospital inpatient services furnished by hospitals and hospital units excluded from the prospective payment system.

11. Discussion of Medicare Payment Advisory Commission Recommendations

Under section 1805(b) of the Act, the Medicare Payment Advisory Commission (MedPAC) is required to submit a report to Congress, not later than March 1 of each year, that reviews and makes recommendations on Medicare payment policies. The March 1, 1999 report made several recommendations concerning hospital inpatient payment policies. These recommendations, and the action we are proposing to take with regard to them

(when an action is recommended) are discussed in detail in this document. See section VII of this preamble for specific information. For further information relating specifically to the MedPAC March 1 report or to obtain a copy of the report, contact MedPAC at (202) 653–7220.

II. Proposed Changes to DRG Reclassifications and Recalibrations of Relative Weights

A. Background

Under the prospective payment system, we pay for inpatient hospital services on the basis of a rate per discharge that varies by the DRG to which a beneficiary's stay is assigned. The formula used to calculate payment for a specific case takes an individual hospital's payment rate per case and multiplies it by the weight of the DRG to which the case is assigned. Each DRG weight represents the average resources required to care for cases in that particular DRG relative to the average resources used to treat cases in all DRGs.

Congress recognized that it would be necessary to recalculate the DRG relative weights periodically to account for changes in resource consumption. Accordingly, section 1886(d)(4)(C) of the Act requires that the Secretary adjust the DRG classifications and relative weights at least annually. These adjustments are made to reflect changes in treatment patterns, technology, and any other factors that may change the relative use of hospital resources.

As discussed in more detail in section II.B.8 of this preamble, we are not implementing any revisions to the ICD–9–CM codes. We have undertaken, and continue to undertake, major efforts to ensure that all of the Medicare computer systems are ready to function on January 1, 2000. If we were to implement changes to the ICD–9–CM codes on October 1, 1999, we would endanger the functioning of the Medicare computer systems, and, specifically, we might compromise our ability to process hospital bills. We can, however, reclassify existing codes into different DRGs, if appropriate. The proposed changes to the DRG classification system, and the proposed recalibration of the DRG weights for discharges occurring on or after October 1, 1999, are discussed below.

B. DRG Reclassification

1. General

Cases are classified into DRGs for payment under the prospective payment system based on the principal diagnosis, up to eight additional diagnoses, and up to six procedures performed during the stay, as well as age, sex, and discharge status of the patient. The diagnosis and procedure information is reported by the hospital using ICD–9–CM codes. The Medicare fiscal intermediary enters the information into its claims processing system and subjects it to a series of automated screens called the Medicare Code Editor (MCE). These screens are designed to identify cases that require further review before classification into a DRG can be accomplished.

After screening through the MCE and any further development of the claims, cases are classified by the GROUPER software program into the appropriate DRG. The GROUPER program was developed as a means of classifying each case into a DRG on the basis of the diagnosis and procedure codes and demographic information (that is, sex, age, and discharge status). It is used both to classify past cases in order to measure relative hospital resource consumption to establish the DRG weights and to classify current cases for purposes of determining payment. The records for all Medicare hospital inpatient discharges are maintained in the Medicare Provider Analysis and Review (MedPAR) file. The data in this file are used to evaluate possible DRG classification changes and to recalibrate the DRG weights.

Currently, cases are assigned to one of 499 DRGs in 25 major diagnostic categories (MDCs). Most MDCs are based on a particular organ system of the body (for example, MDC 6, Diseases and Disorders of the Digestive System); however, some MDCs are not constructed on this basis since they involve multiple organ systems (for example, MDC 22, Burns).

In general, cases are assigned to an MDC based on the principal diagnosis, before assignment to a DRG. However, there are five DRGs to which cases are directly assigned on the basis of procedure codes. These are the DRGs for liver, bone marrow, and lung transplants (DRGs 480, 481, and 495, respectively) and the two DRGs for tracheostomies (DRGs 482 and 483). Cases are assigned to these DRGs before classification to an MDC.

Within most MDCs, cases are then divided into surgical DRGs (based on a surgical hierarchy that orders individual procedures or groups of procedures by resource intensity) and medical DRGs. Medical DRGs generally are differentiated on the basis of diagnosis and age. Some surgical and medical DRGs are further differentiated based on the presence or absence of complications or comorbidities (CC).

Generally, GROUPER does not consider other procedures; that is, nonsurgical procedures or minor surgical procedures generally not performed in an operating room are not listed as operating room (OR) procedures in the GROUPER decision tables. However, there are a few non-OR procedures that do affect DRG assignment for certain principal diagnoses, such as extracorporeal shock wave lithotripsy for patients with a principal diagnosis of urinary stones.

The changes we are proposing to make to the DRG classification system for FY 2000 and other decisions concerning DRGs are set forth below.

2. MDC 15 (Newborns and Other Neonates with Conditions Originating in the Perinatal Period)

Based on inquiries we have received, we reviewed the appropriateness of including diagnosis codes V29.2 (Newborn observation for suspected respiratory condition) and V29.3 (Newborn observation for other genetic problem) in the list of allowable secondary diagnoses under DRG 391 (Normal Newborn). Currently, when one of these codes is the only secondary diagnosis for an otherwise healthy newborn, the case is assigned to DRG 390 (Neonate with Other Significant Problems).

Diagnosis codes V29.2 and V29.3 are used to indicate that the newborn was observed for a suspected condition but none was found. Other newborn observation codes in this series (V29.0, V29.1, V29.8, and V29.9) are included in the allowable secondary diagnoses under DRG 391. We believe that the presence of diagnosis code V29.2 or V29.3 should not exclude a newborn from being classified as normal. Therefore, we are proposing to include diagnosis codes V29.2 and V29.3 in the list of allowable secondary diagnosis under DRG 391.

3. MDC 19 (Mental Diseases and Disorders)

We have received correspondence about the title of DRG 425, ''Acute Adjustment Reaction and Disturbances of Psychosocial Dysfunction'' under MDC 19. The correspondents state that the use of the terms ''disturbances'' and ''dysfunction'' is redundant since the terms have similar meanings. They suggested that we remove the term ''disturbances.''

We agree with the correspondents and are proposing to revise the title of DRG 425 to read ''Acute Adjustment Reaction and Psychological Dysfunction.''

4. MDC 22 (Burns)

In the FY 1999 final prospective payment system rule that was effective October 1, 1998 (63 FR 40957), we implemented an extensive redesign of the DRGs for burns to more appropriately capture the variation in resource use associated with different classes of burn patients. The redesigned DRGs, 504 through 511, are split on such factors as whether there is an extensive burn, a full-thickness burn, or an inhalation injury, as well as other factors such as skin graft, trauma, or presence of a CC. DRGs 504 and 505 are assigned to cases with extensive third degree burns; that is, cases in which the burns cover at least 20 percent of body surface area combined with a third degree burn covering at least 10 percent of body surface area. DRGs 506 through 509 are assigned to all other cases with full-thickness burns (that is, a third degree burn). Finally, DRGs 510 and 511 are assigned to cases with nonextensive burns (that is, only first and second degree burns).

After these DRGs went into effect on October 1, 1998, we were contacted by several hospitals about our inclusion of the following codes as full-thickness burns:

948.00 Body burn involving less than 10 percent of body surface, third degree less than 10 percent or unspecified
948.10 Body burn involving 10 to 19 percent of body surface, third degree less than 10 percent or unspecified
948.20 Body burn involving 20 to 29 percent of body surface, third degree less than 10 percent or unspecified
948.30 Body burn involving 30 to 39 percent of body surface, third degree less than 10 percent or unspecified
948.40 Body burn involving 40 to 49 percent of body surface, third degree less than 10 percent or unspecified
948.50 Body burn involving 50 to 59 percent of body surface, third degree less than 10 percent or unspecified
948.60 Body burn involving 60 to 69 percent of body surface, third degree less than 10 percent or unspecified
948.70 Body burn involving 70 to 79 percent of body surface, third degree less than 10 percent or unspecified
948.80 Body burn involving 80 to 89 percent of body surface, third degree less than 10 percent or unspecified
948.90 Body burn involving 90 percent or more of body surface, third degree less than 10 percent or unspecified

The hospitals are concerned that the use of the fifth digit ''0'' on codes 948.10 through 948.90 can capture cases in which there actually is no third degree burn. The hospitals requested that we consider removing from the full-thickness burn DRGs 506 through 509 all codes in the 948 category with a fifth digit of ''0''.

We agree that the codes in category 948 with a fifth digit of ''0'' should not be assigned to DRGs 506 through 509 as full-thickness burns since not all of these cases will have a third degree burn. Therefore, we are proposing to remove these codes from DRGs 506 through 509 and to add them to DRG 510 (Nonextensive Burns with CC or Significant Trauma) and DRG 511 (Nonextensive Burns without CC or Significant Trauma).

If a case with a code of 948.10 is a full-thickness burn, this information would be captured in the burn code for the site of the burn (for example, 943.35 (Third degree burn of shoulder)) and the case would be correctly assigned to a full-thickness burn DRG. Hospitals have been instructed in *Coding Clinic for ICD–9–CM*, Fourth Quarter, 1994 (pages 22 through 28) to code the site of the burn first (940 through 947), when known. Codes from category 948 may be used as a principal diagnosis only when the site of the burn is not specified. Category 948 is used as an additional code to provide information on the percentage of total body that is burned or to show the percentage of burn that was third degree. When hospitals report codes properly, full-thickness burns will be assigned to a code for burn of the specific site (940 through 947). This site code also shows the degree of the burn. Furthermore, for those rare cases where the site is not provided, but it is known that 10 percent or more of the body has a third degree burn, hospitals may report this information through the use of category 948 with a fifth digit of ''1'' through ''9''. All of these cases will be classified as full-thickness burns in DRGs 506 through 509. Therefore, our proposal to remove codes 948.1 through 948.9 with a fifth digit of ''0'' will not prevent cases from being assigned to one of the full-thickness DRGs when there is a third degree burn and the case is correctly coded.

5. Surgical Hierarchies

Some inpatient stays entail multiple surgical procedures, each one of which, occurring by itself, could result in assignment of the case to a different DRG within the MDC to which the principal diagnosis is assigned. It is, therefore, necessary to have a decision rule by which these cases are assigned to a single DRG. The surgical hierarchy, an ordering of surgical classes from most to least resource intensive, performs that function. Its application ensures that cases involving multiple surgical procedures are assigned to the DRG associated with the most resource-intensive surgical class.

Because the relative resource intensity of surgical classes can shift as a function of DRG reclassification and recalibration, we reviewed the surgical hierarchy of each MDC, as we have for previous reclassifications, to determine if the ordering of classes coincided with the intensity of resource utilization, as measured by the same billing data used to compute the DRG relative weights.

A surgical class can be composed of one or more DRGs. For example, in MDC 5, the surgical class ''heart transplant'' consists of a single DRG (DRG 103) and the class ''major cardiovascular procedures'' consists of two DRGs (DRGs 110 and 111). Consequently, in many cases, the surgical hierarchy has an impact on more than one DRG. The methodology for determining the most resource-intensive surgical class involves weighting each DRG for frequency to determine the average resources for each surgical class.

For example, assume surgical class A includes DRGs 1 and 2 and surgical class B includes DRGs 3, 4, and 5. Assume also that the average charge of DRG 1 is higher than that of DRG 3, but the average charges of DRGs 4 and 5 are higher than the average charge of DRG 2. To determine whether surgical class A should be higher or lower than surgical class B in the surgical hierarchy, we would weight the average charge of each DRG by frequency (that is, by the number of cases in the DRG) to determine average resource consumption for the surgical class. The surgical classes would then be ordered from the class with the highest average resource utilization to that with the lowest, with the exception of ''other OR procedures'' as discussed below.

This methodology may occasionally result in a case involving multiple procedures being assigned to the lower-weighted DRG (in the highest, most resource-intensive surgical class) of the available alternatives. However, given that the logic underlying the surgical hierarchy provides that the GROUPER searches for the procedure in the most resource-intensive surgical class, this result is unavoidable.

We note that, notwithstanding the foregoing discussion, there are a few instances when a surgical class with a lower average relative weight is ordered above a surgical class with a higher average relative weight. For example, the ''other OR procedures'' surgical class is uniformly ordered last in the surgical hierarchy of each MDC in which it occurs, regardless of the fact that the relative weight for the DRG or

DRGs in that surgical class may be higher than that for other surgical classes in the MDC. The ''other OR procedures'' class is a group of procedures that are least likely to be related to the diagnoses in the MDC but are occasionally performed on patients with these diagnoses. Therefore, these procedures should only be considered if no other procedure more closely related to the diagnoses in the MDC has been performed.

A second example occurs when the difference between the average weights for two surgical classes is very small. We have found that small differences generally do not warrant reordering of the hierarchy since, by virtue of the hierarchy change, the relative weights are likely to shift such that the higher-ordered surgical class has a lower average weight than the class ordered below it.

Based on the preliminary recalibration of the DRGs, we are proposing to modify the surgical hierarchy as set forth below. As we stated in the September 1, 1989 final rule (54 FR 36457), we are unable to test the effects of proposed revisions to the surgical hierarchy and to reflect these changes in the proposed relative weights due to the unavailability of revised GROUPER software at the time the proposed rule is prepared. Rather, we simulate most major classification changes to approximate the placement of cases under the proposed reclassification and then determine the average charge for each DRG. These average charges then serve as our best estimate of relative resource use for each surgical class. We test the proposed surgical hierarchy changes after the revised GROUPER is received and reflect the final changes in the DRG relative weights in the final rule. Further, as discussed in section II.C of this preamble, we anticipate that the final recalibrated weights will be somewhat different from those proposed, since they will be based on more complete data. Consequently, further revision of the hierarchy, using the above principles, may be necessary in the final rule.

At this time, we propose to revise the surgical hierarchy for the Pre-MDC DRGs and MDC 3 (Diseases and Disorders of the Ear, Nose, Mouth and Throat) as follows:

- In the Pre-MDC DRGs, we would reorder Lung Transplant (DRG 495) above Bone Marrow Transplant (DRG 481).
- In MDC 3, we would reorder Tonsil and Adenoid Procedure Except Tonsillectomy and/or Adenoidectomy Only (DRGs 57 and 58) above Cleft Lip and Palate Repair (DRG 52).

6. Refinement of Complications and Comorbidities (CC) List

There is a standard list of diagnoses that are considered CCs. We developed this list using physician panels to include those diagnoses that, when present as a secondary condition, would be considered a substantial complication or comorbidity. In previous years, we have made changes to the standard list of CCs, either by adding new CCs or deleting CCs already on the list. At this time, we do not propose to delete any of the diagnosis codes on the CC list.

In the September 1, 1987 final notice concerning changes to the DRG classification system (52 FR 33143), we modified the GROUPER logic so that certain diagnoses included on the standard list of CCs would not be considered a valid CC in combination with a particular principal diagnosis. Thus, we created the CC Exclusions List. We made these changes to preclude coding of CCs for closely related conditions, to preclude duplicative coding or inconsistent coding from being treated as CCs, and to ensure that cases are appropriately classified between the complicated and uncomplicated DRGs in a pair.

In the May 19, 1987 proposed notice concerning changes to the DRG classification system (52 FR 18877), we explained that the excluded secondary diagnoses were established using the following five principles:

- Chronic and acute manifestations of the same condition should not be considered CCs for one another (as subsequently corrected in the September 1, 1987 final notice (52 FR 33154)).
- Specific and nonspecific (that is, not otherwise specified (NOS)) diagnosis codes for a condition should not be considered CCs for one another.
- Conditions that may not co-exist, such as partial/total, unilateral/bilateral, obstructed/unobstructed, and benign/malignant, should not be considered CCs for one another.
- The same condition in anatomically proximal sites should not be considered CCs for one another.
- Closely related conditions should not be considered CCs for one another.

The creation of the CC Exclusions List was a major project involving hundreds of codes. The FY 1988 revisions were intended to be only a first step toward refinement of the CC list in that the criteria used for eliminating certain diagnoses from consideration as CCs were intended to identify only the most obvious diagnoses that should not be considered complications or comorbidities of another diagnosis. For that reason, and in light of comments and questions on the CC list, we have continued to review the remaining CCs to identify additional exclusions and to remove diagnoses from the master list that have been shown not to meet the definition of a CC. (See the September 30, 1988 final rule for the revision made for the discharges occurring in FY 1989 (53 FR 38485); the September 1, 1989 final rule for the FY 1990 revision (54 FR 36552); the September 4, 1990 final rule for the FY 1991 revision (55 FR 36126); the August 30, 1991 final rule for the FY 1992 revision (56 FR 43209); the September 1, 1992 final rule for the FY 1993 revision (57 FR 39753); the September 1, 1993 final rule for the FY 1994 revisions (58 FR 46278); the September 1, 1994 final rule for the FY 1995 revisions (59 FR 45334); the September 1, 1995 final rule for the FY 1996 revisions (60 FR 45782); the August 30, 1996 final rule for the FY 1997 revisions (61 FR 46171); the August 29, 1997 final rule for the FY 1998 revisions (62 FR 45966); and the July 31, 1998 final rule for the FY 1999 revisions (63 FR 40954)). We are not proposing to add or delete any codes from the CC list.

In addition, as discussed in detail in section II.B.8 of this preamble, because we are not making changes to the ICD–9–CM codes for FY 2000, we do not need to modify the current list for new or deleted codes. Therefore, there are no proposed revisions to the CC Exclusions List for FY 2000.

7. Review of Procedure Codes in DRGs 468, 476, and 477

Each year, we review cases assigned to DRG 468 (Extensive OR Procedure Unrelated to Principal Diagnosis), DRG 476 (Prostatic OR Procedure Unrelated to Principal Diagnosis), and DRG 477 (Nonextensive OR Procedure Unrelated to Principal Diagnosis) in order to determine whether it would be appropriate to change the procedures assigned among these DRGs.

DRGs 468, 476, and 477 are reserved for those cases in which none of the OR procedures performed is related to the principal diagnosis. These DRGs are intended to capture atypical cases, that is, those cases not occurring with sufficient frequency to represent a distinct, recognizable clinical group. DRG 476 is assigned to those discharges in which one or more of the following prostatic procedures are performed and are unrelated to the principal diagnosis:

60.0 Incision of prostate
60.12 Open biopsy of prostate
60.15 Biopsy of periprostatic tissue

60.18 Other diagnostic procedures on prostate and periprostatic tissue
60.21 Transurethral prostatectomy
60.29 Other transurethral prostatectomy
60.61 Local excision of lesion of prostate
60.69 Prostatectomy NEC
60.81 Incision of periprostatic tissue
60.82 Excision of periprostatic tissue
60.93 Repair of prostate
60.94 Control of (postoperative) hemorrhage of prostate
60.95 Transurethral balloon dilation of the prostatic urethra
60.99 Other operations on prostate

All remaining OR procedures are assigned to DRGs 468 and 477, with DRG 477 assigned to those discharges in which the only procedures performed are nonextensive procedures that are unrelated to the principal diagnosis. The original list of the ICD–9–CM procedure codes for the procedures we consider nonextensive procedures, if performed with an unrelated principal diagnosis, was published in Table 6C in section IV. of the Addendum to the September 30, 1988 final rule (53 FR 38591). As part of the final rules published on September 4, 1990, August 30, 1991, September 1, 1992, September 1, 1993, September 1, 1994, September 1, 1995, August 30, 1996, and August 29, 1997, we moved several other procedures from DRG 468 to 477, and some procedures from DRG 477 to 468. (See 55 FR 36135, 56 FR 43212, 57 FR 23625, 58 FR 46279, 59 FR 45336, 60 FR 45783, 61 FR 46173, and 62 FR 45981, respectively.) No procedures were moved in FY 1999, as noted in the July 31, 1998 final rule (63 FR 40962).

a. Adding Procedure Codes to MDCs. We annually conduct a review of procedures producing DRG 468 or 477 assignments on the basis of volume of cases in these DRGs with each procedure. Our medical consultants then identify those procedures occurring in conjunction with certain principal diagnoses with sufficient frequency to justify adding them to one of the surgical DRGs for the MDC in which the diagnosis falls. Based on this year's review, we identified several procedures that we are proposing to move from DRG 468 to one of the surgical DRGs. We did not identify any necessary changes in procedures under DRG 477 and are, therefore, not proposing to move any procedures from DRG 477 to one of the surgical DRGs.

First, we are proposing to move three codes from DRG 468 to MDC 1 (Diseases and Disorders of the Nervous System), all of which would be assigned to DRGs 7 and 8 (Peripheral and Cranial Nerve and Other Nervous System Procedure).[1] Procedure code 38.7 (Interruption of the vena cava) is sometimes performed in conjunction with treatment for the principal diagnosis 434.11 (Cerebral embolism with infarction), which is assigned to MDC 1. Under the current configuration, procedure code 38.7 is not assigned to MDC 1. Therefore when this procedure is performed by a neurological condition, such as a cerebral embolism with infarction, the discharge does not group to one of the surgical DRGs within MDC 1. It is assigned instead to DRG 468 as an unrelated procedure. Since our medical advisors tell us that procedure code 38.7 is appropriately performed for neurological conditions, we are proposing to add it to DRGs 7 and 8.

Second, we are also proposing that procedure codes 83.92 (Insertion or replacement of skeletal muscle stimulator) and 83.93 (Removal of skeletal muscle stimulator) both be categorized with other procedures on the nervous system. These procedures can be performed on patients with a principal diagnosis in MDC 1, such as 344.00 (Quadriplegia unspecified) or 344.31 (Monoplegia of lower limb, affecting dominant side). Therefore, these two codes would also be assigned to DRGs 7 and 8.

Third, procedure code 39.50 (Angioplasty or atherectomy of noncoronary vessel) is not currently assigned to MDC 4 (Diseases and Disorders of the Respiratory System). This procedure can be performed for patients who develop pulmonary embolism. The principal diagnosis for pulmonary embolism is in MDC 4, and, to increase clinical coherence, we propose to add procedure code 39.50 to that MDC in DRGs 76 and 77 (Other Respiratory System OR Procedures).

Fourth, insertion of totally implantable infusion pump (procedure code 86.06) is not assigned to MDC 5 (Diseases and Disorders of the Circulatory System) in the current DRG configuration. Infusion pumps should be assigned to all MDCs where subcutaneous insertion of the pump is appropriate. Procedure code 86.06 may be performed on patients with a principal diagnosis in MDC 5 such as 451.83 (Phlebitis and thrombophlebitis of the deep veins of other extremities). Therefore, we are proposing to add procedure code 86.06 to DRG 120 (Other Circulatory System OR Procedures) in MDC 5.

b. Reassignment of Procedures Among DRGs 468, 476, and 477. We also reviewed the list of procedures that produce assignments to DRGs 468, 476, and 477 to ascertain if any of those procedures should be moved from one of these DRGs to another based on average charges and length of stay. Generally, we move only those procedures for which we have an adequate number of discharges to analyze the data. Based on our review this year, we are not proposing to move any procedures from DRG 468 to DRGs 476 or 477, from DRG 476 to DRGs 468 or 477, or from DRG 477 to DRGS 468 or 476.

8. Changes to the ICD–9–CM Coding System

As described in section II.B.1 of this preamble, the ICD–9–CM is a coding system that is used for the reporting of diagnoses and procedures performed on a patient. In September 1985, the ICD–9–CM Coordination and Maintenance Committee was formed. This is a Federal interdepartmental committee, co-chaired by the National Center for Health Statistics (NCHS) and HCFA, that is charged with the mission of maintaining and updating the ICD–9–CM system. That mission includes approving coding changes, and developing errata, addenda, and other modifications to the ICD–9–CM to reflect newly developed procedures and technologies and newly identified diseases. The Committee is also responsible for promoting the use of Federal and non-Federal educational programs and other communication techniques with a view toward standardizing coding applications and upgrading the quality of the classification system.

The NCHS has lead responsibility for the ICD–9–CM diagnosis codes included in the *Tabular List* and *Alphabetic Index for Diseases,* while HCFA has lead responsibility for the ICD–9–CM procedure codes included in the *Tabular List and Alphabetic Index for Procedures.*

The Committee encourages participation in the above process by health-related organizations. In this regard, the Committee holds public meetings for discussion of educational issues and proposed coding changes. These meetings provide an opportunity for representatives of recognized organizations in the coding field, such as the American Health Information Management Association (AHIMA) (formerly American Medical Record Association (AMRA)), the American Hospital Association (AHA), and various physician specialty groups as

[1] A single title combined with two DRG numbers is used to signify pairs. Generally, the first DRG is for cases with CC and the second DRG is for cases without CC. If a third number is included, it represents cases with patients who are age 0–17. Occasionally, a pair of DRGs is split between age >17 and age 0–17.

well as physicians, medical record administrators, health information management professionals, and other members of the public to contribute ideas on coding matters. After considering the opinions expressed at the public meetings and in writing, the Committee formulates recommendations, which then must be approved by the agencies.

The Committee presented proposals for coding changes for FY 2000 at public meetings held on June 14 and November 2, 1998. Even though the Committee conducted public meetings and considered approval of coding changes for FY 2000 implementation, we are not implementing any changes to ICD–9–CM codes for FY 2000. We have undertaken, and continue to undertake, major efforts to ensure that all of the Medicare computer systems are ready to function on January 1, 2000. If we were to make system changes to capture additions, deletions, and modifications to ICD–9–CM codes for FY 2000, we would endanger the functioning of the Medicare computer systems, and, specifically, we might compromise our ability to process hospital bills. Therefore, the code proposals presented at the public meetings held on June 14 and November 2, 1998, that (if approved) ordinarily would have been included as new codes for October 1, 1999, will not be included in this proposed rule. These code changes to ICD–9–CM will be considered for inclusion in the next annual update for FY 2001. The initial meeting for consideration of coding changes for implementation in FY 2001 will be held on May 13, 1999.

Copies of the minutes of the 1998 meetings can be obtained from the HCFA Home Page at http://www.hcfa.gov/pubaffr.htm, under the ''What's New'' listing. Paper copies of these minutes are no longer available and the mailing list has been discontinued. We encourage commenters to address suggestions on coding issues involving diagnosis codes to: Donna Pickett, Co-Chairperson; ICD–9–CM Coordination and Maintenance Committee; NCHS; Room 1100; 6525 Belcrest Road; Hyattsville, Maryland 20782. Comments may be sent by E-mail to: dfp4@cdc.gov.

Questions and comments concerning the procedure codes should be addressed to: Patricia E. Brooks, Co-Chairperson; ICD–9–CM Coordination and Maintenance Committee; HCFA, Center for Health Plans and Providers, Plan and Provider Purchasing Policy Group, Division of Acute Care; C4–07–07; 7500 Security Boulevard; Baltimore, Maryland 21244–1850. Comments may be sent by E-mail to: pbrooks@hcfa.gov.

9. Other Issue: Implantation of Muscle Stimulator

In the July 31, 1998 final rule, we responded to a comment on the DRG assignment for implantation of a muscle stimulator (63 FR 40964). In that document, we stated that we would readdress this issue after reviewing the FY 1998 MedPAR file.

There is concern in the manufacturing industry that the current DRG assignment for the implantation of a muscle stimulator and the associated tendon transfer for quadriplegics is inappropriate. When the procedures are performed during two separate admissions, the tendon transfer (procedure code 82.56 (Other hand tendon transfer or transplantation)) is assigned to DRGs 7 and 8 and the insertion of the muscle stimulator (procedure code 83.92 (Insertion or replacement of skeletal muscle stimulator)) is assigned to DRG 468. However, when both procedures are performed in the same admission, the case is assigned to DRGs 7 and 8.

As discussed in section II.B.7.a of this preamble, we are proposing to assign code 83.92 to DRGs 7 and 8 in MDC 1. Therefore, if a case involves either procedure code 82.56 or 83.92, or both procedure codes, the case would be assigned to DRGs 7 and 8.

A presentation on one type of muscle stimulator was made by a device manufacturer before the ICD–9–CM Coordination and Maintenance Committee on November 2, 1998. The manufacturer strongly suggested that a new code assignment be made for the procedure for insertion of this stimulator and that it be placed in category 04.9 (Other operations on cranial and peripheral nerves). However, based on comments received by the Committee, there was an overwhelming response from the coding community that a new code should not be created. The commenters believe that these codes (82.56 and 83.92) adequately described the procedures since the patient receives a tendon transfer in addition to the skeletal muscle stimulator insertion. This is done so that the quadriplegic patient can achieve some hand grasping ability where there was none before. Some quadriplegic patients receive the tendon transfer on one admission and the stimulator insertion on a subsequent admission. Others have both procedures performed on the same admission. Since the tendon transfer and stimulator insertion are being performed on quadriplegic patients, a condition found in MDC 1, we propose to add procedure codes 82.56 and 83.92 to DRGs 7 and 8.

C. Recalibration of DRG Weights

We are proposing to use the same basic methodology for the FY 2000 recalibration as we did for FY 1999. (See the July 31, 1998 final rule (63 FR 40965).) That is, we would recalibrate the weights based on charge data for Medicare discharges. However, we propose to use the most current charge information available, the FY 1998 MedPAR file. (For the FY 1999 recalibration, we used the FY 1997 MedPAR file.) The MedPAR file is based on fully-coded diagnostic and surgical procedure data for all Medicare inpatient hospital bills.

The proposed recalibrated DRG relative weights are constructed from FY 1998 MedPAR data, based on bills received by HCFA through December 1998, from all hospitals subject to the prospective payment system and short-term acute care hospitals in waiver States. The FY 1998 MedPAR file includes data for approximately 11.2 million Medicare discharges.

The methodology used to calculate the proposed DRG relative weights from the FY 1998 MedPAR file is as follows:

- To the extent possible, all the claims were regrouped using the proposed DRG classification revisions discussed above in section II.B of this preamble. As noted in section II.B.5, due to the unavailability of revised GROUPER software, we simulate most major classification changes to approximate the placement of cases under the proposed reclassification. However, there are some changes that cannot be modeled.
- Charges were standardized to remove the effects of differences in area wage levels, indirect medical education and disproportionate share payments, and, for hospitals in Alaska and Hawaii, the applicable cost-of-living adjustment.
- The average standardized charge per DRG was calculated by summing the standardized charges for all cases in the DRG and dividing that amount by the number of cases classified in the DRG.
- We then eliminated statistical outliers, using the same criteria as was used in computing the current weights. That is, all cases that are outside of 3.0 standard deviations from the mean of the log distribution of both the charges per case and the charges per day for each DRG.
- The average charge for each DRG was then recomputed (excluding the statistical outliers) and divided by the national average standardized charge per case to determine the relative weight. A transfer case is counted as a

fraction of a case based on the ratio of its length of stay to the geometric mean length of stay of the cases assigned to the DRG. That is, a 5-day length of stay transfer case assigned to a DRG with a geometric mean length of stay of 10 days is counted as 0.5 of a total case.

- We established the relative weight for heart and heart-lung, liver, and lung transplants (DRGs 103, 480, and 495) in a manner consistent with the methodology for all other DRGs except that the transplant cases that were used to establish the weights were limited to those Medicare-approved heart, heart-lung, liver, and lung transplant centers that have cases in the FY 1998 MedPAR file. (Medicare coverage for heart, heart-lung, liver, and lung transplants is limited to those facilities that have received approval from HCFA as transplant centers.)
- Acquisition costs for kidney, heart, heart-lung, liver, and lung transplants continue to be paid on a reasonable cost basis. Unlike other excluded costs, the acquisition costs are concentrated in specific DRGs (DRG 302 (Kidney Transplant); DRG 103 (Heart Transplant for heart and heart-lung transplants); DRG 480 (Liver Transplant); and DRG 495 (Lung Transplant)). Because these costs are paid separately from the prospective payment rate, it is necessary to make an adjustment to prevent the relative weights for these DRGs from including the effect of the acquisition costs. Therefore, we subtracted the acquisition charges from the total charges on each transplant bill that showed acquisition charges before computing the average charge for the DRG and before eliminating statistical outliers.

When we recalibrated the DRG weights for previous years, we set a threshold of 10 cases as the minimum number of cases required to compute a reasonable weight. We propose to use that same case threshold in recalibrating the DRG weights for FY 2000. Using the FY 1998 MedPAR data set, there are 39 DRGs that contain fewer than 10 cases. We computed the weights for the 39 low-volume DRGs by adjusting the FY 1999 weights of these DRGs by the percentage change in the average weight of the cases in the other DRGs.

The weights developed according to the methodology described above, using the proposed DRG classification changes, result in an average case weight that is different from the average case weight before recalibration. Therefore, the new weights are normalized by an adjustment factor, so that the average case weight after recalibration is equal to the average case weight before recalibration. This adjustment is intended to ensure that recalibration by itself neither increases nor decreases total payments under the prospective payment system.

Section 1886(d)(4)(C)(iii) of the Act requires that beginning with FY 1991, reclassification and recalibration changes be made in a manner that assures that the aggregate payments are neither greater than nor less than the aggregate payments that would have been made without the changes. Although normalization is intended to achieve this effect, equating the average case weight after recalibration to the average case weight before recalibration does not necessarily achieve budget neutrality with respect to aggregate payments to hospitals because payment to hospitals is affected by factors other than average case weight. Therefore, as we have done in past years and as discussed in section II.A.4.b of the Addendum to this proposed rule, we are proposing to make a budget neutrality adjustment to assure that the requirement of section 1886(d)(4)(C)(iii) of the Act is met.

D. Use of Non-MedPAR Data for Reclassification and Recalibration of the DRGs

1. Introduction

As in past years, in the DRG reclassification and recalibration process for the FY 2000 proposed rule, we used the MedPAR file, which consists of data for approximately 11 million Medicare discharges. In the FY 1999 rulemaking process, we used the FY 1997 MedPAR file to recalibrate DRGs and evaluate possible changes to DRG classifications; for this FY 2000 proposed rule, we used the FY 1998 MedPAR file. The Conference Report that accompanied the Balanced Budget Act of 1997 stated that ''in order to ensure that Medicare beneficiaries have access to innovative new drug therapies, the conferees believe that HCFA should consider, to the extent feasible, reliable, validated data other than Medicare Provider Analysis and Review (MedPAR) data in annually recalibrating and reclassifying the DRGs.'' (H. R. Conf. Rep. No. 105–217 at 734 (1997)).

Consistent with that language, we considered non-MedPAR data both in the rulemaking process for FY 1999 and in developing this proposed rule. We received non-MedPAR data from entities on behalf of the manufacturer of a specific drug, platelet inhibitors; the manufacturer is seeking to obtain a new DRG assignment for cases involving platelet inhibitors. The non-MedPAR data purported to show cases involving platelet inhibitors. As discussed further below, we concluded it was not feasible to use the non-MedPAR data submitted to us because, among other things, we did not have information to verify that the cases actually involved the drug, nor did we have information to verify that the cases reflected a representative sample (and did not simply reflect high cost cases).

Effective October 1, 1998, we implemented a code for platelet inhibitors, but until we receive bills for Medicare discharges occurring during FY 1999, the MedPAR data do not enable us to distinguish between cases with platelet inhibitors and cases without platelet inhibitors (63 FR 40963). Representatives of the pharmaceutical company first presented us with non-MedPAR data during the rulemaking process for FY 1999. The data was compiled by a health information company, and purported to show, for cases from a sample of hospitals, the average standardized charges (as calculated by the health information company) for different classes of patients.

In the FY 1999 final rule, we stated a number of reasons why we rejected the non-MedPAR data we had received. First, we could not validate whether the data reflected Medicare beneficiaries. Second, the data came from a limited number of hospitals (83) having an information sharing contract with the health information company that compiled the database; the company failed to provide us with information that would enable us to verify whether the data reflected a representative sample of hospitals or claims. Third, for over 90 percent of the cases, the company failed to provide us with information on which hospital furnished the treatment. This means that we could not validate the data on standardized charges nor could we use the data to determine an appropriate DRG weight for the DRG *from which* the cases would be reclassified. For these reasons (and others), we concluded in the July 31, 1998 final rule that we could not use the data to change the DRG assignment of cases involving platelet inhibitor drug therapy from DRG 112 (Percutaneous Cardiovascular Pacemaker Procedures) to DRG 116 (Other Permanent Cardiac Pacemaker Implant or PTCA with Coronary Artery Stent Implant).

After publication of the July 31, 1998 final rule, we met and corresponded on several occasions with the manufacturers, vendors, and legal representatives of the pharmaceutical company in an effort to resolve data issues. We reiterated that, among other things, we needed to know for each case

the hospital that furnished the services. We have not received information necessary to validate the data itself or its representativeness.

We remain open to considering non-MedPAR data in the DRG reclassification and recalibration process, but, consistent with the Conference Report, as well as our longstanding policies, the data must be ''reliable'' and ''validated.'' The July 31, 1998 final rule reflects the major factors that we consider in evaluating whether data are feasible, reliable, and validated, but we believe it might be useful to discuss these issues in greater detail.

2. The DRG Reclassification and Recalibration Process

In order to understand whether it is feasible to use non-MedPAR data, and whether the data are reliable and validated, it is critical to understand the DRG recalibration and reclassification process. As described earlier, one of the first steps in the annual DRG recalibration is that the Medicare hospital inpatient claims (in the MedPAR file) from the preceding Federal fiscal year are classified using the DRG classification system (proposed or final) for the upcoming year. Cases are classified into DRGs based on the principal diagnosis, up to eight additional diagnoses, and up to six procedures performed during the stay, as well as age, sex, and discharge status of the patient. Each case is classified into one and only one DRG.

As the term suggests, the relative weight for each DRG reflects *relative* resource use. The recalibration process requires data that enable us to compare resource use across DRGs. As explained earlier, as part of the recalibration process, we standardize the charges reflected on each Medicare claim to remove the effects of area wage differences, the IME adjustment, and the DSH adjustment; in order to standardize charges, we need to know which hospital furnished the service. For each DRG, we calculate the average of the standardized charges for the cases classified to the DRG. To calculate DRG relative weights, we compare average standardized charges across DRGs.

In evaluating whether it is appropriate to reclassify cases from one DRG to another, we examine the average standardized charges for those cases. The recalibration process and the reclassification process are integrally related; to evaluate whether cases involving a certain procedure should be reclassified, we need to have information that (1) enables us to identify cases that involve the procedure and cases that do not involve the procedure, and (2) enables us to determine appropriate DRG relative weights if certain cases are reclassified.

3. Feasible, Reliable, Validated Data

As indicated earlier, the Conference Report reflected the conferees' belief that, ''to the extent feasible,'' HCFA should consider ''reliable, validated data'' in recalibrating and reclassifying DRGs. The concepts of reliability and validation are closely related. In order for us to use non-MedPAR data, the non-MedPAR data must be reliable in and of itself in that the data must be independently validated. When an entity submits non-MedPAR data, we must be able to independently review the medical records and verify that a particular procedure was performed for each of the cases that purportedly involved the procedure. This verification requires the identification of a particular Medicare beneficiary and the hospital where the beneficiary was treated, as well as the dates involved. Although it is unlikely that we would review 100 percent of thousands of cases submitted for review, at a minimum, we must be able to validate data through a random sampling methodology. We must also be able to verify the charges that are reflected in the data.

Independent validation is particularly critical in part because the non-MedPAR data might be submitted by (or on behalf of) entities that have a financial interest in obtaining a new DRG assignment and in obtaining the highest possible DRG relative weight. If we receive non-MedPAR data that purport to reflect cases involving a certain procedure and a certain level of charges, we must have some way to verify the data.

Even if non-MedPAR data are reliable and verifiable, that does not mean it is necessarily ''feasible'' to use the data for purposes of recalibration and reclassification. In order to be feasible for these purposes, the non-MedPAR data must enable us to appropriately measure relative resource use across DRGs. It is critical that cases are classified into one *and only one* DRG in the recalibration process, and that we have information that enables us to standardize charges for each case and determine appropriate DRG relative weights. Moreover, the data must reflect a complete set of cases or, at a minimum, a representative sample of hospitals and claims.

If cases are classified into more than one DRG (or into the incorrect DRG) in the recalibration process, or if the non-MedPAR data reflect an unrepresentative sample of cases, the measure of relative resource would be distorted. For example, cases of percutaneous transluminal coronary angioplasty (PTCA) treated with GPIIb/IIIa platelet inhibitors (procedure code 99.20) are currently classified to DRG 112. The drug manufacturer has provided us with information on the average charges for a sample of cases that purportedly involve PTCA, for the purpose of evaluating whether these cases should be moved to the higher-weighted DRG 116. However, without adequate identification of the cases to allow us to specifically identify all of the cases treated with platelet inhibitors, the relative weight for DRG 112 would reflect the costs of platelet inhibitor cases. This distortion would result in excessive payments under DRG 112, and thus undermine the integrity of the recalibration process.

Therefore, in order for the use of non-MedPAR data to be feasible, generally we must be able to accurately and completely identify all of the cases to be reclassified from one DRG to another. At a minimum, we must have some mechanism for ensuring that DRG weights are not inappropriately inflated (or deflated) to the extent that a DRG weight reflects cases that would be reclassified to a different DRG.

In short, then, for use of non-MedPAR data to be feasible for purposes of DRG recalibration and reclassification, the data must, among other things (1) be independently verifiable, (2) reflect a complete set of cases (or a representative sample of cases), and (3) enable us to calculate appropriate DRG relative weights and ensure that cases are classified to the ''correct'' DRG, and to one DRG only, in the recalibration process.

Applying this analysis, the non-MEDPAR data we have received with respect to platelet inhibitors are unreliable and its use is not feasible. The health information company, on behalf of the pharmaceutical company, has provided us with a sample of cases that purported to reflect platelet inhibitors, and also purported to reflect the standardized charges for those cases, but the company has failed to provide us with information that would enable us to verify that the cases actually involved platelet inhibitors or verify the level of charges.

Moreover, the data are not useful for purposes of measuring relative resource use. We have not received sufficient information to verify whether the hospitals are representative of all hospitals in the country and whether the non-MedPAR data reflects a representative sample of all cases involving platelet inhibitors. Also, we have not received sufficient information

to use the non-MedPAR data to calculate appropriate DRG relative weights.

4. Submission of Data

Finally, in order for use of non-MEDPAR data to be feasible, we must have sufficient time to evaluate and test the data. The time necessary to do so depends upon the nature and quality of the data submitted. Generally, however, a significant sample of the data should be submitted by August 1, approximately 8 months prior to the publication of the proposed rule, so that we can test the data and make a preliminary assessment as to the feasibility of its use. Subsequently, a complete database should be submitted no later than December 1 for consideration in conjunction with the next year's proposed rule.

5. How the Prospective Payment System Ensures Access to New Technologies

As noted at the outset of this discussion, the Conference Report that accompanied the BBA indicated that we should consider non-MEDPAR data, to the extent feasible, ''in order to ensure that Medicare beneficiaries have access to innovative new drug therapies.'' (H. R. Conf. Rep. No. 105–217 at 734 (1997)) There seems to be a concern that, if a new technology is introduced, and if the new technology is costly, then Medicare would not make adequate payment if the new technology is not immediately placed in a new DRG. This concern is unfounded. As explained below, the Medicare hospital inpatient prospective payment does ensure access to new drug therapies, and new technologies in general.

First, to the extent a case involving a new technology is extremely costly relative to the cases reflected in the DRG relative weight, the hospital might qualify for outlier payments, additional payments over and above the standard PPS payment.

Second, Medicare promotes access to new technologies by making payments under the propsective payment system that are designed to ensure that Medicare payments for a hospital's cases *as a whole* are adequate. We establish DRGs based on factors such as clinical coherence and resource utilization. Each diagnosis-related group encompasses a variety of cases, reflecting a range of services and a range of resources. Generally, then, each DRG reflects some higher cost cases and some lower cost cases.

For some cases, the hospital's costs might be higher than the payment under the propsective payment system; this does not mean that the DRG classifications are ''inappropriate.'' For other cases, the hospital's costs will be lower than the payment under the prospective payment system. We believe that Medicare makes appropriate payments for a hospital's cases as a whole.

Each year we examine the best data available to assess whether DRG changes are appropriate and to recalibrate DRG relative weights. As we have indicated on numerous occasions, it usually takes 2 years from the time a procedure is assigned a code to collect the appropriate MedPAR data and then make an assessment as to whether a DRG change is appropriate. This timetable applies to reclassifications that would lead to decreased payment as well as those that would increase payment. In fact, the introduction of new technologies itself might lead to either higher than average costs or *lower* costs.

Our ability to evaluate and implement potential DRG changes depends on the availability of validated, representative data. We believe that our policies ensure access to new technologies and are critical to the integrity of the recalibration process. As explained above, we remain open to using non-MedPAR data if the data are reliable and validated and enable us to appropriately measure relative resource use.

III. Proposed Changes to the Hospital Wage Index

A. Background

Section 1886(d)(3)(E) of the Act requires that, as part of the methodology for determining prospective payments to hospitals, the Secretary must adjust the standardized amounts ''for area differences in hospital wage levels by a factor (established by the Secretary) reflecting the relative hospital wage level in the geographic area of the hospital compared to the national average hospital wage level.'' In accordance with the broad discretion conferred under the Act, we currently define hospital labor market areas based on the definitions of Metropolitan Statistical Areas (MSAs), Primary MSAs (PMSAs), and New England County Metropolitan Areas (NECMAs) issued by the Office of Management and Budget (OMB). OMB also designates Consolidated MSAs (CMSAs). A CMSA is a metropolitan area with a population of one million or more, comprised of two or more PMSAs (identified by their separate economic and social character). For purposes of the hospital wage index, we use the PMSAs rather than CMSAs since they allow a more precise breakdown of labor costs. If a metropolitan area is not designated as part of a PMSA, we use the applicable MSA. Rural areas are areas outside a designated MSA, PMSA, or NECMA.

We note that effective April 1, 1990, the term Metropolitan Area (MA) replaced the term Metropolitan Statistical Area (MSA) (which had been used since June 30, 1983) to describe the set of metropolitan areas comprised of MSAs, PMSAs, and CMSAs. The terminology was changed by OMB in the March 30, 1990 **Federal Register** to distinguish between the individual metropolitan areas known as MSAs and the set of all metropolitan areas (MSAs, PMSAs, and CMSAs) (55 FR 12154). For purposes of the prospective payment system, we will continue to refer to these areas as MSAs.

Beginning October 1, 1993, section 1886(d)(3)(E) of the Act requires that we update the wage index annually. Furthermore, this section provides that the Secretary base the update on a survey of wages and wage-related costs of short-term, acute care hospitals. The survey should measure, to the extent feasible, the earnings and paid hours of employment by occupational category, and must exclude the wages and wage-related costs incurred in furnishing skilled nursing services. As discussed below in section III.F of this preamble, we also take into account the geographic reclassification of hospitals in accordance with sections 1886(d)(8)(B) and 1886(d)(10) of the Act when calculating the wage index.

B. FY 2000 Wage Index Update

The proposed FY 2000 wage index values in section VI of the Addendum to this proposed rule (effective for hospital discharges occurring on or after October 1, 1999 and before October 1, 2000) are based on the data collected from the Medicare cost reports submitted by hospitals for cost reporting periods beginning in FY 1996 (the FY 1999 wage index was based on FY 1995 wage data).

We note that the FY 1999 wage index published in the July 31, 1998 final rule was further revised on February 25, 1999 (64 FR 9378) to reflect approved revisions to the hospital wage data used to compute the wage index. In that final rule, we implemented revised wage index values, geographic adjustment factors, operating standardized amounts, and capital Federal rates for hospitals subject to the inpatient hospital prospective payment system. These changes are effective for discharges occurring on or after March 1, 1999.

The proposed FY 2000 wage index includes the following categories of data associated with costs paid under the

hospital inpatient prospective payment system (as well as outpatient costs), which were also included in the FY 1999 wage index:

- Salaries and hours from short-term, acute care hospitals.
- Home office costs and hours.
- Certain contract labor costs and hours.
- Wage-related costs.

Consistent with the wage index methodology for FY 1999, the proposed wage index for FY 2000 also continues to exclude the direct and overhead salaries and hours for services not paid through the inpatient prospective payment system such as skilled nursing facility services, home health services, or other subprovider components that are not subject to the prospective payment system.

We calculate a separate Puerto Rico-specific wage index and apply it to the Puerto Rico standardized amount. (See 62 FR 45984 and 46041.) This wage index is based solely on Puerto Rico's data. Finally, section 4410 of the BBA provides that, for discharges on or after October 1, 1997, the area wage index applicable to any hospital that is not located in a rural area may not be less than the area wage index applicable to hospitals located in rural areas in that State.

C. FY 2000 Wage Index Proposals

In the July 31, 1998 final rule, we reiterated our position that, to the greatest degree possible, the hospital wage index should reflect the wage costs associated with the areas of the hospital included under the hospital inpatient prospective payment system (63 FR 40970). That final rule contained a detailed discussion concerning the costs related to teaching physicians, residents, and CRNAs, all of which are paid by Medicare separately from the prospective payment system. For reasons outlined in detail in that final rule, we decided not to remove those costs from the calculation of the FY 1999 wage index, but to review updated data and consider removing them in developing the FY 2000 wage index.

In response to concerns within the hospital industry related to the removal of these costs from the wage index calculation, the American Hospital Association (AHA) convened a workgroup to develop a consensus recommendation. The workgroup, which consisted of representatives from national and state hospital associations, recommended that costs related to teaching physicians, residents, and CRNAs should be phased out of the wage index calculation over a 5-year period. As discussed in more detail below, based upon our analysis of hospitals' FY 1996 wage data, and consistent with the AHA workgroup's recommendation, we are proposing to phase out these costs from the calculation of the wage index over a 5-year period. The proposed FY 2000 wage index is based on a blend of 80 percent of an average hourly wage including these costs, and 20 percent of an average hourly wage excluding these costs.

1. Teaching Physician Costs

Before FY 1999, we included direct physician Part A costs and excluded contract physician Part A costs from the wage index calculation. Since some States prohibit hospitals from directly employing physicians, hospitals in these States were unable to include physician Part A costs because they were incurred under contract rather than directly. Therefore, for cost reporting periods beginning in 1995, we began separately collecting physician Part A costs (both direct and contract) so we could evaluate how to best handle these costs in the wage index calculation. Based on our analysis of the 1995 wage data, we decided to include the contract physician salaries in the wage index beginning with FY 1999.

In the July 31, 1998 final rule, in response to comments regarding the inclusion in physician Part A costs of teaching physician costs for which teaching hospitals are already compensated through the Medicare GME payment, we stated that we would collect teaching physician data ''as expeditiously as possible in order to analyze whether it is feasible to separate teaching physician costs from other physician Part A costs'' (63 FR 40968). Excluding teaching physician costs from the wage index calculation is consistent with our general policy to exclude from that calculation those costs that are paid separately from the prospective payment system.

Because the FY 1996 cost reports did not identify teaching physician salaries and hours separately from physician Part A costs, we instructed our fiscal intermediaries to collect, through a survey, teaching physician costs and hours from the teaching hospitals they service. Specifically, we requested collection of data on the costs and hours related to teaching physicians that were included in Line 4 (salaried), Line 10 (contracted), Line 12 (home office and related organizations), and Line 18 (wage-related costs) of the Worksheet S–3, Part II. In our instructions accompanying the survey, we indicated that these teaching-related costs are those payable under the per resident amounts (§ 413.86) and reported on Worksheet A, Line 23 of the hospital's cost report.

The survey data collected as of the last week of January 1999 are included in the preliminary public use file made available on the Internet on February 5, 1999. At that time, we had received completed surveys for over one-half of teaching hospitals reporting physician Part A costs on their Worksheet S–3, Part II (372 out of 700). In early February 1999, we instructed intermediaries to review the survey data for consistency with the Supplemental Worksheet A–8–2 of the hospitals' cost reports. Supplemental Worksheet A–8–2 is used to apply the reasonable compensation equivalency limits to the costs of provider-based physicians, itemizing these costs by the corresponding line number on Worksheet A.

When we notified the fiscal intermediaries (and the fiscal intermediaries notified the hospitals) of the availability to review the survey data on the Internet, we also established deadlines of March 5, 1999 for hospitals to request changes to the teaching survey data, and April 5, 1999, for the fiscal intermediaries to submit the data to HCRIS. The additional data collected from the hospitals through the fiscal intermediaries by April 5 will be included in the final wage data file released in May 1999.

Due to the extraordinary effort needed to collect these data and the importance of accurately removing teaching physician costs, we will consider requests from a hospital to revise its teaching survey data as reflected on the final wage data file released in May 1999. (We are not extending the deadline for requests for revisions to cost report data.) Requests must be received by HCFA and the hospital's fiscal intermediary no later than June 7, 1999, and must include all necessary supporting documentation. As described above, these data were not originally collected on the FY 1996 cost report. The deadlines established under our annual process for editing and verifying the wage data reflect the fact that hospitals prepare and submit their cost reports at least 1 year, and generally more than 1 year, before the deadline for requesting changes. Because the timeframe in which the survey data were collected was considerably shorter, we have extended the deadline for revising those data.

Since we published the July 31, 1998 final rule, we have received a recommendation from the hospital industry concerning the methodology that could be used to exclude physician

teaching-related costs from the wage index. The industry recommended that we implement a 5-year phase-out of all physician Part A wage costs that are teaching-related, as well as all resident and Part A CRNA costs. In FY 2000, the first year of the phase-out, the applicable wage index would be based on a blend of 80 percent of the current policy, which would include all physician Part A costs, and 20 percent of the new policy, which would exclude teaching physician Part A, resident, and CRNA costs. The percentages would be adjusted 20 percent each year until FY 2004, when all teaching physician, resident, and CRNA costs would be eliminated from the wage index calculation.

The workgroup also recommended that if the teaching data collected by the intermediaries are not accurate or reliable, HCFA would include only 20 percent of reported physician Part A costs in the calculation, based on the assumption that 80 percent of total physician Part A costs are related to teaching physicians.

We appreciate the industry's willingness to work with us on this issue and recommend a reasonable and practical solution. In developing our proposed FY 2000 wage index, we have adopted most of the components of this recommendation.

In developing the proposed FY 2000 wage index, we calculated the teaching costs to be removed from the wage index as follow. If we had complete survey data for a hospital, that amount was subtracted from the amount reported on the Worksheet S–3 for physician Part A costs. However, relying solely on the survey data would have resulted in the removal of no teaching physician costs for many hospitals.

As noted above, the hospital industry recommended that if HCFA believes the survey data are not reliable or accurate, it should remove 80 percent of the total physician Part A costs and hours. Although we considered this option, we believe that removing 80 percent of the total physician Part A costs and hours across the board would not recognize the variations among hospitals in terms of the percentage of their physician Part A costs consisting of teaching physician costs. Of the hospitals for which we have survey data, teaching physician costs, as reflected on the survey, amount to, on average, approximately 68 percent. If we adopted the recommended methodology, we would not only negate the efforts of those hospitals and their fiscal intermediaries that did complete the teaching physician survey, we would also actually penalize hospitals that cooperated in completing the survey by removing an amount in excess of actual teaching physician Part A costs they reported.

Therefore, under our proposal, for any hospital that completed the survey, we removed from the wage data the physician Part A teaching costs and hours reported on the survey form. These data had been verified by the fiscal intermediary before submission to HCFA. If we did not have survey data for a teaching hospital as of February 22, 1999, we removed 80 percent of the hospital's reported total physician Part A costs and hours for the proposed wage index. Based upon our communications with fiscal intermediaries, we believe we will have a substantially higher response rate for the survey data by the time we calculate the final FY 2000 wage index values. As discussed above, we have instructed the fiscal intermediaries to undertake a further attempt to collect these data for those hospitals that initially did not report survey data. We believe that since the average percentage of teaching costs compared to total physician Part A costs is less than 80 percent, it would be an advantage to a hospital to complete the survey.

Although removing 80 percent from the amount reported on the Worksheet S–3 for physician Part A costs allows an estimate of teaching physician costs to be removed in the majority of cases in which survey data are not available, there are instances in which a teaching hospital did not report either survey data or any physician Part A costs on its Worksheet S–3. We have identified 72 such teaching hospitals in our database. For purposes of calculating the proposed FY 2000 wage index for these 72 hospitals, we subtracted the costs reported on Line 23 of the Worksheet A, Column 1 (Resident and Other Program Costs) from Line 1 of the Worksheet S–3. These costs (from Line 23, Column 1 of Worksheet A) are included in Line 1 of the Worksheet S–3, which is the sum of Column 1, Worksheet A. They also represent costs for which the hospital is paid through the per resident amount under the direct GME payment. Therefore, we believe it is appropriate to remove these costs from the wage index calculation in situations in which hospitals have failed to otherwise identify their teaching physician costs. To determine the hours to be removed, we divided the costs reported on Line 23 of the Worksheet A, Column 1 by the national average hourly wage for physician Part A costs based upon Line 4 of the Worksheet S–3 (the national average hourly wage is $54.48). We have indicated these 72 hospitals by an asterisk in Table 3C of this proposed rule.

We invite comments as to whether the proposed method we have used to remove teaching-related costs based on the amount included in Line 23, Column 1 of Worksheet A would be an appropriate method for removing GME costs in the future (and perhaps other excluded area costs as well). We are especially concerned that the earliest cost report on which we will be able to make the necessary changes to capture the separate reporting of teaching physician Part A costs would be cost reports that would be submitted for cost reporting periods beginning during FY 1998. Therefore, we are considering the potential for subtracting the costs in Lines 20, 22, and 23 of Worksheet A from Line 1 of Worksheet S–3, Part II, in calculating the FY 2001 wage index. The current Worksheet S–3 is not designed to net out of Line 1 costs that are otherwise included in Column 1 of Worksheet A, but it would be possible to use data from the Worksheet A in a manner similar to that described above.

2. Resident and CRNA Part A Costs

The wage index presently includes salaries and wage-related costs for residents in approved medical education programs and for CRNAs employed by hospitals under the rural pass-through provision (§ 412.113(c)). Because Medicare pays for these costs outside the prospective payment system, removing these costs from the wage index calculation would be consistent with our general policy to exclude costs that are not paid through the prospective payment system. However, because these costs were not separately identifiable before the FY 1995 wage data, we could not remove them.

We began collecting the resident and CRNA wage data separately on the FY 1995 cost report. However, there were data reporting problems associated with these costs. For example, the original FY 1995 cost report instructions for reporting resident costs on Line 6 of Worksheet S–3, Part III, erroneously included teaching physician salaries and other teaching program costs. Also, the FY 1995 Worksheet S–3 did not provide for separate reporting of CRNA wage-related costs. These problems were corrected in the reporting instructions for the FY 1996 cost report, and we are now proposing to remove CRNA and resident costs over a 5-year period.

3. Transition Period

The proposed FY 2000 wage index is based on a blend of 80 percent of

hospitals' average hourly wages without removing the costs and hours associated with teaching physician Part A, residents, and CRNAs, and 20 percent of the average hourly wage after removing these costs and hours from the wage index calculation. This methodology is consistent with the recommendation of the industry workgroup for a 5-year phase-out of these costs. The transition methodology is discussed in detail in section III.E of this preamble.

D. Verification of Wage Data From the Medicare Cost Report

The data for the proposed FY 2000 wage index were obtained from Worksheet S–3, Parts II and III of the FY 1996 Medicare cost reports. The data file used to construct the proposed wage index includes FY 1996 data submitted to the Health Care Provider Cost Report Information System (HCRIS) as of early February 1999. As in past years, we performed an intensive review of the wage data, mostly through the use of edits designed to identify aberrant data.

From mid-January to mid-February 1999, we asked our fiscal intermediaries to revise or verify data elements that resulted in specific edit failures. Some unresolved data elements are included in the calculation of the proposed FY 2000 wage index pending their resolution before calculation of the final FY 2000 wage index. We have instructed the intermediaries to complete their verification of questionable data elements and to transmit any changes to the wage data (through HCRIS) no later than April 5, 1999. We expect that all unresolved data elements will be resolved by that date. The revised data will be reflected in the final rule.

Also, as part of our editing process, we removed data for eight hospitals that failed edits. For four of these hospitals, we were unable to obtain sufficient documentation to verify or revise the data because the hospitals are no longer participating in the Medicare program or are in bankruptcy status. Two hospitals had negative average hourly wages after allocating overhead to their excluded areas, and were therefore removed from the calculation. The data from the remaining two hospitals were removed because inclusion of their data would have significantly distorted the wage index values. The data for these hospitals will be included in the final wage index if we receive corrected data that pass our edits. As a result, the proposed FY 2000 wage index is calculated based on FY 1996 wage data for 5,035 hospitals.

E. Computation of the Wage Index

The method used to compute the proposed FY 2000 wage index is as follows:

Step 1—As noted above, we are proposing to base the FY 2000 wage index on wage data reported on the FY 1996 Medicare cost reports. We gathered data from each of the non-Federal, short-term, acute care hospitals for which data were reported on the Worksheet S–3, Parts II and III of the Medicare cost report for the hospital's cost reporting period beginning on or after October 1, 1995 and before October 1, 1996. In addition, we included data from a few hospitals that had cost reporting periods beginning in September 1995 and reported a cost reporting period exceeding 52 weeks. These data were included because no other data from these hospitals would be available for the cost reporting period described above, and because particular labor market areas might be affected due to the omission of these hospitals. However, we generally describe these wage data as FY 1996 data.

Step 2—Salaries—The method used to compute a hospital's average hourly wage is a blend of 80 percent of the hospital's average hourly wage including all teaching physician Part A, resident, and CRNA costs, and 20 percent of the hospital's average hourly wage after eliminating all teaching physician, resident, and CRNA costs.

In calculating a hospital's average salaries plus wage-related costs, including all teaching physician Part A, resident, and CRNA costs, we subtracted from Line 1 (total salaries) the Part B salaries reported on Lines 3 and 5, home office salaries reported on Line 7, and excluded salaries reported on Lines 8 and 8.01 (that is, direct salaries attributable to skilled nursing facility services, home health services, and other subprovider components not subject to the prospective payment system). We also subtracted from Line 1 the salaries for which no hours were reported on Lines 2, 4, and 6. To determine total salaries plus wage-related costs, we added to the net hospital salaries the costs of contract labor for direct patient care, certain top management, and physician Part A services (Lines 9 and 10), home office salaries and wage-related costs reported by the hospital on Lines 11 and 12, and nonexcluded area wage-related costs (Lines 13, 14, 16, 18, and 20). We note that contract labor and home office salaries for which no corresponding hours are reported were not included.

We then calculated a hospital's salaries plus wage-related costs by subtracting from total salaries the salaries plus wage-related costs for teaching physicians (see section III.C.1 of this preamble for a detail discussion of this policy), Part A CRNAs (Lines 2 and 16), and residents (Lines 6 and 20).

Step 3—Hours—With the exception of wage-related costs, for which there are no associated hours, we computed total hours using the same methods as described for salaries in Step 2.

Step 4—For each hospital reporting both total overhead salaries and total overhead hours greater than zero, we then allocated overhead costs. First, we determined the ratio of excluded area hours (sum of Lines 8 and 8.01 of Worksheet S–3, Part II) to revised total hours (Line 1 minus Lines 3, 5, and 7 of Worksheet S–3, Part II). We then computed the amounts of overhead salaries and hours to be allocated to excluded areas by multiplying the above ratio by the total overhead salaries and hours reported on Line 13 of Worksheet S–3, Part III. Finally, we subtracted the computed overhead salaries and hours associated with excluded areas from the total salaries and hours derived in Steps 2 and 3.

Step 5—For each hospital, we adjusted the total salaries plus wage-related costs to a common period to determine total adjusted salaries plus wage-related costs. To make the wage adjustment, we estimated the percentage change in the employment cost index (ECI) for compensation for each 30-day increment from October 14, 1995 through April 15, 1997 for private industry hospital workers from the Bureau of Labor Statistics' Compensation and Working Conditions. We use the ECI because it reflects the price increase associated with total compensation (salaries plus fringes) rather than just the increase in salaries. In addition, the ECI includes managers as well as other hospital workers. This methodology to compute the monthly update factors uses actual quarterly ECI data and assures that the update factors match the actual quarterly and annual percent changes. The factors used to adjust the hospital's data were based on the midpoint of the cost reporting period, as indicated below.

MIDPOINT OF COST REPORTING PERIOD

After	Before	Adjustment factor
10/14/95	11/15/95	1.023163
11/14/95	12/15/95	1.021153
12/14/95	01/15/96	1.019151
01/14/96	02/15/96	1.017157
02/14/96	03/15/96	1.015246
03/14/96	04/15/96	1.013489

MIDPOINT OF COST REPORTING PERIOD—Continued

After	Before	Adjustment factor
04/14/96	05/15/96	1.011888
05/14/96	06/15/96	1.010428
06/14/96	07/15/96	1.009099
07/14/96	08/15/96	1.007900
08/14/96	09/15/96	1.006788
09/14/96	10/15/96	1.005719
10/14/96	11/15/96	1.004695
11/14/96	12/15/96	1.003653
12/14/96	01/15/97	1.002529
01/14/97	02/15/97	1.001325
02/14/97	03/15/97	1.000000
03/14/97	04/15/97	0.998514

For example, the midpoint of a cost reporting period beginning January 1, 1996 and ending December 31, 1996 is June 30, 1996. An adjustment factor of 1.009099 would be applied to the wages of a hospital with such a cost reporting period. In addition, for the data for any cost reporting period that began in FY 1996 and covers a period of less than 360 days or more than 370 days, we annualized the data to reflect a 1-year cost report. Annualization is accomplished by dividing the data by the number of days in the cost report and then multiplying the results by 365.

Step 6—Each hospital was assigned to its appropriate urban or rural labor market area before any reclassifications under sections 1886(d)(8)(B) or 1886(d)(10) of the Act. Within each urban or rural labor market area, we added the total adjusted salaries plus wage-related costs obtained in Step 5 for all hospitals in that area to determine the total adjusted salaries plus wage-related costs for the labor market area.

Step 7—We divided the total adjusted salaries plus wage-related costs obtained under both methods in Step 6 by the sum of the corresponding total hours (from Step 4) for all hospitals in each labor market area to determine an average hourly wage for the area.

Because the proposed FY 2000 wage index is based on a blend of average hourly wages, we then added 80 percent of the average hourly wage calculated without removing teaching physician Part A, residents, and CRNA costs, and 20 percent of the average hourly wage calculated with these costs removed.

Step 8—We added the total adjusted salaries plus wage-related costs obtained in Step 5 for all hospitals in the nation and then divided the sum by the national sum of total hours from Step 4 to arrive at a national average hourly wage (using the same blending methodology described in Step 7). Using the data as described above, the national average hourly wage is $20.9675.

Step 9—For each urban or rural labor market area, we calculated the hospital wage index value by dividing the area average hourly wage obtained in Step 7 by the national average hourly wage computed in Step 8.

Step 10—Following the process set forth above, we developed a separate Puerto Rico-specific wage index for purposes of adjusting the Puerto Rico standardized amounts. (The national Puerto Rico standardized amount is adjusted by a wage index calculated for all Puerto Rico labor market areas based on the national average hourly wage as described above.) We added the total adjusted salaries plus wage-related costs (as calculated in Step 5) for all hospitals in Puerto Rico and divided the sum by the total hours for Puerto Rico (as calculated in Step 4) to arrive at an overall average hourly wage of $9.96607 for Puerto Rico. For each labor market area in Puerto Rico, we calculated the hospital wage index value by dividing the area average hourly wage (as calculated in Step 7) by the overall Puerto Rico average hourly wage.

Step 11—Section 4410 of the BBA provides that, for discharges on or after October 1, 1997, the area wage index applicable to any hospital that is not located in a rural area may not be less than the area wage index applicable to hospitals located in rural areas in that State. Furthermore, this wage index floor is to be implemented in such a manner as to assure that aggregate prospective payment system payments are not greater or less than those that would have been made in the year if this section did not apply. For FY 2000, this change affects 185 hospitals in 39 MSAs. The MSAs affected by this provision are identified in Table 4A by a footnote.

F. Revisions to the Wage Index Based on Hospital Redesignation

Under section 1886(d)(8)(B) of the Act, hospitals in certain rural counties adjacent to one or more MSAs are considered to be located in one of the adjacent MSAs if certain standards are met. 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 prospective payment system.

The methodology for determining the wage index values for redesignated hospitals is applied jointly to the hospitals located in those rural counties that were deemed urban under section 1886(d)(8)(B) of the Act and those hospitals that were reclassified as a result of the MGCRB decisions under section 1886(d)(10) of the Act. Section 1886(d)(8)(C) of the Act provides that the application of the wage index to redesignated hospitals is dependent on the hypothetical impact that the wage data from these hospitals would have on the wage index value for the area to which they have been redesignated. Therefore, as provided in section 1886(d)(8)(C) of the Act, the wage index values were determined by considering the following:

- If including the wage data for the redesignated hospitals would reduce the wage index value for the area to which the hospitals are redesignated by 1 percentage point or less, the area wage index value determined exclusive of the wage data for the redesignated hospitals applies to the redesignated hospitals.
- If including the wage data for the redesignated hospitals reduces the wage index value for the area to which the hospitals are redesignated by more than 1 percentage point, the hospitals that are redesignated are subject to that combined wage index value.
- If including the wage data for the redesignated hospitals increases the wage index value for the area to which the hospitals are redesignated, both the area and the redesignated hospitals receive the combined wage index value.
- The wage index value for a redesignated urban or rural hospital cannot be reduced below the wage index value for the rural areas of the State in which the hospital is located.
- Rural areas whose wage index values would be reduced by excluding the wage data for hospitals that have been redesignated to another area continue to have their wage index values calculated as if no redesignation had occurred.
- Rural areas whose wage index values increase as a result of excluding the wage data for the hospitals that have been redesignated to another area have their wage index values calculated exclusive of the wage data of the redesignated hospitals.
- The wage index value for an urban area is calculated exclusive of the wage data for hospitals that have been reclassified to another area. However, geographic reclassification may not reduce the wage index value for an urban area below the statewide rural wage index value.

We note that, except for those rural areas in which redesignation would reduce the rural wage index value, the wage index value for each area is computed exclusive of the wage data for hospitals that have been redesignated from the area for purposes of their wage index. As a result, several urban areas listed in Table 4A have no hospitals

remaining in the area. This is because all the hospitals originally in these urban areas have been reclassified to another area by the MGCRB. These areas with no remaining hospitals receive the prereclassified wage index value. The prereclassified wage index value will apply as long as the area remains empty.

The proposed revised wage index values for FY 2000 are shown in Tables 4A, 4B, 4C, and 4F in the Addendum to this proposed rule. Hospitals that are redesignated should use the wage index values shown in Table 4C. Areas in Table 4C may have more than one wage index value because the wage index value for a redesignated urban or rural hospital cannot be reduced below the wage index value for the rural areas of the State in which the hospital is located. When the wage index value of the area to which a hospital is redesignated is lower than the wage index value for the rural areas of the State in which the hospital is located, the redesignated hospital receives the higher wage index value, that is, the wage index value for the rural areas of the State in which it is located, rather than the wage index value otherwise applicable to the redesignated hospitals.

Tables 4D and 4E list the average hourly wage for each labor market area, before the redesignation of hospitals, based on the FY 1996 wage data. In addition, Table 3C in the Addendum to this proposed rule includes the adjusted average hourly wage for each hospital based on the preliminary FY 1996 data as of February 22, 1999. The MGCRB will use the average hourly wage published in the final rule to evaluate a hospital's application for reclassification for FY 2001, unless that average hourly wage is later revised in accordance with the wage data correction policy described in § 412.63(w)(2). In such cases, the MGCRB will use the most recent revised data used for purposes of the hospital wage index. We note that in adjudicating these wage index reclassification requests during FY 2000, the MGCRB will use the average hourly wages for each hospital and labor market area that are reflected in the final FY 2000 wage index.

At the time this proposed wage index was constructed, the MGCRB had completed its review of FY 2000 reclassification requests. The proposed FY 2000 wage index values incorporate all 441 hospitals redesignated for purposes of the wage index (hospitals redesignated under section 1886(d)(8)(B) or 1886(d)(10) of the Act) for FY 2000. The final number of reclassifications may be different because some MGCRB decisions are still under review by the Administrator and because some hospitals may withdraw their requests for reclassification.

Any changes to the wage index that result from withdrawals of requests for reclassification, wage index corrections, appeals, and the Administrator's review process will be incorporated into the wage index values published in the final rule following this proposed rule. The changes may affect not only the wage index value for specific geographic areas, but also the wage index value redesignated hospitals receive, that is, whether they receive the wage index value for the area to which they are redesignated, or a wage index value that includes the data for both the hospitals already in the area and the redesignated hospitals. Further, the wage index value for the area from which the hospitals are redesignated may be affected.

Under § 412.273, hospitals that have been reclassified by the MGCRB are permitted to withdraw their applications within 45 days of the publication of this **Federal Register** document. The request for withdrawal of an application for reclassification that would be effective in FY 2000 must be received by the MGCRB by June 21, 1999. A hospital that requests to withdraw its application may not later request that the MGCRB decision be reinstated.

G. Requests for Wage Data Corrections

To allow hospitals time to evaluate the wage data used to construct the proposed FY 2000 hospital wage index, we made available to the public a data file containing the FY 1996 hospital wage data. As stated in section II.D of this preamble, the data file used to construct the proposed wage index includes FY 1996 data submitted to HCRIS as of early February 1999. In a memorandum dated February 1, 1999, we instructed all Medicare intermediaries to inform the prospective payment hospitals that they serve of the availability of the wage data file and the process and timeframe for requesting revisions. The wage data file was made available February 5, 1999 through the Internet at HCFA's home page (http://www.hcfa.gov). We also instructed the intermediaries to advise hospitals of the availability of these data either through their representative hospital organizations or directly from HCFA. Additional details on ordering this data file are discussed in section IX.A of this preamble, ''Requests for Data from the Public.''

In addition, Table 3C in the Addendum to this proposed rule contains each hospital's adjusted average hourly wage used to construct the proposed wage index values. It should be noted that the hospital average hourly wages shown in Table 3C do not reflect any changes made to a hospital's data after February 22, 1999. Changes approved by a hospital's fiscal intermediary and forwarded to HCRIS by April 5, 1999 will be reflected on the final public use wage data file scheduled to be made available May 7, 1999.

We believe hospitals have had ample time to ensure the accuracy of their FY 1996 wage data. Moreover, the ultimate responsibility for accurately completing the cost report rests with the hospital, which must attest to the accuracy of the data at the time the cost report is filed. However, if, after review of the wage data file released February 5, 1999, a hospital believed that its FY 1996 wage data were incorrectly reported, the hospital was to submit corrections along with complete, detailed supporting documentation to its intermediary by March 5, 1999. Hospitals were notified of this deadline, and of all other possible deadlines and requirements, through written communications from their fiscal intermediaries in early February 1999.

Any wage data corrections to be reflected in the final wage index must have been reviewed and verified by the intermediary and transmitted to HCFA on or before April 5, 1999. (The deadline for hospitals to request changes from their fiscal intermediaries was March 5, 1999.) These deadlines are necessary to allow sufficient time to review and process the data so that the final wage index calculation can be completed for development of the final prospective payment rates to be published by August 1, 1999. We cannot guarantee that corrections transmitted to HCFA after April 5, 1999 will be reflected in the final wage index.

After reviewing requested changes submitted by hospitals, intermediaries transmitted any revised cost reports to HCRIS and forwarded a copy of the revised Worksheet S–3, Parts II and III to the hospitals. In addition, fiscal intermediaries were to notify hospitals of the changes or the reasons that changes were not accepted.

This procedure ensures that hospitals have every opportunity to verify the data that will be used to construct their wage index values. We believe that fiscal intermediaries are generally in the best position to make evaluations regarding the appropriateness of a particular cost and whether it should be included in the wage index data. However, if a hospital disagrees with the intermediary's resolution of a requested change, the hospital may

contact HCFA in an effort to resolve policy disputes. We note that the April 5 deadline also applies to these requested changes. We will not consider factual determinations at this time, as these should have been resolved earlier in the process.

We have created the process described above to resolve all substantive wage data correction disputes before we finalize the wage data for the FY 2000 payment rates. Accordingly, hospitals that do not meet the procedural deadlines set forth above will not be afforded a later opportunity to submit wage data corrections or to dispute the intermediary's decision with respect to requested changes.

The final wage data public use file will be released by May 7, 1999. Hospitals should examine both Table 3C of this proposed rule and the May 7 final public use wage data file (which reflects revisions to the data used to calculate the values in Table 3C) to verify the data HCFA is using to calculate the wage index. Hospitals will have until June 7, 1999 to submit requests to correct errors in the final wage data due to data entry or tabulation errors by the intermediary or HCFA. The correction requests that will be considered at that time will be limited to errors in the entry or tabulation of the final wage data that the hospital could not have known about before the release of the final wage data public use file.

The final wage data file released on May 7, 1999 will contain the wage data that will be used to construct the wage index values in the final rule. As noted above in section III.C of this preamble, this file will include hospitals' teaching survey data as well as cost report data. As with the file made available in February 1999, HCFA will make the final wage data file released in May 1999 available to hospital associations and the public (on the Internet). However, with the exception of the teaching survey data, this file is being made available only for the limited purpose of identifying any potential errors made by HCFA or the intermediary in the entry of the final wage data that result from the correction process described above (with the March 5 deadline), not for the initiation of new wage data correction requests. Hospitals are encouraged to review their hospital wage data promptly after the release of the final file.

If, after reviewing the final file, a hospital believes that its wage data are incorrect due to a fiscal intermediary or HCFA error in the entry or tabulation of the final wage data, it should send a letter to both its fiscal intermediary and HCFA. The letters should outline why the hospital believes an error exists and provide all supporting information, including dates. These requests must be *received* by HCFA and the intermediaries no later than June 7, 1999. Requests mailed to HCFA should be sent to: Health Care Financing Administration; Center for Health Plans and Providers; Attention: Stephen Phillips, Technical Advisor; Division of Acute Care; C4–07–07; 7500 Security Boulevard; Baltimore, MD 21244–1850. Each request must also be sent to the hospital's fiscal intermediary. The intermediary will review requests upon receipt and contact HCFA immediately to discuss its findings.

At this point in the process, changes to the hospital wage data will be made only in those very limited situations involving an error by the intermediary or HCFA that the hospital could not have known about before its review of the final wage data file. (As noted above, however, we are also allowing hospitals to request changes to their teaching survey data. These requests must comply with all of the documentation and deadline requirements as otherwise specified in this proposed rule.) Specifically, neither the intermediary nor HCFA will accept the following types of requests at this stage of the process:

- Requests for wage data corrections that were submitted too late to be included in the data transmitted to HCRIS on or before April 5, 1999.
- Requests for correction of errors that were not, but could have been, identified during the hospital's review of the February 1999 wage data file.
- Requests to revisit factual determinations or policy interpretations made by the intermediary or HCFA during the wage data correction process.

Verified corrections to the wage index received timely (that is, by June 7, 1999) will be incorporated into the final wage index to be published by July 30, 1999 and effective October 1, 1999.

Again, we believe the wage data correction process described above provides hospitals with sufficient opportunity to bring errors in their wage data to the intermediary's attention. Moreover, because hospitals will have access to the final wage data by early May 1999, they will have the opportunity to detect any data entry or tabulation errors made by the intermediary or HCFA before the development and publication of the FY 2000 wage index by July 30, 1999 and the implementation of the FY 2000 wage index on October 1, 1999. If hospitals avail themselves of this opportunity, the wage index implemented on October 1 should be free of these errors. Nevertheless, in the unlikely event that errors should occur after that date, we retain the right to make midyear changes to the wage index under very limited circumstances.

Specifically, in accordance with § 412.63(w)(2), we may make midyear corrections to the wage index only in those limited circumstances in which a hospital can show (1) that the intermediary or HCFA made an error in tabulating its data; and (2) that the hospital could not have known about the error, or did not have an opportunity to correct the error, before the beginning of FY 2000 (that is, by the June 7, 1999 deadline). As indicated earlier, since a hospital will have the opportunity to verify its data, and the intermediary will notify the hospital of any changes, we do not foresee any specific circumstances under which midyear corrections would be made. However, should a midyear correction be necessary, the wage index change for the affected area will be effective prospectively from the date the correction is made.

In the September 1, 1994 **Federal Register**, we stated that we did not believe that a ''formal appeals process'' regarding intermediary decisions denying hospital requests for wage data revisions was necessary, given the numerous opportunities provided to hospitals to verify and revise their data (59 FR 45351). We continue to believe that the process described above provides hospitals more than adequate opportunity to ensure that their data are correct. Nevertheless, we wish to clarify that, while there is no formal appeals process that culminates before the publication of the final rule and that is described above, hospitals may later seek formal review of denials of requests for wage data revisions made as a result of that process.

Once the final wage index values are calculated and published in the **Federal Register**, the last opportunity for a hospital to seek to have its wage data revised is under the limited circumstances described in § 412.63(w)(2). As we noted in the September 1, 1995 **Federal Register**, however, hospitals are entitled to appeal any denial of a request for a wage data revision made as a result of HCFA's wage data correction process to the Provider Reimbursement Review Board (PRRB), consistent with the rules for PRRB appeals found at 42 CFR part 405, Subpart R (60 FR 45795). As we also stated in the 1995 **Federal Register**, and as the regulation at § 412.63(w)(5) provides, any subsequent reversal of a denial of a wage revision request that

results from a hospital's appeal to the PRRB or beyond will be given effect by paying the hospital under a revised wage index that reflects the revised wage data at issue. The revised wage data will not, however, be used for purposes of revisiting past adjudications of requests for geographic reclassification.

IV. Other Decisions and Proposed Changes to the Prospective Payment System for Inpatient Operating Costs and Graduate Medical Education Costs

A. Sole Community Hospitals (SCHs)(§ 412.92)

If a hospital is classified as a SCH because, by reason of certain factors, it is the sole source of inpatient hospital services reasonably available to Medicare beneficiaries in a geographic area, the hospital is paid based on the highest of the following: the applicable adjusted Federal rate; the updated hospital-specific rate based on a 1982 base period; or the updated hospital-specific rate based on a 1987 base period. Under our existing rules, urban hospitals within 35 miles of another hospital cannot qualify as SCHs. Since 1983, we have consistently defined an ''urban'' area for purposes of determining if a hospital qualifies for SCH status as a MSA or NECMA as defined by OMB.

In the past, we have considered and rejected two alternatives to the MSA definitions of an urban area for SCH purposes. These alternatives were the urbanized areas as defined by the Census Bureau and the health facility planning areas (HFPAs) as used by the Health Resource Services Administration. We have concluded that the MSA definition continues to be the most appropriate geographic delimiter available at this time. Therefore, we propose to continue to apply the MSA definition of an urban area for SCH status purposes.

We propose to continue our current policy for several reasons. First, as we have previously noted, since OMB considers local commuting patterns in establishing urban definitions, we believe that residents in urban areas have access to hospital services either by living in close proximity to a hospital or by establishing a heavy commuting pattern to an area in which a hospital is located (48 FR 39780, September 1, 1983). We do not believe that either Census Bureau urbanized areas or HFPAs take commuting patterns into account in the way that OMB's MSAs do. We believe commuting patterns serve as an important indicia of whether a hospital is the sole hospital reasonably accessible by Medicare beneficiaries in an area.

In addition, we note that our use of MSAs to define urban areas for SCH status purposes has direct statutory support. Section 1886(d)(2)(D) of the Act specifically authorizes us to use OMB's MSA definition of urban areas for purposes of calculating the prospective payment system standardized amounts. SCH status represents an adjustment to the usual prospective payment that a hospital would receive, and since that prospective payment is based on the standardized amount, among other factors, we believe it would be anomalous to employ one definition of urban area for purposes of calculating the standardized amount and another for purposes of determining if the hospital qualified as a SCH. To do so would be to use one set of geographic delimiters in applying the general rule (payment under the prospective payment system based on the standardized amount) but a different set in determining exceptions to the rule (payment under the prospective payment system adjusted to take into account SCH status). We do not think this would be appropriate. For this reason, also, we propose to continue to define ''urban'' for SCH purposes as meaning MSAs as defined by OMB, not as meaning either Census Bureau urbanized areas or HFPAs.

B. Rural Referral Centers (§ 412.96)

Under the authority of section 1886(d)(5)(C)(i) of the Act, § 412.96 sets forth the criteria a hospital must meet in order to receive special treatment under the prospective payment system as a rural referral center. For discharges occurring before October 1, 1994, rural referral centers received the benefit of payment based on the other urban rather than the rural standardized amount. As of that date, the other urban and rural standardized amounts were the same. However, rural referral centers continue to receive special treatment under both the disproportionate share hospital (DSH) payment adjustment and the criteria for geographic reclassification.

One of the criteria under which a rural hospital may qualify as a rural referral center is to have 275 or more beds available for use. A rural hospital that does not meet the bed size criterion can qualify as a rural referral center if the hospital meets two mandatory criteria (specifying a minimum case-mix index and a minimum number of discharges) and at least one of the three optional criteria (relating to specialty composition of medical staff, source of inpatients, or volume of referrals). With respect to the two mandatory criteria, a hospital may be classified as a rural referral center if its—

- Case-mix index is at least equal to the lower of the median case-mix index for urban hospitals in its census region, excluding hospitals with approved teaching programs, or the median case-mix index for all urban hospitals nationally; and
- Number of discharges is at least 5,000 discharges per year or, if fewer, the median number of discharges for urban hospitals in the census region in which the hospital is located. (The number of discharges criterion for an osteopathic hospital is at least 3,000 discharges per year.)

1. Case-Mix Index

Section 412.96(c)(1) provides that HCFA will establish updated national and regional case-mix index values in each year's annual notice of prospective payment rates for purposes of determining rural referral center status. The methodology we use to determine the proposed national and regional case-mix index values is set forth in regulations at § 412.96(c)(1)(ii). The proposed national case-mix index value includes all urban hospitals nationwide, and the proposed regional values are the median values of urban hospitals within each census region, excluding those with approved teaching programs (that is, those hospitals receiving indirect medical education payments as provided in § 412.105).

These values are based on discharges occurring during FY 1998 (October 1, 1997 through September 30, 1998) and include bills posted to HCFA's records through December 1998. Therefore, we are proposing that, in addition to meeting other criteria, hospitals with fewer than 275 beds, if they are to qualify for initial rural referral center status for cost reporting periods beginning on or after October 1, 1999, must have a case-mix index value for FY 1998 that is at least—

- 1.3438; or
- The median case-mix index value for urban hospitals (excluding hospitals with approved teaching programs as identified in § 412.105) calculated by HCFA for the census region in which the hospital is located.

The median case-mix values by region are set forth in the following table:

Region	Case-mix index value
1. New England (CT, ME, MA, NH, RI, VT)	1.2480
2. Middle Atlantic (PA, NJ, NY)	1.2504

Region	Case-mix index value
3. South Atlantic (DE, DC, FL, GA, MD, NC, SC, VA, WV)	1.3269
4. East North Central (IL, IN, MI, OH, WI)	1.2593
5. East South Central (AL, KY, MS, TN)	1.2772
6. West North Central (IA, KS, MN, MO, NE, ND, SD)	1.1871
7. West South Central (AR, LA, OK, TX)	1.3003
8. Mountain (AZ, CO, ID, MT, NV, NM, UT, WY)	1.3280
9. Pacific (AK, CA, HI, OR, WA)	1.3277

The preceding numbers will be revised in the final rule to the extent required to reflect the updated FY 1998 MedPAR file, which will contain data from additional bills received through March 31, 1999.

For the benefit of hospitals seeking to qualify as referral centers or those wishing to know how their case-mix index value compares to the criteria, we are publishing each hospital's FY 1998 case-mix index value in Table 3C in section IV of the Addendum to this proposed rule. In keeping with our policy on discharges, these case-mix index values are computed based on all Medicare patient discharges subject to DRG-based payment.

2. Discharges

Section 412.96(c)(2)(i) provides that HCFA will set forth the national and regional numbers of discharges in each year's annual notice of prospective payment rates for purposes of determining referral center status. As specified in section 1886(d)(5)(C)(ii) of the Act, the national standard is set at 5,000 discharges. We are proposing to update the regional standards. The proposed regional standards are based on discharges for urban hospitals' cost reporting periods that began during FY 1997 (that is, October 1, 1996 through September 30, 1997). That is the latest year for which we have complete discharge data available.

Therefore, we are proposing that, in addition to meeting other criteria, a hospital, if it is to qualify for initial rural referral center status for cost reporting periods beginning on or after October 1, 1999, must have as the number of discharges for its cost reporting period that began during FY 1998 a figure that is at least—

- 5,000; or
- The median number of discharges for urban hospitals in the census region in which the hospital is located, as indicated in the following table.

Region	Number of discharges
1. New England (CT, ME, MA, NH, RI, VT)	6672
2. Middle Atlantic (PA, NJ, NY)	8635
3. South Atlantic (DE, DC, FL, GA, MD, NC, SC, VA, WV)	7753
4. East North Central (IL, IN, MI, OH, WI)	7390
5. East South Central (AL, KY, MS, TN)	6741
6. West North Central (IA, KS, MN, MO, NE, ND, SD)	5662
7. West South Central (AR, LA, OK, TX)	5344
8. Mountain (AZ, CO, ID, MT, NV, NM, UT, WY)	7993
9. Pacific (AK, CA, HI, OR, WA)	5993

We note that the number of discharges for hospitals in each census region is greater than the national standard of 5,000 discharges. Therefore, 5,000 discharges is the minimum criterion for all hospitals. These numbers will be revised in the final rule based on the latest FY 1997 cost report data.

We reiterate that an osteopathic hospital, if it is to qualify for rural referral center status for cost reporting periods beginning on or after October 1, 1999, must have at least 3,000 discharges for its cost reporting period that began during FY 1997.

C. Changes to the Indirect Medical Education Adjustment (§ 412.105)

Section 1886(d)(5)(B) of the Act provides that prospective payment hospitals that have residents in an approved graduate medical education (GME) program receive an additional payment to reflect the higher indirect operating costs associated with GME. The regulations regarding the calculation of this additional payment, known as the indirect medical education (IME) adjustment, are located at § 412.105.

In the August 29, 1997 final rule (62 FR 46029), we redesignated the previous § 412.105(g) as § 412.105(f), and added a new paragraph (g) to implement section 1886(d)(5)(B) of the Act as revised by section 4621 of the Balanced Budget Act of 1997. However, when we redesignated paragraph (g) as paragraph (f), we inadvertently did not revise all of the relevant cross-references to reflect this redesignation. Specifically, at § 412.105(f)(1)(iii), there are three cross-references to paragraph (g)(1)(ii). These cross-references are incorrect in light of the redesignation of previous paragraph (g) as paragraph (f). We are proposing to revise § 412.105(f)(1)(iii) to correct these cross-references.

D. Medicare Geographic Classification Review Board: Conforming Changes §§ 412.256 and 412.276

In the May 12, 1998 final rule (63 FR 26321), we revised the regulations governing the timeframes for submittal of applications by hospitals to the MGCRB for geographic reclassifications and for MGCRB decisions to take into consideration the revised statutory publication schedule for the annual prospective payment policies and rates (that is, August 1 instead of September 1) implemented by the BBA. In making those changes, we inadvertently omitted conforming changes to two other sections of the regulations that also specify timeframes that are affected by the change to an August 1 publication date—§§ 412.256 and 412.276. We propose to revise § 412.256(c)(2) to specify that at the request of the hospital, the MGCRB may, for good cause, grant a hospital that has submitted an application by September 1 (instead of October 1) an extension beyond September 1 (instead of October 1) to complete its application. In addition, we propose to revise § 412.276(a) to specify that the MGCRB notifies the parties in writing, with a copy to HCFA, and issues a decision within 180 days after the ''first day of the 13-month period preceding the Federal fiscal year for which the hospital had filed a completed application'' for reclassification, to make the language consistent with the statute and the May 1998 changes made to the application deadline in § 412.256(a)(2).

E. Payment for Direct Costs of Graduate Medical Education (§ 413.86)

Under section 1886(h) of the Act, Medicare pays hospitals for the direct costs of graduate medical education (GME). The payments are based on the number of residents trained by the hospital. The BBA revised section 1886(h) of the Act to cap the number of residents that hospitals may count for direct GME. We have issued rules to implement the caps for GME (62 FR 46002, August 29, 1997; 63 FR 26327, May 12, 1998; and 63 FR 40986, July 31, 1998). Since the publication of these rules we have received a number of questions relating to GME. In addition, we have received information related to other aspects of our GME policies. In response to these questions and information, we are clarifying certain GME policies and also making some technical changes to the regulations text. In addition, we are proposing certain changes in GME policy.

1. Approved Geriatric Programs

Under sections 1886(h)(5)(F) and (G) of the Act and § 413.86(g), Medicare counts each resident within an initial residency period as a 1.0 full-time equivalent (FTE) for purposes of determining GME payments. Each resident beyond the initial residency period is counted as 0.5 full-time equivalent. Section 1886(h)(5)(F) of the Act extends the initial residency period by up to 2 years if an individual is in a geriatric or preventive medicine residency or fellowship. At § 413.86(b), we specify that an ''approved geriatric program'' is ''a fellowship program of one or more years in length that is approved by the Accreditation Council for Graduate Medical Education (ACGME) under the ACGME's criteria for geriatric fellowship programs.'' In recent years, geriatric programs have been approved by other national organizations. Consistent with the statute, we are proposing to clarify the definition of approved geriatric programs at § 413.86(b) to include fellowship programs approved by the American Osteopathic Association, the Commission on Dental Accreditation, and the Council on Podiatric Medical Education. These organizations, in addition to ACGME, are recognized by HCFA as the accrediting bodies for determining approved educational activities. We also would make a conforming change to § 413.86(g)(1)(iii) to recognize approved geriatric programs accredited by all national approving organizations.

2. Hospital Payment for Resident Training in Nonhospital Settings

Under sections 1886(d)(5)(B)(iv) and 1886(h)(4)(E) of the Act, hospitals may count residents working in nonhospital sites for indirect and direct medical education respectively if the hospital incurs ''all or substantially all'' of these education costs. The requirements for counting the time residents spend training in nonhospital settings are addressed at § 413.86(f)(4). Currently, the requirements for hospital payment under this provision are that the resident spend his or her time in patient care activities and that a written agreement exist between the hospital and the nonhospital site. This written agreement must indicate that the hospital will incur the cost of the residents' salaries and fringe benefits while the residents are training in the nonhospital site and that the hospital is providing reasonable compensation to the nonhospital site for supervisory teaching activities. In addition, the written agreement must indicate the compensation the hospital is providing to the nonhospital site for supervisory teaching activities.

Under the statute, the time residents spend at nonhospital sites may be counted ''if the hospital incurs all, or substantially all, of the costs of the training program in that setting.'' The existing regulations text, however, is framed in terms of the hospital having an agreement that it ''will incur'' the costs in the nonhospital setting. We are proposing to make a technical change to the regulations text by adding a new § 413.86(f)(4)(iii), to clarify that in order to count residents at a nonhospital site, the hospital must actually incur all or substantially all of the costs for the training program, as defined in § 413.86(b), in the nonhospital site. This definition of all or substantially all requires the hospital to incur the expenses of the residents' salaries and fringe benefits (including travel and lodging where applicable) and the portion of the cost of teaching physicians' salaries and fringe benefits attributable to direct GME.

3. New Residency Programs

In the regulations we published on August 29, 1997 and May 12, 1998, we established special rules for adjusting the full-time equivalent (FTE) resident caps for indirect and direct GME for new medical residency programs. In general, the special rules allow for adjustments to the caps based on a number of residents participating in the program in its third year of existence. In §§ 413.86(g)(6)(i) and 413.86(g)(6)(ii), we set forth a methodology for adjusting hospital FTE caps for new medical residency training programs established on or after January 1, 1995. We are proposing the following clarifications, technical changes, and policy changes:

a. In § 413.86(g)(6)(i), we specify that, if a hospital had no residents before January 1, 1995, the adjustments for new programs are based on the highest number of residents in any program year during the third year of the newly established program. However, § 413.86(g)(6)(ii) does not explicitly state the methodology for adjusting caps for hospitals that did have residents in the most recent cost reporting period ending before January 1, 1995. The adjustments of the caps for programs established on or after January 1, 1995 and on or before August 5, 1997, also are made based on the number of residents in the third year of the new program. We are proposing to revise § 413.86(g)(6)(ii) to clarify that, for a hospital that did have residents in the most recent cost reporting period ending on or before December 31, 1996 (the proposed revised date described in section IV.E.3.d. of this preamble), the adjustment is based on the highest number of residents in any program year in the third year of the new program.

b. Sections 413.86(g)(6)(i) and 413.86(g)(6)(ii) specify that the adjustment to the cap is also based on the number of years in which residents are expected to complete each program based on the minimum accredited length for the type of program. We are proposing to add language to clarify how to account for situations in which the residents spend an entire program year (or years) at one hospital and the remaining year (or years) of the program at another hospital. In this situation, the adjustment to the FTE cap is based on the number of years the residents are training at each hospital, not the minimum accredited length for the type of program. If we were to use the minimum accredited length for the program in this case, the total adjustment to the cap might exceed the total accredited slots available to the hospitals participating in the program. In the May 12, 1998 final rule (63 FR 26334), we specified that the adjustment to the FTE cap may not exceed the number of accredited resident slots available.

c. It was brought to our attention that the regulations do not explicitly address how to apply the cap during the first 3 years of a new program before the adjustments to the cap are established. We are proposing to clarify our policy on new residency programs by adding language in §§ 413.86(g)(6)(i) and 413.86(g)(6)(ii) to specify how to determine the hospital's cap in the first 3 years of a new residency program, before the implementation of the hospital's permanent adjustment to its FTE cap effective beginning with the fourth year of the program. We are proposing to specify that the cap may be adjusted during each year of the first 3 years of the hospital's new residency program, using the actual number of residents participating in the new program. The adjustment may not exceed the number of accredited slots available to the hospital for each program year.

d. As discussed above, on August 29, 1997, we implemented the hospital-specific caps on the number of residents that a hospital can count for purposes of GME payments in a final rule with comment period (62 FR 46002). In both the May 12, 1998 and July 31, 1998 final rules (63 FR 26327 and 63 FR 40954), we responded to comments we received on this provision. We did not receive any comments about hospitals that participated in residency training in the

past, had terminated their participation prior to the hospitals' cost reporting period ending in calendar year 1996, and have now again begun a new residency program. After publication of the July 31, 1998 final rule, we were contacted by representatives of some hospitals that had a resident cap of zero because they had temporarily terminated their GME programs in the past and had no residents training during the cost reporting period ending in 1996. Based on the existing regulations, these hospitals have FTE caps of zero. There is no provision in the existing regulations for making adjustments to the cap to allow these hospitals to receive payment for indirect and direct GME for allopathic and osteopathic residents.

To address this issue, we are proposing to revise § 413.86(g)(6)(i) to allow for an adjustment to a hospital's FTE cap if the hospital had no allopathic and osteopathic residents in its cost reporting period ending during calendar year 1996. This change would allow all hospitals that did not participate in allopathic and osteopathic resident training in the cost reporting period ending in calendar year 1996 to receive adjustments to the indirect and direct GME FTE caps for new residency programs. We believe it is appropriate to revise the regulations to allow for payment during the first 3 years of the new program and for an adjustment to the FTE cap 3 years after these hospitals restart participation in residency training, similar to the existing adjustment for hospitals that never participated in residency training. We propose to revise § 413.86(g)(6)(i) to allow a hospital that has zero residents for the cost reporting period ending during the calendar year 1996 to receive an adjustment. This change would be effective for discharges occurring on or after October 1, 1999, for purposes of the IME adjustment and for cost reporting periods beginning on or after October 1, 1999, for purposes of direct GME.

In addition, we are proposing to make a change in § 413.86(g)(6)(ii) to make the language similar to that in § 413.86(g)(6)(i) to specify that hospitals that did have residents in the cost reporting period ending on or before December 31, 1996, are allowed adjustments to the cap for new programs begun on or after January 1, 1995, and on or before August 5, 1997. Currently, § 413.86(g)(6)(ii) refers to a hospital that did have residents in its most recent cost reporting period ending on or before January 1, 1995. The regulation states that these hospitals also may qualify for an adjustment to the caps, but only for medical residency programs created on or after January 1, 1995, and on or before August 5, 1997. Since we are proposing to revise § 413.86(g)(6)(i) to indicate that a hospital may qualify for an adjustment to the cap under that paragraph if it did not have residents in the cost reporting period ending during calendar year 1996, we are proposing to make a similar change in § 413.86(g)(6)(ii) to indicate that this paragraph provides for an adjustment to the cap for hospitals that did have residents in its most recent reporting period ending on or before December 31, 1996. We are proposing this revision to make the language of these two paragraphs consistent. Hospitals may qualify either under § 413.86(g)(6)(i) or § 413.86(g)(6)(ii). For hospitals that qualify under § 413.86(g)(6)(i), the FTE caps are established 3 years after the hospital either begins or restarts participation in residency training for programs that began on or after January 1, 1995. However, for hospitals that qualify under § 413.86(g)(6)(ii), adjustments to the cap are limited to those programs that began on or after January 1, 1995 and on or before August 5, 1997.

e. We are proposing to make technical changes to §§ 413.86(g)(6)(i) and 413.86(g)(6)(ii), which refer to whether a hospital had residents in its most recent cost reporting period on or before December 31, 1996. Instead of simply specifying ''residents,'' we are proposing to reference ''allopathic and osteopathic residents,'' because the FTE cap applies only to allopathic and osteopathy residents. There is no FTE cap on the number of podiatry and dentistry residents. Therefore, we are proposing to add the words ''allopathic and osteopathic'' in §§ 413.86(g)(6)(i) and 413.86(g)(6)(ii) before the word ''resident''.

4. Adjustment to GME Caps for Certain Hospitals To Account for Residents in New Medical Residency Training Programs

Section 4623 of the BBA amended section 1886(h) of the Act to provide for ''special rules'' in applying FTE caps for medical residency training programs established on or after January 1, 1995. In the August 29, 1997 and May 12, 1998 final rules (62 FR 46002 and 63 FR 26327), we implemented special rules to account for residents in new medical residency training programs. We are proposing to implement another special rule to permit an adjustment to the FTE cap for a hospital if the entire facility was under construction prior to August 5, 1997 (the date of enactment of the BBA) and if the hospital sponsored a new medical residency training program but the residents temporarily trained at another hospital.

Under current policies, if a new medical residency training was established on or after January 1, 1995, a hospital may receive an adjustment to its FTE cap to account for residents in the new program. If the residents in the new program begin training in one hospital and are subsequently ''transferred'' to another hospital, the second hospital does *not* receive an adjustment to its FTE cap; if we made an adjustment for the second hospital, then two hospitals would receive an adjustment for the same resident.

We believe, however, that an adjustment for the second hospital might be appropriate in certain limited circumstances. If the second hospital sponsored a new medical residency training program but the residents in the new program temporarily trained at the first hospital because the second hospital was still being built, then we believe it might be appropriate to permit an adjustment for the second hospital. Otherwise, the second hospital's FTE cap would be zero, and the hospital would not receive any GME or IME payments.

We are proposing to permit an adjustment under this policy only if the second hospital (the sponsor of the new program) began construction of its entire facility prior to the date of enactment of the BBA. Prior to August 5, 1997, a hospital would not have had knowledge of the provisions of the BBA and thus would not have known that a decision to temporarily train residents at another hospital might have resulted in the hospital being unable to receive GME and IME payments in the future. In contrast, a hospital that began construction of an entirely new facility on or after August 5, 1997 would have had notice of changes in the law prior to making a decision to temporarily train residents at another hospital.

Thus, we are proposing to add a new § 413.86(g)(7) (existing § 413.86(g)(7) would be redesignated as § 413.86(g)(9)) to address application of the FTE caps with regard to a hospital that began construction of an entire facility prior to August 5, 1997, sponsored medical residency training programs, and temporarily trained those residents at another hospital(s) until the new facility was completed. For hospitals that meet these criteria, we propose that the FTE caps will be determined in a manner similar to those hospitals that qualify for an adjustment to the FTE cap under § 413.86(g)(6)(i). That is, the hospital's cap would equal the lesser of (a) the product of the highest number of

residents in any program year during the third year of the first program's existence for all new residency training programs at either the newly constructed facility or the temporary training site and the number of years in which residents are expected to complete the programs based on the minimum accredited length for each type of program; or (b) the number of accredited slots available for each year of the program. If the medical residency training programs sponsored by the newly constructed hospital have been in existence for 3 years or more by the time the residents begin training at the newly constructed hospital, the newly constructed hospital's cap would be the number of residents training in the third year of the first of those programs begun at the a temporary training site. If the medical residency training programs sponsored by the newly constructed hospital have been in existence for less than 3 years when the residents begin training at the newly constructed hospital, the hospital's cap would be based on the number of residents training at the newly constructed hospital in the third year of the first of those programs (including the years at the temporary training site). This provision would be effective for portions of cost reporting periods occurring on or after October 1, 1999.

5. Temporary Adjustments to FTE Cap To Reflect Residents Affected by Hospital Closure

In the May 12, 1998 prospective payment system final rule (63 FR 26330), we indicated that we would allow a temporary adjustment to a hospital's resident cap under limited circumstances and if certain criteria are met when a hospital assumes the training of additional residents because of another hospital's closure. The temporary adjustment to the FTE cap is available to the hospital only for the period of time necessary to train those displaced residents. Once the residents leave the hospital or complete their programs, the hospital cap would be based solely on the statutory base year (with any applicable adjustments for new medical residency training programs or affiliated group arrangements).

Under current policies, we permit a temporary adjustment to the FTE cap for a hospital only if it assumed additional medical residents from a hospital that closed in the July 1996–June 1997 residency training year. We are proposing to allow adjustments to address hospital closures after this period. Thus, we would allow an adjustment for a hospital if it takes on additional residents from a hospital that closes at any time on or after July 1, 1996. This adjustment is intended to account for residents who may have partially completed a medical residency training program and would be unable to complete their training without a residency position at another hospital.

We are proposing this change because hospitals have indicated a reluctance to accept additional residents from a closed hospital without a temporary adjustment to their caps. Therefore, we are proposing to add a new § 413.86(g)(8) to allow a temporary adjustment to a hospital's FTE cap to reflect residents added because of a hospital's closure at any time on or after July 1, 1996. We would allow an adjustment to a hospital's FTE cap if the hospital meets the following criteria: (a) the hospital is training additional residents from a hospital that closed on or after July 1, 1996; and (b) the hospital that is training the additional residents who are assumed from the closed hospital submits a request to its fiscal intermediary at least 60 days before the beginning of training of the residents for a temporary adjustment to its FTE cap, documents that the hospital is eligible for this temporary adjustment to its FTE cap by identifying the residents who have come from the closed hospital and have caused the hospital to exceed its cap, and specifies the length of time that the adjustment is needed. After the displaced residents leave the hospital's training program or complete their residency program, the hospital's cap would be based solely on the statutory base year (with any applicable adjustments for new medical residency training programs or affiliated group arrangements).

6. Determining the Weighted Number of FTE Residents

Section 413.86(g)(1)(ii) states that for residency programs in osteopathy, dentistry, and podiatry, the minimum requirement for certification in a specialty or subspecialty is the minimum number of years of formal training necessary to satisfy the requirements of the appropriate approving body listed in § 415.200(a). This reference is incorrect. The correct section in which approving bodies for residency programs are listed is § 415.152. We propose to make this correction.

Section 413.86(g)(1)(i) specifies that the initial residency period is the minimum number of years of formal training necessary to satisfy board eligibility in the particular specialty for which the resident is training, as specified in the 1985–1986 Directory of Residency Training Programs. Section 1886(h)(5)(G)(iii) of the Act allows the Secretary to increase or decrease the initial residency period if the minimum number of years of formal training specified in a later edition of the directory is different from the period specified in the 1985–1986 Directory of Residency Training Programs. We are proposing to revise the regulations text to state that the initial residency period is determined using the most recently published edition of the Graduate Medical Education Directory, not the 1985–1986 Directory.

7. Clarification of a Statement in the Preamble of the May 12, 1998 Final Rule Relating to Affiliated Groups

In the May 12, 1998 final rule (63 FR 26341), in the third column of page 26341, in the sentence prior to section ''O. Payment to Managed Care Plans for Graduate Medical Education,'' we stated, ''If the combined FTE counts for the individual hospitals that are members of the same affiliated group do not exceed the aggregate cap, we will pay each hospital based on its FTE cap as adjusted per agreements.'' The phrase ''do not exceed'' should have read ''exceed.'' Thus, the sentence should have read, ''If the combined FTE counts for individual hospitals that are members of the same affiliated group exceed the aggregate cap, we will pay each hospital based on its FTE cap as adjusted per agreements.'' We regret any confusion that resulted from this misstatement.

V. Proposed Changes to the Prospective Payment System for Capital-Related Costs: Special Exceptions Process

Section 1886(g) of the Act requires the Secretary to pay for hospital capital-related costs ''in accordance with a prospective payment system established by the Secretary.'' Under the statute, the Secretary has broad authority in establishing and implementing the capital prospective payment system. We initially implemented the capital prospective payment system in an August 30, 1991 final rule (56 FR 43409), in which we established a 10-year transition period to change the payment methodology for Medicare inpatient capital-related costs from a reasonable cost-based methodology to a prospective methodology (based fully on the Federal rate).

Generally, during the transition period, inpatient capital-related costs will be paid on a per discharge basis, and the amount of payment depends on the relationship between the hospital-specific rate and the Federal rate during the hospital's base year. A hospital with

a base year hospital-specific rate less than the Federal rate will be paid under the fully prospective payment methodology during the transition period. This method is based on a dynamic blend percentage of the hospital's hospital-specific rate and the applicable Federal rate for each year during the transition period. A hospital with a base period hospital-specific rate greater than the Federal rate will be paid under the hold harmless payment methodology during the transition period. A hospital paid under the hold harmless payment methodology receives the higher of (1) a blended payment of 85 percent of reasonable cost for old capital plus an amount for new capital based on a portion of the Federal rate or (2) a payment based on 100 percent of the adjusted Federal rate. The amount recognized as old capital is generally limited to the allowable Medicare capital-related costs that were in use for patient care as of December 31, 1990. Under limited circumstances, capital-related costs for assets obligated prior to December 31, 1990, but put in use for patient care after December 31, 1990 may also be recognized as old capital if certain conditions are met. These costs are known as obligated capital costs. New capital costs are generally defined as allowable Medicare capital-related costs for assets put in use for patient care after December 31, 1990. Beginning in FY 2001, at the conclusion of the transition period for the capital prospective payment system, capital payments will be based solely on the Federal rate for most hospitals.

In the August 30, 1991 final rule, we also established a capital exceptions policy, which provides for exceptions payments during the transition period (§ 412.348). We also indicated that we would carefully monitor the impact of the capital prospective payment system in order to determine whether some type of permanent exceptions process was necessary and the circumstances under which additional payments would be made.

In the Conference Report that accompanied the Omnibus Budget Reconciliation Act (OBRA) of 1993 (Pub. L. 103–66), Congress addressed obligated capital criteria for hospitals in States with a lengthy certificate of need (CON) process. The language states, ''The conferees note that in the proposed rule for fiscal year 1994 changes to the hospital inpatient prospective payment system that was published in the **Federal Register** on May 26, 1993, the Secretary indicated that insufficient information was available to complete a systematic evaluation of the obligated capital criteria for hospitals in states with a lengthy Certificate-of-Need process in time to consider appropriate changes during the fiscal year 1994 rulemaking process. The conferees expect the Secretary to complete the assessment in time for consideration in the fiscal year 1995 rulemaking process and that appropriate changes in payment policy will be made to address the problems of hospitals subject to a lengthy Certificate-of-Need review process or subject to other circumstances which are not fully addressed in the current rules. In addition, the conferees believe the Secretary should evaluate whether current policies provide adequate protection to sole community hospitals and hospitals that serve a disproportionate share of low income patients.'' (H.R. Conf. Rep. No. 103–66, at 744 (1993)).

In the May 27, 1994 proposed hospital inpatient prospective payment rule (59 FR 27744), we described our analysis of provisions related to obligated capital for hospitals subject to lengthy CON processes and proposed a change to the deadline for putting an asset into use for patient care (§ 412.302(c)(2)(i)(D)). We proposed changing the deadline from ''the earlier of'' September 30, 1996, or 4 years from the date of CON approval to ''the later of'' September 30, 1996, or 4 years from the date of CON approval.

In addition, in the May 27, 1994 proposed rule, we noted that the same hospitals that had asked for changes in the obligated capital provisions had also recommended changes to the capital exceptions policy, which would provide exceptions payments after the conclusion of the capital prospective payment transition period. These hospitals had asked that the minimum payment level for urban hospitals with at least 100 beds and a DSH percentage of at least 20.2 percent be guaranteed through the rest of the transition and extended for at least 10 years after the transition. We noted that we had tried to address the concerns of these hospitals in developing the proposed special exceptions process that was discussed in the same proposed rule.

In the September 1, 1994 final rule (59 FR 45376), we adopted the proposed change to the deadline for putting an asset into use in the obligated capital regulations (§ 412.348). We also implemented the capital special exceptions process and adopted qualifying criteria for the classes of eligible hospitals. The classes of eligible hospitals include urban hospitals with a DSH percentage of 20.2 percent and at least 100 beds and sole community hospitals.

Under the special exceptions provision at § 412.348(g), an additional payment may be made for up to 10 years beyond the end of the capital prospective payment system transition period for eligible hospitals that meet (1) a project need requirement, (2) a project size requirement, and (3) in the case of certain urban hospitals, an excess capacity test. In the September 1, 1994 final rule, we described the special exceptions process as ''* * * narrowly defined, focusing on a small group of hospitals who found themselves in a disadvantaged position. The target hospitals were those who had an immediate and imperative need to begin major renovations or replacements just after the beginning of the capital prospective payment system. These hospitals would not be eligible for protection under the old capital and obligated capital provisions, and would not have been allowed any time to accrue excess capital prospective payments to fund these projects.'' (59 FR 45385)

In addition to sole community hospitals and urban hospitals with at least 100 beds that have a DSH percentage of at least 20.2 percent, hospitals eligible for special exceptions include urban hospitals with at least 100 beds that receive at least 30 percent of their revenue from State or local funds for indigent care, and hospitals with a combined inpatient Medicare and Medicaid utilization of at least 70 percent.

To qualify for a special exceptions payment, a hospital must satisfy a project need requirement as described at § 412.348(g)(2) and a project size requirement as described at § 412.348(g)(5). For hospitals in States with CON requirements, the project need requirement is satisfied by obtaining a CON approval. For other hospitals, the project need requirement is satisfied by meeting an age of assets test. The project size requirement is satisfied if the hospital completes the qualifying project between the period beginning on or after its first cost reporting period beginning on or after October 1, 1991, and the end of its last cost reporting period beginning before October 1, 2001, and the project costs are (1) at least $200 million or (2) at least 100 percent of the hospital's operating cost during the first 12-month cost reporting period beginning on or after October 1, 1991. The minimum payment level under special exceptions for all qualifying hospitals is 70 percent of allowable capital-related costs. Special exception payments are offset against positive Medicare capital and operating margins.

When we established the special exceptions process, we selected the hospital's cost reporting period beginning before October 1, 2001, as the project completion date in order to limit cost-based exceptions payments to a period of not more than 10 years beyond the end of the transition to the fully Federal capital prospective payment system. Because hospitals are eligible to receive special exceptions payments for up to 10 years from the year in which they complete their project (but for not more than 10 years after September 30, 2001, the end of the capital prospective payment transition), if a project is completed by September 30, 2001, exceptions payments could continue up to September 30, 2011. In addition, we believed that for projects completed after the September 30, 2001, hospitals would have had the opportunity to reserve their prior years' capital prospective payment system payments for financing projects.

In the July 31, 1998 final rule (63 FR 40999), we stated that a few hospitals had expressed concern with the required completion date of October 1, 2001, and other qualifying criteria for the special exceptions payment. Therefore, we solicited certain information from hospitals on major capital construction projects that might qualify for the capital special exceptions payments so we could determine if any changes in the special exceptions criteria or process were necessary.

Four hospitals responded timely with information on their major capital construction projects. The hospitals submitted information about their location, the cost of the project, the date that the certificate of need approval was received, the start date of the project, and the anticipated completion date.

Some hospitals suggested that we change the existing project completion date criterion, that is, the criterion that the qualifying projects must be completed between the hospital's first cost reporting period beginning on or after October 1, 1991, and the end of its last cost reporting period beginning before October 1, 2001. They proposed that, as an alternative, a hospital be eligible for the special exceptions payment if the hospital had received its CON approval for the qualifying project by September 1, 1995, and had spent $750,000 or 10 percent of total project cost by that date, and that the project completion date be changed to December 31, 2005 (which would be well beyond the 10 years we have established for the capital prospective payment system transition). However, other hospitals recommended that we not institute a date by which a hospital must have received its CON approval.

In addition, some hospitals have suggested other ways in which the special exceptions process could be revised. Some of these hospitals expressed concern about the project size requirement and stated that small community-based institutions were unlikely to be able to support debt in the range of $200 million.

We understand that a few hospitals may not meet the DSH percentage requirement of at least 20.2 percent. Some of these hospitals suggested lowering the qualifying percentage to 15 percent. They also suggested changing the payment level for special exceptions from 70 percent to 85 percent and changing the requirement at § 412.348(g)(8)(ii)(B) that special exception payments be offset against positive Medicare operating and capital margins. They suggested limiting the offset provision to capital margins. In addition, some of these hospitals suggested capping special exceptions payments that result from changes to the current special exceptions process at $40 million annually.

While we have no specific proposal at this time to revise the special exceptions process, we specifically invite comments from hospitals and other interested parties on the suggestions and recommendations discussed above. We note that, since the capital special exceptions process is budget neutral, any liberalization of the policy would require a commensurate reduction in the capital rate paid to all hospitals. Even after the end of the capital prospective payment system transition, we will continue to make an adjustment to the capital Federal rate in a budget neutral manner to pay for exceptions, as long as an exceptions policy is in force. Currently, the limited special exceptions policy will allow for exceptions payments through September 30, 2011.

We have little information about the impact of any of the recommended changes, since no hospitals are currently being paid under the special exceptions process. Until FY 2001, the special exceptions provision pays either the same as the regular exceptions process or less for high DSH and sole community hospitals. We will attempt to obtain information on projects that may qualify for special exceptions payments through our fiscal intermediaries during the comment period. However, we are reluctant to place a significant data gathering burden on fiscal intermediaries at this time because of their current workload resulting from the major efforts to make the Medicare computer systems compliant on January 1, 2000. Based on comments that we receive from hospitals and any data received from the fiscal intermediaries, we may address changes to the special exceptions criteria in the final rule, or we may propose changes in the criteria in the FY 2001 hospital inpatient prospective payment system proposed rule.

VI. Proposed Changes for Hospitals and Hospital Units Excluded From the Prospective Payment System

A. Limits on and Adjustments to the Target Amounts for Excluded Hospitals and Units (§§ 413.40(b)(4) and (g))

1. Updated Caps

Section 1886(b)(3) of the Act (as amended by section 4414 of the BBA) establishes caps on the target amounts for certain excluded hospitals and units for cost reporting periods beginning on or after October 1, 1997 through September 30, 2002. The caps on the target amounts apply to the following three categories of excluded hospitals: psychiatric hospitals and units, rehabilitation hospitals and units, and long-term care hospitals.

A discussion of how the caps on the target amounts were calculated can be found in the August 29, 1997 final rule with comment period (62 FR 46018); the May 12, 1998 final rule (63 FR 26344); and the July 31, 1998 final rule (64 FR 41000). For purposes of calculating the caps, the statute requires us to calculate the 75th percentile of the target amounts for each class of hospital (psychiatric, rehabilitation, or long-term care) for cost reporting periods ending during FY 1996. The resulting amounts are updated by the market basket percentage to the applicable fiscal year.

The current estimate of the market basket increase for excluded hospitals and units for FY 2000 is 2.6 percent. Accordingly, the proposed caps on target amounts for cost reporting periods beginning in FY 2000 are as follows:

- Psychiatric hospitals and units: $11,067
- Rehabilitation hospitals and units: $20,071
- Long-term care hospitals: $39,596

2. New Excluded Hospitals and Units (§ 413.40(f))

a. Updated Caps for New Hospitals and Units. Section 1886(b)(7) of the Act establishes a payment methodology for new psychiatric hospitals and units, rehabilitation hospitals and units, and long-term care hospitals. Under the statutory methodology, for a hospital that is within a class of hospitals specified in the statute and that first

receives payments as a hospital or unit excluded from the prospective payment system on or after October 1, 1997, the amount of payment will be determined as follows. For the first two 12-month cost reporting periods, the amount of payment is the lesser of (1) the operating costs per case, or (2) 110 percent of the national median of target amounts for the same class of hospitals for cost reporting periods ending during FY 1996, updated to the first cost reporting period in which the hospital receives payments and adjusted for differences in area wage levels.

The proposed amounts included in the following table reflect the updated 110 percent of the wage neutral national median target amounts for each class of excluded hospitals and units for cost reporting periods beginning during FY 2000. These figures are updates to the final FY 1999 figures by the estimated market basket increase of 2.6 percent. For a new provider, the labor-related share of the target amount is multiplied by the appropriate geographic area wage index and added to the nonlabor-related share in order to determine the per case limit on payment under the statutory payment methodology for new providers.

Class of excluded hospital or unit	Labor-related share	Nonlabor-related share
Psychiatric	$6,376	$2,536
Rehabilitation	12,537	4,984
Long-Term Care	16,158	6,424

b. Multicampus Excluded Hospitals. Section 1886(b) of the Act, as amended by the BBA, provides for caps on target amounts for certain classes of excluded hospitals, and also provides a statutory payment methodology for new excluded hospitals. A question has arisen regarding the appropriate target amount to be used for an excluded hospital or unit that was part of a multicampus hospital but alters its organizational structure so that it is no longer part of that multicampus hospital. The question was raised by long-term care hospitals that are seeking alternate structures due to the application of the cap on hospital-specific target amounts specified in § 413.40(c)(4)(iii).

In these cases, to determine the appropriate target amount, we must determine whether the excluded hospital or unit established under the organizational restructure is a new provider. Under § 413.40(f)(1), a new excluded hospital or unit is a provider of hospital inpatient services that (1) has operated as the type of hospital or unit for which HCFA granted it approval to participate in the Medicare program, under present or previous ownership (or both), for less than 1 full year; and (2) has provided the type of hospital inpatient services for which HCFA granted it approval to participate for less than 2 full years. For a new children's hospital, a 2-year exemption from the application of the target amount is permitted (§ 413.40(f)(2)(i)). For the first two 12-month cost reporting periods, a new psychiatric or rehabilitation hospital or unit or a long-term care hospital receives the lower of its new inpatient operating cost per case or 110 percent of a national median of target amounts for the class of hospital, updated and adjusted for area wages (§ 413.40(f)(2)(ii)).

If the entity that separated itself from the multicampus hospital provides inpatient services of a different type than it had when it was part of the multicampus hospital so that it qualifies as a different class of excluded hospital or unit (for example, from long-term care to rehabilitation), we would calculate a new target amount per discharge for the newly created hospital or unit. However, if the entity does not operate as a different class of hospital or unit, it does not meet the criteria at § 413.40(f)(1) to qualify as a new provider. Instead, if the entity replaces a hospital or unit that had been excluded from the prospective payment system (for example, the entity had previously been a long-term care hospital before becoming part of the multicampus hospital), the previously established hospital-specific target amount for the hospital prior to becoming part of the multicampus hospital would again be applicable. This is consistent with our current policy for a hospital or unit excluded from the prospective payment system that has periods in which the hospital or unit is not subject to the target amount, as specified at § 413.40(b)(1)(i). The target amount established earlier for the hospital or unit is again applicable despite intervening cost reporting periods during which the hospital or unit was not subject to that target amount due to other provisions of the law or regulations that applied while it was part of the multicampus hospital. In contrast, we propose to revise § 413.40(b)(1)(iii) to specify that if the entity continues to operate as the same class of hospital that is excluded from the prospective payment system, but does not replace a provider that existed prior to being part of a multicampus hospital (for example, a newly created long-term care hospital became part of a multicampus hospital and subsequently separates from the multicampus hospital to operate separately), the base period for calculating a hospital-specific target amount for the newly separated hospital is the first cost reporting period of at least 12 months effective with the revised Medicare certification.

3. Exceptions

The August 29, 1997 final rule with comment period (62 FR 46018) specified that a hospital that has a hospital-specific target amount that is capped at the 75th percentile of target amounts for hospitals in the same class (psychiatric, rehabilitation, or long-term care) would not be granted an adjustment payment (also referred to as an exception payment) based solely on a comparison of its costs or patient mix in its base year to its costs or patient mix in the payment year. Since the hospital's target amount would not be determined based on its own experience in a base year, any comparison of costs or patient mix in its base year to costs or patient mix in the payment year would be irrelevant.

In addition, the July 31, 1998 final rule (63 FR 41001) revised § 413.40(g)(1) to specify, under paragraph (g)(1)(iv), that in the case of a psychiatric hospital or unit, rehabilitation hospital or unit, or long-term care hospital, the amount of the adjustment payment may not exceed the applicable limit amounts for hospitals of the same class.

Similarly, for hospitals and units with a FY 1998 hospital-specific revised target amount established under the rebasing provision at § 413.40(b)(1)(iv), in determining whether the hospital qualifies for an adjustment and the amount of the adjustment, we compare the hospital's operating costs to the average costs and statistics for the cost reporting periods used to determine the FY 1998 revised target amount. Since the rebased FY 1998 target amount is an average of three cost reporting periods, as described in § 413.40(b)(1)(iv), comparisons of costs from the cost year to the FY 1998 cost period would be inaccurate. Therefore, as specified in the August 29, 1997 final rule with comment period (62 FR 46018), a determination of whether the hospital qualifies for an adjustment and the amount of an adjustment is based on a comparison of the hospital's operating costs and its costs used to calculate the FY 1998 rebased target amount.

The conditions that must be met to qualify for an adjustment remain unchanged, as specified in Chapter 30 of the Provider Reimbursement Manual. Making comparisons between the base year and the cost year requires that each particular inpatient service be

compared. For example, to determine whether the hospital qualifies for an adjustment and the amount of an adjustment for increased routine services or an increase in a particular ancillary service, we compare the costs incurred by the hospital in the cost year to the hospital's routine services or ancillary services in the base year. Therefore, for hospitals that have been rebased under the provisions of § 413.40(b)(1)(iv) and qualify for an adjustment under the provisions of § 413.40(g), the base year figures used for costs, utilization, length-of-stay, etc., are determined based on the average of the costs and utilization statistics from the same 3 cost reporting years used in calculating the FY 1998 rebased target amount. While we recognize that additional calculations are necessary to prepare an adjustment payment request in this manner, we believe it is the most equitable means of determining an adjustment payment. We also point out that the averaging calculation for the various cost centers and utilization statistics must only be performed the first year a provider requests an adjustment after FY 1998, and thereafter those averaged calculations may be utilized for subsequent years' adjustment requests.

Therefore, once these averages are calculated, the same values will be used for determining the amount of any subsequent year adjustments.

We propose to revise § 413.40(g)(1) to clarify these limitations on the adjustment payments.

4. Development of Case-Mix Adjusted Prospective Payment System for Rehabilitation Hospitals and Units

Section 4421 of the BBA added a new section 1886(j) to the Act which mandates the phase-in of a case-mix adjusted prospective payment system for inpatient rehabilitation services (freestanding hospitals and units) for cost reporting periods beginning on or after October 1, 2000 and before October 1, 2002. The prospective payment system will be fully implemented for cost reporting periods beginning on or after October 1, 2002.

As provided in section 1886(j)(3)(A) of the Act, the prospective payment rates will be based on the inpatient operating and capital costs of rehabilitation facilities. Payments will be adjusted for case-mix using patient classification groups, area wages, inflation, and outlier and any other factors the Secretary determines necessary. We will set prospective payment amounts so that total payments under the system during FY 2001 and FY 2002 are projected to equal 98 percent of the amount of payments that would have been made under the current payment system. Outlier payments in a fiscal year may not be projected or estimated to exceed 5 percent of the total payments based on the rates for that fiscal year.

B. Changes in Bed Size or Status of Hospital Units Excluded Under the Prospective Payment System

Existing regulations (§§ 412.25(b) and (c)) specify that, for purposes of payment to a psychiatric or rehabilitation unit that is excluded from the prospective payment system, changes in the bed size or the status of excluded hospital units will be recognized only at the beginning of a cost reporting period. These regulations have been in effect since the inception of the inpatient hospital prospective payment system and were intended to simplify administration of the exclusion provisions of the prospective payment systems by establishing clear rules for the timing of changes in these excluded units.

Recently, a number of hospitals have suggested that we consider a change in our policy to recognize, for purposes of exclusion from the prospective payment system, reductions in number of beds in, or entire closure of, units at any time during a cost reporting period. They indicated that the bed capacity made available as a result of these changes could be used, as they need them, to provide additional services to meet patient needs in the acute care part of the hospital that is paid under the prospective payment system.

We have evaluated the concerns of the hospitals and the effect on the administration of the Medicare program and the health care of beneficiaries of making these payment changes. As a result of this evaluation, we believe it is reasonable to adopt a more flexible policy on recognition of hospitals' changes in the use of their facilities. However, we note that whenever a hospital establishes an excluded unit within the hospital, our Medicare fiscal intermediary must be able to determine costs of the unit separately from costs of the part of the hospital paid under the prospective payment system. The proper determination of costs ensures that the hospital is paid the correct amount for services in each part of the facility, and that payments under the prospective payment system do not duplicate payments made under the rules applicable to excluded hospitals and units, or vice versa. For this reason, we do not believe it would be appropriate to recognize, for purposes of exclusion from the prospective payment system, changes in the bed size or status of an excluded unit that are so frequent that they interfere with the ability of the intermediary to accurately determine costs.

Moreover, section 1886(d)(1)(B) of the Act authorizes exclusion from the prospective payment system of specific types of hospitals and units, but not of specific admissions or stays, such as admissions for rehabilitation or psychiatric care, in a hospital paid under the prospective payment system. Without limits on the frequency of changes in excluded units for purposes of proper Medicare payment, there is the potential for some hospitals to adjust the status or size of their excluded units so frequently that the units would no longer be distinct entities and the exclusion would effectively apply only to certain types of care.

To provide more flexibility to hospitals while not recognizing changes that undermine statutory requirements and principles, we propose to revise §§ 412.25(b) and (c) to provide that, for purposes of exclusion from the prospective payment system, the number of beds and square footage of an excluded unit may be decreased, or an excluded unit may be closed in its entirety, at any time during a cost reporting period under certain conditions. The hospital would be required to give the fiscal intermediary and the HCFA Regional Office a 30-day advance written notice of the intended change and to maintain all information needed to accurately determine costs attributable to the excluded unit and proper payments. However, any unit that is closed during a cost reporting period could not be paid again as a unit excluded from the prospective payment system until the start of the next cost reporting period. If the number of beds or square footage of a unit excluded from the prospective payment system is decreased during a cost reporting period, that decrease would remain in effect for the remainder of that period.

We note that the number of beds and square footage of the part of the hospital paid under the prospective payment system may also be affected by a change in the size or status of a unit that is excluded from the prospective payment system. If the bed capacity and square footage were previously part of the excluded unit and are then included in the part of the hospital paid under the prospective payment system and are used to treat acute patients rather than excluded unit patients, the additional bed capacity and square footage would, starting with the effective date of the change, be counted as part of the

hospital paid under the prospective payment system. We would count the bed capacity and square footage for purposes of calculating available bed-days and the number of beds under §§ 412.105 and 412.106, relating to payments for the indirect costs of GME and service to a disproportionate share of low-income patients. On the other hand, if the bed capacity and square footage are taken out of service or added to another Medicare provider, such as a distinct-part SNF, they would not be counted as part of the hospital paid under the prospective payment system.

C. Payment for Services Furnished at Satellite Hospital Locations

Under Medicare, each hospital is treated, for purposes of certification, coverage, and payment, as a single institution. That is, each entity that is approved to participate in Medicare as a ''hospital'' must separately comply with applicable health and safety requirements as a condition of participation under regulations at Part 482, with provider agreement requirements specified in regulations at Part 489, and with requirements relating to the scope of benefits under Medicare Part A and B specified in parts 409 and 410. Our policies that involve the movement of patients from one hospital to another, or from outpatient to inpatient status at a same hospital, are premised on the assumption that each hospital is organized and operated as a separate institution.

Section 412.22(e) of the regulations permits an entity that is located in the same building or in separate buildings on the same campus as another hospital to be treated, for purposes of exclusion under the prospective payment systems, as a ''hospital within a hospital.'' This status is available, however, only when the entity meets specific, stringent criteria designed to ensure that the hospital-within-a-hospital is organized as a separate entity and operates as a separate entity.

Recently, we have received several requests for approval of ''satellite'' arrangements, under which an existing hospital that is excluded under the prospective payment system, and that is either a freestanding hospital or a hospital-within-a-hospital under § 412.22(e), wishes to lease space in a building or on a campus occupied by another hospital, and, in some cases, to have most or all services to patients furnished by the other hospital under contractual agreements, including arrangements permitted under section 1861(w)(1) of the Act. In most cases, a hospital intends to have several of these satellite locations so that the hospital would not exist at any single location, but only as an aggregation of beds located at several sites. Generally, the excluded hospital seeks to have the satellite facility treated as if the satellite facility were ''part of'' the excluded hospital.

The fundamental problem with satellite arrangements is that the satellite facility might be ''part of'' the excluded hospital only on a nominal basis (that is, only on paper). The satellite facility might not operate as part of the excluded hospital, but instead might effectively be a ''part of'' the hospital within which it is located, or might effectively be its own separate entity. From a payment perspective, if the satellite facility is effectively *not* part of the excluded hospital, then Medicare would make inappropriately high payments if Medicare treats the satellite facility as part of the excluded hospital.

Perhaps most significantly, if Medicare treated the satellite facility as part of the excluded hospital, the services in the satellite facility might inappropriately be paid by Medicare on the basis of reasonable costs (subject to limits) when they should be paid on the basis of prospective payment. If the satellite facility operates as ''part of'' the prospective payment system hospital in which it is located, and not as part of the excluded hospital with which it is affiliated, then the considerations underlying exclusion from the prospective payment system do not apply to the services furnished in satellite facilities. Thus, if the satellite facility is effectively part of the prospective payment system hospital, then the services should be paid under the prospective payment system.

Satellite arrangements can lead to inappropriate Medicare payments in a number of ways. For example, an excluded long-term care hospital might set up a satellite facility within an acute care hospital paid under the prospective payment system. Such a configuration could make it relatively easy for the prospective payment hospital to discharge a patient prematurely to the excluded long-term care hospital satellite location that is in its building or on its campus. The result could be inappropriate duplication of payment, in that the prospective payment system hospital would receive full payment under the DRG system even if it did not complete the acute treatment of the patient, and the hospital excluded under the prospective payment systems would receive payment for some services that should have been furnished in the prospective payment system hospital and paid under the prospective payment system. While the discharge and transfer regulations at § 412.4 provide disincentives to these inappropriate transfers in some 10 DRGs, there are many other cases not assigned to these DRGs in which such transfers could occur.

Another potential abuse related to duplication of Medicare payment could occur with respect to the preadmission payment window provisions of section 1886(a)(4) of the Act (implemented under regulations at §§ 412.2(c)(5) and 413.40(c)(2)). Under the regulations, services provided by the hospital or by an entity wholly owned or operated by the hospital within the 3 calendar days before admission to a prospective payment system hospital, or within 1 calendar day before admission to a hospital excluded from the prospective payment system, are treated for payment purposes as if they had been furnished during the inpatient stay. For prospective payment system hospitals, the provision is designed to prevent services historically furnished by hospitals during the early parts of inpatient stays from being ''unbundled'' and furnished just prior to admission and billed on an outpatient basis. If this situation were to occur, the result would be that outpatient payment under Medicare Part B would be made for services for which Part A payment is provided under the prospective payment system, that is, duplication of payments for outpatient and inpatient services. For hospitals excluded from the prospective payment system, the payment window provision is intended to minimize beneficiary liability for Part B deductible and coinsurance amounts while encouraging use of outpatient facilities rather than inpatient facilities when appropriate.

If excluded hospitals were able to set up satellite facilities within hospitals paid under the prospective payment system and obtain exclusion from the prospective payment system for the satellite facilities, the two hospitals could easily circumvent the preadmission payment window requirements by setting up outpatient departments of both hospitals at each site where both have inpatient facilities, and scheduling patients who are to be admitted to one hospital to receive preadmission care at the outpatient department of the other hospital. Thus, exclusion of satellite facilities could result in payments that are inconsistent with the purpose of the payment window. (We note that this abuse could also occur, at least theoretically, if the satellite facilities were not excluded from the prospective payment system. However, allowing exclusion from the

prospective payment system of satellites increases the likelihood that such arrangements will actually be set up.)

There also is a potential for satellite facilities to be used as a means to avoid the effects of section 4416 of the BBA, which is implemented in regulations at § 413.40(f)(2)(ii). This section limits the target amounts for psychiatric and rehabilitation hospitals and units and long-term care hospitals that are first paid as hospitals excluded from the prospective payment system on or after October 1, 1997, to 110 percent of the national median of the target amounts of similarly classified hospitals. This limitation applies to the hospital's first two 12-month cost reporting periods. Section 413.40(c)(4)(iii), which implements provisions of section 4414 of the BBA, sets the 75th percentile of the target amounts of similarly classified hospitals as a limit on costs for psychiatric and rehabilitation hospitals and units and long-term care hospitals excluded from the prospective payment system before October 1, 1997. If we permitted exclusion of satellite facilities, a hospital chain could set up new locations and avoid the limits applicable to new providers by characterizing the new locations as satellites of existing hospitals. This result would effectively nullify the anticipated budgetary savings of section 4416 of the BBA in such situations.

While many hospitals furnish care to cancer patients, exclusion from the prospective payment system as a cancer hospital is not available to a facility unless it was classified as such on or before December 31, 1991 (section 1886(d)(10)(B)(v) of the act and regulations at § 412.23(f)). The statute effectively prohibits recognition of newly established hospitals as cancer hospitals. If we were to permit satellite locations of excluded hospitals to be set up within prospective payment system hospitals and to be excluded from the prospective payment system, existing cancer hospitals might set up satellite locations in prospective payment hospitals, thus avoiding the prohibition on new cancer hospitals. This practice would be inconsistent with section 1886(d)(10)(B)(v) and its implementing regulations. It also could potentially allow a hospital under the prospective payment system to admit or transfer all high-cost cancer patients to the ''cancer hospital satellite'' while making a profit on the low-cost cancer patients remaining at the prospective payment system hospital.

Finally, we note that rehabilitation units that are excluded from the prospective payment system are required to have a medical director of rehabilitation who furnishes services to the unit or its patients at least 20 hours per week (§ 412.29(f)(1)). However, this requirement presumably would not apply if the facility is described not as a unit of the hospital in which it is based, but as a satellite of an existing rehabilitation hospital, since that hospital would already have its medical director. The existence of a high level of physician oversight of rehabilitation is a key identifier of the kind of unit that provides inpatient hospital-level rehabilitation care as its primary activity, not merely as an adjunct or extension of acute care. We believe allowing satellites of rehabilitation hospitals to be set up in prospective payment system hospitals and excluded from the prospective payment system would undermine the requirement for that level of physician oversight, and limit our ability to exclude only those units providing the appropriate level of rehabilitation services.

We believe that a number of excluded hospitals are seeking satellite arrangements so that the services furnished in the satellite facility are inappropriately paid on an excluded basis when they should be paid on a prospective basis. We also believe that a number of excluded hospitals are seeking satellite arrangements in order to avoid the effect of the payment caps that apply to new hospitals and would apply to the satellite facility if the satellite facility received separate certification. And, as discussed above, satellite arrangements can lead to other problems. To prevent inappropriate Medicare payment for services furnished in satellite facilities, we propose to revise §§ 412.22 and 412.25 to provide for payment to satellite facilities of hospitals and units that are excluded from the prospective payment system under specific rules. With respect to both hospitals and units, we would define ''satellite facility'' as a part of a hospital that provides inpatient services in a building also used by another hospital, or in one or more buildings on the same campus as buildings also used by another hospital, but is not a ''hospital-within-a-hospital,'' since it is also part of another hospital. If the satellite facility is located in a hospital that is paid under the prospective payment system, Medicare would pay for services furnished at the satellite facility by using the same rates that apply to the prospective payment hospital within which the satellite is located. As explained earlier, we believe that, if the satellite facility is effectively ''part of'' the prospective payment system hospital, then it should be paid under the prospective payment system.

If the satellite facility is located in a hospital excluded from the prospective payment system, then Medicare would pay for the services furnished in the satellite facility as follows: we would examine the discharges of the satellite facility and we would apply the target amount for the excluded hospital *in which the hospital is located,* subject to the applicable cap for the hospital *of which the satellite is a part.* Also, when the satellite facility is established, we would treat the satellite facility as a new hospital for payment purposes. That is, for the satellite's first two 12-month cost reporting periods, the satellite would be subject to the cap that applies to new hospitals of the same class as the hospital of which the satellite is a part. We believe that application of the cap for new hospitals is appropriate because we believe that a number of hospitals are attempting to avoid the new hospital caps by characterizing entities as satellites rather than new hospitals.

Under our proposal, satellite facilities excluded from the prospective payment system prior to the effective date of the revised regulations (October 1, 1999) would not be subject to those new regulations as long as they operate under the same terms and conditions in effect on September 30, 1999. We would make this exception available only to those facilities that can document to the HCFA regional offices that they are operating as satellite facilities excluded from the prospective payment system as of that date, not to facilities that might be excluded from the prospective payment system as of that date and at some later time enter into satellite arrangements. The proposed rules for payments to satellite facilities would not apply to multicampus arrangements, that is, those in which a hospital has several locations but does not share a building or a campus with any other hospital at any location.

We also solicit comment on a possible further exception. In section 4417 of the BBA, Congress extended the long-term care hospital exclusion to a hospital ''that first received payment under this subsection [subsection 1886(d)(1)(B)(iv) of the Act] in 1986 which has an average inpatient length of stay (as determined by the Secretary) of greater than 20 days and that has 80 percent or more of its annual Medicare inpatient discharges with a principal diagnosis of neoplastic disease in the 12-month cost reporting period ending in fiscal year 1997.'' In view of the specific provision made for a hospital meeting these requirements, we are considering whether a satellite facility opened by such a hospital

should be exempt from the proposed rules on satellites on this preamble. We welcome comment on this issue and on whether such an exclusion could be implemented without compromising the effectiveness of the proposed changes.

We recognize that there may be some operational difficulties differentiating services, costs, and discharges of the satellite facilities from those of the existing hospital that is excluded from the prospective payment system. If these operational problems cannot be overcome, we might, in the final rule, revise §§ 412.22 and 412.25 to prohibit exclusion of any hospital or hospital unit from the prospective payment system that is structured, entirely or in part, as a satellite facility in a hospital paid under the prospective payment system. The effect of this change would be that all Medicare payments to such a hospital or hospital unit with a satellite facility would be made under the prospective payment system.

Before deciding to propose these changes, we considered whether the hospital-within-a-hospital rules in § 412.22(e) provide adequate protection against abuses of the prospective payment system exclusion by satellite facilities. For the reasons described below, we concluded that they do not.

The current hospital-within-a-hospital criteria were issued through proposed rules published in the **Federal Register** on May 27, 1994 (59 FR 27708) and final rules published on September 1, 1994 (59 FR 45330). In those documents, we explained that the DRG system is based on an averaging concept that provides appropriate payment for the type and mix of cases treated by acute care hospitals, but that the averaging concept underlying the DRG system does not apply to long-stay hospitals, which have few short-stay or low-cost cases and might be systematically underpaid if the prospective payment system were applied to them. We explained that it would not be appropriate to make prospective payment system exclusion available to long-stay units of acute hospitals, since those units account for only part of the hospital's patient load and the principles underlying the prospective payment system do apply to the larger hospital. We also stated that the hospital-within-a-hospital criteria, now codified at § 412.22(e), ensure that facilities structured as hospitals-within-hospitals are sufficiently separate from the host hospitals to warrant exclusion from the prospective payment system as separate hospitals.

The considerations that make it inappropriate to exclude long-stay units of general hospitals from the prospective payment system also make it inappropriate, in our view, to allow exclusion from prospective payment system of facilities that treat only a part of the patient load of the larger prospective payment system hospitals in which they are located, but are presented as satellites of another facility. In responding to a comment in the September 1, 1994 final rule, we stated that we believe that the hospital-within-a-hospital criteria should have application in all cases involving joint occupancy of a building or campus by an applicant long-term hospital and another hospital (59 FR 45330). After further review of the issue, however, we have now concluded that while the hospital-within-a-hospital criteria are designed to prevent potential abuses similar to those posed by satellites, the criteria themselves cannot be effectively applied to satellite arrangements. This is because the criteria are designed to apply to hospitals that exist only in one location. For example, under § 412.22(e)(5)(ii), one criterion for showing separate operation of a hospital-within-a-hospital is that the hospital's costs of services obtained under contracts or other arrangements from the host hospital (or from a controlling third entity) be no more than 15 percent of the hospital's total inpatient operating cost. Because a satellite facility would integrate its costs with those of the hospital with which it is affiliated, it is possible that the entire hospital could meet this test even though all costs of the satellite facility were incurred under contracts or arrangements. Likewise, the criterion regarding the source of inpatient referrals (§ 412.22(e)(5)(iii)) could be met by an entire hospital, even though most or all patients treated at a satellite facility were referred from the hospital in which the satellite is located. Thus, existing hospital-within-a-hospital criteria are not adequate to deal with satellite issues.

D. Responsibility for Care of Patients in Hospitals Within Hospitals

Normally, hospitals that admit patients, including hospitals subject to the prospective payment system and ''hospitals-within-hospitals'' that are excluded from the prospective payment system, accept overall responsibility for the patients' care and furnish all services they require. In accordance with section 1886(d)(5)(I) of the Act and implementing regulations at § 412.4, for payment purposes, the prospective payment system distinguishes between ''discharges'' (situations in which a patient leaves an acute care hospital paid under the prospective payment system after receiving complete acute care treatment) and ''transfers'' (situations in which acute care treatment is not completed at the first hospital and the patient is transferred to another acute care hospital for continued, related care). The payment rules at § 413.30, which apply to hospitals excluded from the prospective payment system, also are premised on the assumption that discharges occur only when the excluded hospital's care of the patient is complete.

It has come to our attention that, given the co-location of prospective payment system facilities and facilities excluded from the prospective payment system in a hospital-within-a-hospital, and the absence of clinical constraints on the movement of patients, there may be situations where, in such settings, patients appear to have been moved from one facility to another for financial rather than clinical reasons. The excluded hospital-within-a-hospital might have incentives to inappropriately discharge patients early (to the prospective payment system hospital within which it is located) in order to minimize its overall costs and in turn to minimize its cost per discharge. If the excluded hospital-within-a-hospital inappropriately discharges patients to the prospective payment system hospital without providing a complete episode of the type of care furnished by the excluded hospital, then Medicare would make inappropriate payments to the hospital-within-a-hospital. This is the case because payments made to an excluded hospital are made on a per-stay basis, up to the hospital's per discharge target amount, and any artificial decrease in the hospital's cost per stay could lead to the hospital inappropriately avoiding its target amount cap mandated by section 4414 of the BBA and receiving inappropriate bonus and relief payments under section 4415 of the BBA.

For example, if a long-term care hospital has an average length of stay of 30 days and incurs a cost per patient-day of $1,500, its average cost per stay is $45,000 ($1,500 × 30). If that hospital discharged 20 percent of its patients to a prospective payment system hospital before the 30th day of their stay at the long-term care hospital, the patients might still stay, on average, a total of 30 days at the two hospitals. However, by transferring an increased number of patients early during the period, the long-term care hospital would be able to reduce its cost per discharge.

If the hospital's cap on its target amount is $38,593 and the hospital's cost per discharge is $45,000, then the hospital's payments would be based on

a target amount of $38,593. If, as a result of the inappropriate discharges, the cost per stay is $37,500, Medicare payment to the hospital would be based on a target amount of $37,500, plus an additional amount under the bonus provisions of § 413.40(d)(2). In addition, a separate DRG payment would be made to the prospective payment system hospital that completed the treatment at the satellite location. Thus, Medicare payments for a 30-day period of inpatient care would increase without any additional quality of care or benefit to the patient. The additional payment would merely be a result of artificially decreasing the long-term care hospital's cost per discharge and adding a second payment to the prospective payment system hospital.

We believe it is important to address possible financial incentives for inappropriate early discharges from excluded hospitals-within-hospitals to prospective payment system hospitals. Therefore, we considered several approaches for preventing inappropriate Medicare payments to an excluded hospital-within-a-hospital for inappropriate discharges to the prospective payment system hospital in which it is located. One approach would be to provide that, if an excluded hospital-within-a-hospital transfers patients from its beds to beds of the prospective payment system hospital with which it is located, the hospital-within-a-hospital would not qualify for exclusion in the next cost reporting period. We recognize that this approach might ''penalize'' hospitals for transfers that are medically appropriate. However, we need to balance (1) our concern with preventing inappropriate Medicare payment and (2) our need to have a rule that is administratively feasible.

A second possible approach would be to provide that the hospital-within-a-hospital would qualify for exclusion only if it transfers patients to the prospective payment system hospital only when the services the patients require cannot be furnished by the hospital-within-a-hospital. This approach has the advantage of specifically targeting inappropriate early discharges, but it has the significant disadvantage of being difficult if not impossible to administer because of the extent of case review that would be required to implement it.

After considering these options, we have decided to propose a third approach. Under this approach, we would deny exclusion to a hospital-within-a-hospital for a cost reporting period if, during the most recent cost reporting period for which information is available, the excluded hospital-within-a-hospital transferred more than 5 percent of its inpatients to the prospective payment system hospital in which it is located. We believe that a 5-percent allowance of transfers under this approach would (1) avoid the need for administratively burdensome case review, (2) provide adequate flexibility for transfers in those cases where the hospital-within-a-hospital is not equipped or staffed to provide the services required by the patient, and (3) limit the extent to which patients may be transferred inappropriately.

We welcome comments on our proposed approach as well as suggestions on other ways to address the possible incentives for inappropriate transfers in a manner that is administratively feasible.

E. Critical Access Hospitals (CAHS)

1. Emergency Response Time Requirements for CAHs in Frontier and Remote Areas

Because of the high cost of staffing rural hospital emergency rooms and the low volume of services in those facilities, we do not require CAHs to have emergency personnel on site at all times. Thus, for CAHs, the regulations at § 485.618(d) require a doctor of medicine or a doctor of osteopathy, a physician assistant, or a nurse practitioner with training and experience in emergency care to be on call and immediately available by telephone or radio contact, and available on site within 30 minutes, on a 24-hour basis. We included this requirement because we recognize the need of rural residents to have reasonable access to emergency care in their local communities.

Section 1820(h) of the Act, as added by section 4201 of the BBA, states that any medical assistance facility (MAF) in Montana shall be deemed to have been certified by the Secretary as a CAH if that facility is otherwise eligible to be designated by the State as a CAH. However, under the current requirements, following the initial transition of a MAF to CAH status, the former MAF would be subject to the CAH requirements during any subsequent review, one of which is the 30-minute emergency response time for emergency services currently required under § 485.518(d).

Recently, some facilities have suggested that in many ''frontier'' areas (that is, those having fewer than six residents per square mile), the requirement of a 30-minute response might be too restrictive for CAHs, especially those MAFs transitioning to CAH status.

We are aware it is costly and difficult to recruit and train the personnel needed to operate emergency rooms in the most remote, sparsely populated rural areas. On the other hand, in contemplating any changes to the emergency response timeframe for CAHs, we must ensure that the response time is not extended to the point that patient health and safety are jeopardized.

In order to recognize the special needs of sparsely populated rural areas in meeting beneficiaries' health needs, and at the same time to protect patients' health and safety, we are proposing to revise § 485.618(d) to allow a response time of up to 60 minutes for a CAH if (1) it is located in an area of the State that is defined as a frontier area (that is, having fewer than six residents per square mile based on the latest population data published by the Bureau of the Census) or meets other criteria for a remote location adopted by the State and approved by HCFA under criteria specified in its rural health care plan under section 1820(b) of the Act; (2) the State determines that, under its rural health care plan, allowing the longer emergency response time is the only feasible method of providing emergency care to residents of the area; and (3) the State maintains documentation showing that a response time up to 60 minutes at a particular CAH it designates is justified because other available alternatives would increase the time required to stabilize the patient in an emergency. The criteria for remote location would, like other parts of the rural health care plan, be subject to review and approval by the HCFA Regional Office, as would the State's documentation regarding the emergency response time.

We note that, under the terms of the Montana State Code applicable to MAFs, at times when no emergency response person is available to come to the facility, a MAF's director of nursing is permitted to come to the facility and authorize the transfer of a patient seeking emergency services to another facility. Under one possible reading of the State requirement, this activity could be seen as an alternative way of complying with the emergency services requirement and the MAF's (and CAH's) responsibilities under section 1867 of the Act (the Emergency Medical Treatment and Active Labor Amendments Provision) to provide emergency medical screening and stabilization services to patients who come to the hospital seeking emergency treatment. We request comments on

whether the Medicare regulations in §§ 485.618(d) and 489.24 should be further revised to explicitly permit this practice to continue following the transition of a MAF to CAH status. We are particularly interested in obtaining comment from practitioners on the risks and benefits involved in adoption of this practice.

2. Compliance With Minimum Data Set (MDS) Requirements by CAHs With Swing-Bed Approval

Existing regulations allow CAHs to obtain approval from HCFA to use their inpatient beds to provide posthospital SNF care (§ 485.645). To obtain such approval, however, the CAH must agree to meet specific requirements that also apply to SNFs, including the comprehensive assessment requirements at § 483.20(b) of the SNF conditions of participation.

Section 483.20(b)(1) specifies that a SNF must make a comprehensive assessment of a resident's needs, using the resident assessment instrument specified by the State. Section 483.20(b)(2) further specifies that, subject to the timeframes in § 413.343(b), the assessments must be conducted within 14 calendar days after the patient is admitted; within 14 days after the facility determines, or should have determined, that there is a significant change in the patient's physical or mental condition; and at least once every 12 months. Section 413.343(b) specifies that in accordance with the methodology in § 413.337(c) related to the adjustment of the Federal rates for case-mix (the SNF prospective payment system), patient assessments must be performed on the 5th, 14th, 30th, 60th, and 90th days following admission.

It is clear that the timeframes for patient assessments required under § 413.343(b) are linked to the prospective payment system for SNFs. The methodology specifically referenced in § 413.337(c) refers to the SNF prospective payment system. Therefore, it is apparent that the patient assessments and concomitant timeframes for performing such assessments are inextricably intertwined with the case-mix adjustment under the SNF prospective payment system. CAHs with swing-bed approval are not paid for their services to SNF-level patients under that SNF prospective payment system but are paid under the payment method described in § 413.114, which does not include a case-mix adjustment. Therefore, the timeframes for patient assessments as dictated by § 413.343(b) are not applicable to CAHs and are not required to be met by CAHs. Nevertheless, to make it explicit that the patient assessment timeframes required under § 413.343(b) do not apply, we propose to revise § 485.645 to state that the requirements in § 413.343(b), and the timeframes specified in § 483.20, do not apply to CAHs.

VII. MedPAC Recommendations

We have reviewed the March 1, 1999 report submitted by MedPAC to Congress and have given its recommendations careful consideration in conjunction with the proposals set forth in this document. Recommendations 3A and 3B concerning the update factors for inpatient hospital operating costs and for hospitals and hospital distinct-part units excluded from the prospective payment system are discussed in Appendix D to this proposed rule. Other recommendations are discussed below.

A. Excluded Hospitals and Hospital Units (Recommendations 4B and 4C)

Recommendation: The Congress should adjust the wage-related portion of the excluded hospital target amount caps (the 75th percentile of target amounts for hospitals in the same class (psychiatric hospital or unit, rehabilitation hospital or unit, or long-term care hospitals)) to account for geographic differences in labor costs. The Commission presumes legislation would be necessary to adjust the caps for wages.

Response: We previously addressed this issue in the May 12, 1998 final rule (63 FR 26345). In that discussion, we explain why we believe the statutory language, the statutory scheme, and the legislative history, viewed together, strongly argue against making a wage adjustment in applying the target amount caps under the current statute.

Recommendation: Additional research in case-mix classification systems for psychiatric patients should be encouraged, with the aim of developing a case-mix adjusted prospective payment system for psychiatric patients in the future.

Response: As MedPAC indicated in its recommendation discussion, prior research has indicated substantial difficulties in developing a psychiatric case-mix classification system. Another issue is the adequate identification of a system that reflects the unique characteristics of psychiatric care for the Medicare population, primarily the elderly. During the past year, we have met with industry representatives to discuss further research efforts on this issue as well as understand the initial impacts of the recent legislative changes to excluded hospital payment system on psychiatric hospitals and units. We will continue these efforts in FY 2000.

B. Disproportionate Share Hospitals (DSH) (Recommendations 3C, 3D, and 3E)

Recommendations: The Congress should require that disproportionate share payments be distributed according to each hospital's share of low-income patient costs, defined broadly to include all care to the poor. The measure of low-income costs should reflect: (1) Medicare patients eligible for Supplemental Security Income, Medicaid patients, patients sponsored by other indigent care programs, and uninsured and underinsured patients as represented by uncompensated care (both charity and bad debts); and (2) services provided in both inpatient and outpatient settings.

As under current policy, disproportionate share payment should be made in the form of an adjustment to the per-case payment rate. In this way, the total payment each hospital receives will reflect its volume of Medicare patients.

Through a minimum threshold for low-income share, the formula for distributing disproportionate share payments should concentrate payments among hospitals with the highest shares of poor patients. A reasonable range for this threshold would be levels that make between 50 percent and 60 percent of hospitals eligible for a payment. The size of the payment adjustment, however, should increase gradually from zero at the threshold. The same distribution formula should apply to all hospitals covered by prospective payment.

The Secretary should collect the data necessary to revise the disproportionate share payment system from all hospitals paid under prospective payment system.

Response: We continue to give careful consideration to MedPAC's recommendations concerning the DSH adjustment made to operating payments under the prospective payment system.

We are in the process of preparing a report to Congress on the Medicare DSH adjustment that includes several options for amending the statutory disproportionate share adjustment formula. We believe that any adjustment to the DSH formula or data sources should be directed and supported by the Congress.

The MedPAC option involves collecting data on uncompensated care, that is, charity and bad debts. Ideally, this would be a direct measure of a hospital's indigent care burden. However, there are problems associated with verification of such data and

consistency of reporting nationally. We appreciate the Commission's recommendations about and assistance with the Medicare DSH adjustment as we formulate our legislative proposal and await Congressional action.

VIII. Other Required Information

A. Requests for Data From the Public

In order to respond promptly to public requests for data related to the prospective payment system, we have set up a process under which commenters can gain access to the raw data on an expedited basis. Generally, the data are available in computer tape or cartridge format; however, some files are available on diskette as well as on the Internet at HTTP://WWW.HCFA.GOV/STATS/PUBFILES.HTML. Data files are listed below with the cost of each. Anyone wishing to purchase data tapes, cartridges, or diskettes should submit a written request along with a company check or money order (payable to HCFA-PUF) to cover the cost to the following address: Health Care Financing Administration, Public Use Files, Accounting Division, P.O. Box 7520, Baltimore, Maryland 21207–0520, (410) 786–3691. Files on the Internet may be downloaded without charge.

1. Expanded Modified MEDPAR-Hospital (National)

The Medicare Provider Analysis and Review (MedPAR) file contains records for 100 percent of Medicare beneficiaries using hospital inpatient services in the United States. (The file is a Federal fiscal year file, that is, discharges occurring October 1 through September 30 of the requested year.) The records are stripped of most data elements that will permit identification of beneficiaries. The hospital is identified by the 6-position Medicare billing number. The file is available to persons qualifying under the terms of the Notice of Proposed New Routine Uses for an Existing System of Records published in the **Federal Register** on December 24, 1984 (49 FR 49941), and amended by the July 2, 1985 notice (50 FR 27361). The national file consists of approximately 11 million records. Under the requirements of these notices, an agreement for use of HCFA Beneficiary Encrypted Files must be signed by the purchaser before release of these data. For all files requiring a signed agreement, please write or call to obtain a blank agreement form before placing an order. Two versions of this file are created each year. They support the following:

- Notice of Proposed Rulemaking (NPRM) published in the **Federal Register**. This file, scheduled to be available by the end of April, is derived from the MedPAR file with a cutoff of 3 months after the end of the fiscal year (December file).
- Final Rule published in the **Federal Register**. The FY 1998 MedPAR file used for the FY 2000 final rule will be cutoff 6 months after the end of the fiscal year (March file) and is scheduled to be available by the end of April.

Media: Tape/Cartridge
File Cost: $3,655.00 per fiscal year
Periods Available: FY 1988 through FY 1998

2. Expanded Modified MedPAR-Hospital (State)

The State MedPAR file contains records for 100 percent of Medicare beneficiaries using hospital inpatient services in a particular State. The records are stripped of most data elements that will permit identification of beneficiaries. The hospital is identified by the 6-position Medicare billing number. The file is available to persons qualifying under the terms of the Notice of Proposed New Routine Uses for an Existing System of Records published in the December 24, 1984 **Federal Register** notice, and amended by the July 2, 1985 notice. This file is a subset of the Expanded Modified MedPAR-Hospital (National) as described above. Under the requirements of these notices, an agreement for use of HCFA Beneficiary Encrypted Files must be signed by the purchaser before release of these data. Two versions of this file are created each year. They support the following:

- NPRM published in the **Federal Register**. This file, scheduled to be available by the end of April, is derived from the MedPAR file with a cutoff of 3 months after the end of the fiscal year (December file).
- Final Rule published in the **Federal Register**. The FY 1998 MedPAR file used for the FY 2000 final rule will be cutoff 6 months after the end of the fiscal year (March file) and is scheduled to be available by the end of April.

Media: Tape/Cartridge
File Cost: $1,130.00 per State per year
Periods Available: FY 1988 through FY 1998

3. HCFA Wage Data

This file contains the hospital hours and salaries for 1996 used to create the proposed FY 2000 prospective payment system wage index. The file will be available by the beginning of February for the NPRM and the beginning of May for the final rule.

Processing year	Wage data year	PPS fiscal year
1999	1996	2000
1998	1995	1999
1997	1994	1998
1996	1993	1997
1995	1992	1996
1994	1991	1995
1993	1990	1994
1992	1989	1993
1991	1988	1992

These files support the following:

- NPRM published in the **Federal Register**.
- Final Rule published in the **Federal Register**.

Media: Diskette/most recent year on the Internet
File Cost: $165.00 per year
Periods Available: FY 2000 PPS Update

4. HCFA Hospital Wages Indices (Formerly: Urban and Rural Wage Index Values Only)

This file contains a history of all wage indices since October 1, 1983.

Media: Diskette/most recent year on the Internet
File Cost: $165.00 per year
Periods Available: FY 2000 PPS Update

5. PPS SSA/FIPS MSA State and County Crosswalk

This file contains a crosswalk of State and county codes used by the Social Security Administration (SSA) and the Federal Information Processing Standards (FIPS), county name, and a historical list of Metropolitan Statistical Area (MSA)

Media: Diskette/Internet
File Cost: $165.00 per year
Periods Available: FY 2000 PPS Update

6. Reclassified Hospitals New Wage Index (Formerly: Reclassified Hospitals by Provider Only)

This file contains a list of hospitals that were reclassified for the purpose of assigning a new wage index. Two versions of these files are created each year. They support the following:

- NPRM published in the **Federal Register**.
- Final Rule published in the **Federal Register**.

Media: Diskette/Internet
File Cost: $165.00 per year
Periods Available: FY 2000 PPS Update

7. PPS–IV to PPS–XII Minimum Data Sets

The Minimum Data Set contains cost, statistical, financial, and other information from Medicare hospital cost reports. The data set includes only the most current cost report (as submitted,

final settled, or reopened) submitted for a Medicare participating hospital by the Medicare fiscal intermediary to HCFA. This data set is updated at the end of each calendar quarter and is available on the last day of the following month.

MEDIA: TAPE/CARTRIDGE

	Periods beginning on or after	and before
PPS–IV	10/01/86	10/01/87
PPS–V	10/01/87	10/01/88
PPS–VI	10/01/88	10/01/89
PPS–VII	10/01/89	10/01/90
PPS–VIII	10/01/90	10/01/91
PPS–IX	10/01/91	10/01/92
PPS–X	10/01/92	10/01/93
PPS–XI	10/01/93	10/01/94
PPS–XII	10/01/94	10/01/95

(Note: The PPS–XIII and PPS–XIV Minimum Data Sets are part of the PPS–XIII and PPS–XIV Hospital Data Set Files.)

File Cost: $770.00 per year

8. PPS–IX to PPS–XII Capital Data Set

The Capital Data Set contains selected data for capital-related costs, interest expense and related information and complete balance sheet data from the Medicare hospital cost report. The data set includes only the most current cost report (as submitted, final settled or reopened) submitted for a Medicare certified hospital by the Medicare fiscal intermediary to HCFA. This data set is updated at the end of each calendar quarter and is available on the last day of the following month.

MEDIA: TAPE/CARTRIDGE

	Periods beginning on or after	and before
PPS–IX	10/01/91	10/01/92
PPS–X	10/01/92	10/01/93
PPS–XI	10/01/93	10/01/94
PPS–XII	10/01/94	10/01/95

(Note: The PPS–XIII and PPS–XIV Capital Data Sets are part of the PPS–XIII and PPS–XIV Hospital Data Set Files.)

File Cost: $770.00 per year

9. PPS–XIII and PPS–XIV Hospital Data Set

The file contains cost, statistical, financial, and other data from the Medicare Hospital Cost Report. The data set includes only the most current cost (as submitted, final settled, or reopened) submitted for a Medicare Certified Hospital by the Medicare Fiscal Intermediary to HCFA. The data set are updated at the end of each calendar quarter and is available on the last day of the following month.

Media: Diskette/Internet
File Cost: $2,500.00

	Periods beginning on or after	and before
PPS–XIII	10/01/95	10/01/96
PPS–XIV	10/01/96	10/01/97

10. Provider-Specific File

This file is a component of the PRICER program used in the fiscal intermediary's system to compute DRG payments for individual bills. The file contains records for all prospective payment system eligible hospitals, including hospitals in waiver States, and data elements used in the prospective payment system recalibration processes and related activities. Beginning with December 1988, the individual records were enlarged to include pass-through per diems and other elements.

Media: Diskette/Internet
File Cost: $265.00
Periods Available: FY 2000 PPS Update

11. HCFA Medicare Case-Mix Index File

This file contains the Medicare case-mix index by provider number as published in each year's update of the Medicare hospital inpatient prospective payment system. The case-mix index is a measure of the costliness of cases treated by a hospital relative to the cost of the national average of all Medicare hospital cases, using DRG weights as a measure of relative costliness of cases. Two versions of this file are created each year. They support the following:

- NPRM published in the **Federal Register**.
- Final rule published in the **Federal Register**.

Media: Diskette/most recent year on Internet
Price: $165.00 per year/per file
Periods Available: FY 1985 through FY 1998

12. DRG Relative Weights (Formerly Table 5 DRG)

This file contains a listing of DRGs, DRG narrative description, relative weights, and geometric and arithmetic mean lengths of stay as published in the **Federal Register**. The hardcopy image has been copied to diskette. There are two versions of this file as published in the **Federal Register:**

- NPRM.
- Final rule.

Media: Diskette/Internet
File Cost: $165.00
Periods Available: FY 2000 PPS Update

13. PPS Payment Impact File

This file contains data used to estimate payments under Medicare's hospital inpatient prospective payment systems for operating and capital-related costs. The data are taken from various sources, including the Provider-Specific File, Minimum Data Sets, and prior impact files. The data set is abstracted from an internal file used for the impact analysis of the changes to the prospective payment systems published in the **Federal Register**. This file is available for release 1 month after the proposed and final rules are published in the **Federal Register**.

Media: Diskette/Internet
File Cost: $165.00
Periods Available: FY 2000 PPS Update

14. AOR/BOR Tables

This file contains data used to develop the DRG relative weights. It contains mean, maximum, minimum, standard deviation, and coefficient of variation statistics by DRG for length of stay and standardized charges. The BOR tables are ''Before Outliers Removed'' and the AOR is ''After Outliers Removed.'' (Outliers refers to statistical outliers, not payment outliers.) Two versions of this file are created each year. They support the following:

- NPRM published in the **Federal Register**.
- Final rule published in the **Federal Register**.

Media: Diskette/Internet
File Cost: $165.00
Periods Available: FY 2000 PPS Update

For further information concerning these data tapes, contact The HCFA Public Use Files Hotline at (410) 786–3691.

Commenters interested in obtaining or discussing any other data used in constructing this rule should contact Stephen Phillips at (410) 786–4531.

B. Public Comments

Because of the large number of items of correspondence we normally receive on a proposed rule, we are not able to acknowledge or respond to them individually. However, in preparing the final rule, we will consider all comments concerning the provisions of this proposed rule that we receive by the date and time specified in the **DATES** section of this preamble and respond to those comments in the preamble to that rule. We emphasize that, given the statutory requirement under section 1886(e)(5) of the Act that our final rule for FY 2000 be published by August 1, 1999, we will consider only those

comments that deal specifically with the matters discussed in this proposed rule.

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.

42 CFR Part 483

Grant programs-health, Health facilities, Health professions, Health records, Medicaid, Medicare, Nursing homes, Nutrition, Reporting and recordkeeping requirements, Safety.

42 CFR Part 485

Grant programs-health, Health facilities, Medicaid, Medicare, Reporting and recordkeeping requirements.

42 CFR Chapter IV is amended as set forth below:

PART 412—PROSPECTIVE PAYMENT SYSTEMS FOR INPATIENT HOSPITAL SERVICES

A. Part 412 is amended as follows:

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).

2. Section 412.22 is amended by adding new paragraphs (e)(6) and (h) to read as follows:

§ 412.22 Excluded hospitals and hospital units: General rules.

* * * * *

(e) *Hospitals-within-hospitals.* * * *

(6) *Responsibility for care of patients.* During the most recent cost reporting period for which information is available, the hospital transferred no more than 5 percent of its inpatients to the prospective payment system hospital within which it is located.

* * * * *

(h) *Satellite facilities.* (1) For purposes of paragraphs (h)(2) through (h)(5) of this section, a satellite facility is a part of a hospital that provides inpatient services in a building also used by another hospital, or in one or more entire buildings located on the same campus as buildings used by another hospital.

(2) Effective for cost reporting periods beginning on or after October 1, 1999, payment for services furnished in satellite facilities of hospitals excluded from the prospective payment systems is made in accordance with the rules specified in paragraphs (h)(3) and (h)(4) of this section.

(3) If the satellite facility occupies space in the same building or on the same campus as a hospital paid under the prospective payment system, payment for services furnished at the satellite facility is based on the same rates that apply to the prospective payment system hospital within which the satellite is located.

(4) If the satellite facility occupies space in the same building or on the same campus as a hospital excluded from the prospective payment systems, payment for services furnished at the satellite facility is made as follows:

(i) For the first two 12-month cost reporting periods during which the satellite facility treats patients, payment for services furnished at the satellite facility is made in accordance with the provisions of § 413.40(f)(2) of this subchapter.

(ii) For subsequent cost reporting periods, payment for services furnished at the satellite facility is made based on the target amount of the excluded hospital in which the satellite is located, but is subject to the cap at the hospital of which the satellite is a part.

(5) The provisions of paragraphs (h)(2) through (h)(4) of this section do not apply to any hospital or entity structured as a satellite facility on September 30, 1999, and excluded from the prospective payment systems on that date, to the extent the hospital continues operating under the same terms and conditions, including the number of beds and square footage considered, for purposes of Medicare participation and payment, to be part of the hospital, in effect on September 30, 1999.

3. Section 412.25 is amended by revising paragraphs (b) and (c) and adding a new paragraph (e) to read as follows:

§ 412.25 Excluded hospital units: common requirements.

* * * * *

(b) *Changes in the size of excluded units.* For purposes of exclusions from the prospective payment systems under this section, changes in the number of beds and square footage considered to be part of each excluded unit are allowed as specified in paragraphs (b)(1) and (b)(2) of this section.

(1) *Increase in size.* The number of beds and square footage of an excluded unit may be increased only at the start of a cost reporting period.

(2) *Decrease in size.* The number of beds and square footage of an excluded unit may be decreased at any time during a cost reporting period if the hospital notifies the fiscal intermediary and the HCFA Regional Office in writing of the planned decrease at least 30 days before the date of the decrease, and maintains the information needed to accurately determine costs that are attributable to the excluded unit. Any decrease in the number of beds or square footage considered to be part of an excluded unit made during a cost reporting period continues in effect for the remainder of that period.

(c) *Changes in the status of hospital units.* For purposes of exclusions from the prospective payment systems under this section, the status of each hospital unit (excluded or not excluded) is determined as specified in paragraphs (c)(1) and (c)(2) of this section.

(1) The status of a hospital unit may be changed from not excluded to excluded only at the start of a cost reporting period. If a unit is added to a hospital after the start of a cost reporting period, it cannot be excluded from the prospective payment systems before the start of a hospital's next cost reporting period.

(2) The status of a hospital unit may be changed from excluded to not excluded at any time during a cost reporting period, but only if the hospital notifies the fiscal intermediary and the HCFA Regional Office in writing of the change at least 30 days before the date of the change, and maintains the information needed to accurately determine costs that are or are not attributable to the excluded unit. A change in the status of a unit from excluded to not excluded that is made during a cost reporting period continues in effect for the remainder of that period.

* * * * *

(e) *Satellite facilities.* (1) For purposes of paragraphs (e)(2) through (e)(5) of this section, a satellite facility is a part of a hospital that provides inpatient services in a building also used by another hospital, or in one or more entire buildings located on the same campus as buildings used by another hospital.

(2) Effective for cost reporting periods beginning on or after October 1, 1999, payment for services furnished in psychiatric or rehabilitation units that are structured, entirely or in part, as satellite facilities are made in accordance with the rules specified in paragraphs (e)(3) and (e)(4) of this section.

(3) If the satellite facility occupies space in the same building or on the same campus as a hospital paid under the prospective payment systems,

payment for services furnished at the satellite facility is based on same rates that apply to the prospective payment system hospital within which the satellite is located.

(4) If the satellite facility occupies space in the same building or on the same campus as a hospital excluded from the prospective payment systems, payment for services furnished at the satellite facility is made as follows:

(i) For the first two 12-month cost reporting periods during which the satellite facility treats patients, payment for services furnished at the satellite facility is made in accordance with the provisions of § 413.40(f)(2) of this subchapter.

(ii) For subsequent cost reporting periods, payment for services furnished at the satellite facility is made based on the target amount of the excluded hospital in which the satellite is located, but is subject to the cap of the hospital of which the satellite is a part.

(5) The provisions of paragraph (e)(2) through (e)(4) of this section do not apply to any unit structured as a satellite facility on September 30, 1999, and excluded from the prospective payment systems on that date, to the extent the unit continues operating under the same terms and conditions, including the number of beds and square footage considered to be part of the unit, in effect on September 30, 1999.

§ 412.105 [Amended]

4. Section 412.105 is amended by revising the cross reference ''paragraph (g)(1)(ii) of this section'' in paragraphs (f)(1)(iii) (three times) and (f)(2)(v) to read ''paragraph (f)(1)(ii) of this section''.

§ 412.256 [Amended]

5. In § 412.256, paragraph (c)(2), the date ''October 1'', appearing in two places, is revised to read ''September 1''.

6. Section 412.276 is amended by revising paragraph (a) to read as follows:

§ 412.276 Timing of MGCRB decision and its appeal.

(a) *Timing.* The MGCRB notifies the parties in writing, with a copy to HCFA, and issues a decision within 180 days after the first day of the 13-month period preceding the Federal fiscal year for which a hospital has filed a complete application. The hospital has 15 days from the date of the decision to request Administrator review.

* * * * *

PART 413—PRINCIPLES OF REASONABLE COST REIMBURSEMENT; PAYMENT FOR END-STAGE RENAL DISEASE SERVICES; OPTIONAL PROSPECTIVELY DETERMINED PAYMENT RATES FOR SKILLED NURSING FACILITIES

B. Part 413 is amended as follows:

1. The authority citation for Part 413 is revised to read as follows:

Authority: Secs. 1102, 1812(d), 1814(b), 1815, 1833(a), (i), and (n), 1871, 1881, 1883, and 1886 of the Social Security Act (42 U.S.C. 1302, 1395f(b), 1395g, 1395l, 1395l(a), (i), and (n), 1395x(v), 1395hh, 1395rr, 1395tt, and 1395ww).

2. Section 413.40 is amended by revising paragraphs (b)(1)(iii) and (g)(1) to read as follows:

§ 413.40 Ceiling on the rate-of-increase in hospital inpatient costs.

* * * * *

(b) *Cost reporting periods subject to the rate-of-increase ceiling.* (1) *Base period.* * * *

(iii) When the operational structure of a hospital or unit changes (that is, a freestanding hospital becomes a unit or vice versa, or an entity of a multicampus hospital becomes a newly created hospital or unit or vice versa), the base period for the hospital or unit that changed its operational structure is the first cost reporting period of at least 12 months effective with the revised Medicare certification classification.

* * * * *

(g) *Adjustment.* (1) *General rules.* (i) HCFA may adjust the amount of the operating costs considered in establishing the rate-of-increase ceiling for one or more cost reporting periods, including both periods subject to the ceiling and the hospital's base period, under the circumstances specified in paragraphs (g)(2), (g)(3), and (g)(4) of this section.

(ii) When an adjustment is requested by the hospital, HCFA makes an adjustment only to the extent that the hospital's operating costs are reasonable, attributable to the circumstances specified separately, identified by the hospital and verified by the intermediary.

(iii) When an adjustment is requested by the hospital, HCFA makes an adjustment only if the hospital's operating costs exceed the rate-of-increase ceiling imposed under this section.

(iv) In the case of a psychiatric hospital or unit, rehabilitation hospital or unit, or long-term care hospital, the amount of payment under paragraph (g)(3) of this section may not exceed the payment amount based on the target amount determined under paragraph (c)(4)(iii) of this section.

(v) In the case of a hospital or unit that received a revised FY 1998 target amount under the rebasing provisions of paragraph (b)(1)(iv) of this section, the amount of an adjustment payment for a cost reporting period is based on a comparison of the hospital's operating costs for the cost reporting period to the average costs and statistics for the cost reporting periods used to determine the FY 1998 rebased target amount.

* * * * *

§ 413.86 [Amended]

3. Section 413.86 is amended as follows:

a. In paragraph (b), the definition of ''approved geriatric program'' is revised to read: ''*Approved geriatric program* means a fellowship program of one or more years in length that is approved by one of the national organizations listed in § 415.152 of this chapter under that respective organization's criteria for geriatric fellowship programs.''

b. In paragraph (b), under paragraph (1) of the definition of ''approved medical residency program'', the reference ''§ 415.200(a) of this chapter'' is revised to read ''§ 415.152 of this chapter''.

c. In paragraph (e)(1)(ii)(C), the reference ''paragraph (j)(2) of this section'' is revised to read ''paragraph (k)(1) of this section''.

d. In paragraph (e)(1)(iv), the reference, ''paragraph (j)(1) of this section'', is revised to read ''paragraph (k)(1) of this section''.

e. A new paragraph (f)(4)(iii) is added, paragraphs (g)(1) (i), (ii), and (iii), (g)(6) introductory text and (g)(6) (i) and (ii) are revised, paragraph (g)(7) is redesignated as paragraph (g)(9), and new paragraphs (g)(7) and (g)(8) are added to read as follows:

§ 413.86 Direct graduate medical education payments.

* * * * *

(f) *Determining the total number of FTE residents.* * * *

(4) * * *

(iii) The hospital must incur all or substantially all of the costs for the training program in the nonhospital setting in accordance with the definition in paragraph (b) of this section.

(g) *Determining the weighted number of FTE residents.* * * *

(1) * * *

(i) For residency programs other than those specified in paragraphs (g)(1)(ii) and (g)(1)(iii) of this section, the initial residency period is the minimum

number of years of formal training necessary to satisfy the requirements for initial board eligibility in the particular specialty for which the resident is training, as specified in the most recently published edition of the Graduate Medical Education Directory.

(ii) For residency programs in osteopathy, dentistry, and podiatry, the minimum requirement for certification in a specialty or subspecialty is the minimum number of years of formal training necessary to satisfy the requirements of the appropriate approving body listed in § 415.152 of this chapter.

(iii) For residency programs in geriatric medicine accredited by the appropriate approving body listed in § 415.152 of this chapter, these programs are considered approved programs on the later of—

(A) The starting date of the program within a hospital; or

(B) The hospital's cost reporting periods beginning on or after July 1, 1985.

* * * * *

(6) If a hospital establishes a new medical residency training program as defined in paragraph (g)(9) of this section on or after January 1, 1995, the hospital's FTE cap described under paragraph (g)(4) of this section may be adjusted as follows:

(i) If a hospital had no allopathic or osteopathic residents in its most recent cost reporting period ending on or before December 31, 1996, and it establishes a new medical residency training program on or after January 1, 1995, the hospital's unweighted FTE resident cap under paragraph (g)(4) of this section may be adjusted based on the product of the highest number of residents in any program year during the third year of the first program's existence for all new residency training programs and the number of years in which residents are expected to complete the program based on the minimum accredited length for the type of program. The adjustment to the cap may not exceed the number of accredited slots available to the hospital for the new program.

(A) If the residents are spending an entire program year (or years) at one hospital and the remainder of the program at another hospital, the adjustment to each respective hospital's cap is equal to the product of the highest number of residents in any program year during the third year of the first program's existence and the number of years the residents are training at each respective hospital.

(B) Prior to the implementation of the hospital's adjustment to its FTE cap beginning with the fourth year of the hospital's residency program(s), the hospital's cap may be adjusted during each of the first 3 years of the hospital's new residency program using the actual number of residents participating in the new program. The adjustment may not exceed the number of accredited slots available to the hospital for each program year.

(C) Except for rural hospitals, the cap will not be adjusted for new programs established more than 3 years after the first program begins training residents.

(D) Rural hospitals that qualify for an adjustment to its FTE cap under paragraph (g)(6)(i) of this section are permitted to be part of the same affiliated group for purposes of an aggregate FTE limit.

(ii) If a hospital had allopathic or osteopathic residents in its most recent cost reporting period ending on or before December 31, 1996, the hospital's unweighted FTE cap may be adjusted for new medical residency training programs established on or after January 1, 1995 and on or before August 5, 1997. The adjustment to the hospital's FTE resident limit for the new program is based on the product of the highest number of residents in any program year during the third year of the newly established program and the number of years in which residents are expected to complete each program based on the minimum accredited length for the type of program.

(A) If the residents are spending an entire program year (or years) at one hospital and the remainder of the program at another hospital, the adjustment to each respective hospital's cap is equal to the product of the highest number of residents in any program year during the third year of the first program's existence and the number of years the residents are training at each respective hospital.

(B) Prior to the implementation of the hospital's adjustment to its FTE cap beginning with the fourth year of the hospital's residency program, the hospital's cap may be adjusted during each of the first 3 years of the hospital's new residency program, using the actual number of residents in the new programs. The adjustment may not exceed the number of accredited slots available to the hospital for each program year.

* * * * *

(7) A hospital that began construction of its facility prior to August 5, 1997, sponsored new medical residency training programs, and temporarily trained those residents at another hospital(s) until the facility was completed may receive an adjustment to its FTE cap.

(i) The newly constructed hospital's FTE cap is equal to the lesser of:

(A) The product of the highest number of residents in any program year during the third year of the first program's existence for all new residency training programs and the number of years in which residents are expected to complete the programs based on the minimum accredited length for each type of program; or

(B) The number of accredited slots available to the hospital for each year of the programs.

(ii) If the medical residency training programs sponsored by the newly constructed hospital have been in existence for 3 years or more by the time the residents begin training at the newly constructed hospital, the newly constructed hospital's cap will be based on the number of residents training in the third year of the first of those programs begun at the temporary training site.

(iii) If the medical residency training programs sponsored by the newly constructed hospital have been in existence for less than 3 years by the time the residents begin training at the newly constructed hospital, the newly constructed hospital's cap will be based on the number of residents training at the newly constructed hospital in the third year of the first of those programs (including the years at the temporary training site).

(iv) The provisions of this paragraph (g)(7) are applicable during portions of cost reporting periods occurring on or after October 1, 1999.

(8) A hospital may receive a temporary adjustment to its FTE cap to reflect residents added because of another hospital's closure if the hospital meets the following criteria:

(i) The hospital is training additional residents from a hospital that closed on or after July 1, 1996.

(ii) At least 60 days before the hospital begins to train the residents, the hospital submits a request to its fiscal intermediary for a temporary adjustment to its FTE cap, documents that the hospital is eligible for this temporary adjustment by identifying the residents who have come from the closed hospital and have caused the hospital to exceed its cap, and specifies the length of time the adjustment is needed.

* * * * *

PART 483—REQUIREMENTS FOR STATES AND LONG-TERM CARE FACILITIES

C. Part 483 is amended as set forth below:

1. The authority citation for Part 483 continues to read as follows:

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

2. In § 483.20, the introductory text of paragraph (b)(2) is revised to read as follows:

§ 483.20 Resident assessment.

* * * * *

(b) *Comprehensive assessments.*

* * *

(2) *When required.* Subject to the timeframes prescribed in § 413.343(b) of this chapter, a facility must conduct a comprehensive assessment of a resident in accordance with the timeframes specified in paragraphs (b)(2)(i) through (iii). However, the timeframes prescribed in § 413.343(b) of this chapter do not apply to CAHs.

* * * * *

PART 485—CONDITIONS OF PARTICIPATION: SPECIALIZED PROVIDERS

D. Part 485 is amended as follows:

1. The authority citation for Part 485 continues to read as follows:

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

2. Section 485.618 is amended by revising paragraph (d) to read as follows:

§ 485.618 Conditions of participation: Emergency services.

* * * * *

(d) *Standard: Personnel.* There must be a doctor of medicine or osteopathy, a physician assistant, or a nurse practitioner with training or experience in emergency care on call and immediately available by telephone or radio contact, and available on site within the following timeframes:

(1) Within 30 minutes, on a 24-hour a day basis, if the CAH is located in an area other than an area described in paragraph (d)(2) of this section; or

(2) Within 60 minutes, on a 24-hour a day basis, if the following requirements are met:

(i) The CAH is located in an area designated as frontier (that is, an area having fewer than six residents per square mile based on the latest population data published by the Bureau of the Census) or in an area that meets criteria for a remote location adopted by the State in its rural health care plan, and approved by HCFA, under section 1820(b) of the Act;

(ii) The State has determined under criteria in its rural health care plan that allowing an emergency response time longer than 30 minutes is the only feasible method of providing emergency care to residents of the area served by the CAH; and

(iii) The State maintains documentation showing that the response time of up to 60 minutes at a particular CAH it designates are justified because other available alternatives would increase the time needed to stabilize a patient in an emergency.

* * * * *

3. In § 485.645, the introductory text of paragraph (d) is republished and paragraph (d)(6) is revised to read as follows:

§ 485.645 Special requirements for CAH providers of long-term care services (“swing beds”).

* * * * *

(d) *SNF services.* CAH is substantially in compliance with the following SNF requirements contained in subpart B of part 483 of this chapter:

* * * * *

(6) Comprehensive assessment, comprehensive care plan, and discharge planning (§ 483.20(b), (d), and (e) of this chapter, except that the CAH is not required to comply with the requirements for frequency, scope and number of assessments prescribed in § 413.343(b)).

* * * * *

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance)

Dated: April 9, 1999.

Nancy Ann DeParle,

Administrator, Health Care Financing Administration.

Dated: April 26, 1999.

Donna E. Shalala,

Secretary.

(Editorial Note: The following addendum and appendixes will not appear in the Code of Federal Regulations.)

Addendum—Proposed Schedule of Standardized Amounts Effective With Discharges Occurring On or After October 1, 1999; Payment Amounts for Blood Clotting Factor Effective for Discharges Occurring On or After October 1, 1999; and Update Factors and Rate-of-Increase Percentages Effective With Cost Reporting Periods Beginning On or After October 1, 1999

I. Summary and Background

In this addendum, we are setting forth the proposed amounts and factors for determining prospective payment rates for Medicare inpatient operating costs and Medicare inpatient capital-related costs. We are also setting forth proposed rate-of-increase percentages for updating the target amounts for hospitals and hospital units excluded from the prospective payment system.

For discharges occurring on or after October 1, 1999, except for sole community hospitals, Medicare-dependent, small rural hospitals, and hospitals located in Puerto Rico, each hospital’s payment per discharge under the prospective payment system will be based on 100 percent of the Federal national rate.

Sole community hospitals are paid based on whichever of the following rates yields the greatest aggregate payment: the Federal national rate, the updated hospital-specific rate based on FY 1982 cost per discharge, or the updated hospital-specific rate based on FY 1987 cost per discharge. Medicare-dependent, small rural hospitals are paid based on the Federal national rate or, if higher, the Federal national rate plus 50 percent of the difference between the Federal national rate and the updated hospital-specific rate based on FY 1982 or FY 1987 cost per discharge, whichever is higher. For hospitals in Puerto Rico, the payment per discharge is based on the sum of 50 percent of a Puerto Rico rate and 50 percent of a national rate.

As discussed below in section II, we are proposing to make changes in the determination of the prospective payment rates for Medicare inpatient operating costs for FY 2000. The changes, to be applied prospectively, would affect the calculation of the Federal rates. In section III of this addendum, we are proposing updates to the payments per unit for blood clotting factor provided to hospital inpatients who have hemophilia. We also are proposing to add another product (clotting factor, porcine (HCPCS code J7191)) to the list of clotting factors that would be paid under this benefit.

In section IV of this addendum, we discuss our proposed changes for

determining the prospective payment rates for Medicare inpatient capital-related costs for FY 2000. Section V of this addendum sets forth our proposed changes for determining the rate-of-increase limits for hospitals excluded from the prospective payment system for FY 2000. The tables to which we refer in the preamble to the proposed rule are presented at the end of this addendum in section VI.

II. Proposed Changes to Prospective Payment Rates for Inpatient Operating Costs for FY 2000

The basic methodology for determining prospective payment rates for inpatient operating costs is set forth at § 412.63 for hospitals located outside of Puerto Rico. The basic methodology for determining the prospective payment rates for inpatient operating costs for hospitals located in Puerto Rico is set forth at §§ 412.210 and 412.212. Below, we discuss the proposed factors used for determining the prospective payment rates. The Federal and Puerto Rico rate changes, once issued as final, would be effective with discharges occurring on or after October 1, 1999. As required by section 1886(d)(4)(C) of the Act, we must also adjust the DRG classifications and weighting factors for discharges in FY 2000.

In summary, the proposed standardized amounts set forth in Tables 1A and 1C of section VI of this addendum reflect—

- Updates of 0.9 percent for all areas (that is, the market basket percentage increase of 2.7 percent minus 1.8 percentage points);
- An adjustment to ensure budget neutrality as provided for in sections 1886(d)(4)(C)(iii) and (d)(3)(E) of the Act by applying new budget neutrality adjustment factors to the large urban and other standardized amounts;
- An adjustment to ensure budget neutrality as provided for in section 1886(d)(8)(D) of the Act by removing the FY 1999 budget neutrality factor and applying a revised factor;
- An adjustment to apply the revised outlier offset by removing the FY 1999 outlier offsets and applying a new offset; and
- An adjustment in the Puerto Rico standardized amounts to reflect the application of a Puerto Rico-specific wage index.

A. Calculation of Adjusted Standardized Amounts

1. Standardization of Base-Year Costs or Target Amounts

Section 1886(d)(2)(A) of the Act required the establishment of base-year cost data containing allowable operating costs per discharge of inpatient hospital services for each hospital. The preamble to the September 1, 1983 interim final rule (48 FR 39763) contains a detailed explanation of how base-year cost data were established in the initial development of standardized amounts for the prospective payment system and how they are used in computing the Federal rates.

Section 1886(d)(9)(B)(i) of the Act required us to determine the Medicare target amounts for each hospital located in Puerto Rico for its cost reporting period beginning in FY 1987. The September 1, 1987 final rule contains a detailed explanation of how the target amounts were determined and how they are used in computing the Puerto Rico rates (52 FR 33043, 33066).

The standardized amounts are based on per discharge averages of adjusted hospital costs from a base period or, for Puerto Rico, adjusted target amounts from a base period, updated and otherwise adjusted in accordance with the provisions of section 1886(d) of the Act. Sections 1886(d)(2)(B) and (C) of the Act required us to update base-year per discharge costs for FY 1984 and then standardize the cost data in order to remove the effects of certain sources of variation in cost among hospitals. These effects include case mix, differences in area wage levels, cost-of-living adjustments for Alaska and Hawaii, indirect medical education costs, and payments to hospitals serving a disproportionate share of low-income patients.

Under sections 1886(d)(2)(H) and (d)(3)(E) of the Act, in making payments under the prospective payment system, the Secretary estimates from time to time the proportion of costs that are wages and wage-related costs. Since October 1, 1997, when the market basket was last revised, we have considered 71.1 percent of costs to be labor-related for purposes of the prospective payment system. The average labor share in Puerto Rico is 71.3 percent. We are proposing to revise the discharge-weighted national standardized amount for Puerto Rico to reflect the proportion of discharges in large urban and other areas from the FY 1998 MedPAR file.

2. Computing Large Urban and Other Area Averages

Sections 1886(d)(2)(D) and (3) of the Act require the Secretary to compute two average standardized amounts for discharges occurring in a fiscal year: one for hospitals located in large urban areas and one for hospitals located in other areas. In addition, under sections 1886(d)(9)(B)(iii) and (C)(i) of the Act, the average standardized amount per discharge must be determined for hospitals located in urban and other areas in Puerto Rico. Hospitals in Puerto Rico are paid a blend of 50 percent of the applicable Puerto Rico standardized amount and 50 percent of a national standardized payment amount.

Section 1886(d)(2)(D) of the Act defines ''urban area'' as those areas within a Metropolitan Statistical Area (MSA). A ''large urban area'' is defined as an urban area with a population of more than 1,000,000. In addition, section 4009(i) of Public Law 100–203 provides that a New England County Metropolitan Area (NECMA) with a population of more than 970,000 is classified as a large urban area. As required by section 1886(d)(2)(D) of the Act, population size is determined by the Secretary based on the latest population data published by the Bureau of the Census. Urban areas that do not meet the definition of a ''large urban area'' are referred to as ''other urban areas.'' Areas that are not included in MSAs are considered ''rural areas'' under section 1886(d)(2)(D) of the Act. Payment for discharges from hospitals located in large urban areas will be based on the large urban standardized amount. Payment for discharges from hospitals located in other urban and rural areas will be based on the other standardized amount.

Based on 1997 population estimates published by the Bureau of the Census, 61 areas meet the criteria to be defined as large urban areas for FY 2000. These areas are identified by a footnote in Table 4A.

3. Updating the Average Standardized Amounts

Under section 1886(d)(3)(A) of the Act, we update the area average standardized amounts each year. In accordance with section 1886(d)(3)(A)(iv) of the Act, we are proposing to update the large urban areas' and the other areas' average standardized amounts for FY 2000 using the applicable percentage increases specified in section 1886(b)(3)(B)(i) of the Act. Section 1886(b)(3)(B)(i)(XV) of the Act specifies that, for hospitals in all areas, the update factor for the standardized amounts for FY 2000 is equal to the market basket percentage increase minus 1.8 percentage points.

The percentage change in the market basket reflects the average change in the price of goods and services purchased by hospitals to furnish inpatient care. The most recent forecast of the proposed hospital market basket increase for FY 2000 is 2.7 percent. Thus, for FY 2000,

the proposed update to the average standardized amounts equals 0.9 percent.

As in the past, we are adjusting the FY 1999 standardized amounts to remove the effects of the FY 1999 geographic reclassifications and outlier payments before applying the FY 2000 updates. That is, we are increasing the standardized amounts to restore the reductions that were made for the effects of geographic reclassification and outliers. We then apply the new offsets to the standardized amounts for outliers and geographic reclassifications for FY 2000.

Although the update factor for FY 2000 is set by law, we are required by section 1886(e)(3) of the Act to report to the Congress on our initial recommendation of update factors for FY 2000 for both prospective payment hospitals and hospitals excluded from the prospective payment system. For general information purposes, we have included the report to Congress as Appendix C to this proposed rule. Our proposed recommendation on the update factors (which is required by sections 1886(e)(4)(A) and (e)(5)(A) of the Act), as well as our responses to MedPAC's recommendation concerning the update factor, are set forth as Appendix D to this proposed rule.

4. Other Adjustments to the Average Standardized Amounts

a. Recalibration of DRG Weights and Updated Wage Index—Budget Neutrality Adjustment. Section 1886(d)(4)(C)(iii) of the Act specifies that beginning in FY 1991, the annual DRG reclassification and recalibration of the relative weights must be made in a manner that ensures that aggregate payments to hospitals are not affected. As discussed in section II of the preamble, we normalized the recalibrated DRG weights by an adjustment factor, so that the average case weight after recalibration is equal to the average case weight prior to recalibration.

Section 1886(d)(3)(E) of the Act requires us to update the hospital wage index on an annual basis beginning October 1, 1993. This provision also requires us to make any updates or adjustments to the wage index in a manner that ensures that aggregate payments to hospitals are not affected by the change in the wage index.

To comply with the requirement of section 1886(d)(4)(C)(iii) of the Act that DRG reclassification and recalibration of the relative weights be budget neutral, and the requirement in section 1886(d)(3)(E) of the Act that the updated wage index be budget neutral, we used historical discharge data to simulate payments and compared aggregate payments using the FY 1999 relative weights and wage index to aggregate payments using the proposed FY 2000 relative weights and wage index. The same methodology was used for the FY 1999 budget neutrality adjustment. (See the discussion in the September 1, 1992 final rule (57 FR 39832).) Based on this comparison, we computed a budget neutrality adjustment factor equal to 0.997393. We also adjust the Puerto Rico-specific standardized amounts for the effect of DRG reclassification and recalibration. We computed a budget neutrality adjustment factor for Puerto Rico-specific standardized amounts equal to 0.999910. These budget neutrality adjustment factors are applied to the standardized amounts without removing the effects of the FY 1999 budget neutrality adjustments. We do not remove the prior budget neutrality adjustment because estimated aggregate payments after the changes in the DRG relative weights and wage index should equal estimated aggregate payments prior to the changes. If we removed the prior year adjustment, we would not satisfy this condition.

In addition, we are proposing to apply these same adjustment factors to the hospital-specific rates that are effective for cost reporting periods beginning on or after October 1, 1999. (See the discussion in the September 4, 1990 final rule (55 FR 36073).)

b. Reclassified Hospitals—Budget Neutrality Adjustment. Section 1886(d)(8)(B) of the Act provides that certain rural hospitals are deemed urban effective with discharges occurring on or after October 1, 1988. In addition, section 1886(d)(10) of the Act provides for the reclassification of hospitals based on determinations by the Medicare Geographic Classification Review Board (MGCRB). Under section 1886(d)(10) of the Act, a hospital may be reclassified for purposes of the standardized amount or the wage index, or both.

Under section 1886(d)(8)(D) of the Act, the Secretary is required to adjust the standardized amounts so as to ensure that total aggregate payments under the prospective payment system after implementation of the provisions of sections 1886(d)(8)(B) and (C) and 1886(d)(10) of the Act are equal to the aggregate prospective payments that would have been made absent these provisions. To calculate this budget neutrality factor, we used historical discharge data to simulate payments, and compared total prospective payments (including IME and DSH payments) prior to any reclassifications to total prospective payments after reclassifications. Based on these simulations, we are applying an adjustment factor of 0.994453 to ensure that the effects of reclassification are budget neutral.

The adjustment factor is applied to the standardized amounts after removing the effects of the FY 1999 budget neutrality adjustment factor. We note that the proposed FY 2000 adjustment reflects wage index and standardized amount reclassifications approved by the MGCRB or the Administrator as of February 26, 1999. The effects of any additional reclassification changes resulting from appeals and reviews of the MGCRB decisions for FY 2000 or from a hospital's request for the withdrawal of a reclassification request will be reflected in the final budget neutrality adjustment required under section 1886(d)(8)(D) of the Act and published in the final rule for FY 2000.

c. Outliers. Section 1886(d)(5)(A) of the Act provides for payments in addition to the basic prospective payments for ''outlier'' cases, cases involving extraordinarily high costs (cost outliers). Section 1886(d)(3)(B) of the Act requires the Secretary to adjust both the large urban and other area national standardized amounts by the same factor to account for the estimated proportion of total DRG payments made to outlier cases. Similarly, section 1886(d)(9)(B)(iv) of the Act requires the Secretary to adjust the large urban and other standardized amounts applicable to hospitals in Puerto Rico to account for the estimated proportion of total DRG payments made to outlier cases. Furthermore, under section 1886(d)(5)(A)(iv) of the Act, outlier payments for any year must be projected to be not less than 5 percent nor more than 6 percent of total payments based on DRG prospective payment rates.

For FY 1999, the fixed loss cost outlier threshold is equal to the prospective payment for the DRG plus $11,100 ($10,129 for hospitals that have not yet entered the prospective payment system for capital-related costs). The marginal cost factor for cost outliers (the percent of costs paid after costs for the case exceed the threshold) is 80 percent. We applied an outlier adjustment to the FY 1999 standardized amounts of 0.948740 for the large urban and other areas rates and 0.9392 for the capital Federal rate.

In accordance with section 1886(d)(5)(A)(iv) of the Act, we calculated proposed outlier thresholds for FY 2000 so that outlier payments are projected to equal 5.1 percent of total payments based on DRG prospective

payment rates. In accordance with section 1886(d)(3)(E), we reduced the proposed FY 2000 standardized amounts by the same percentage to account for the projected proportion of payments paid to outliers. To calculate FY 2000 outlier thresholds, we simulated payments by applying FY 2000 rates and policies to the December 1998 update of the FY 1998 MedPAR file and the December 1998 update of the provider-specific file. As we have explained in the past, to calculate outlier thresholds we apply a cost inflation factor to update costs for the cases used to simulate payments. For FY 1998, we used a cost inflation factor of minus 2.005 percent (a cost per case decrease of 2.005 percent). For FY 1999, we used a cost inflation factor of minus 1.724 percent. To set the proposed FY 2000 outlier thresholds, we used a cost inflation factor (or cost adjustment factor) of zero percent. This factor reflects our analysis of the best available cost report data as well as calculations (using the best available data) indicating that the percentage of actual outlier payments for FY 1998, is higher than we projected before the beginning of FY 1998, and that the percentage of actual outlier payments for FY 1999 will likely be higher than we projected before the beginning of FY 1999. The calculations of ''actual'' outlier payments are discussed further below. Based on these simulations, we are proposing a fixed loss cost outlier threshold in FY 2000 equal to the prospective payment rate for the DRG plus $14,575 ($13,309 for hospitals that have not yet entered the prospective payment system for capital-related costs). In addition, we are proposing to maintain the marginal cost factor for cost outliers at 80 percent.

As stated in the September 1, 1993 final rule (58 FR 46348), we establish outlier thresholds that are applicable to both inpatient operating costs and inpatient capital-related costs. When we modeled the combined operating and capital outlier payments, we found that using a common set of thresholds resulted in a higher percentage of outlier payments for capital-related costs than for operating costs. We project that the proposed thresholds for FY 2000 will result in outlier payments equal to 5.1 percent of operating DRG payments and 6.0 percent of capital payments based on the Federal rate.

The proposed outlier adjustment factors applied to the standardized amounts for FY 2000 are as follows:

	Operating standardized amounts	Capital Federal rate
National	0.948934	0.9397
Puerto Rico	0.969184	0.9334

We apply the proposed outlier adjustment factors after removing the effects of the FY 1999 outlier adjustment factors on the standardized amounts.

Table 8A in section VI of this addendum contains the updated Statewide average operating cost-to-charge ratios for urban hospitals and for rural hospitals to be used in calculating cost outlier payments for those hospitals for which the intermediary is unable to compute a reasonable hospital-specific cost-to-charge ratio. These Statewide average ratios would replace the ratios published in the July 31, 1998 final rule (63 FR 41099), effective October 1, 1999. Table 8B contains comparable Statewide average capital cost-to-charge ratios. These average ratios would be used to calculate cost outlier payments for those hospitals for which the intermediary computes operating cost-to-charge ratios lower than 0.212473 greater than 1.280336 and capital cost-to-charge ratios lower than 0.0130310 or greater than 0.17166. This range represents 3.0 standard deviations (plus or minus) from the mean of the log distribution of cost-to-charge ratios for all hospitals. We note that the cost-to-charge ratios in Tables 8A and 8B would be used during FY 2000 when hospital-specific cost-to-charge ratios based on the latest settled cost report are either not available or outside the three standard deviations range.

In the July 31, 1998 final rule (63 FR 41009), we stated that, based on available data, we estimated that actual FY 1998 outlier payments would be approximately 5.4 percent of actual total DRG payments. This was computed by simulating payments using actual FY 1997 bill data available at the time. That is, the estimate of actual outlier payments did not reflect actual FY 1998 bills but instead reflected the application of FY 1998 rates and policies to available FY 1997 bills. Our current estimate, using available FY 1998 bills, is that actual outlier payments for FY 1998 were approximately 6.5 percent of actual total DRG payments. We note that the MedPAR file for FY 1998 discharges continues to be updated. Thus, the data indicate that, for FY 1998, the percentage of actual outlier payments relative to actual total payments is higher than we projected before FY 1998 (and thus exceeds the percentage by which we reduced the standardized amounts for FY 1998). In fact, the data indicate that the proportion of actual outlier payments for FY 1998 exceeds 6 percent. Nevertheless, consistent with the policy and statutory interpretation we have maintained since the inception of the prospective payment system, we do not plan to recoup money and make retroactive adjustments to outlier payments for FY 1998.

We currently estimate that actual outlier payments for FY 1999 will be approximately 6.2 percent of actual total DRG payments, higher than the 5.1 percent we projected in setting outlier policies for FY 1999. This estimate is based on simulations using the December 1998 update of the provider-specific file and the December 1998 update of the FY 1998 MedPAR file (discharge data for FY 1998 bills). We used these data to calculate an estimate of the actual outlier percentage for FY 1999 by applying FY 1999 rates and policies to available FY 1998 bills.

5. FY 2000 Standardized Amounts

The adjusted standardized amounts are divided into labor and nonlabor portions. Table 1A contains the two national standardized amounts that we are proposing to be applicable to all hospitals, except for hospitals in Puerto Rico. Under section 1886(d)(9)(A)(ii) of the Act, the Federal portion of the Puerto Rico payment rate is based on the discharge-weighted average of the national large urban standardized amount and the national other standardized amount (as set forth in Table 1A). The labor and nonlabor portions of the national average standardized amounts for Puerto Rico hospitals are set forth in Table 1C. This table also includes the Puerto Rico standardized amounts.

B. Adjustments for Area Wage Levels and Cost of Living

Tables 1A and 1C, as set forth in this addendum, contain the proposed labor-related and nonlabor-related shares that would be used to calculate the prospective payment rates for hospitals located in the 50 States, the District of Columbia, and Puerto Rico. This section addresses two types of adjustments to the standardized amounts that are made in determining the prospective payment rates as described in this addendum.

1. Adjustment for Area Wage Levels

Sections 1886(d)(3)(E) and 1886(d)(9)(C)(iv) of the Act requires that we make an adjustment to the labor-related portion of the prospective payment rates to account for area differences in hospital wage levels. This

adjustment is made by multiplying the labor-related portion of the adjusted standardized amounts by the appropriate wage index for the area in which the hospital is located. In section III of this preamble, we discuss the data and methodology for the proposed wage index. The proposed wage index is set forth in Tables 4A through 4F of this addendum.

2. Adjustment for Cost-of-Living in Alaska and Hawaii

Section 1886(d)(5)(H) of the Act authorizes an adjustment to take into account the unique circumstances of hospitals in Alaska and Hawaii. Higher labor-related costs for these two States are taken into account in the adjustment for area wages described above. For FY 2000, we propose to adjust the payments for hospitals in Alaska and Hawaii by multiplying the nonlabor portion of the standardized amounts by the appropriate adjustment factor contained in the table below. If the Office of Personnel Management releases revised cost-of-living adjustment factors before July 1, 1999, we will publish them in the final rule and use them in determining FY 2000 payments.

TABLE OF COST-OF-LIVING ADJUSTMENT FACTORS, ALASKA AND HAWAII HOSPITALS

Alaska—All areas	1.25
Hawaii:	
County of Honolulu	1.25
County of Hawaii	1.15
County of Kauai	1.225
County of Maui	1.225
County of Kalawao	1.225

(The above factors are based on data obtained from the U.S. Office of Personnel Management.)

C. DRG Relative Weights

As discussed in section II of the preamble, we have developed a classification system for all hospital discharges, assigning them into DRGs, and have developed relative weights for each DRG that reflect the resource utilization of cases in each DRG relative to Medicare cases in other DRGs. Table 5 of section VI of this addendum contains the relative weights that we propose to use for discharges occurring in FY 2000. These factors have been recalibrated as explained in section II of the preamble.

D. Calculation of Prospective Payment Rates for FY 2000

General Formula for Calculation of Prospective Payment Rates for FY 2000

Prospective payment rate for all hospitals located outside of Puerto Rico except sole community hospitals and Medicare-dependent, small rural hospitals = Federal rate.

Prospective payment rate for sole community hospitals = Whichever of the following rates yields the greatest aggregate payment: 100 percent of the Federal rate, 100 percent of the updated FY 1982 hospital-specific rate, or 100 percent of the updated FY 1987 hospital-specific rate.

Prospective payment rate for Medicare-dependent, small rural hospitals = 100 percent of the Federal rate, or, if the greater of the updated FY 1982 hospital-specific rate or the updated FY 1987 hospital-specific rate is higher than the Federal rate, 100 percent of the Federal rate plus 50 percent of the difference between the applicable hospital-specific rate and the Federal rate.

Prospective payment rate for Puerto Rico = 50 percent of the Puerto Rico rate + 50 percent of a discharge-weighted average of the national large urban standardized amount and the national other standardized amount.

1. Federal Rate

For discharges occurring on or after October 1, 1999 and before October 1, 2000, except for sole community hospitals, Medicare-dependent, small rural hospitals, and hospitals in Puerto Rico, the hospital's payment is based exclusively on the Federal national rate.

The payment amount is determined as follows:

Step 1—Select the appropriate national standardized amount considering the type of hospital and designation of the hospital as large urban or other (see Table 1A in section VI of this addendum).

Step 2—Multiply the labor-related portion of the standardized amount by the applicable wage index for the geographic area in which the hospital is located (see Tables 4A, 4B, and 4C of section VI of this addendum).

Step 3—For hospitals in Alaska and Hawaii, multiply the nonlabor-related portion of the standardized amount by the appropriate cost-of-living adjustment factor.

Step 4—Add the amount from Step 2 and the nonlabor-related portion of the standardized amount (adjusted, if appropriate, under Step 3).

Step 5—Multiply the final amount from Step 4 by the relative weight corresponding to the appropriate DRG (see Table 5 of section VI of this addendum).

2. Hospital-Specific Rate (Applicable Only to Sole Community Hospitals and Medicare-Dependent, Small Rural Hospitals)

Sections 1886(d)(5)(D)(i) and (b)(3)(C) of the Act provide that sole community hospitals are paid based on whichever of the following rates yields the greatest aggregate payment: the Federal rate, the updated hospital-specific rate based on FY 1982 cost per discharge, or the updated hospital-specific rate based on FY 1987 cost per discharge.

Sections 1886(d)(5)(G) and (b)(3)(D) of the Act provide that Medicare-dependent, small rural hospitals are paid based on whichever of the following rates yields the greatest aggregate payment: the Federal rate or the Federal rate plus 50 percent of the difference between the Federal rate and the greater of the updated hospital-specific rate based on FY 1982 and FY 1987 cost per discharge.

Hospital-specific rates have been determined for each of these hospitals based on both the FY 1982 cost per discharge and the FY 1987 cost per discharge. For a more detailed discussion of the calculation of the FY 1982 hospital-specific rate and the FY 1987 hospital-specific rate, we refer the reader to the September 1, 1983 interim final rule (48 FR 39772); the April 20, 1990 final rule with comment (55 FR 15150); and the September 4, 1990 final rule (55 FR 35994).

a. *Updating the FY 1982 and FY 1987 Hospital-Specific Rates for FY 2000.* We are proposing to increase the hospital-specific rates by 0.9 percent (the hospital market basket percentage increase of 2.7 percent minus 1.8 percentage points) for sole community hospitals and Medicare-dependent, small rural hospitals located in all areas for FY 2000. Section 1886(b)(3)(C)(iv) of the Act provides that the update factor applicable to the hospital-specific rates for sole community hospitals equals the update factor provided under section 1886(b)(3)(B)(iv) of the Act, which, for FY 2000, is the market basket rate of increase minus 1.8 percentage points. Section 1886(b)(3)(D) of the Act provides that the update factor applicable to the hospital-specific rates for Medicare-dependent, small rural hospitals equals the update factor provided under section 1886(b)(3)(B)(iv) of the Act, which, for FY 2000, is the market basket rate of increase minus 1.8 percentage points.

b. Calculation of Hospital-Specific Rate. For sole community hospitals and

Medicare-dependent, small rural hospitals, the applicable FY 2000 hospital-specific rate would be calculated by increasing the hospital's hospital-specific rate for the preceding fiscal year by the applicable update factor (0.9 percent), which is the same as the update for all prospective payment hospitals. In addition, the hospital-specific rate would be adjusted by the budget neutrality adjustment factor (that is, 0.997393) as discussed in section II.A.4.a of this Addendum. This resulting rate would be used in determining under which rate a sole community hospital or Medicare-dependent, small rural hospital is paid for its discharges beginning on or after October 1, 1999, based on the formula set forth above.

3. General Formula for Calculation of Prospective Payment Rates for Hospitals Located in Puerto Rico Beginning On or After October 1, 1999 and Before October 1, 2000.

a. Puerto Rico Rate. The Puerto Rico prospective payment rate is determined as follows:

Step 1—Select the appropriate adjusted average standardized amount considering the large urban or other designation of the hospital (see Table 1C of section VI of the addendum).

Step 2—Multiply the labor-related portion of the standardized amount by the appropriate Puerto Rico-specific wage index (see Table 4F of section VI of the addendum).

Step 3—Add the amount from Step 2 and the nonlabor-related portion of the standardized amount.

Step 4—Multiply the result in Step 3 by 50 percent.

Step 5—Multiply the amount from Step 4 by the appropriate DRG relative weight (see Table 5 of section VI of the addendum).

b. National Rate. The national prospective payment rate is determined as follows:

Step 1—Multiply the labor-related portion of the national average standardized amount (see Table 1C of section VI of the addendum) by the appropriate national wage index (see Tables 4A and 4B of section VI of the addendum).

Step 2—Add the amount from Step 1 and the nonlabor-related portion of the national average standardized amount.

Step 3—Multiply the result in Step 2 by 50 percent.

Step 4—Multiply the amount from Step 3 by the appropriate DRG relative weight (see Table 5 of section VI of the addendum).

The sum of the Puerto Rico rate and the national rate computed above equals the prospective payment for a given discharge for a hospital located in Puerto Rico.

III. Proposed Changes to the Payment Rates for Blood Clotting Factor for Hemophilia Inpatients

As discussed in our August 29, 1997 final rule with comment period (62 FR 46002) and our May 12, 1998 final rule (63 FR 26327), section 4452 of Public Law 105–33 amended section 6011(d) of Public Law 101–239 to reinstate the add-on payment for the costs of administering blood clotting factor to Medicare beneficiaries who have hemophilia and who are hospital inpatients for discharges occurring on or after October 1, 1997.

We are proposing to calculate the add-on payment for FY 2000 using the same methodology we described in the August 29, 1997 and May 12, 1998 final rules. That is, we are proposing to establish a price per unit of clotting factor based on the average wholesale price (AWP). To identify the AWP, we are using the most recent data available from First DataBank, a commercial source of AWPs in electronic format. The add-on payment amount for each clotting factor, as described by HCFA's Common Procedure Coding System (HCPCS), is based on the median AWP of the several products available in that category of factor, discounted by 15 percent.

We also are proposing to add HCPCS code J7191 (clotting factor, porcine) to the list of clotting factors that will be paid under this benefit. This code was recently reestablished in the HCPCS coding system because it represents a unique product that is different from the other clotting factors listed.

Based on the methodology described above, we are proposing the following prices per unit of factor for FY 2000:

J7190 Factor VIII (antihemophilic factor, human)	0.79
J7191 Factor VIII (antihemophilic factor, porcine)	1.87
J7192 Factor VIII (antihemophilic factor, recombinant)	1.03
J7194 Factor IX (complex)	0.45
J7196 Other hemophilia clotting factors (for example, anti-inhibitors)	1.43
Q0160 Factor IX (antihemophilic factor, purified, nonrecombinant)	0.97
Q0161 Factor IX (antihemophilic factor, purified, recombinant)	1.00

These prices for blood clotting factor administered to inpatients who have hemophilia would be effective for discharges beginning on or after October 1, 1999 through September 30, 2000. Payment will be made for blood clotting factor only if there is an ICD–9–CM diagnosis code for hemophilia included on the bill.

IV. Proposed Changes to Payment Rates for Inpatient Capital-Related Costs for FY 2000

The prospective payment system for hospital inpatient capital-related costs was implemented for cost reporting periods beginning on or after October 1, 1991. Effective with that cost reporting period and during a 10-year transition period extending through FY 2001, hospital inpatient capital-related costs are paid on the basis of an increasing proportion of the capital prospective payment system Federal rate and a decreasing proportion of a hospital's historical costs for capital.

The basic methodology for determining Federal capital prospective rates is set forth at §§ 412.308 through 412.352. Below we discuss the factors that we used to determine the proposed Federal rate and the hospital-specific rates for FY 2000. The rates would be effective for discharges occurring on or after October 1, 1999.

For FY 1992, we computed the standard Federal payment rate for capital-related costs under the prospective payment system by updating the FY 1989 Medicare inpatient capital cost per case by an actuarial estimate of the increase in Medicare inpatient capital costs per case. Each year after FY 1992, we update the standard Federal rate, as provided in § 412.308(c)(1), to account for capital input price increases and other factors. Also, § 412.308(c)(2) provides that the Federal rate is adjusted annually by a factor equal to the estimated proportion of outlier payments under the Federal rate to total capital payments under the Federal rate. In addition, § 412.308(c)(3) requires that the Federal rate be reduced by an adjustment factor equal to the estimated proportion of payments for exceptions under § 412.348. Furthermore, § 412.308(c)(4)(ii) requires that the Federal rate be adjusted so that the annual DRG reclassification and the recalibration of DRG weights and changes in the geographic adjustment factor are budget neutral. For FYs 1992 through 1995, § 412.352 required that the Federal rate also be adjusted by a budget neutrality factor so that aggregate payments for inpatient hospital capital costs were projected to equal 90 percent of the payments that would have been made for capital-related costs on a reasonable cost basis during the fiscal year. That provision expired in FY 1996. Section 412.308(b)(2) describes the 7.4 percent reduction to the rate that was made in FY 1994, and § 412.308(b)(3) describes the 0.28 percent reduction to the rate made in FY 1996 as a result of

the revised policy of paying for transfers. In the FY 1998 final rule with comment period (62 FR 45966) we implemented section 4402 of the BBA, which requires that for discharges occurring on or after October 1, 1997, and before October 1, 2002, the unadjusted standard Federal rate is reduced by 17.78 percent. A small part of that reduction will be restored effective October 1, 2002. As a result of the February 25, 1999 final rule (64 FR 9378), the Federal rate changed effective March 1, 1999, because of revisions to the GAF.

For each hospital, the hospital-specific rate was calculated by dividing the hospital's Medicare inpatient capital-related costs for a specified base year by its Medicare discharges (adjusted for transfers), and dividing the result by the hospital's case mix index (also adjusted for transfers). The resulting case-mix adjusted average cost per discharge was then updated to FY 1992 based on the national average increase in Medicare's inpatient capital cost per discharge and adjusted by the exceptions payment adjustment factor and the budget neutrality adjustment factor to yield the FY 1992 hospital-specific rate. Since FY 1992, the hospital-specific rate has been updated annually for inflation and for changes in the exceptions payment adjustment factor. For FYs 1992 through 1995, the hospital-specific rate was also adjusted by a budget neutrality adjustment factor. For discharges occurring on or after October 1, 1997, and before October 1, 2002, the unadjusted hospital-specific rate is reduced by 17.78 percent. A small part of this reduction will be restored effective October 1, 2002.

To determine the appropriate budget neutrality adjustment factor and the exceptions payment adjustment factor, we developed a dynamic model of Medicare inpatient capital-related costs, that is, a model that projects changes in Medicare inpatient capital-related costs over time. With the expiration of the budget neutrality provision, the model is still used to estimate the exceptions payment adjustment and other factors. The model and its application are described in greater detail in Appendix B of this proposed rule.

In accordance with section 1886(d)(9)(A) of the Act, under the prospective payment system for inpatient operating costs, hospitals located in Puerto Rico are paid for operating costs under a special payment formula. Prior to FY 1998, hospitals in Puerto Rico were paid a blended rate that consisted of 75 percent of the applicable standardized amount specific to Puerto Rico hospitals and 25 percent of the applicable national average standardized amount. However, effective October 1, 1998, as a result of section 4406 of the BBA, operating payments to hospitals in Puerto Rico are based on a blend of 50 percent of the applicable standardized amount specific to Puerto Rico hospitals and 50 percent of the applicable national average standardized amount. In conjunction with this change to the operating blend percentage, effective with discharges on or after October 1, 1997, we compute capital payments to hospitals in Puerto Rico based on a blend of 50 percent of the Puerto Rico rate and 50 percent of the Federal rate. Section 412.374 provides for the use of this blended payment system for payments to Puerto Rico hospitals under the prospective payment system for inpatient capital-related costs. Accordingly, for capital-related costs we compute a separate payment rate specific to Puerto Rico hospitals using the same methodology used to compute the national Federal rate for capital.

A. Determination of Federal Inpatient Capital-Related Prospective Payment Rate Update

In the July 31, 1998 final rule (63 FR 41011) we established a capital Federal rate of $378.05 for FY 1999. As of the March 1, 1999 revision, the Federal rate for FY 1999 is $378.10. As a result of the changes we are proposing to the factors used to establish the Federal rate in this preamble, the proposed FY 2000 Federal rate is $374.31.

In the discussion that follows, we explain the factors that were used to determine the proposed FY 2000 capital Federal rate. In particular, we explain why the proposed FY 2000 Federal rate has decreased 1.00 percent compared to the FY 1999 Federal rate. Even though the proposed FY 2000 Federal capital rate is less than the FY 1999 Federal rate, we estimate aggregate capital payments will increase by 2.66 percent during this same period. This increase is primarily due to the increase in the Federal blend percentage from 80 to 90 percent for fully prospective payment hospitals.

Total payments to hospitals under the prospective payment system are relatively unaffected by changes in the capital prospective payments. Since capital payments constitute about 10 percent of hospital payments, a 1 percent change in the capital Federal rate yields only about 0.1 percent change in actual payments to hospitals. Aggregate payments under the capital prospective payment transition system are estimated to increase in FY 2000 compared to FY 1999.

1. Standard Federal Rate Update

a. Description of the Update Framework. Under section 412.308(c)(1), the standard Federal rate is updated on the basis of an analytical framework that takes into account changes in a capital input price index and other factors. The update framework consists of a capital input price index (CIPI) and several policy adjustment factors. Specifically, we have adjusted the projected CIPI rate of increase as appropriate each year for case-mix index related changes, for intensity, and for errors in previous CIPI forecasts. The proposed update factor for FY 2000 under that framework is −0.6 percent. This proposal is based on a projected 0.5 percent increase in the CIPI, a −0.7 percent adjustment for the FY 1998 DRG reclassification and recalibration, and a forecast error correction of −0.4 percent. We explain the basis for the FY 2000 CIPI projection in section II.D of this addendum. Here we describe the policy adjustments that have been applied.

The case-mix index is the measure of the average DRG weight for cases paid under the prospective payment system. Because the DRG weight determines the prospective payment for each case, any percentage increase in the case-mix index corresponds to an equal percentage increase in hospital payments.

The case-mix index can change for any of several reasons:

- The average resource use of Medicare patients changes (''real'' case-mix change);
- Changes in hospital coding of patient records result in higher weight DRG assignments (''coding effects''); and
- The annual DRG reclassification and recalibration changes may not be budget neutral (''reclassification effect'').

We define real case-mix change as actual changes in the mix (and resource requirements) of Medicare patients as opposed to changes in coding behavior that result in assignment of cases to higher-weighted DRGs but do not reflect higher resource requirements. In the update framework for the prospective payment system for operating costs, we adjust the update upwards to allow for real case-mix change, but remove the effects of coding changes on the case-mix index. We also remove the effect on total payments of prior changes to the DRG classifications and relative weights, in order to retain budget neutrality for all case-mix index-related changes other than patient severity. (For example, we adjusted for the effects of the FY 1998 DRG reclassification and

recalibration as part of our FY 2000 update recommendation.) We have adopted this case-mix index adjustment in the capital update framework as well.

For FY 2000, we are projecting a 0.5 percent increase in the case-mix index. We estimate that real case-mix increase will equal 0.5 percent in FY 2000. Therefore, the proposed net adjustment for case-mix change in FY 2000 is 0.0 percentage points.

We estimate that FY 1998 DRG reclassification and recalibration resulted in a 0.7 percent change in the case mix when compared with the case-mix index that would have resulted if we had not made the reclassification and recalibration changes to the DRGs. Therefore, we are making a −0.7 percent adjustment for DRG reclassification and recalibration in the proposed update for FY 2000.

The capital update framework contains an adjustment for forecast error. The input price index forecast is based on historical trends and relationships ascertainable at the time the update factor is established for the upcoming year. In any given year there may be unanticipated price fluctuations that may result in differences between the actual increase in prices and the forecast used in calculating the update factors. In setting a prospective payment rate under the framework, we make an adjustment for forecast error only if our estimate of the change in the capital input price index for any year is off by 0.25 percentage points or more. There is a 2-year lag between the forecast and the measurement of the forecast error. A forecast error of −0.4 percentage points was calculated for the FY 1998 update. That is, current historical data indicate that the FY 1998 CIPI used in calculating the forecasted FY 1998 update factor overstated realized price increases by 0.4 percent. Therefore, we are making a −0.4 percent adjustment for forecast error in the proposed update for FY 2000.

Under the capital prospective payment system update framework, we also make an adjustment for changes in intensity. We calculate this adjustment using the same methodology and data as in the framework for the operating prospective payment system. The intensity factor for the operating update framework reflects how hospital services are utilized to produce the final product, that is, the discharge. This component accounts for changes in the use of quality-enhancing services, changes in within-DRG severity, and expected modification of practice patterns to remove cost-ineffective services.

We calculate case-mix constant intensity as the change in total charges per admission, adjusted for price level changes (the CPI hospital component), and changes in real case mix. The use of total charges in the calculation of the proposed intensity factor makes it a total intensity factor, that is, charges for capital services are already built into the calculation of the factor. Therefore, we have incorporated the intensity adjustment from the operating update framework into the capital update framework. Without reliable estimates of the proportions of the overall annual intensity increases that are due, respectively, to ineffective practice patterns and to the combination of quality-enhancing new technologies and within-DRG complexity, we assume, as in the revised operating update framework, that one-half of the annual increase is due to each of these factors. The capital update framework thus provides an add-on to the input price index rate of increase of one-half of the estimated annual increase in intensity to allow for within-DRG severity increases and the adoption of quality-enhancing technology.

For FY 2000, we have developed a Medicare-specific intensity measure based on a 5-year average using FY 1994–1998 data. In determining case-mix constant intensity, we found that observed case-mix increase was 0.8 percent in FY 1994, 1.7 percent in FY 1995, 1.6 percent in FY 1996, 0.3 percent in FY 1997, and −0.4 percent in FY 1998. For FY 1995 and FY 1996, we estimate that real case-mix increase was 1.0 to 1.4 percent each year. The estimate for those years is supported by past studies of case-mix change by the RAND Corporation. The most recent study was ''Has DRG Creep Crept Up? Decomposing the Case Mix Index Change Between 1987 and 1988'' by G. M. Carter, J.P. Newhouse, and D.A. Relles, R–4098–HCFA/ProPAC (1991). The study suggested that real case-mix change was not dependent on total change, but was usually a fairly steady 1.0 to 1.5 percent per year. We use 1.4 percent as the upper bound because the RAND study did not take into account that hospitals may have induced doctors to document medical records more completely in order to improve payment. Following that study, we consider up to 1.4 percent of observed case-mix change as real for FY 1994 through FY 1998. Based on this analysis, we believe that all of the observed case-mix increase for FY 1994, FY 1997 and FY 1998 is real. The increases for FY 1995 and FY 1996 were in excess of our estimate of real case mix increase.

We calculate case-mix constant intensity as the change in total charges per admission, adjusted for price level changes (the CPI hospital component), and changes in real case-mix. Given estimates of real case mix of 0.8 percent for FY 1994, 1.0 percent for FY 1995, 1.0 percent for FY 1996, 0.3 percent for FY 1997, and −0.4 for FY 1998, we estimate that case-mix constant intensity declined by an average 1.3 percent during FYs 1994 through 1998, for a cumulative decrease of 6.3 percent. If we assume that real case-mix increase was 0.8 percent for FY 1994, 1.4 percent for FY 1995, 1.4 percent for FY 1996, 0.3 percent for FY 1997, and −0.4 for FY 1998, we estimate that case-mix constant intensity declined by an average 1.5 percent during FYs 1994 through 1998, for a cumulative decrease of 7.1 percent. Since we estimate that intensity has declined during that period, we are recommending a 0.0 percent intensity adjustment for FY 2000.

b. Comparison of HCFA and MedPAC Update Recommendations. MedPAC recommends a −1.1 to 1.8 percent update to the standard capital Federal rate and we are recommending a −0.6 percent update. There are some significant differences between the HCFA and MedPAC update frameworks, which account for the difference in the respective update recommendations. A major difference is the input price index that each framework uses as a beginning point to estimate the change in input prices since the previous year. The HCFA capital input price index (the CIPI) includes price measures for interest expense, which are an indicator of the interest rates facing hospitals during their capital purchasing decisions. The MedPAC capital market basket does not include interest expense; instead the MedPAC update framework includes a financing policy adjustment when necessary to account for the prolonged changes in interest rates. HCFA's CIPI is vintage-weighted, meaning that it takes into account price changes from past purchases of capital when determining the current period update. MedPAC's capital market basket is not vintage-weighted, accounting only for the current year price changes. This year, due to the difference between HCFA's and MedPAC's input price index, the percentage change in HCFA's CIPI is 0.5 percent, and the percentage change in MedPAC's market basket is 1.9 percent.

MedPAC and HCFA also differ in the adjustments they make to their price indices. (See Table 1 for a comparison

of HCFA and MedPAC's update recommendations.) MedPAC makes an adjustment for productivity, while HCFA has not adopted an adjustment for capital productivity or efficiency. MedPAC employs the same productivity adjustment in its operating and capital framework. We have identified a total intensity factor but have not identified an adequate total productivity measure. For the FY 2000 update, the Commission is also including a site-of-care substitution adjustment to account for the decline in the average length of Medicare acute inpatient stays. This adjustment is designed to shift funding along with associated costs when Medicare patients are discharged to postacute settings that replace acute impatient days. Other factors, such as technological advances that allow for a decreased need in follow-up care and BBA mandated policy on payment for transfer cases that limits payments within certain DRGs, are reflected in the site-of-care substitution adjustment as well. A negative intensity adjustment would capture the site of care substitution accounted for in MedPAC's update framework. However, we did not make a negative adjustment for intensity this year. We may examine the appropriateness of adopting a negative intensity adjustment at a later date.

MedPAC recommends a −1.8 to a −0.9 adjustment for site-of-care substitutions for FY 2000. For FY 2000, MedPAC recommends a −1.0 to a 0.0 adjustment for productivity. We recommend a 0.0 intensity adjustment. Additionally, since long-term interest rates are low by historical standards, MedPAC recommends a −0.3 to a 0.0 adjustment to the update for FY 2000, to reflect changes in the real interest rates.

We recommend a 0.0 total case mix adjustment since we are projecting a 0.5 percent increase in the case mix index and we estimate that real case-mix increase will equal 0.5 percent in FY 2000. MedPAC makes a two-part adjustment for case mix changes, which takes into account changes in case mix in the past year. They recommend a 0.0 adjustment for coding change and an 0.0 to 0.2 adjustment for within-DRG complexity change. We recommend a −0.4 adjustment for forecast error correction, and MedPAC recommends a −0.4 adjustment for forecast error correction.

The net result of these adjustments is that MedPAC has recommended a −1.1 to 1.8 percent update to the capital Federal rate for FY 2000. MedPAC believes that the annual updates to the capital and operating payments under the prospective payment system should not differ substantially, even though they are determined separately, since they correspond to costs generated by providing the same inpatient hospital services to the same Medicare patients. This range for the capital update is consistent with the prospective payment system operating update range of 0.0 to 2.6 recommended by the Commission. We describe the basis for our proposed −0.6 percent total update in the preceding section. Our recommendation is within the range recommended by MedPAC.

Also, MedPAC argued that the distinction between inpatient operating and capital payment rates is arbitrary and does not foster efficient overall decision making about the allocation of resources. Accordingly, MedPAC recommended that once the transition to fully perspective capital payment is completed, a single PPS payment rate should be developed for hospital inpatient services to Medicare beneficiaries. MedPAC indicated that a single PPS payment rate for both operating and capital PPS costs would be consistent with the way that hospitals purchase a majority of goods and services.

We responded to a similar comment in the July 31, 1998 final rule (63 FR 41013) and in the September 1, 1995 final rule (60 FR 45816). In those rules, we stated that our long-term goal was to develop a single update framework for operating and capital prospective payments and that we would begin development of a unified framework. We indicated that, in the meantime, we would maintain as much consistency as possible between the current operating and capital frameworks in order to facilitate the eventual development of a unified framework. In addition, we stated that because of the similarity of the update frameworks, the update frameworks could be combined without too much difficulty. We maintain our goal of combining the update frameworks at the end of the capital transition period and may examine combining the payment systems after the conclusion of the capital prospective payment transition period.

TABLE 1.—HCFA'S FY 2000 UPDATE FACTOR AND MEDPAC'S RECOMMENDATION

	HCFA's update factor	MedPAC's recommendation
Capital Input Price Index Financing Policy Adjustment	0.5	1.9
Financing Policy Adjustment	.....	−0.3 to 0.0
Policy Adjustment Factors:		
Productivity	.....	−1.0 to 0.0
Intensity	0.0	.....
Science and Technology	.....	0.5 to 1.0
Intensity	.....	(1)
Real within DRG Change	.....	(2)
Site-of-Care Substitution	.....	−1.8 to −0.9
Subtotal	0.0	−2.3 to 0.1
Case-Mix Adjustment Factors:	.....	.....
Projected Case-Mix Change	−0.5	.....
Real Across DRG Change	0.5	.....
Coding Change	.....	0.0
Real within DRG Change	(3)	0.0 to 0.2
Subtotal	0.0	0.0 to 0.2
Effect of FY 1998 Reclassification and Recalibration	0.7	.....
Forecast Error Correction	−0.4	−0.4

TABLE 1.—HCFA'S FY 2000 UPDATE FACTOR AND MEDPAC'S RECOMMENDATION—Continued

	HCFA's update factor	MedPAC's recommendation
Total Update	−0.6	−1.1 to 1.8

[1] Included in MedPAC's productivity measure.
[2] Included in MedPAC's case-mix adjustment.
[3] Included in HCFA's intensity factor.

2. Outlier Payment Adjustment Factor

Section 412.312(c) establishes a unified outlier methodology for inpatient operating and inpatient capital-related costs. A single set of thresholds is used to identify outlier cases for both inpatient operating and inpatient capital-related payments. Outlier payments are made only on the portion of the Federal rate that is used to calculate the hospital's inpatient capital-related payments (for example, 90 percent for cost reporting periods beginning in FY 2000 for hospitals paid under the fully prospective payment methodology). 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 outlier payments under the Federal rate to total inpatient capital-related payments under the Federal rate. The outlier thresholds are set so that operating outlier payments are projected to be 5.1 percent of total operating DRG payments. The inpatient capital-related outlier reduction factor reflects the inpatient capital-related outlier payments that would be made if all hospitals were paid 100 percent of the Federal rate. For purposes of calculating the outlier thresholds and the outlier reduction factor, we model payments as if all hospitals were paid 100 percent of the Federal rate because, as explained above, outlier payments are made only on the portion of the Federal rate that is included in the hospital's inpatient capital-related payments.

In the July 31, 1998 final rule, we estimated that outlier payments for capital in FY 1999 would equal 6.08 percent of inpatient capital-related payments based on the Federal rate (63 FR 41013). Accordingly, we applied an outlier adjustment factor of 0.9392 to the Federal rate. Based on the thresholds as set forth in section II.A.4.d of this Addendum, we estimate that outlier payments for capital will equal 6.03 percent of inpatient capital-related payments based on the Federal rate in FY 2000. Therefore, we are proposing an outlier adjustment factor of 0.9397 to the Federal rate. Thus, estimated capital outlier payments for FY 2000 represent a lower percentage of total capital standard payments than in FY 1999.

The outlier reduction factors are not built permanently into the rates; that is, they are not applied cumulatively in determining the Federal rate. Therefore, the proposed net change in the outlier adjustment to the Federal rate for FY 2000 is 1.0005 (0.9397/0.9392). The outlier adjustment increases the FY 2000 Federal rate by 0.05 percent compared with the FY 1999 outlier adjustment.

3. Budget Neutrality Adjustment Factor for Changes in DRG Classifications and Weights and the Geographic Adjustment Factor

Section 412.308(c)(4)(ii) requires that the Federal rate be adjusted so that aggregate payments for the fiscal year based on the Federal rate after any changes resulting from the annual DRG reclassification and recalibration and changes in the GAF are projected to equal aggregate payments that would have been made on the basis of the Federal rate without such changes. We use the actuarial model, described in Appendix B of this proposed rule, to estimate the aggregate payments that would have been made on the basis of the Federal rate without changes in the DRG classifications and weights and in the GAF. We also use the model to estimate aggregate payments that would be made on the basis of the Federal rate as a result of those changes. We then use these figures to compute the adjustment required to maintain budget neutrality for changes in DRG weights and in the GAF.

For FY 1999, we calculated a GAF/DRG budget neutrality factor of 1.0027. In the February 25, 1999 final rule (64 FR 9381), we adopted an incremental GAF/DRG budget neutrality factor of 1.0028 for discharges on or after March 1, 1999. For FY 2000, we are proposing a GAF/DRG budget neutrality factor of 0.9986. The GAF/DRG budget neutrality factors are built permanently into the rates; that is, they are applied cumulatively in determining the Federal rate. This follows from the requirement that estimated aggregate payments each year be no more than they would have been in the absence of the annual DRG reclassification and recalibration and changes in the GAF. The proposed incremental change in the adjustment from FY 1999 to FY 2000 is 0.9986. The proposed cumulative change in the rate due to this adjustment is 1.0015 (the product of the incremental factors for FY 1993, FY 1994, FY 1995, FY 1996, FY 1997, FY 1998, FY 1999, and the proposed incremental factor for FY 2000: $0.9980 \times 1.0053 \times 0.9998 \times 0.9994 \times 0.9987 \times 0.9989 \times 1.0028 \times 0.9986 = 1.0015$).

This proposed factor accounts for DRG reclassifications and recalibration and for changes in the GAF. It also incorporates the effects on the GAF of FY 2000 geographic reclassification decisions made by the MGCRB compared to FY 1999 decisions. However, it does not account for changes in payments due to changes in the DSH and IME adjustment factors or in the large urban add-on.

4. Exceptions Payment Adjustment Factor

Section 412.308(c)(3) requires that the standard Federal rate for inpatient capital-related costs be reduced by an adjustment factor equal to the estimated proportion of additional payments for exceptions under § 412.348 relative to total payments under the hospital-specific rate and Federal rate. We use the model originally developed for determining the budget neutrality adjustment factor to determine the exceptions payment adjustment factor. We describe that model in Appendix B to this proposed rule.

For FY 1999, we estimated that exceptions payments would equal 2.17 percent of aggregate payments based on the Federal rate and the hospital-specific rate. Therefore, we applied an exceptions reduction factor of 0.9783 (1–0.0217) in determining the Federal rate. For this proposed rule, we estimate that exceptions payments for FY 2000 will equal 2.48 percent of aggregate payments based on the Federal rate and the hospital-specific rate. Therefore, we are proposing an exceptions payment reduction factor of 0.9752 to the Federal rate for FY 2000. The proposed

exceptions reduction factor for FY 2000 is 0.32 percent lower than the factor for FY 1999.

The exceptions reduction factors are not built permanently into the rates; that is, the factors are not applied cumulatively in determining the Federal rate. Therefore, the proposed net adjustment to the FY 2000 Federal rate is 0.9752/0.9783, or 0.9968.

5. Standard Capital Federal Rate for FY 2000

For FY 1999 (effective March 1, 1999), the capital Federal rate was $378.10. As a result of changes we are proposing to the factors used to establish the Federal rate, the proposed FY 2000 Federal rate is $374.31. The proposed Federal rate for FY 2000 was calculated as follows:

- The proposed FY 2000 update factor is 0.9940; that is, the proposed update is −0.60 percent.
- The proposed FY 2000 budget neutrality adjustment factor that is applied to the standard Federal payment rate for changes in the DRG relative weights and in the GAF is 0.9986.
- The proposed FY 2000 outlier adjustment factor is 0.9397.
- The proposed FY 2000 exceptions payments adjustment factor is 0.9752.

Since the Federal rate has already been adjusted for differences in case mix, wages, cost of living, indirect medical education costs, and payments to hospitals serving a disproportionate share of low-income patients, we propose to make no additional adjustments in the standard Federal rate for these factors other than the budget neutrality factor for changes in the DRG relative weights and the GAF.

We are providing a chart that shows how each of the factors and adjustments for FY 2000 affected the computation of the proposed FY 2000 Federal rate in comparison to the FY 1999 Federal rate. The proposed FY 2000 update factor has the effect of decreasing the Federal rate by 0.60 percent compared to the rate in FY 1999, while the proposed geographic and DRG budget neutrality factor has the effect of decreasing the Federal rate by 0.14 percent. The proposed FY 2000 outlier adjustment factor has the effect of increasing the Federal rate by 0.05 percent compared to FY 1999. The proposed FY 2000 exceptions reduction factor has the effect of decreasing the Federal rate by 0.32 percent compared to the exceptions reduction for FY 1999. The combined effect of all the proposed changes is to decrease the proposed Federal rate by 1.00 percent compared to the Federal rate for FY 1999.

COMPARISON OF FACTORS AND ADJUSTMENTS: FY 1999 FEDERAL RATE AND PROPOSED FY 2000 FEDERAL RATE

	FY 1999	Proposed FY 2000	Change	Percent change
Update factor [1]	1.0010	0.9940	0.9940	−0.60
GAF/DRG Adjustment Factor [1]	1.0028	0.9986	0.9986	−0.14
Outlier Adjustment Factor [2]	0.9392	0.9397	1.0005	0.05
Exceptions Adjustment Factor [2]	0.9783	0.9752	0.9968	−0.32
Federal Rate	$378.10	$374.31	0.9900	−1.00

[1] The update factor and the GAF/DRG budget neutrality factors are built permanently into the rates. Thus, for example, the incremental change from FY 1999 to FY 2000 resulting from the application of the 0.9986 GAF/DRG budget neutrality factor for FY 2000 is 0.9986.

[2] The outlier reduction factor and the exceptions reduction factor are not built permanently into the rates; that is, these factors are not applied cumulatively in determining the rates. Thus, for example, the net change resulting from the application of the FY 2000 outlier reduction factor is 0.9397/0.9392, or 1.0005.

6. Special Rate for Puerto Rico Hospitals

As explained at the beginning of section IV of this Addendum, hospitals in Puerto Rico are paid based on 50 percent of the Puerto Rico rate and 50 percent of the Federal rate. The Puerto Rico rate is derived from the costs of Puerto Rico hospitals only, while the Federal rate is derived from the costs of all acute care hospitals participating in the prospective payment system (including Puerto Rico). To adjust hospitals' capital payments for geographic variations in capital costs, we apply a geographic adjustment factor (GAF) to both portions of the blended rate. The GAF is calculated using the operating PPS wage index and varies depending on the MSA or rural area in which the hospital is located. We use the Puerto Rico wage index to determine the GAF for the Puerto Rico part of the capital blended rate and the national wage index to determine the GAF for the national part of the blended rate.

Since we implemented a separate GAF for Puerto Rico in 1998, we also propose to apply separate budget neutrality adjustments for the national GAF and for the Puerto Rico GAF. We apply the same budget neutrality factor for DRG reclassifications and recalibration nationally and for Puerto Rico. The Puerto Rico GAF budget neutrality factor is 1.0015, while the DRG adjustment is 1.0001, for a combined cumulative adjustment of 1.0016.

In computing the payment for a particular Puerto Rico hospital, the Puerto Rico portion of the rate (50 percent) is multiplied by the Puerto Rico-specific GAF for the MSA in which the hospital is located, and the national portion of the rate (50 percent) is multiplied by the national GAF for the MSA in which the hospital is located (which is computed from national data for all hospitals in the United States and Puerto Rico). In FY 1998, we implemented a 17.78 percent reduction to the Puerto Rico rate as a result of the BBA. For FY 1999, before application of the GAF, the special rate for Puerto Rico hospitals was $181.10. With the changes we are proposing to the factors used to determine the rate, the proposed FY 2000 special rate for Puerto Rico is $174.15.

B. Determination of Hospital-Specific Rate Update

Section 412.328(e) of the regulations provides that the hospital-specific rate for FY 2000 be determined by adjusting the FY 1999 hospital-specific rate by the following factors:

1. Hospital-Specific Rate Update Factor

The hospital-specific rate is updated in accordance with the update factor for the standard Federal rate determined under § 412.308(c)(1). For FY 2000, we are proposing that the hospital-specific rate be updated by a factor of 0.9940.

2. Exceptions Payment Adjustment Factor

For FYs 1992 through FY 2001, the updated hospital-specific rate is multiplied by an adjustment factor to account for estimated exceptions payments for capital-related costs under § 412.348, determined as a proportion of the total amount of payments under the hospital-specific rate and the Federal rate. For FY 2000, we estimate that

exceptions payments will be 2.48 percent of aggregate payments based on the Federal rate and the hospital-specific rate. Therefore, we propose that the updated hospital-specific rate be reduced by a factor of 0.9752. The exceptions reduction factors are not built permanently into the rates; that is, the factors are not applied cumulatively in determining the hospital-specific rate. The proposed net adjustment to the FY 2000 hospital-specific rate is 0.9752/0.9783, or 0.9968.

3. Net Change to Hospital-Specific Rate

We are providing a chart to show the net change to the hospital-specific rate. The chart shows the factors for FY 1999 and FY 2000 and the net adjustment for each factor. It also shows that the proposed cumulative net adjustment from FY 1999 to FY 2000 is 0.9908, which represents a proposed decrease of 0.92 percent to the hospital-specific rate. For each hospital, the proposed FY 2000 hospital-specific rate is determined by multiplying the FY 1999 hospital-specific rate by the cumulative net adjustment of 0.9908.

PROPOSED FY 2000 UPDATE AND ADJUSTMENTS TO HOSPITAL-SPECIFIC RATES

	FY 1999	Proposed FY 2000	Net adjustment	Percent change
Update Factor	1.0010	0.9940	0.9940	−0.60
Exceptions Payment Adjustment Factor	0.9783	0.9752	0.9968	−0.32
Cumulative Adjustments	0.9793	0.9703	0.9908	−0.92

Note: The update factor for the hospital-specific rate is applied cumulatively in determining the rates. Thus, the incremental increase in the update factor from FY 1999 to FY 2000 is 0.9940. In contrast, the exceptions payment adjustment factor is not applied cumulatively. Thus, for example, the incremental increase in the exceptions reduction factor from FY 1999 to FY 2000 is 0.9752/0.9783, or 0.9968.

C. Calculation of Inpatient Capital-Related Prospective Payments for FY 2000

During the capital prospective payment system transition period, a hospital is paid for the inpatient capital-related costs under one of two payment methodologies—the fully prospective payment methodology or the hold-harmless methodology. The payment methodology applicable to a particular hospital is determined when a hospital comes under the prospective payment system for capital-related costs by comparing its hospital-specific rate to the Federal rate applicable to the hospital's first cost reporting period under the prospective payment system. The applicable Federal rate was determined by making adjustments as follows:

- For outliers by dividing the standard Federal rate by the outlier reduction factor for that fiscal year; and,
- For the payment adjustment factors applicable to the hospital (that is, the hospital's GAF, the disproportionate share adjustment factor, and the indirect medical education adjustment factor, when appropriate).

If the hospital-specific rate is above the applicable Federal rate, the hospital is paid under the hold-harmless methodology. If the hospital-specific rate is below the applicable Federal rate, the hospital is paid under the fully prospective methodology.

For purposes of calculating payments for each discharge under both the hold-harmless payment methodology and the fully prospective payment methodology, the standard Federal rate is adjusted as follows:

(Standard Federal Rate) × (DRG weight) × (GAF) × (Large Urban Add-on, if applicable) ×
(COLA adjustment for hospitals located in Alaska and Hawaii) × (1 + Disproportionate Share Adjustment Factor + IME Adjustment Factor, if applicable).

The result is the adjusted Federal rate.

Payments under the hold-harmless methodology are determined under one of two formulas. A hold-harmless hospital is paid the higher of the following:

- 100 percent of the adjusted Federal rate for each discharge; or
- An old capital payment equal to 85 percent (100 percent for sole community hospitals) of the hospital's allowable Medicare inpatient old capital costs per discharge for the cost reporting period plus a new capital payment based on a percentage of the adjusted Federal rate for each discharge. The percentage of the adjusted Federal rate equals the ratio of the hospital's allowable Medicare new capital costs to its total Medicare inpatient capital-related costs in the cost reporting period.

Once a hospital receives payment based on 100 percent of the adjusted Federal rate in a cost reporting period beginning on or after October 1, 1994 (or the first cost reporting period after obligated capital that is recognized as old capital under § 412.302(c) is put in use for patient care, if later), the hospital continues to receive capital prospective payment system payments on that basis for the remainder of the transition period.

Payment for each discharge under the fully prospective methodology is the sum of the following:

- The hospital-specific rate multiplied by the DRG relative weight for the discharge and by the applicable hospital-specific transition blend percentage for the cost reporting period; and
- The adjusted Federal rate multiplied by the Federal transition blend percentage.

The blend percentages for cost reporting periods beginning in FY 2000 are 90 percent of the adjusted Federal rate and 10 percent of the hospital-specific rate.

Hospitals may also receive outlier payments for those cases that qualify under the thresholds established for each fiscal year. Section 412.312(c) provides for a single set of thresholds to identify outlier cases for both inpatient operating and inpatient capital-related payments. Outlier payments are made only on that portion of the Federal rate that is used to calculate the hospital's inpatient capital-related payments. For fully prospective hospitals, that portion is 90 percent of the Federal rate for discharges occurring in cost reporting periods beginning during FY 2000. Thus, a fully prospective hospital will receive 90 percent of the capital-related outlier payment calculated for the case for discharges occurring in cost reporting periods beginning in FY 2000. For hold-harmless hospitals paid 85 percent of their reasonable costs for old inpatient capital, the portion of the Federal rate that is included in the hospital's outlier payments is based on the hospital's ratio of Medicare inpatient costs for new capital to total Medicare inpatient capital costs. For hold-harmless hospitals that are paid 100 percent of the Federal rate, 100 percent of the Federal rate is included in the hospital's outlier payments.

The proposed outlier thresholds for FY 2000 are in section II.A.4.c of this

Addendum. For FY 2000, a case qualifies as a cost outlier if the cost for the case (after standardization for the indirect teaching adjustment and disproportionate share adjustment) is greater than the prospective payment rate for the DRG plus $14,575.

During the capital prospective payment system transition period, a hospital may also receive an additional payment under an exceptions process if its total inpatient capital-related payments are less than a minimum percentage of its allowable Medicare inpatient capital-related costs. The minimum payment level is established by class of hospital under § 412.348. The proposed minimum payment levels for portions of cost reporting periods occurring in FY 2000 are:

- Sole community hospitals (located in either an urban or rural area), 90 percent;
- Urban hospitals with at least 100 beds and a disproportionate share patient percentage of at least 20.2 percent; and
- Urban hospitals with at least 100 beds that qualify for disproportionate share payments under § 412.106(c)(2), 80 percent; and
- All other hospitals, 70 percent.

Under § 412.348(d), the amount of the exceptions payment is determined by comparing the cumulative payments made to the hospital under the capital prospective payment system to the cumulative minimum payment levels applicable to the hospital for each cost reporting period subject to that system. Any amount by which the hospital's cumulative payments exceed its cumulative minimum payment is deducted from the additional payment that would otherwise be payable for a cost reporting period.

New hospitals are exempted from the capital prospective payment system for their first 2 years of operation and are paid 85 percent of their reasonable costs during that period. A new hospital's old capital costs are its allowable costs for capital assets that were put in use for patient care on or before the later of December 31, 1990 or the last day of the hospital's base year cost reporting period, and are subject to the rules pertaining to old capital and obligated capital as of the applicable date. Effective with the third year of operation, we will pay the hospital under either the fully prospective methodology, using the appropriate transition blend in that Federal fiscal year, or the hold-harmless methodology. If the hold-harmless methodology is applicable, the hold-harmless payment for assets in use during the base period would extend for 8 years, even if the hold-harmless payments extend beyond the normal transition period.

D. Capital Input Price Index

1. Background

Like the prospective payment hospital operating input price index, the Capital Input Price Index (CIPI) is a fixed-weight price index that measures the price changes associated with costs during a given year. The CIPI differs from the operating input price index in one important aspect—the CIPI reflects the vintage nature of capital, which is the acquisition and use of capital over time. Capital expenses in any given year are determined by the stock of capital in that year (that is, capital that remains on hand from all current and prior capital acquisitions). An index measuring capital price changes needs to reflect this vintage nature of capital. Therefore, the CIPI was developed to capture the vintage nature of capital by using a weighted-average of past capital purchase prices up to and including the current year.

Using Medicare cost reports, AHA data, and Securities Data Corporation data, a vintage-weighted price index was developed to measure price increases associated with capital expenses. We periodically update the base year for the operating and capital input prices to reflect the changing composition of inputs for operating and capital expenses. Currently, the CIPI is based to FY 1992 and was last rebased in 1997. The most recent explanation of the CIPI was discussed in the final rule with comment period for FY 1998 published in the August 29, 1997 **Federal Register** (62 FR 46050). The following **Federal Register** documents also describe development and revisions of the methodology involved with the construction of the CIPI: September 1, 1992 (57 FR 40016), May 26, 1993 (58 FR 30448), September 1, 1993 (58 FR 46490), May 27, 1994 (59 FR 27876), September 1, 1994 (59 FR 45517), June 2, 1995 (60 FR 29229), and September 1, 1995 (60 FR 45815), May 31, 1996 (61 FR 27466), August 30, 1996 (61 FR 46196), June 2, 1997 (62 FR 29953), August 29, 1997 (62 FR 46050), May 8, 1998 (63 FR 25619), and July 31, 1998 (63 FR 41017).

2. Forecast of the CIPI for Federal Fiscal Year 2000

We are forecasting the CIPI to increase 0.5 percent for FY 2000. This reflects a projected 1.6 percent increase in vintage-weighted depreciation prices (building and fixed equipment, and movable equipment) and a 3.2 percent increase in other capital expense prices in FY 2000, partially offset by a 3.2 percent decline in vintage-weighted interest rates in FY 2000. The weighted average of these three factors produces the 0.5 percent increase for the CIPI as a whole.

V. Proposed Changes to Payment Rates for Excluded Hospitals and Hospital Units: Rate-of-Increase Percentages

A. Rate-of-Increase Percentages for Excluded Hospitals and Hospital Units

The inpatient operating costs of hospitals and hospital units excluded from the prospective payment system are subject to rate-of-increase limits established under the authority of section 1886(b) of the Act, which is implemented in regulations at § 413.40. Under these limits, a hospital-specific target amount (expressed in terms of the inpatient operating cost per discharge) is set for each hospital, based on the hospital's own historical cost experience trended forward by the applicable rate-of-increase percentages (update factors). In the case of a psychiatric hospital or hospital unit, rehabilitation hospital or hospital unit, or long-term care hospital, the target amount may not exceed the updated figure for the 75th percentile of target amounts for hospitals and units in the same class (psychiatric, rehabilitation, and long-term care) for cost reporting periods ending during FY 1996. The target amount is multiplied by the number of Medicare discharges in a hospital's cost reporting period, yielding the ceiling on aggregate Medicare inpatient operating costs for the cost reporting period.

Each hospital-specific target amount is adjusted annually, at the beginning of each hospital's cost reporting period, by an applicable update factor.

Section 1886(b)(3)(B) of the Act, which is implemented in regulations at § 413.40(c)(3)(vii), provides that for cost reporting periods beginning on or after October 1, 1999 and before October 1, 2000, the update factor depends on the hospital's or hospital unit's costs in relation to the ceiling. For hospitals with costs exceeding the ceiling by 10 percent or more, the update factor is the market basket increase. For hospitals with costs exceeding the ceiling by less than 10 percent, the update factor is the market basket minus .25 percent for each percentage point by which costs are less than 10 percent over the ceiling. For hospitals with costs equal to or less than the ceiling but greater than 66.7 percent of the ceiling, the update factor is the greater of 0 percent or the market basket minus 2.5 percent. For hospitals with costs that do not exceed 66.7

percent of the ceiling, the update factor is 0.

The most recent forecast of the market basket increase for FY 2000 for hospitals and hospital units excluded from the prospective payment system is 2.6 percent. Therefore, the update to a hospital's target amount for its cost reporting period beginning in FY 2000 would be between 0 and 2.6 percent.

In addition, § 413.40(c)(4)(iii) requires that for cost reporting periods beginning on or after October 1, 1999 and before October 1, 2000, the target amount for each psychiatric hospital or hospital unit, rehabilitation hospital or hospital unit, and long-term care hospital cannot exceed a cap on the target amounts for hospitals in the same class. For cost reporting periods beginning in FY 2000, the proposed caps are $11,076 for psychiatric hospitals and hospital units, $20,071 for rehabilitation hospitals and hospital units, and $39,596 for long-term care hospitals. Regulations at § 413.40(d) specify the formulas for determining bonus and relief payments for excluded hospitals and specify established criteria for an additional bonus payment for continuous improvement. Regulations at § 413.40(f)(2)(ii) specify the payment methodology for new hospitals and hospital units (psychiatric, rehabilitation, and long-term care) effective October 1, 1997.

VI. Tables

This section contains the tables referred to throughout the preamble to this proposed rule and in this Addendum. For purposes of this proposed rule, and to avoid confusion, we have retained the designations of Tables 1 through 5 that were first used in the September 1, 1983 initial prospective payment final rule (48 FR 39844). Tables 1A, 1C, 1D, 3C, 4A, 4B, 4C, 4D, 4E, 4F, 5, 7A, 7B, 8A, and 8B are presented below. The tables presented below are as follows:

Table 1A—National Adjusted Operating Standardized Amounts, Labor/Nonlabor

Table 1C—Adjusted Operating Standardized Amounts for Puerto Rico, Labor/Nonlabor

Table 1D—Capital Standard Federal Payment Rate

Table 3C—Hospital Case Mix Indexes for Discharges Occurring in Federal Fiscal Year 1998 and Hospital Average Hourly Wage for Federal Fiscal Year 2000 Wage Index

Table 4A—Wage Index and Capital Geographic Adjustment Factor (GAF) for Urban Areas

Table 4B—Wage Index and Capital Geographic Adjustment Factor (GAF) for Rural Areas

Table 4C—Wage Index and Capital Geographic Adjustment Factor (GAF) for Hospitals That Are Reclassified

Table 4D—Average Hourly Wage for Urban Areas

Table 4E—Average Hourly Wage for Rural Areas

Table 4F—Puerto Rico Wage Index and Capital Geographic Adjustment Factor (GAF)

Table 5—List of Diagnosis Related Groups (DRGs), Relative Weighting Factors, Geometric Mean Length of Stay, and Arithmetic Mean Length of Stay Points Used in the Prospective Payment System

Table 7A—Medicare Prospective Payment System Selected Percentile Lengths of Stay FY 98 MEDPAR Update 12/98 GROUPER V16.0

Table 7B—Medicare Prospective Payment System Selected Percentile Lengths of Stay FY 98 MEDPAR Update 12/98 GROUPER V17.0

Table 8A—Statewide Average Operating Cost-to-Charge Ratios for Urban and Rural Hospitals (Case Weighted) March 1999

TABLE 1A.—NATIONAL ADJUSTED OPERATING STANDARDIZED AMOUNTS, LABOR/NONLABOR

Large urban areas		Other areas	
Labor-related	Nonlabor-related	Labor-related	Nonlabor-related
2,804.51	1,139.95	2,760.12	1,121.90

TABLE 1C.—ADJUSTED OPERATING STANDARDIZED AMOUNTS FOR PUERTO RICO, LABOR/NONLABOR

	Large urban areas		Other areas	
	Labor	Nonlabor	Labor	Nonlabor
National	2,780.77	1,130.30	2,780.77	1,130.30
Puerto Rico	1,335.82	537.70	1,314.67	529.19

TABLE 1D.—CAPITAL STANDARD FEDERAL PAYMENT RATE

	Rate
National	374.31
Puerto Rico	174.15

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX

Prov.	Case mix index	Avg. hourly wage
010001	1.4554	15.85
010004	0.9916	15.02
010005	1.1743	16.26
010006	1.4464	17.31
010007	1.1415	14.80
010008	1.1818	17.65
010009	1.0947	17.53
010010	1.0813	15.91
010011	1.5845	20.63
010012	1.2638	19.30
010015	1.0478	18.35
010016	1.2449	16.13
010018	0.9705	18.96
010019	1.2752	15.49
010021	1.2478	14.63
010022	0.9572	20.51
010023	1.6841	16.26
010024	1.4253	16.03
010025	1.3495	14.53
010027	0.8128	14.93
010029	1.5973	16.41
010031	1.4197	18.02
010032	0.8709	12.65
010033	1.9994	19.23
010034	1.0469	14.73
010035	1.2391	17.48
010036	1.0924	22.58
010038	1.2343	18.33
010039*	1.6327	18.81
010040	1.4992	19.10
010043	1.0500	16.20
010044	1.0251	17.02
010045	1.1784	15.01
010046	1.4732	17.18
010047	0.9281	16.38
010049	1.1802	14.48
010050	1.0767	15.42
010051	0.8974	9.94
010052	1.0154	13.86
010053	1.0510	13.18
010054	1.1343	17.12
010055	1.4214	18.19
010056	1.3310	19.08
010058	1.0341	12.78
010059	1.0571	18.19
010061	1.1108	15.92
010062	1.0103	13.57
010064	1.7507	20.90
010065	1.3275	15.64
010066	0.8966	12.07
010068	1.3058	18.74
010069	1.1341	13.57
010072	1.0767	14.35
010073	0.8779	12.83
010078	1.2917	17.71
010079	1.1849	16.87
010080	.....	13.85
010081	1.6352	10.92
010083	1.0573	16.21
010084	1.5014	18.78
010085	1.3174	23.43

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
010086	1.0101	14.93
010087	1.7240	18.39
010089	1.2016	16.61
010090	1.6543	18.11
010091	0.9852	16.36
010092	1.4229	16.25
010094	1.1553	18.56
010095	1.0478	11.90
010097	0.8658	12.90
010098	0.9903	14.28
010099	1.1704	15.93
010100	1.2946	15.48
010101	1.0189	15.42
010102	0.9304	12.73
010103	1.8373	19.09
010104	1.6940	17.84
010108	1.1487	8.43
010109	1.0505	14.09
010110	0.9677	15.91
010112	1.1430	15.11
010113	1.6124	17.24
010114	1.2547	17.26
010115	0.8486	13.75
010118	1.2460	17.93
010119	0.8454	18.17
010120	0.9887	17.03
010121	1.2837	15.18
010123	1.1677	18.16
010124	1.2293	16.27
010125	1.0592	14.42
010126	1.1226	17.64
010127	1.3140	19.61
010128	0.9181	12.57
010129	1.0657	14.43
010130	1.0438	16.35
010131	1.3316	17.91
010134	0.8091	10.78
010138	0.9201	12.13
010139	1.6352	19.95
010143	1.2331	15.67
010144	1.4122	17.12
010145	1.3320	19.99
010146	1.1893	18.86
010148	0.9793	14.64
010149	1.2499	17.08
010150	1.0444	16.87
010152	1.2458	15.08
010155	1.0820	16.70
020001	1.5225	27.97
020001	0.8749	.....
020002	1.0518	26.91
020004	1.1822	26.40
020005	0.8955	29.01
020006	1.1279	26.77
020007	0.8238	24.96
020009	0.8160	23.18
020010	0.9401	18.64
020011	0.9160	29.47
020012	1.2784	23.92
020013	0.9595	26.82
020014	1.1175	24.09

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
020014	1.4452	18.50
020017	1.4913	24.97
020018	0.9175	.....
020019	0.7991	.....
020021	0.7833	.....
020024	1.1070	22.73
020025	0.8911	27.15
020026	1.2510	.....
020027	0.9446	.....
030001	1.2609	19.47
030002	1.8047	21.41
030003	2.2773	23.68
030004	0.9879	17.73
030006	1.5274	17.64
030007	1.2554	18.56
030008	2.1835	.....
030009	1.2480	17.93
030010	1.3865	18.80
030011	1.4370	20.08
030012	1.2400	19.28
030012	1.3439	17.62
030013	1.2707	21.02
030014	1.5090	19.47
030016	1.2344	20.56
030017	1.4184	19.80
030018	1.8588	18.91
030019	1.2360	19.91
030022	1.4920	15.79
030023	1.4956	22.44
030024*	1.7461	21.86
030025	0.9555	17.67
030027	0.9637	17.56
030030	1.6444	21.62
030033	1.2359	16.84
030034	0.9867	19.09
030035	1.1565	19.72
030036	1.2807	18.94
030037	2.0840	21.43
030038	1.6154	22.08
030040	1.0766	17.97
030041	0.8876	17.44
030043	1.2210	20.58
030044	0.8783	16.47
030047	0.8953	19.69
030049	0.8732	19.09
030054	0.8646	14.49
030055	1.2321	18.28
030059	1.2861	21.05
030060	1.1438	16.77
030061	1.6876	17.35
030062	1.1773	17.48
030064	1.7545	18.54
030065	1.8106	19.93
030067	1.0273	15.62
030068	1.0198	17.35
030069	1.3658	19.00
030071	0.9615	.....
030073	1.0330	.....
030074	0.8723	.....
030075	0.8002	.....
030076	0.8839	.....

Average hourly wage based on data on file as of February 22, 1999. It does not reflect any changes processed after that date.
Asterisk denotes teaching physician costs removed based on costs reported on worksheet a, col. 1, line 23 of FY 1996 cost report.

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
030077	0.8563	.....
030078	1.1466	.....
030079	0.9065	.....
030080	1.3765	19.99
030083	1.2782	23.64
030084	1.1334	.....
030085	1.4665	17.84
030087	1.6818	20.39
030088	1.3654	19.58
030089	1.6757	19.50
030092	1.5829	21.56
030093	1.4182	19.47
030094	1.2704	19.78
030095	1.1383	14.25
030099	0.9405	18.07
030100	2.0377	.....
030101	1.4091	.....
030102	2.6049	.....
040001	1.0898	15.57
040002	1.1548	14.09
040003	1.1009	14.00
040004	1.6240	17.29
040005	1.0392	12.88
040007	1.6923	19.52
040008	1.0369	12.70
040011	0.9437	12.27
040014	1.3239	15.39
040015	1.2153	14.60
040016	1.6757	17.54
040017	1.1681	14.95
040018	1.2213	17.56
040019	1.0343	25.71
040020	1.6155	14.81
040021	1.1803	16.28
040022	1.4732	16.00
040024	0.9967	15.73
040025	0.9089	10.95
040026	1.5803	18.24
040027	1.2533	14.54
040028	1.0058	12.84
040029	1.2994	17.78
040030	0.8774	14.15
040032	0.9640	13.33
040035	0.9449	11.21
040036	1.4553	17.91
040037	1.0573	13.48
040039	1.2280	13.84
040040	0.9016	17.43
040041	1.2600	13.36
040041	1.3395	22.59
040042	1.1970	14.66
040044	1.0388	11.44
040045	1.0120	18.77
040047	1.0272	16.39
040048	.....	15.82
040050	1.1538	11.79
040051	1.0863	16.28
040053	1.0741	15.82
040054	0.9793	15.04
040055	1.4239	16.10
040058	1.0515	15.67

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
040060	0.9756	11.47
040062	1.6588	17.28
040064	1.0572	12.40
040066	1.0456	17.64
040067	1.0993	13.49
040069	1.0282	16.11
040070	0.9322	15.48
040071	1.6635	16.12
040072	1.0381	15.84
040074	1.2312	17.38
040075	1.0116	12.75
040076	1.0811	18.55
040077	1.0517	12.46
040078	1.5208	17.86
040080	1.0062	15.74
040081	0.8665	10.68
040082	1.0845	16.51
040084	1.1071	17.25
040085	1.1521	15.78
040088	1.3888	15.67
040090	0.8936	17.55
040091	1.1718	17.04
040093	0.9205	12.90
040100	1.1466	14.97
040105	0.9914	14.24
040106	0.9670	15.40
040107	1.0684	19.62
040109	1.1501	13.98
040114	1.8323	18.31
040116	1.1343	19.57
040118	1.4187	17.43
040119	1.1546	14.62
040124	1.0493	17.25
040126	0.9485	11.68
040132	.....	13.18
040134	2.7108	.....
040135	2.3711	.....
050002	1.4958	27.60
050006	1.4137	19.53
050007	1.4826	29.54
050008	1.4218	25.86
050009	1.6817	26.25
050013	1.9898	24.85
050014	1.2086	24.53
050015	1.4488	25.38
050016	1.1530	20.15
050017*	2.0931	23.63
050018	1.3662	14.66
050021	.....	28.50
050022	1.6635	22.55
050024	1.3224	20.34
050025*	1.7835	20.30
050026*	1.5148	28.57
050028	1.3534	16.45
050029	1.4007	23.29
050030	1.3133	21.01
050033	1.4634	24.56
050036	1.7263	20.47
050038	1.3484	27.83
050039	1.6233	22.25
050040	1.1965	30.67

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
050042	1.2702	22.23
050043	1.4929	33.51
050045	1.2651	20.73
050046	1.1767	26.35
050047	1.5561	29.44
050051	1.1204	17.84
050054	1.1916	19.37
050055	1.2420	29.09
050056	1.3412	23.82
050057	1.6051	21.27
050058	1.4966	25.37
050060	1.5503	20.92
050061	1.4118	23.74
050063*	1.3493	23.07
050065	1.6823	21.18
050066	1.3020	21.42
050067	1.2472	21.30
050068	1.1039	28.48
050069	1.6089	29.30
050070	1.2353	32.60
050071	1.3248	33.14
050072	1.3875	32.97
050073	1.2629	34.61
050074	0.8073	.....
050075	1.3484	33.52
050076	2.0314	33.88
050077	1.5621	23.22
050078	1.2974	25.98
050079	1.4850	30.03
050082	1.6712	21.70
050084	1.6107	23.10
050088	0.9686	24.06
050089	1.3384	19.12
050090	1.2640	23.81
050091	1.0925	22.22
050092	0.8469	15.38
050093	1.5659	24.08
050095	.....	33.38
050096	1.1356	21.67
050097	1.5113	22.61
050099	1.4590	23.66
050100	1.6407	30.06
050101	1.3575	30.01
050102	1.3583	21.29
050103*	1.5762	25.38
050104	1.4490	25.44
050107	1.4605	21.76
050108	1.8355	26.46
050109	.....	26.48
050110	1.2159	20.18
050111	1.2944	21.74
050112	1.3623	26.31
050113	1.3163	27.73
050114	1.3788	25.91
050115	1.4961	20.94
050116	1.5241	24.81
050117	1.3978	20.44
050118	1.1846	23.94
050121	1.2928	18.94
050122	1.5685	.....
050124	1.2796	23.02

Average hourly wage based on data on file as of February 22, 1999. It does not reflect any changes processed after that date.
Asterisk denotes teaching physician costs removed based on costs reported on worksheet a, col. 1, line 23 of FY 1996 cost report.

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
050125	1.3663	24.04
050126	1.4556	23.84
050127	1.2518	19.76
050128	1.6084	24.18
050129	1.7494	13.86
050131	1.2640	29.06
050132	1.3640	22.91
050133	1.2704	24.40
050135	1.4808	27.03
050136	1.3536	24.43
050137	1.2990	30.07
050138	2.0444	37.41
050139	1.2535	31.38
050140	1.3204	33.66
050144	1.4207	25.75
050145	1.3756	33.06
050146	1.5841	.....
050148	1.1044	21.06
050149	1.4969	21.91
050150	1.2679	23.48
050152	1.3293	28.42
050153	1.6402	29.59
050155	1.0988	22.94
050158	1.2998	27.67
050159	1.3323	25.21
050167	1.3726	21.68
050168	1.5375	24.56
050169	1.4739	24.64
050170	1.4500	22.20
050172	1.2520	17.70
050173	1.3744	23.33
050174	1.7008	31.21
050175	1.2719	27.38
050177	1.1869	20.25
050179	1.2306	19.29
050180	1.5813	32.19
050183	1.2743	19.98
050186	1.3455	21.91
050188	1.4391	27.44
050189	0.9661	23.24
050191	1.4683	19.96
050193	1.1582	23.73
050194	1.2312	28.27
050195	1.5639	34.54
050196	1.2815	16.69
050197	1.9562	31.26
050204	1.5299	24.39
050205	1.2841	24.02
050211	1.3183	31.15
050213	1.5713	20.73
050214	1.5448	20.87
050215	1.5700	29.63
050215	1.2334	23.00
050217	1.2876	19.89
050219	1.1425	25.47
050219	.....	26.32
050222	1.5157	27.04
050224	1.5832	23.79
050225	1.5625	20.93
050225	1.0612	20.15
050226	1.3274	24.24

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
050228	1.3089	30.16
050230	1.4112	25.30
050231	1.6440	25.63
050232	1.5636	23.38
050233	.....	31.40
050234	1.1512	27.98
050235	1.5544	25.86
050236	1.5146	26.27
050238	1.5288	24.00
050239*	1.5967	20.55
050240	1.5246	25.18
050241	1.1378	27.22
050242	1.4446	30.14
050243	1.5312	22.91
050245	1.5041	22.10
050248	1.2054	25.99
050251	1.1113	18.50
050253	1.4184	19.76
050254	1.1991	19.69
050256	1.7681	21.74
050257	0.9509	19.59
050260	0.9690	23.52
050261	1.2103	20.45
050262	1.8148	28.30
050264	1.3466	29.45
050267	1.6936	24.75
050270	1.3630	23.83
050272	1.3986	21.44
050274	0.9467	21.19
050276	1.1725	28.51
050276	1.4351	23.14
050277	1.4815	22.31
050278	1.5070	23.84
050279	1.2886	21.06
050280	1.6534	24.46
050282	1.3492	23.98
050286	0.9172	17.80
050289	1.7279	28.87
050290	1.6741	26.37
050291	1.1709	26.49
050292	1.1236	22.38
050293	1.0656	19.18
050295	1.4569	20.28
050296	1.2171	25.32
050298	1.3268	20.52
050299	1.3252	25.26
050300	1.4143	22.46
050301	1.2326	26.03
050302	.....	29.19
050305	1.5862	32.71
050307	1.2747	24.39
050308	1.5099	28.40
050309	1.2834	24.40
050310	.....	20.62
050312	1.9696	23.79
050313	1.1560	23.10
050315	1.3473	21.92
050317	.....	19.45
050320	1.2371	30.56
050324	2.0030	26.27
050327	1.6651	22.32

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
050329	1.2991	19.54
050331	1.3646	25.53
050334	1.7493	32.02
050335	1.4570	21.04
050336	1.3561	20.10
050342	1.2512	21.90
050343	0.9711	17.24
050348	1.7865	20.71
050349	0.8866	15.05
050350	1.4046	23.77
050351	1.4821	24.94
050352	1.3151	23.59
050353	1.6183	23.25
050355	0.8385	17.16
050357	1.3583	23.64
050359	1.2481	20.40
050360	1.4309	31.76
050366	1.3334	21.40
050367	1.2586	29.48
050369	1.3031	19.87
050373	1.4037	21.92
050376	1.4260	25.30
050377	1.0300	25.64
050377	0.8258	.....
050378	1.0916	22.24
050379	1.0223	16.90
050380	1.6105	30.58
050382	1.3610	21.00
050385	1.3408	25.92
050388	0.8708	13.20
050390	1.1966	22.39
050391	1.3438	22.42
050392	0.9321	21.93
050394	1.5689	22.32
050396	1.6448	23.63
050397	0.9378	20.77
050401	1.1055	17.78
050404	1.0623	19.28
050406	1.0266	17.12
050407	1.2842	30.12
050410	1.0721	16.47
050411	1.3571	32.24
050414	1.3002	24.34
050417	1.3224	21.89
050419	1.3788	23.12
050420	1.3048	22.68
050421	1.2343	.....
050423	1.0115	22.33
050424	1.8351	23.78
050425	1.2290	33.69
050426	1.3912	23.71
050427	0.9378	20.07
050430	1.0036	21.14
050432	1.5223	21.50
050433	0.9711	16.80
050434	1.0630	15.63
050435	1.1647	32.99
050436	1.0075	16.36
050436	0.9233	18.33
050438	1.7365	24.08
050440	1.2718	30.82

Average hourly wage based on data on file as of February 22, 1999. It does not reflect any changes processed after that date.
Asterisk denotes teaching physician costs removed based on costs reported on worksheet a, col. 1, line 23 of FY 1996 cost report.

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
050441	1.9387	29.05
050443	0.8693	16.43
050444	1.3199	24.67
050446	0.8088	20.54
050447	1.0794	18.34
050448	1.1060	20.08
050449	1.2885	22.13
050454*	1.7746	28.69
050455	1.7950	19.92
050455	1.2816	23.39
050456	1.2213	17.62
050457	1.9135	31.18
050459	1.5161	37.09
050464	1.7086	22.31
050468	1.5610	23.17
050469	1.1462	19.84
050470	1.1450	17.03
050470	1.2419	24.35
050471	1.8998	24.29
050476	1.3673	23.14
050477	1.4363	27.71
050478	0.9815	23.05
050481	1.3946	22.95
050482	1.0697	16.93
050483	2.2575	21.60
050483	1.5954	26.32
050485	1.6061	23.70
050486	.....	24.50
050488	1.3254	32.86
050491	1.1970	24.15
050492	1.4174	21.42
050494	1.2385	25.41
050496	1.7580	33.02
050498	1.2265	24.87
050502	1.7255	22.63
050503	1.3465	23.59
050506	1.3628	21.22
050510	1.2780	33.46
050512	1.4414	34.31
050515	1.3431	35.04
050516	1.5018	25.14
050517	1.2038	20.37
050522	1.1580	31.73
050523	1.2445	28.42
050526	1.2949	23.19
050528	1.1896	18.69
050531	1.1101	20.73
050534	1.2830	23.31
050535	1.5228	24.23
050537	1.3702	22.21
050539	1.3242	22.78
050541	1.5636	34.62
050542	0.9778	19.06
050543	0.8445	20.38
050545	0.7605	27.57
050546	0.6961	27.76
050547	0.9021	27.08
050548	.....	26.59
050549	1.6004	27.34
050550	1.3676	25.54
050551	1.3528	24.05

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
050552	1.2749	22.87
050557	1.5186	21.92
050559	1.2852	24.67
050561	1.2134	33.93
050564	1.3221	24.51
050565	1.3123	22.88
050567	1.5510	24.23
050568	1.3424	20.73
050569	1.2039	24.94
050570	1.6495	24.50
050571	1.3940	24.37
050573	1.5642	25.14
050575	1.1445	.....
050577	1.3610	20.52
050578	1.2810	30.24
050579	1.4312	30.07
050581	1.4505	23.58
050583	1.6150	23.36
050584	1.2149	23.16
050585	1.2567	26.50
050586	1.3530	23.84
050588	1.2804	30.39
050590	1.3223	.....
050591	1.3152	22.29
050592	1.2657	26.05
050594	1.6258	22.78
050597	1.2269	22.78
050598	1.3408	28.11
050601	1.6473	32.87
050603	1.4112	22.61
050604	1.4593	33.32
050607	.....	24.10
050608	1.2805	16.15
050609	1.4876	31.93
050613	1.1408	22.73
050615	1.5445	23.61
050616	1.3408	22.80
050618	1.0867	21.70
050623	1.6040	30.32
050624	1.3287	20.88
050625	1.6313	24.43
050630	1.2732	24.10
050633	1.2945	21.98
050635	.....	37.85
050636	1.4342	20.83
050638	1.1056	23.63
050641	1.2985	21.30
050643	0.9493	.....
050644	1.0737	23.12
050660	1.4981	.....
050661	.....	20.48
050662	0.8152	28.29
050663	1.1713	23.71
050667	1.0811	24.11
050668	1.1187	39.90
050670	0.7555	21.88
050674	1.2384	36.24
050675	2.2195	15.84
050676	1.0018	17.53
050677	1.3671	33.71
050678	1.2889	19.79

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
050680	1.1161	27.32
050682	0.9235	17.97
050684	1.2411	21.81
050685	1.1904	32.13
050686	1.2873	33.25
050688	1.1889	30.00
050689	1.4877	34.19
050690	1.4194	33.83
050693	1.3143	33.30
050694	1.3869	22.23
050695	1.0637	23.52
050696	2.1089	26.41
050697	1.3282	21.47
050699	0.5913	28.48
050700	.....	28.45
050701	1.3166	27.62
050702	.....	12.25
050704	1.0850	20.76
050707	0.9714	27.51
050708	1.4521	21.91
050709	1.2542	19.42
050710	1.3382	26.81
050713	0.7909	15.30
050714	1.3545	.....
050715	.....	19.12
050717	1.2615	.....
050718	0.7586	.....
050719	3.1984	.....
050720	0.9144	.....
060001	1.6827	19.81
060003	1.2712	19.32
060004	1.2022	21.79
060006	1.2559	17.86
060007	1.1616	16.38
060008	1.0845	17.09
060009	1.5000	21.18
060010	1.6680	22.72
060011	1.3912	22.01
060012	1.3799	19.77
060013	1.3198	19.14
060014	1.8158	20.45
060015	1.6295	23.57
060016	1.1644	15.96
060018	1.2890	22.76
060020	1.6161	17.73
060022	1.5680	19.65
060023	1.6349	19.68
060024	1.7013	21.98
060027	1.6853	21.67
060028	1.5673	22.25
060029	0.8934	21.41
060030	1.3522	20.03
060031	1.5399	19.40
060032	1.4830	22.37
060033	1.1419	13.82
060034	1.5815	21.41
060036	1.1374	19.24
060037	1.0041	14.05
060038	0.9494	14.31
060041	0.9290	14.83
060042	1.0390	20.08

Average hourly wage based on data on file as of February 22, 1999. It does not reflect any changes processed after that date.
Asterisk denotes teaching physician costs removed based on costs reported on worksheet a, col. 1, line 23 of FY 1996 cost report.

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
060043	0.8765	13.05
060044	1.1677	18.54
060046	1.0277	20.44
060047	0.9573	15.12
060049	1.3269	20.83
060050	1.2499	16.80
060052	1.0358	12.55
060053	1.0148	14.94
060054	1.4104	19.39
060056	0.9009	17.05
060057	1.0271	23.38
060058	0.9425	16.91
060058	1.3708	24.88
060060	0.9192	14.89
060062	0.8672	14.94
060063	.....	15.09
060064	1.4858	20.93
060065	1.2927	24.30
060066	0.9930	14.07
060068	.....	19.64
060070	1.1240	16.58
060071	1.2070	16.95
060073	0.9583	15.84
060075	1.2386	22.85
060076	1.4334	19.29
060087	.....	21.03
060088	1.0054	16.67
060090	0.9024	14.51
060096	1.1102	23.11
060100	1.5342	22.00
060103	1.3190	22.34
060104	1.2281	22.30
060107	1.1971	13.64
060109	1.0979	.....
070001	1.7556	26.51
070002	1.8370	25.46
070003	1.1151	26.09
070004	1.2021	17.57
070005	1.4405	25.57
070006	1.3841	28.71
070007	1.3504	20.38
070008	1.2547	26.03
070010	1.6964	25.94
070011	1.3837	18.74
070012	1.1748	23.84
070015	1.3856	21.37
070016	1.4249	26.23
070017	1.3692	25.33
070018	1.3688	28.88
070019	1.1852	24.70
070020	1.3279	25.66
070021	1.2354	27.20
070022	1.8624	25.08
070024	1.3266	24.98
070025*	1.8697	21.03
070026	.....	18.79
070027	1.3119	23.11
070028	1.5539	24.76
070029	1.3338	22.75
070030	1.2872	25.55
070031	1.2430	21.66

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
070033	1.4104	28.06
070034	1.3899	27.67
070035	1.4195	23.06
070036	1.7249	28.95
070038	0.7820	.....
070039	0.9541	29.07
080001	1.7050	25.28
080001	1.3001	16.14
080002	.....	15.60
080003	1.3859	22.40
080004	1.2655	19.76
080005	.....	14.43
080006	1.2940	22.26
080007	1.4146	20.38
090001	1.6063	25.97
090002	1.3508	19.70
090003*	1.3694	28.74
090004	1.7901	24.54
090006	1.3157	20.08
090007	1.3060	21.66
090008	1.5079	21.25
090010	1.0721	15.87
090011	2.1212	27.37
100001*	1.5321	17.59
100002	1.4384	21.32
100004	1.0139	15.25
100006	1.6140	20.63
100007	1.8868	21.89
100008	1.6004	20.72
100009	1.4674	24.29
100010	1.5057	21.91
100012	1.6358	18.17
100014	1.4840	19.83
100015	1.4801	18.24
100017	1.5926	17.77
100018	1.5487	21.46
100019	1.5570	19.81
100020	1.3913	26.18
100022*	1.7896	25.89
100023	1.3582	21.11
100024	1.3508	20.78
100025	1.7579	19.12
100026	1.5828	20.78
100027	1.0140	12.94
100028	1.2109	19.75
100029	1.3427	19.18
100030	1.2532	18.82
100032	1.8549	19.32
100034	1.7609	18.23
100035	1.5876	19.58
100038	1.6639	24.78
100039	1.5294	20.25
100040	1.7522	18.37
100043	1.3301	17.46
100044	1.3902	21.14
100045	1.3907	20.04
100046	1.4313	.....
100047	1.8501	18.89
100048	0.9391	13.50
100049	1.2657	18.57
100050	1.1486	16.60

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
100051	1.2376	18.84
100052	1.3877	16.19
100053	1.2157	18.71
100054	1.2782	18.19
100055	1.3757	17.62
100056	1.4971	23.65
100057	1.3578	18.92
100060	1.8350	22.39
100060	1.5612	21.03
100061	1.4669	21.79
100062	1.7286	17.96
100063	1.1599	16.23
100067	1.3589	17.40
100068	1.3616	18.65
100070	1.4351	20.33
100071	1.2326	16.48
100072	1.2524	19.22
100073	1.7197	18.16
100075	1.5968	18.05
100076	1.3003	16.25
100077	1.3909	19.62
100078	1.0296	18.15
100079	1.3325	.....
100080	1.6003	21.16
100081	1.1021	13.83
100082	1.4970	19.80
100084	1.3481	20.40
100085	1.4397	21.08
100086	1.2342	21.16
100087	1.8333	22.84
100088	1.6475	19.90
100088	1.3183	18.47
100090	1.3787	17.88
100092	1.5757	18.19
100093	1.5959	16.63
100098	1.0984	19.03
100099	1.2201	15.30
100102	1.0153	19.33
100103	0.9381	18.10
100105	1.4533	21.50
100106	1.0265	19.31
100107	1.3135	18.01
100108	0.9981	11.47
100109	1.3849	22.76
100110	1.3691	19.64
100112	0.9729	9.77
100113	1.9447	22.26
100114	1.3410	23.45
100117	1.1881	18.73
100118	1.2985	19.76
100121	1.1822	19.34
100122	1.2062	18.06
100124	1.2948	18.95
100125	1.2698	17.33
100126	1.4687	17.90
100127	1.6571	19.87
100128	2.2008	21.37
100129	1.2934	18.57
100130	1.1799	19.10
100131	1.3441	22.17
100132	1.2951	16.90

Average hourly wage based on data on file as of February 22, 1999. It does not reflect any changes processed after that date.
Asterisk denotes teaching physician costs removed based on costs reported on worksheet a, col. 1, line 23 of FY 1996 cost report.

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
100134	0.9749	13.47
100135	1.5663	18.14
100137	1.2769	19.05
100138	1.0055	11.01
100139	1.0923	15.64
100140	1.2176	17.39
100142	1.2184	18.68
100144	1.1622	15.02
100145	.....	19.11
100146	0.9700	17.87
100146	1.3080	19.02
100147	1.0087	14.68
100150	1.3244	21.02
100151	1.7633	19.41
100154	1.5916	19.85
100156	1.1116	17.13
100159	0.9604	16.38
100160	1.2033	21.63
100161	1.7011	21.50
100162	1.3957	19.52
100165	1.1517	15.32
100166	1.4343	19.96
100167	1.3554	21.81
100168	1.3364	20.13
100169	1.7635	20.78
100170*	1.4176	15.12
100172	1.4427	15.18
100173	1.6517	17.34
100174	1.3757	20.51
100175	1.1552	16.74
100176	2.0762	24.70
100177	1.2940	22.00
100179	1.7112	20.91
100180	1.4416	18.48
100181	1.1072	24.57
100183	1.1925	20.84
100187	1.4354	20.69
100189	1.3293	21.01
100199	1.3519	23.37
100200	1.2394	22.26
100203	.....	18.86
100204	1.6275	19.93
100206	1.3738	20.31
100207	.....	15.92
100208	1.3742	20.83
100209	1.4794	19.73
100210	1.5725	19.18
100211	1.3995	25.53
100212	1.6223	25.34
100213	1.5101	19.12
100217	1.2750	19.87
100220	1.6359	19.82
100221	1.8123	27.48
100222	0.9440	21.20
100223	1.4649	18.76
100224	1.3348	24.70
100225	1.3371	20.64
100226	1.3524	24.83
100228	1.2825	23.70
100229	1.3301	18.21
100230	1.3524	20.60

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
100231	1.6807	17.40
100232	1.2520	17.32
100234	1.2585	21.58
100235	.....	17.66
100236	1.3919	15.54
100237	2.1914	22.93
100238	1.5456	17.63
100239	1.4273	19.76
100240	1.0888	17.93
100241	0.8966	13.83
100242	1.4285	17.12
100243	1.4081	20.24
100244	1.3741	17.41
100246	1.3684	21.10
100248	1.5873	31.86
100252	1.2004	17.87
100253	1.4328	20.60
100254	1.5393	20.91
100255	1.2547	21.02
100256	2.0100	24.26
100258	1.6900	21.88
100259	1.3406	19.86
100260	1.4566	21.20
100262	1.3401	19.59
100263	.....	16.90
100264	1.3627	17.61
100265	1.2933	19.80
100266	1.3562	17.73
100267	1.3062	17.10
100268	1.1954	23.59
100269	1.4338	21.20
100270	1.0126	19.86
100271	1.7709	19.92
100275	1.3951	21.33
100276	1.2359	21.98
100277	1.0352	16.14
100279	1.2735	21.84
100280	1.2949	16.58
100281	1.2798	22.02
100282	1.0837	18.66
100284	1.0788	.....
110001	1.2556	17.87
110002	1.2532	17.37
110003	1.3668	16.02
110004	1.3570	20.11
110005	1.1963	19.26
110006	1.4200	20.13
110007	1.6126	14.39
110008	1.2429	18.26
110009	1.1330	14.82
110010	2.1782	24.55
110011	1.1632	18.28
110013	1.0596	16.03
110014	0.9440	16.12
110015	1.1403	19.48
110016	1.2276	15.77
110017	0.9321	10.54
110018	1.1960	21.04
110020	1.1927	18.44
110023	1.3373	18.54
110024	1.3655	19.75

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
110025	1.3797	18.65
110026	1.1361	16.14
110027	1.1146	14.83
110028	1.7778	19.89
110029	1.3534	20.05
110030	1.2999	17.68
110031	1.2251	21.58
110032	1.2506	16.19
110033	1.4221	22.19
110034	1.5852	18.24
110035	1.3916	20.98
110036	1.8560	23.78
110038	1.4425	16.38
110039	1.4188	20.77
110040	1.0642	16.40
110041	1.1822	16.69
110042	1.1544	20.55
110043	1.8078	17.16
110044	1.1887	19.60
110045	1.1386	19.94
110046	1.2456	19.23
110048	1.2374	15.65
110049	1.0998	14.21
110050	1.1806	18.76
110051	1.0250	15.75
110052	.....	15.06
110054	1.3606	19.32
110056	1.0843	16.50
110059	1.2164	17.70
110061	1.0960	13.72
110062	0.9058	12.21
110063	1.0542	17.97
110064	1.4839	18.24
110065	1.0322	13.32
110066	1.4496	20.65
110069	1.2569	18.35
110070	1.1398	18.23
110071	1.0981	14.83
110072	0.9722	12.43
110073	1.1437	15.14
110074	1.4973	20.04
110075	1.3226	17.01
110076	1.4639	20.40
110078	1.7586	24.70
110079	1.4465	20.14
110080	1.3579	23.43
110082	2.0915	22.01
110083*	1.7615	21.27
110086	1.2837	14.98
110087	1.3551	20.54
110089	1.2041	18.58
110091	1.2791	21.38
110092	1.0878	15.09
110094	0.9920	13.87
110095	1.3537	15.95
110096	1.0806	16.32
110097	1.0653	15.62
110098	0.9870	14.04
110100	1.0558	20.38
110101	1.1014	11.73
110103	0.9309	11.94

Average hourly wage based on data on file as of February 22, 1999. It does not reflect any changes processed after that date.
Asterisk denotes teaching physician costs removed based on costs reported on worksheet a, col. 1, line 23 of FY 1996 cost report.

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
110104	1.0963	15.32
110105	1.2997	16.52
110107	1.8897	17.41
110108	0.9511	15.14
110109	1.1080	20.99
110111	1.2038	17.37
110112	0.9917	19.13
110113	1.0478	15.19
110114	1.0441	15.13
110115	1.7526	24.79
110118	1.1376	15.40
110120	1.0386	16.08
110121	1.2784	15.58
110122	1.3818	18.82
110124	1.2091	17.13
110125	1.2562	17.33
110127	0.8873	13.76
110128	1.1933	18.97
110130	1.0064	13.08
110132	1.1478	15.02
110134	0.9656	11.56
110135	1.3363	17.07
110136	1.0986	16.17
110140	1.0445	17.88
110141	0.9996	12.51
110142	0.9525	12.30
110142	0.9525	12.30
110142	1.0382	12.54
110143	1.4339	21.45
110144	1.0712	17.98
110146	1.0854	17.61
110150	1.4073	18.77
110152	1.0430	14.77
110153	1.0912	18.69
110154	0.9773	14.81
110155	1.1399	17.14
110156	1.0511	15.14
110161	1.3149	20.87
110162	0.7514	.....
110163	1.4628	18.99
110164	1.4190	19.40
110165	1.4270	19.00
110166	1.4482	19.85
110168	1.6676	19.82
110169	1.2028	18.72
110171	1.6118	20.18
110172	1.3576	25.44
110174	0.9161	14.30
110176	3.7291	22.39
110177	1.5099	19.66
110178	.....	16.92
110179	1.1507	20.38
110181	0.9038	13.72
110183	1.3120	21.44
110184	1.2434	20.72
110185	1.1874	16.25
110186	1.2548	17.21
110187	1.2728	21.45
110188	1.3549	19.95
110189	1.1692	18.84
110190	1.0644	19.43

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
110191	1.3076	19.11
110192	1.4458	20.77
110193	1.2436	18.78
110194	0.8938	15.09
110195	1.0992	10.52
110198	1.2884	26.19
110200	1.8855	17.14
110201	1.5094	19.24
110203	0.9314	20.30
110204	0.8249	20.57
110205	1.0578	26.12
110207	1.0103	12.87
110208	0.9617	14.89
110209	0.7100	20.46
110209	0.9560	17.78
110210	.....	11.07
110211	0.9611	21.82
110212	1.0043	12.66
110213	.....	13.20
110215	1.0941	.....
110216	2.1653	.....
110217	2.8336	.....
120001*	1.8196	26.74
120002	1.2037	24.38
120003	1.1393	23.85
120004	1.2630	24.05
120005	1.2464	20.54
120006	1.2735	23.72
120007	1.7320	23.27
120009	0.9632	19.02
120010*	1.8265	25.40
120011	1.3581	33.55
120012	0.8391	22.52
120014	1.2760	24.05
120016	1.0574	29.41
120018	.....	25.61
120019	1.3200	21.92
120019	0.9579	14.67
120021	0.9290	19.42
120022*	1.6850	17.94
120022*	1.6850	17.94
120022*	1.2230	15.96
120022*	1.2230	15.96
120024	1.0727	22.28
120025	.....	19.02
120026	1.2644	23.22
120027	1.4120	24.55
120028	1.2471	22.84
130001	0.9699	24.95
130002	1.3252	16.19
130003	1.3332	19.97
130005	1.4390	20.19
130006	1.8346	18.87
130007	1.6708	19.84
130008	0.9590	12.92
130009	0.9294	18.30
130010	0.8911	21.43
130011	1.2864	19.08
130012	0.9929	22.62
130013	1.3310	19.22
130014	1.3257	17.98

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
130015	0.8827	15.27
130016	1.0155	17.00
130017	1.1012	16.88
130018	1.6256	17.97
130019	1.1193	17.23
130021	0.9513	12.26
130022	1.2324	19.50
130024	1.1558	18.38
130025	1.0970	15.27
130026	1.1726	20.55
130027	0.9243	20.70
130028	1.2865	18.21
130029	1.0707	19.87
130030	0.8409	18.40
130031	1.0121	17.65
130034	1.0325	18.82
130034	1.8152	18.40
130035	1.1048	20.47
130036	1.3946	13.79
130037	1.3076	17.74
130043	0.9605	16.07
130044	0.9724	13.18
130045	0.9752	16.47
130048	0.9815	15.09
130049	1.2325	20.05
130049	1.5824	20.72
130056	0.8528	15.66
130058	.....	17.75
130060	1.2796	20.85
130061	1.2950	16.78
130061	1.1145	17.32
130062	0.6352	15.11
130063	1.3116	.....
140001	1.2277	15.44
140002	1.2578	19.26
140003	1.0026	16.59
140004	1.1657	17.52
140005	0.9695	10.87
140007	1.4700	22.40
140007	1.4015	21.54
140008	1.4683	20.79
140010	1.3722	24.43
140011	1.2029	17.28
140012	1.2779	20.11
140013	1.5702	17.35
140014	1.1734	20.76
140015	1.2861	15.02
140018	1.2551	20.84
140019	1.1122	15.34
140025	1.0822	16.43
140027	1.2700	17.50
140027	1.3076	18.47
140029	1.3389	21.03
140030	1.8231	22.44
140031	1.2022	15.82
140032	1.3343	17.34
140033	1.2879	22.56
140034	1.1842	18.96
140035	0.9867	13.00
140036	1.2425	17.04
140036	1.1031	25.40

Average hourly wage based on data on file as of February 22, 1999. It does not reflect any changes processed after that date.
Asterisk denotes teaching physician costs removed based on costs reported on worksheet a, col. 1, line 23 of FY 1996 cost report.

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
140037	1.0365	12.50
140038	1.1040	16.59
140040	1.2582	16.25
140041	1.1609	17.28
140042	1.0170	15.61
140043	1.1892	18.95
140045	1.0337	20.65
140046	1.3056	16.46
140047	1.0942	15.68
140048	1.3053	20.58
140049	1.6549	18.31
140051	1.5123	21.59
140052	1.3010	19.60
140053	2.0144	17.82
140054	1.3340	26.64
140055	1.0128	14.80
140058	1.2361	17.27
140059	1.1346	15.39
140061	1.0918	15.96
140062	1.2453	27.09
140063	1.4369	22.39
140064	1.3182	19.26
140065	1.4623	22.75
140066	1.1771	16.14
140068	1.2906	18.87
140069	1.0478	17.29
140070	1.2528	19.30
140074	1.0760	19.01
140075	1.3678	22.51
140077	1.2460	16.64
140079	1.2649	24.08
140081	1.0822	15.51
140082	1.3677	22.62
140083	1.2487	18.13
140084	1.2530	19.97
140087	1.3481	18.36
140088	1.7061	24.19
140089	1.2734	17.21
140090*	1.5241	22.31
140091	1.9064	20.70
140093	1.1684	19.15
140094	1.3427	19.89
140097	0.9518	16.90
140100	1.3290	19.06
140101	1.2258	26.09
140102	1.0431	15.13
140103	1.4249	17.86
140105	1.2912	22.56
140107	1.0115	12.76
140108	1.3343	30.11
140109	1.1455	15.47
140110	1.2406	18.68
140112	1.1571	16.24
140113	1.5610	17.92
140114	1.3330	20.11
140116	1.2349	21.83
140117	1.5621	19.72
140118	1.7257	23.06
140119	1.7733	26.00
140120	1.3738	14.84
140121	1.3603	9.53

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
140122	1.5424	23.75
140125	1.3486	17.10
140127	1.4176	19.42
140128	1.0297	17.67
140129	1.1653	15.25
140130	1.2502	23.77
140132	1.4907	22.86
140133	1.4008	19.88
140135	1.2769	17.69
140137	1.0216	16.51
140138	1.0656	14.59
140139	1.1054	16.58
140140	1.1358	15.30
140141	1.2625	15.18
140143	1.0965	18.76
140144	0.9972	20.02
140145	1.1515	16.61
140146	1.0726	23.74
140147	1.2513	24.82
140148	1.8284	19.50
140150	1.6430	27.88
140151	1.0622	19.30
140152	1.1938	20.67
140155	1.3261	17.52
140158	1.3600	22.27
140160	1.1729	17.88
140161	1.2205	19.04
140162	1.6991	18.42
140164	1.4369	18.09
140165	1.0868	15.42
140166	1.1672	17.58
140167	1.0995	16.17
140168	1.1300	16.46
140170	1.1305	14.14
140171	0.9892	14.73
140172	1.5894	20.07
140173	0.8708	18.48
140174	1.6068	19.89
140176	1.2498	21.41
140177	1.2111	18.17
140179	1.3636	20.88
140180	1.4489	23.25
140181	1.4225	19.95
140182	1.3614	20.48
140184	1.2130	15.88
140185	1.4938	17.36
140186	1.3433	17.49
140187	1.5860	17.72
140188	0.9891	14.84
140189	1.2539	19.08
140190	1.0732	15.88
140191	1.4402	24.74
140193	1.0284	15.52
140197	1.2538	17.98
140199	1.0796	18.83
140200	1.4770	21.65
140202	1.3288	22.18
140203	1.1563	20.78
140205	0.9505	17.24
140206	1.2043	20.39
140207	1.2975	20.20

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
140208	1.7189	23.94
140209	1.6299	17.79
140210	1.1139	12.66
140211	1.2088	21.49
140213	1.2799	26.20
140215	0.9874	14.45
140217	1.3239	22.26
140218	0.9885	15.08
140220	1.1219	16.73
140223	1.5500	21.28
140224	1.4304	22.99
140228	1.6774	18.67
140230	0.9389	16.60
140231	1.5601	21.61
140233	1.7821	18.39
140234	1.2228	18.72
140236	1.0843	13.13
140239	1.7286	18.88
140240	1.3944	21.83
140242	1.6388	22.64
140246	1.0612	12.82
140250	1.3284	23.41
140251	1.3090	20.54
140252	1.4991	24.55
140253	1.1636	16.74
140258	1.5756	16.51
140271	0.9729	15.36
140275	1.2733	17.96
140276	2.0648	25.46
140280	1.3777	18.84
140285	1.2740	14.71
140286	1.1868	19.84
140288	1.6194	20.59
140289	1.3449	16.45
140290	1.3397	25.88
140291	1.3337	22.44
140292	1.2935	22.71
140297	.....	21.47
140300	1.4604	23.46
150001	1.1062	21.70
150002	1.4495	18.66
150003	1.7952	19.31
150004	1.5197	19.70
150005	1.1497	19.00
150006	1.2614	20.04
150007	1.1968	19.53
150009	1.3657	17.53
150010	1.3618	18.48
150011	1.2157	19.19
150012	1.6189	20.52
150013	1.1006	16.00
150014	1.6067	21.28
150015	1.2931	22.06
150017	1.9040	18.89
150018	1.4570	18.62
150019	1.0936	15.29
150020	1.1517	14.46
150021	1.6877	.....
150022	1.0903	17.92
150023	1.5766	18.71
150024	1.3391	17.83

Average hourly wage based on data on file as of February 22, 1999. It does not reflect any changes processed after that date.
Asterisk denotes teaching physician costs removed based on costs reported on worksheet a, col. 1, line 23 of FY 1996 cost report.

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
150025	1.4398	18.15
150026	1.2090	20.51
150029	1.3389	21.74
150030	1.2446	17.33
150031	1.0811	18.01
150032	.....	20.64
150033	1.5737	21.69
150034	1.4854	21.29
150035	1.4921	19.82
150036	0.9960	20.38
150037	1.2881	17.79
150039	1.0016	17.42
150042	1.2830	17.12
150043	1.1042	17.98
150044	1.2625	17.64
150044	1.2486	18.32
150045	1.0927	17.04
150046	1.3943	17.32
150047	1.5983	20.57
150048	1.1912	16.96
150049	1.2166	16.85
150050	1.1659	17.14
150051	1.5099	18.20
150052	1.0909	15.36
150053	0.9867	18.75
150054	1.1350	17.33
150054	1.0816	15.23
150056	1.8874	23.30
150057	2.2401	16.86
150058	1.7056	20.94
150059	1.3586	20.80
150060	1.1860	16.01
150061	1.2108	17.21
150062	1.1076	18.41
150063	1.0891	21.09
150064	1.1810	16.88
150065	1.1695	19.01
150066	1.0226	14.60
150067	1.1260	17.08
150069	1.2233	17.39
150070	0.9579	17.20
150071	1.0955	14.73
150072	1.1997	16.11
150073	1.0623	19.03
150074	1.6321	18.80
150075	1.1204	14.98
150076	1.1815	22.34
150077	0.8126	17.58
150078	1.0515	19.01
150079	1.1737	15.45
150082	1.5261	17.88
150084	1.9911	22.92
150086	1.2506	17.34
150088	1.3443	19.45
150089	1.4584	22.79
150090	1.3311	19.06
150091	1.0358	19.89
150092	1.0071	15.92
150094	0.9754	18.34
150095	1.0873	17.12
150096	1.0067	20.03

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
150097	1.0922	18.31
150098	1.1583	14.30
150099	.....	19.05
150100	1.6560	17.45
150101	1.0932	17.56
150102	1.0786	11.50
150103	0.9709	17.31
150104	1.1262	17.26
150105	1.3363	19.17
150106	1.0512	18.91
150109	1.3950	18.23
150109	0.9960	14.44
150110	0.9833	18.58
150111	1.1623	16.17
150112	1.2432	19.82
150113	1.2363	19.30
150114	0.9759	16.96
150115	1.3380	17.06
150122	1.1564	19.35
150123	1.1155	15.16
150124	1.0883	15.07
150125	1.4626	20.31
150126	1.4875	20.33
150126	1.0382	15.85
150127	1.0281	22.81
150129	1.1879	23.39
150130	1.3446	16.19
150132	1.4200	19.37
150132	1.4200	19.37
150133	1.1908	16.49
150134	1.1980	17.06
150136	0.9556	19.28
160001	1.2605	19.03
160002	1.0936	15.37
160003	0.9983	15.77
160007	1.0218	15.66
160008	1.1414	14.97
160009	1.2218	16.09
160012	1.0466	16.54
160013	1.1370	17.06
160014	1.0250	15.09
160014	1.0321	14.26
160016	1.1679	18.37
160018	0.9632	14.16
160020	1.0694	13.91
160021	1.1170	15.49
160023	1.0888	14.20
160024	1.6094	18.95
160026	1.0266	18.66
160027	1.0851	15.74
160028	1.2340	20.44
160029	1.5289	20.40
160030	1.3882	17.99
160031	1.1181	15.28
160032	1.1544	16.18
160033	1.9173	18.37
160034	1.1493	14.51
160035	0.8438	15.92
160036	1.0544	18.91
160037	1.0584	18.40
160039	1.0389	17.63

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
160040	1.2661	16.83
160041	1.0648	15.58
160043	0.9893	15.63
160044	1.2182	16.04
160045	1.8186	20.12
160046	1.0239	14.77
160047	1.3703	16.93
160048	1.2473	13.14
160049	0.9262	13.36
160050	1.0709	16.42
160051	0.8978	14.27
160052	0.9936	17.55
160054	1.0281	15.71
160055	0.9846	14.06
160056	1.0679	15.38
160057	1.2435	17.41
160058	1.8383	20.34
160060	1.0430	15.95
160061	1.0815	17.57
160063	1.1620	16.30
160064	1.5348	19.94
160065	1.0510	16.51
160066	1.1016	16.26
160067	1.4226	17.85
160068	1.0237	15.85
160069	1.5362	18.49
160070	0.9937	15.66
160072	1.0339	14.19
160073	0.9954	15.05
160075	1.0796	17.89
160076	1.0993	17.31
160077	1.1152	11.40
160079	1.4125	17.71
160079	1.4017	16.15
160081	1.1531	16.51
160082	1.9254	18.80
160083	1.6684	18.41
160085	1.0030	18.55
160086	0.9493	16.46
160088	1.1546	17.53
160089	1.1915	16.74
160090	1.0124	16.60
160091	1.0383	12.19
160092	1.0124	15.80
160093	1.0155	15.95
160094	1.1043	16.56
160097	1.0774	15.21
160098	0.9397	15.54
160099	0.9650	13.79
160101	1.0852	17.87
160102	1.3435	18.36
160103	0.9416	17.15
160104	1.3010	19.76
160106	1.1089	16.66
160107	1.1508	16.56
160108	1.0237	15.42
160109	1.0167	16.49
160110	1.5117	19.93
160111	0.9983	13.17
160112	1.3773	16.28
160113	1.0930	14.58

Average hourly wage based on data on file as of February 22, 1999. It does not reflect any changes processed after that date.
Asterisk denotes teaching physician costs removed based on costs reported on worksheet a, col. 1, line 23 of FY 1996 cost report.

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
160114	0.9786	14.95
160115	0.9774	15.76
160116	1.1196	16.69
160117	1.4123	17.29
160118	0.9961	15.84
160120	0.9938	12.56
160122	1.1131	18.52
160124	1.2998	17.16
160126	0.9654	17.74
160129	0.9727	15.89
160130	1.1286	15.45
160131	1.0444	14.69
160134	0.9506	13.32
160135	1.0170	16.33
160138	1.0149	15.71
160140	1.1324	18.80
160142	1.0194	16.14
160143	1.1242	15.92
160145	1.0697	15.17
160146	1.4409	13.50
160147	1.2762	18.39
160151	1.0545	15.74
160152	0.9384	15.22
160153	1.7613	19.69
170001	1.2074	17.52
170004	1.0753	13.06
170006	1.1961	19.31
170008	1.0034	13.90
170009	1.1438	19.59
170010	1.3587	17.90
170012	1.4141	16.76
170013	1.2829	17.89
170014	1.0333	17.34
170015	0.9812	16.34
170016	1.7067	18.60
170017	1.2014	17.87
170018	1.1012	14.36
170019	1.2360	16.56
170022	1.0526	17.85
170023	1.4684	19.36
170024	1.0663	13.06
170025	1.1917	16.37
170026	1.0818	13.89
170027	1.3172	16.39
170030	1.0591	15.24
170031	0.8922	13.47
170032	1.0128	14.48
170033	1.4150	16.05
170034	1.0335	15.02
170035	0.8966	15.62
170036	.....	14.17
170038	0.8998	14.21
170039	1.0943	14.30
170040	1.5837	17.97
170041	1.0521	11.47
170044	0.9951	14.78
170045	1.0889	12.11
170049	1.3499	18.64
170051	0.9890	14.16
170052	1.0435	14.62
170053	0.9336	9.03

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
170054	1.0324	12.77
170055	0.9801	14.99
170056	0.8854	14.87
170057	.....	15.09
170058	1.1572	18.17
170060	1.0218	17.23
170061	1.1583	14.14
170063	0.8974	11.49
170064	.....	12.42
170066	0.9451	14.48
170067	0.9987	12.71
170068	1.2647	15.82
170070	1.0543	13.37
170072	0.9012	13.34
170073	1.0417	16.47
170074	1.2016	14.40
170075	0.9266	11.26
170076	1.0220	13.58
170077	0.9136	13.11
170079	0.9666	14.21
170080	0.9657	12.20
170081	0.9118	12.51
170082	0.9428	12.39
170084	0.8978	12.16
170085	0.8828	14.51
170086	1.6770	19.85
170088	0.9319	11.37
170089	0.9738	18.08
170090	0.9616	11.27
170092	.....	12.85
170093	0.8913	12.79
170094	0.9571	17.71
170095	1.0123	15.75
170097	0.9071	15.66
170098	1.1366	14.10
170099	1.1582	13.55
170100	.....	14.47
170101	0.9709	13.16
170102	0.9675	13.35
170103	1.3238	16.66
170104	1.4841	19.76
170105	1.0598	15.93
170106	0.9341	14.68
170109	0.9347	16.87
170110	0.9851	15.55
170112	1.1373	13.39
170113	1.0737	13.25
170114	0.9511	14.51
170115	0.9965	13.03
170116	1.0601	15.76
170117	0.9782	15.28
170119	0.9547	13.97
170120	1.2724	15.91
170122	1.7580	18.62
170124	0.9913	10.21
170126	0.9316	12.13
170128	0.9622	14.99
170131	.....	13.10
170133	1.1289	16.90
170134	0.8746	12.90
170137	1.1809	17.42

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
170139	0.9898	13.28
170142	1.3140	17.32
170143	1.1148	15.88
170144	1.5078	16.09
170145	1.1143	16.75
170146	1.4429	19.97
170147	1.1965	16.28
170148	1.3707	17.25
170150	1.1488	15.43
170151	0.9381	13.37
170152	1.0039	13.68
170160	0.9959	13.31
170164	0.9827	15.25
170166	1.1079	17.57
170171	1.0545	13.81
170175	1.3046	16.60
170176	1.6707	20.32
170182	1.4297	14.20
170183	1.9808	19.09
170184	.....	27.01
180001	1.3847	19.52
180002	1.0822	18.13
180004	1.1128	15.99
180005	1.1971	20.63
180006	0.9090	11.23
180007	1.4645	17.20
180009	1.3630	20.81
180010	1.9327	17.55
180011	1.3163	16.93
180012	1.4400	18.74
180012	0.8766	13.61
180013	1.4541	17.35
180014	1.6943	19.54
180016	1.3332	18.84
180017	1.3056	15.17
180018	1.2982	18.92
180019	1.1910	16.76
180020	1.1105	17.78
180021	1.0495	15.16
180023	0.9502	15.22
180024	1.4092	15.33
180025	1.2023	17.17
180026	1.2026	14.16
180027	1.2506	14.89
180028	1.0909	19.35
180030	1.1726	17.02
180031	1.1189	13.79
180032	1.0597	16.09
180033	1.0978	13.77
180034	1.0888	17.32
180035	1.6441	19.45
180036	1.1569	19.12
180037	1.3126	19.85
180038	1.4604	16.19
180040*	1.9257	19.33
180041	1.1796	15.17
180042	1.1689	16.29
180043	1.1236	16.76
180044	1.1974	17.82
180045	1.4022	17.73
180046	1.0438	17.91

Average hourly wage based on data on file as of February 22, 1999. It does not reflect any changes processed after that date.
Asterisk denotes teaching physician costs removed based on costs reported on worksheet a, col. 1, line 23 of FY 1996 cost report.

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
180047	0.9987	15.04
180048	1.2470	19.58
180049	1.3488	16.08
180050	1.2186	18.48
180051	1.3835	15.68
180053	1.0555	14.63
180054	1.0903	16.39
180055	1.2207	14.64
180056	1.1035	16.62
180058	1.0460	14.36
180059	0.8719	14.26
180060	.....	7.21
180063	1.0712	11.91
180064	1.1788	14.49
180065	1.0766	14.41
180066	1.0776	18.56
180067	1.8904	18.53
180069	1.1224	17.30
180070	1.1057	13.84
180072	1.1158	17.85
180075	.....	15.07
180078	1.0782	19.16
180079	1.1805	13.41
180080	1.0799	16.48
180087	1.2301	14.97
180088	1.6075	21.86
180088	1.4138	21.69
180092	1.2224	16.31
180093	1.4101	16.70
180094	1.0268	12.51
180095	1.1318	13.40
180099	1.0392	13.29
180101	1.1741	19.56
180102	1.4371	17.88
180103	2.3154	19.79
180104	1.5469	19.20
180105	0.8827	14.00
180108	0.8257	14.62
180115	0.9594	17.11
180116	1.2331	16.94
180117	1.1147	18.38
180118	0.9643	12.15
180120	1.0167	17.81
180121	1.1698	14.51
180122	1.0642	16.97
180123	1.3539	18.53
180124	1.3287	18.41
180125	1.1259	19.73
180126	1.1152	12.40
180127	1.2902	17.35
180128	1.0669	17.05
180129	0.9818	17.86
180130	1.4359	19.11
180132	1.2721	17.26
180133	1.3322	21.66
180134	1.0885	13.63
180136	1.8166	17.71
180138	1.1992	18.51
180139	1.0560	18.77
180140	0.9768	20.40
180141	1.8575	19.04

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
180141	1.1972	12.59
180142	1.7800	.....
190001	0.8866	16.91
190002	1.6874	18.84
190003	1.3295	22.15
190004	1.4230	17.54
190005	1.5174	16.71
190006	1.4666	17.73
190007	1.0552	13.60
190008	1.6186	16.89
190009	1.2882	14.21
190010	1.2081	17.02
190011	1.1424	15.17
190013	1.3002	16.57
190014	1.1875	17.02
190014	0.9519	12.03
190015	1.2666	17.44
190017	1.3398	15.79
190018	1.1056	16.98
190019	1.7887	17.40
190020	1.1956	17.31
190025	1.3076	16.07
190026	1.5552	17.21
190027	1.5165	16.19
190029	1.1492	17.11
190033	0.9722	10.74
190034	1.1705	16.68
190036*	1.6847	19.96
190037	0.9649	12.02
190039	1.4112	17.17
190040	1.3287	20.32
190041	1.6088	17.90
190043	1.0328	12.57
190044	1.1661	17.20
190046	1.4251	19.35
190048	1.1957	16.34
190049	0.9392	16.42
190050	1.0736	15.38
190053	1.1486	12.50
190054	1.2942	16.47
190059	0.8905	15.84
190060	1.3931	18.37
190064	1.5246	19.90
190065	1.4989	19.39
190071	0.8369	13.59
190077	0.8858	12.83
190078	1.1110	13.50
190079	1.3557	17.29
190081	0.8865	12.02
190083	1.0658	16.14
190086	1.3284	14.93
190088	1.2141	19.63
190089	1.1099	12.79
190090	1.0416	16.56
190092	.....	18.07
190095	0.9939	15.73
190098	1.5397	19.22
190099	1.1795	18.92
190102	1.6352	15.80
190103	0.9074	15.57
190106	1.1251	17.75

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
190109	1.2494	14.53
190110	0.9774	11.08
190111*	1.5870	20.05
190112	1.6970	19.21
190113	1.3935	18.99
190114	1.0147	12.91
190115	1.2775	20.49
190118	0.9963	12.95
190120	0.9962	13.69
190122*	1.2965	14.84
190124	1.6278	22.38
190125	1.4991	18.63
190128	1.1982	19.71
190130	0.9925	12.43
190131	1.2614	19.60
190133	1.0847	13.48
190134	1.0023	12.68
190135	1.4331	20.93
190136	0.9971	11.33
190138	.....	22.71
190142	0.9232	14.98
190144	1.1836	16.84
190145	0.9751	13.99
190146	1.5262	20.09
190147	0.9769	14.32
190148	0.9448	14.02
190149	0.9966	15.19
190151	1.0782	11.92
190152	1.5096	20.40
190155	.....	11.08
190156	0.9565	12.48
190158	1.2674	19.62
190160	1.2596	18.47
190161	1.0853	12.58
190162	1.2971	17.97
190164	1.1850	16.33
190167	1.1284	16.29
190170	0.9050	13.58
190173	1.3272	18.83
190175	1.4238	20.69
190176	1.6021	16.67
190177	1.7143	20.32
190178	0.9276	10.49
190182	1.3004	20.03
190183	1.1923	16.11
190184	0.9965	14.86
190185	1.3089	19.37
190186	0.9403	16.36
190189	.....	26.54
190190	0.9141	18.68
190191	1.1473	18.14
190196	0.9516	14.87
190197	1.1818	17.92
190199	1.0597	12.58
190200	1.4899	19.41
190201	1.0997	19.14
190202	1.1256	17.90
190203	1.4061	21.43
190204	1.4939	21.21
190205	1.9208	18.10
190206	1.6291	19.82

Average hourly wage based on data on file as of February 22, 1999. It does not reflect any changes processed after that date.
Asterisk denotes teaching physician costs removed based on costs reported on worksheet a, col. 1, line 23 of FY 1996 cost report.

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
190207	1.2579	17.67
190208	0.8059	14.61
190218	1.0606	18.16
190223	.....	19.26
190227	1.0049	12.11
190231	1.5614	16.89
190235	.....	16.80
190236	1.4216	22.18
190237	2.4934	.....
190238	1.6330	.....
190239	1.1544	.....
190240	0.9642	.....
200001	1.3472	17.49
200002	1.1142	18.77
200003	1.0982	16.74
200006	1.0868	16.34
200007	1.0197	17.62
200008	1.2216	20.50
200009	1.8812	20.62
200012	1.1783	17.01
200013	1.1139	16.49
200015	.....	20.11
200016	1.0407	17.66
200017	.....	19.70
200018	1.2072	17.24
200019	1.2519	18.48
200020	1.1541	20.60
200021	1.1958	18.88
200023	0.8402	14.92
200024	1.4798	18.65
200025	1.2493	19.07
200026	0.9915	17.28
200027	1.2369	18.28
200028	0.9205	16.93
200031	1.2258	15.90
200032	1.3282	17.92
200033	1.7813	21.40
200034	1.2763	19.13
200037	1.2272	18.24
200038	1.1414	19.21
200039	1.2559	20.29
200040	1.1170	19.13
200041	1.1252	17.66
200043	0.8031	16.54
200050	1.2072	18.08
200051	0.9896	19.48
200052	0.9958	15.12
200055	1.0875	17.13
200062	0.9507	16.51
200063	1.2430	19.67
200066	1.1419	16.32
210001	1.4438	18.73
210002	2.0439	22.84
210003	1.6821	25.37
210004	1.3607	23.44
210005	1.2933	19.62
210006	1.1140	17.77
210007	1.8016	21.54
210008	1.3069	19.50
210009	1.8548	21.81
210010	1.1378	26.83
210011	1.3632	21.24
210012	1.6193	23.43
210013	1.3591	18.85
210015	1.3063	16.69
210016	1.8523	22.01
210017	1.2499	17.17
210018	1.2636	21.41
210019	1.6163	19.09
210022	1.4875	21.32
210023	1.4502	21.80
210024	1.6941	19.56
210025	1.3279	19.57
210026	1.3217	11.64
210027	1.2802	18.49
210028	1.1693	18.86
210029	1.2777	21.43
210030	1.2555	21.02
210031	1.3110	15.59
210032	1.1730	18.50
210033	1.2407	19.91
210034	1.3165	16.12
210035	1.3414	20.61
210037	1.2643	18.74
210038	1.4181	23.26
210039	1.1915	20.73
210040	1.3180	25.08
210043	1.2815	40.60
210044	1.3645	22.24
210045	1.0892	9.88
210048	1.2893	22.39
210049	1.1702	17.67
210051	1.4024	20.76
210054	1.3673	23.51
210055	1.3658	20.09
210056	1.3928	20.94
210057	1.3587	22.57
210058	1.5007	21.37
210059	1.1847	23.13
210060	1.2753	.....
210061	1.1313	20.02
220001	1.2879	26.32
220002	1.4678	22.58
220003	1.1104	19.14
220004	.....	20.01
220006	1.3867	22.04
220008	1.2973	21.89
220010	1.3481	22.06
220011	1.0947	23.85
220012	1.3117	28.24
220015	1.1691	21.73
220016	1.3445	21.30
220017	1.3512	24.90
220019	1.1561	19.13
220020	1.2448	20.00
220023	0.6351	18.76
220024	1.2167	21.59
220025	1.1442	19.94
220028*	1.4573	22.18
220029	1.1595	21.19
220030	1.1073	14.54
220031	1.9074	22.82
220033	1.2602	20.83
220035	1.3063	22.00
220036	1.6289	24.16
220038	1.3130	23.31
220041	1.1893	22.83
220042	1.2662	25.28
220046	1.3199	23.90
220049	1.2823	17.27
220050	1.1667	20.83
220051	1.1784	20.48
220052	1.2993	23.01
220053	1.1637	21.27
220055	1.2850	21.57
220055	1.2703	19.76
220057	1.3594	21.93
220060	1.2295	26.98
220062	0.5638	20.06
220063	1.2671	20.91
220064	1.2833	17.90
220065	1.3711	20.10
220066	1.3459	19.43
220067	1.2869	25.74
220068	.....	6.45
220070	1.2165	16.72
220071	1.9239	24.67
220073	1.3015	26.08
220074	1.3358	15.22
220075	1.7972	19.96
220076	1.2501	20.83
220077	1.8283	24.48
220079	1.0997	21.01
220080	1.3044	17.16
220081	0.9163	25.77
220082	1.2658	20.02
220083	1.1887	20.93
220084	1.2481	24.66
220086	1.7933	30.00
220088	1.6455	22.71
220089	1.2583	21.81
220090	1.2260	21.42
220092	1.1838	17.04
220094	.....	21.99
220095	1.1894	21.45
220098	1.3175	20.34
220098	1.2347	20.43
220100	1.3674	25.39
220101	1.4449	24.15
220104	1.4666	26.76
220105	1.2706	21.69
220106	1.2167	24.34
220107	.....	20.14
220108	1.1915	22.52
220110	2.1015	29.15
220111	1.2455	23.07
220116	1.9143	27.64
220118	.....	30.02
220119	1.2616	22.78
220123	1.0317	17.74
220126	1.2498	20.96
220128	.....	21.92
220133	0.7187	24.34

Average hourly wage based on data on file as of February 22, 1999. It does not reflect any changes processed after that date.
Asterisk denotes teaching physician costs removed based on costs reported on worksheet a, col. 1, line 23 of FY 1996 cost report.

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
220135	1.2824	25.08
220153	1.0071	15.97
220154	0.9023	14.84
220162	1.4831	.....
220163	2.0302	27.35
220171	1.6811	23.43
230001	1.1539	19.20
230002	1.2731	21.91
230003	1.1409	19.61
230004	1.6874	22.42
230005	1.2532	19.40
230006	1.0501	18.47
230007	.....	19.43
230012	0.9650	18.67
230012	1.9036	23.94
230013	1.3748	20.12
230015	1.0768	20.43
230017	1.6133	20.40
230019	1.5299	19.05
230020	1.7464	21.04
230021	1.5000	18.57
230021	1.1691	18.89
230024	1.4282	27.96
230027	1.0357	18.03
230029	1.5743	21.12
230030	1.3405	17.29
230031	1.4291	17.00
230032*	1.7456	20.08
230034	1.2673	17.23
230035	1.0750	17.56
230035	1.6288	23.05
230036	1.2559	21.76
230037	1.1615	19.07
230038	1.7574	23.40
230040	1.1346	20.39
230041	1.2536	19.03
230042	1.2327	19.49
230046	1.9231	25.91
230047	1.3568	20.64
230053	1.5887	22.22
230054	1.8405	19.54
230055	1.1698	19.84
230056	0.8968	16.41
230058	1.1023	18.23
230059	1.4582	18.96
230060	1.3307	17.87
230062	0.9642	16.30
230063	1.2587	20.22
230065	1.3139	21.28
230066	1.3669	21.51
230069	1.1982	22.49
230070	1.6490	20.06
230071	1.1156	22.16
230075	1.5045	19.43
230076	1.4082	23.82
230077	2.0553	20.39
230078	1.1150	16.25
230078	1.1358	15.56
230080	1.2452	18.91
230081	1.2102	18.04
230082	1.1207	17.74

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
230085	1.2359	17.54
230086	0.9482	16.98
230087	1.0847	15.77
230089	1.2859	21.39
230092	1.3590	18.96
230093	1.2299	19.99
230095	1.1731	16.78
230096	1.1072	22.56
230097	1.6199	20.10
230099	1.1231	20.25
230100	1.1427	13.11
230101	1.0672	18.61
230103	1.0527	20.76
230104	1.5554	23.47
230105	1.7966	20.88
230106	1.1826	18.35
230107	0.9423	14.67
230108	1.2079	17.42
230110	1.3163	17.65
230113	0.8490	11.17
230115	1.0580	16.87
230116	0.8654	16.36
230118	1.1403	21.71
230119	1.3594	23.96
230120	1.1248	19.64
230121	1.2279	19.37
230122	1.3518	18.09
230125	.....	15.35
230128	1.4028	23.58
230130	1.6932	22.52
230132	1.3334	26.17
230133	1.2298	17.57
230134	.....	15.32
230135	1.2320	22.74
230137	.....	18.34
230142	1.2837	20.04
230143	1.2803	16.45
230144	1.1223	21.00
230145	1.1219	16.60
230146	1.2603	18.63
230147	1.4098	20.40
230149	1.1317	14.17
230151	1.4140	20.89
230153	1.0658	17.33
230154	0.8898	14.58
230155	1.0298	16.99
230156	1.7470	23.28
230157	1.1677	19.72
230159	1.0227	18.61
230162	0.9532	17.77
230165	1.9359	23.23
230167	1.7502	20.32
230169	1.3613	22.75
230171	1.0817	14.96
230172	1.1873	20.22
230174	1.3724	20.85
230175	2.3801	21.81
230176	1.2168	21.86
230178	0.9485	16.08
230180	1.1229	15.48
230184	1.2534	17.29

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
230188	1.1197	15.56
230189	0.9464	15.91
230190	0.8801	23.71
230191	0.9321	17.12
230193	1.3023	20.18
230195	1.3569	22.37
230197	1.4043	21.62
230199	1.0833	18.40
230201	1.2527	15.32
230204	1.3728	21.89
230205	0.9894	13.89
230207	1.2522	20.46
230208	1.3046	17.15
230211	0.9159	17.51
230212	1.0559	22.18
230213	0.9300	15.32
230216	1.5737	19.59
230217	1.2657	20.95
230219	0.8632	20.70
230221*	.....	21.55
230222	1.3904	20.79
230223	1.2692	21.50
230227	1.4208	21.21
230230	1.5877	22.53
230232	.....	12.64
230235	1.0880	15.95
230236*	1.3245	23.22
230239	1.1705	19.23
230241	1.1942	18.85
230244	1.4114	21.08
230253	0.9600	21.95
230254	1.2928	21.28
230257	0.9141	20.47
230259	1.1398	21.15
230264	1.6552	15.18
230269	1.3095	22.81
230270	1.2029	20.08
230273	1.5232	23.40
230275	0.5244	17.60
230276	0.5657	18.55
230277	1.2488	22.50
230278	.....	16.66
230279	0.6538	16.04
230280	1.0995	14.22
230283	2.2297	.....
240001	1.5271	22.84
240002	1.7570	23.02
240004*	1.5922	16.53
240005	0.8861	16.98
240006	1.1644	27.11
240007	1.0673	16.98
240008	1.1466	21.81
240009	0.9419	16.69
240010	1.9784	22.62
240011	1.1515	18.96
240013	1.2854	18.97
240014	1.0968	21.86
240016	1.3901	19.86
240017	1.1526	17.23
240018	1.2687	19.07
240019	1.1859	21.13

Average hourly wage based on data on file as of February 22, 1999. It does not reflect any changes processed after that date.
Asterisk denotes teaching physician costs removed based on costs reported on worksheet a, col. 1, line 23 of FY 1996 cost report.

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
240020	1.1172	19.57
240021	0.9884	17.40
240022	1.1049	19.16
240023	0.9789	20.39
240025	1.0980	17.25
240027	1.0711	16.25
240028	1.1581	19.38
240029	1.1501	17.99
240030	1.2802	18.44
240031	0.9276	18.07
240036	1.5871	20.12
240037	1.0154	18.46
240038	1.5017	26.35
240040	1.2684	19.90
240041	1.1728	19.21
240043	1.2228	17.31
240044	1.1357	18.92
240045	1.1584	20.99
240047*	1.5726	21.86
240048	.....	23.31
240049	.....	22.13
240050	1.2114	24.50
240051	0.9654	18.23
240052	1.3024	19.22
240053	1.4855	21.29
240056	1.2541	22.29
240057	1.8364	23.24
240058	0.9292	14.91
240059	1.0456	21.96
240061	1.7666	24.44
240063	1.4484	23.54
240064	1.3259	20.76
240065	1.1496	12.55
240066	1.2838	22.05
240069	1.1917	19.18
240071	1.1069	19.19
240072	1.0236	18.00
240073	0.9003	15.63
240075	1.2015	21.19
240076	1.0725	21.07
240077	0.9002	14.95
240078	1.5426	22.71
240079	0.9545	17.82
240080*	1.6152	23.73
240082	1.1235	18.03
240083	1.2898	19.29
240084	1.3236	19.61
240085	1.0306	18.02
240086	1.0482	15.33
240087	1.1607	17.06
240088	1.4006	21.02
240089	0.9225	18.42
240090	1.1288	18.05
240093	1.2970	18.62
240094	0.9639	20.57
240096	0.9900	18.34
240096	1.2640	23.33
240097	1.1145	23.62
240098	0.9270	20.60
240099	1.0725	14.36
240099	1.6247	18.12

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
240100	1.2887	19.19
240101	1.2099	17.75
240102	0.9273	15.56
240103	1.2125	16.88
240103	1.2125	16.88
240103	1.2687	16.60
240104	1.1691	24.02
240105	.....	14.79
240106	1.3931	25.05
240107	0.9756	19.03
240108	0.9778	16.46
240109	0.9814	13.15
240110	0.9389	17.28
240111	0.9906	17.04
240112	0.9763	15.31
240114	0.9379	15.49
240115	1.6118	22.16
240116	0.9248	15.18
240117	1.1441	17.57
240119	0.8604	22.50
240121	0.9071	21.37
240122	1.0827	18.04
240123	1.0205	15.60
240124	0.9613	19.05
240125	0.9698	13.15
240127	1.0079	14.77
240128	1.1138	16.08
240129	0.9949	15.42
240130	0.9322	15.65
240132	1.2724	24.50
240133	1.2207	18.52
240135	0.9181	13.60
240137	1.1748	19.18
240138	0.9322	13.74
240139	0.9615	17.02
240141	1.1553	21.99
240142	1.0125	20.61
240142	0.9881	16.75
240143	0.9663	14.28
240144	1.0451	15.87
240145	0.9125	15.00
240145	1.5277	15.71
240146*	0.9085	16.79
240148	1.0240	11.48
240150	0.8795	12.83
240152	1.0247	20.20
240153	1.0015	15.61
240154	1.0211	17.06
240155	0.9166	20.42
240157	1.0227	14.69
240160	1.0601	16.60
240161	1.0376	15.42
240163	0.9706	17.87
240166	1.1526	16.39
240169	0.9599	18.62
240170	1.1056	17.65
240171	1.0083	16.72
240172	0.9741	14.91
240173	0.9979	16.74
240179	1.0343	16.65
240184	0.9677	14.40

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
240187	1.2492	17.51
240193	1.0038	16.30
240200	0.8955	14.73
240205	0.9180	.....
240206	0.8312	.....
240210*	1.2515	24.03
240211	0.9639	20.55
250002	0.8834	15.58
250003	0.9935	15.66
250004	1.5311	16.96
250006	0.9628	15.70
250007	1.2280	19.16
250008	1.0292	13.32
250009	1.2659	16.18
250010	1.0112	13.34
250012	0.9335	18.48
250015	1.0386	11.07
250017	1.0281	17.30
250018	0.9366	13.47
250019	1.4832	17.15
250020	0.9513	13.88
250021	0.8379	9.08
250023	0.8948	13.54
250024	0.8937	11.59
250025	1.1497	17.72
250027	0.9761	12.42
250029	0.8705	14.85
250030	0.9210	13.63
250031	1.2477	18.77
250032	1.2190	17.26
250033	1.0137	15.76
250034	1.5454	18.13
250035	0.8365	17.41
250036	0.9962	13.79
250037	0.8845	10.32
250038	0.9382	13.62
250039	0.9970	16.51
250040	1.3147	15.64
250042	1.2629	16.47
250043	0.8997	13.65
250045	1.2675	19.48
250045	1.6478	19.71
250047	0.9058	31.60
250049	0.8840	10.76
250050	1.2669	13.92
250051	0.9264	9.60
250057	1.1777	13.76
250058	1.1857	15.42
250059	1.0828	14.23
250060	0.7514	7.99
250061	0.8571	13.97
250063	0.8311	14.97
250065	0.8934	12.68
250066	0.9138	14.33
250067	1.1596	15.29
250068	0.8244	11.43
250069	1.2682	15.77
250071	0.8972	11.21
250072	1.4321	16.93
250077	0.9343	11.41
250078	1.5470	15.50

Average hourly wage based on data on file as of February 22, 1999. It does not reflect any changes processed after that date.
Asterisk denotes teaching physician costs removed based on costs reported on worksheet a, col. 1, line 23 of FY 1996 cost report.

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
250079	0.8546	19.06
250081	1.2791	28.31
250082	1.4189	13.84
250083	0.9426	9.20
250084	1.0988	19.74
250085	0.9829	13.85
250088	0.9803	16.69
250089	1.0904	13.05
250093	1.1718	15.09
250094	1.3373	17.85
250095	0.9932	16.36
250096	1.2105	17.07
250097	1.2848	18.41
250098	0.9421	14.30
250099	1.2923	14.41
250101	0.8831	16.31
250102	1.5195	20.02
250104	1.4439	17.54
250105	0.9369	14.60
250107	0.8803	13.63
250109	0.8900	14.55
250109	1.7757	18.47
250112	0.9912	14.20
250117	1.0628	14.52
250119	1.0603	12.74
250120	1.0638	14.41
250122	1.1763	17.72
250123	1.2209	17.41
250124	0.9344	12.67
250125	1.2793	14.49
250126	0.9351	14.71
250127	0.9230	.....
250128	1.0367	13.00
250131	1.0826	10.28
250134	0.9667	17.98
250136	0.9182	18.05
250138	1.2054	17.60
250141	1.2067	17.12
250145	0.8696	11.40
250146	0.9386	13.28
250148	1.2354	11.98
250149	0.9690	12.98
250150	1.2560	.....
260001	1.6327	17.55
260002	1.4385	20.59
260003	1.1303	14.33
260004	0.9725	13.75
260004	1.4534	18.46
260006	1.5184	18.53
260008	0.9887	16.25
260009	1.2916	17.94
260011	1.5348	18.32
260012	1.0036	14.46
260013	1.1872	15.54
260015	1.1793	21.33
260017	1.1724	15.80
260018	0.8885	12.23
260019	1.1438	23.67
260020	1.8100	21.86
260020	1.0367	11.27
260021	1.4386	17.57

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
260022	1.2556	19.35
260023	1.4179	15.82
260024	0.9716	13.47
260025	1.3037	14.94
260027	1.6145	21.01
260029	1.1888	17.47
260030	1.1362	11.24
260031	1.5358	18.30
260032	1.7220	20.92
260034	1.0233	17.22
260035	1.0045	12.59
260036	1.0042	18.31
260039	1.0672	14.20
260040	1.6796	15.08
260042	1.2519	17.44
260044	1.0069	17.12
260047	1.6390	17.28
260048	1.2487	21.43
260050	1.0545	18.74
260052	1.3663	17.86
260053	1.1247	12.01
260054	1.3540	17.37
260055	0.9667	17.76
260057	1.0072	15.33
260059	1.2431	15.79
260061	1.1196	15.01
260062	1.1845	20.26
260063	1.0723	16.85
260064	1.3319	16.50
260066	1.0139	14.42
260067	0.8926	12.16
260068	1.6802	19.83
260070	1.0377	21.69
260073	1.0843	13.01
260074	1.2962	15.42
260077	1.7288	18.26
260078	1.1814	15.48
260079	1.0620	14.83
260080	0.9887	12.56
260081	1.6619	18.96
260082	1.1478	15.79
260085	1.5799	19.51
260086	0.9285	14.87
260091	1.6909	19.61
260094	1.1873	15.87
260095	1.3659	19.77
260096	1.5613	21.72
260097	1.1415	15.79
260100	1.0128	15.73
260102	0.9990	16.37
260103	1.3189	17.35
260104	1.7127	19.02
260105	1.8623	20.80
260108	1.8507	20.92
260109	0.9915	13.44
260110	1.6688	15.72
260113	1.2254	14.79
260115	1.2279	17.90
260116	1.1034	14.57
260119	1.2149	16.20
260120	1.1954	17.13

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
260122	1.0917	14.54
260123	1.0482	14.00
260127	1.0625	15.95
260129	.....	14.64
260131	1.2658	19.75
260134	1.1709	16.58
260137	1.7105	15.22
260138	1.9075	21.41
260141	1.9978	17.96
260142	1.1255	16.03
260143	0.9900	11.94
260147	0.9530	13.66
260148	0.9021	10.34
260158	1.0544	12.40
260159	1.0116	18.22
260160	1.1476	16.19
260162	1.5659	20.71
260163	1.2449	14.81
260164	0.9182	14.31
260166	1.2191	19.53
260172	0.9615	12.49
260173	1.0061	11.98
260175	1.1279	16.29
260176*	1.7243	19.59
260177	1.3381	20.75
260178	1.4663	21.20
260179	1.6090	20.76
260180	1.6591	18.54
260183	1.6570	17.65
260186	1.5847	18.06
260188	1.2749	18.58
260189	0.9425	10.75
260190	1.1964	18.16
260191	1.2874	19.34
260193	1.2224	20.51
260195	1.2469	15.95
260197	1.0913	16.37
260198	1.2980	17.64
260200	1.2109	18.88
260205	1.1102	.....
260206	2.6705	.....
270002	1.2837	17.19
270003	1.2133	22.13
270004	1.6933	29.28
270006	0.8808	16.19
270007	1.0011	13.17
270009	1.0272	17.75
270011	1.0451	19.82
270012	1.6015	23.08
270013	.....	20.40
270014	1.8492	18.48
270016	0.9184	19.77
270017	1.2649	19.58
270019	1.0264	12.78
270021	1.1688	16.65
270023	1.2657	20.40
270026	0.9058	16.07
270027	1.0591	9.78
270028	1.1731	17.21
270029	0.9220	17.89
270032	1.1300	17.03

Average hourly wage based on data on file as of February 22, 1999. It does not reflect any changes processed after that date.
Asterisk denotes teaching physician costs removed based on costs reported on worksheet a, col. 1, line 23 of FY 1996 cost report.

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
270033	0.8642	16.46
270035	1.0008	17.65
270036	0.9192	14.08
270039	1.0442	15.35
270040	1.1242	19.19
270041	1.0456	16.78
270044	1.1398	13.46
270046	.....	17.10
270048	1.0107	15.84
270049	1.7664	21.17
270050	0.9917	18.04
270051	1.3153	20.23
270052	1.0056	14.80
270057	1.2986	20.01
270058	0.9229	14.07
270059	0.7512	15.60
270060	0.9524	14.02
270063	0.9338	14.23
270073	1.0809	15.53
270074	0.8747	.....
270075	0.8274	.....
270079	0.9338	17.80
270080	1.1410	11.35
270081	0.9579	15.52
270082	1.1020	16.13
270083	1.0098	20.82
270084	0.9151	16.66
280001	1.0632	17.89
280003	2.1214	22.00
280005	1.3518	18.75
280009	1.7680	18.70
280010	0.8073	16.54
280011	0.8552	13.96
280012	.....	16.41
280013	1.7249	22.18
280014	0.9006	15.24
280015	1.0730	14.64
280017	1.0693	14.19
280020	1.8118	19.40
280021	1.1765	16.69
280022	0.9681	15.71
280023	1.3951	21.30
280024	0.9612	13.91
280025	0.9725	14.27
280025	0.9215	13.56
280026	1.0478	16.06
280028	1.0763	15.89
280029	1.2096	19.46
280030*	1.7665	33.26
280031	0.9937	13.22
280032	1.3465	19.18
280033	1.0807	14.93
280034	.....	15.28
280035	0.9131	15.33
280037	1.0308	16.17
280038	1.0606	16.47
280039	1.0637	15.19
280040	1.7299	18.97
280041	0.9617	13.39
280042	1.0305	15.30
280043	0.9752	15.79

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
280045	1.0415	14.23
280046	1.0475	13.72
280046	0.9996	17.09
280047	1.1206	18.37
280048	1.1137	14.07
280049	1.0856	15.63
280050	0.8924	15.34
280052	1.0652	13.65
280054	1.2488	17.58
280055	0.9146	12.99
280056	0.9322	14.02
280057	0.9635	15.76
280058	1.2363	17.88
280060	1.6236	28.61
280061	1.4119	17.95
280062	1.1814	13.67
280064	1.0153	15.51
280065	1.2669	18.53
280066	1.0217	11.64
280068	0.9304	10.13
280070	0.9912	13.74
280073	0.9848	14.79
280074	0.9716	15.22
280075	1.1052	13.79
280076	1.0343	13.92
280077	1.3025	19.01
280077	1.3234	23.89
280079	1.0819	9.91
280080	1.0579	14.35
280081	1.7240	20.92
280082	1.0785	13.13
280083	1.0611	17.55
280084	0.9595	11.69
280085	0.8186	21.58
280088	.....	21.64
280089	0.8837	17.16
280090	0.8017	14.72
280091	1.0928	15.15
280092	0.9075	14.20
280092	1.2667	17.95
280094	0.9966	15.89
280097	1.0876	14.30
280098	0.8804	10.17
280101	1.0046	17.42
280102	.....	12.94
280104	0.9207	13.38
280105	1.2360	18.78
280106	1.0160	15.54
280107	1.1351	13.46
280108	1.0618	17.22
280109	0.9496	11.06
280110	0.9845	12.30
280111	1.2660	23.10
280115	0.9779	16.43
280117	1.0965	16.82
280118	0.9029	16.92
280119	0.9435	.....
280123	.....	20.77
280125	1.2266	.....
290001	1.6951	22.42
290002	0.9418	16.63

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
290003	1.6685	23.40
290005	1.3281	17.80
290006	1.2282	19.88
290007	1.6911	29.69
290008	1.2553	20.25
290009	1.6213	22.74
290010	1.1253	14.48
290011	1.0959	16.44
290012	1.3501	21.17
290014	1.0289	18.38
290015	0.9745	17.83
290016	1.1219	12.81
290019	1.3294	20.93
290020	0.9828	26.15
290021	1.6752	21.13
290022	1.5923	24.08
290027	0.8876	16.43
290029	0.9227	.....
290032	1.4102	22.79
290036	0.5760	18.61
290038	0.9313	23.14
290039	1.3278	25.80
290041	1.2669	.....
300001	1.4837	21.40
300003	2.0054	23.25
300005	1.3435	19.99
300006	1.1762	18.93
300007	1.0889	19.34
300008	1.2468	16.46
300009	1.0545	20.01
300010	1.2618	19.38
300011	1.3250	21.24
300011	.....	19.27
300013	1.1145	18.97
300014	1.2417	19.80
300015	1.1214	19.92
300016	1.2108	18.50
300017	1.3267	22.34
300018	1.3658	20.89
300019	1.2426	20.61
300020	1.3820	21.65
300021	1.0741	17.35
300022	1.1274	17.19
300023	1.3989	20.39
300028	1.2859	18.05
300029	1.3196	20.90
300033	1.0986	19.85
300034	2.1601	23.52
310001	1.7852	26.81
310002	1.8508	26.61
310003	1.2974	26.83
310005	1.2946	23.05
310006	1.2111	21.50
310008	1.3295	24.95
310009	1.3229	23.19
310010	1.2488	21.11
310011	1.2569	23.22
310012	1.6481	26.32
310013	1.3697	22.11
310014	1.6478	28.70
310015	2.0223	27.58

Average hourly wage based on data on file as of February 22, 1999. It does not reflect any changes processed after that date.
Asterisk denotes teaching physician costs removed based on costs reported on worksheet a, col. 1, line 23 of FY 1996 cost report.

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
310016	1.2886	25.72
310017	1.3522	26.07
310018	1.0775	24.53
310019	1.6742	22.82
310020	1.3766	19.27
310021	1.5395	14.69
310022	1.3224	20.73
310024	1.3248	22.78
310025	1.1869	22.58
310026	1.2370	23.87
310027	1.3153	21.77
310028	1.2506	23.52
310029	1.9412	23.20
310031	2.7731	25.18
310032	1.3215	23.30
310034	1.2861	21.69
310036	1.1416	19.82
310037	1.3994	27.44
310038*	2.0125	25.33
310038*	2.0125	25.33
310038*	1.5187	17.94
310038*	1.5187	17.94
310039	1.2510	22.03
310040	1.2033	24.30
310041	1.3451	23.78
310042	1.2924	24.27
310043	1.1890	22.09
310044	1.3276	20.43
310045	1.4835	28.21
310047	1.3317	24.52
310048	1.2890	23.33
310049	1.2304	24.76
310050	1.2126	22.59
310051	1.3939	25.27
310052	1.3013	22.58
310054	1.3465	24.38
310057	1.3027	20.45
310058	1.1447	26.10
310060	1.1968	19.11
310061	1.2042	20.80
310063*	1.3466	21.90
310064	1.3576	22.05
310067	1.3003	22.27
310069	1.2634	24.17
310070	1.4213	25.04
310072	1.3710	22.22
310073	1.6733	25.62
310074	1.3502	24.46
310075	1.4191	26.46
310076	1.4966	28.90
310077	1.6653	25.06
310078	1.4152	23.48
310081	1.3497	23.89
310083	1.2748	23.68
310084	1.3299	24.09
310086	1.2171	21.44
310087	1.3363	20.89
310088	1.1986	22.34
310090	1.3887	24.24
310091	1.2672	21.64
310092	1.3184	22.34

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
310093	1.1947	21.23
310096	1.9874	26.30
310105	1.2351	24.49
310108	1.4307	23.23
310110	1.2698	20.05
310111	1.2535	21.72
310112	1.3035	22.52
310113	1.2899	22.95
310115	1.2997	20.07
310116	1.2877	25.24
310118	1.2498	23.69
310120	1.2025	21.69
310121	.....	18.74
320001	1.5282	17.85
320002	1.3475	18.74
320003	1.0738	15.35
320004	1.2912	17.12
320005	1.3136	19.87
320006*	1.3522	19.34
320009	1.5961	17.68
320011	1.1434	21.09
320012	1.0462	16.00
320013	1.1399	22.59
320014	1.0829	15.97
320016	1.1832	18.78
320017	1.1293	18.15
320019	1.5028	19.26
320021	1.8076	15.29
320022	1.2332	17.66
320023	1.0237	16.42
320030	1.1556	13.86
320031	0.9451	13.99
320032	0.9020	16.45
320033	1.1699	20.31
320035	1.0266	24.07
320037	1.1663	17.08
320038	1.2324	16.29
320046	1.4430	20.43
320048	1.4178	19.17
320057	0.9720	.....
320058	0.8862	.....
320059	1.0641	.....
320060	0.9268	.....
320061	1.1304	.....
320062	0.8542	.....
320063	1.2511	19.83
320065	1.2158	16.10
320067	0.8657	57.24
320068	0.8982	18.60
320069	0.9785	11.31
320070	0.9556	.....
320074	1.0897	18.65
320079	1.2128	19.42
330001	1.1867	25.21
330002	1.4494	28.92
330003	1.3431	17.65
330004	1.2951	19.59
330005	1.6834	24.28
330006	1.3333	25.46
330007	1.3686	18.65
330008	1.1791	17.76

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
330009	1.3308	30.42
330010	1.2833	14.74
330011	1.2963	17.63
330012	1.7216	29.82
330013	2.0344	19.11
330014	1.3868	27.44
330016	0.9933	17.41
330019	1.3623	32.45
330020	1.0286	14.55
330023	1.3016	24.27
330024	1.8309	33.55
330025	1.1142	16.03
330027	1.4665	32.50
330028	1.4110	27.08
330029	1.1574	16.56
330030	1.4176	15.06
330033	1.3126	16.75
330034	0.5350	30.78
330036	1.2759	24.32
330037	1.2231	16.00
330038	1.1805	16.01
330039	.....	12.47
330041	1.2877	30.42
330043	1.3072	27.15
330044	1.2664	18.70
330045	1.3750	27.17
330046	1.4572	31.91
330047	1.1976	17.53
330048	1.2590	17.62
330049	1.2689	19.31
330053	1.2232	15.67
330055	1.5716	28.99
330056	1.4640	30.21
330057	1.6852	18.34
330058	1.3123	16.98
330059	1.6000	31.58
330061	1.2766	25.07
330062	1.0980	15.28
330064	1.4278	32.87
330065	1.2356	18.37
330066	1.2664	19.12
330067	1.3300	20.94
330072	1.4065	30.35
330073	1.1715	15.88
330074	1.2824	18.18
330075	1.0926	17.26
330078	1.4535	17.49
330079	1.2821	16.76
330080	1.2129	24.70
330084	1.0650	23.03
330085	1.2897	18.78
330086	1.2267	30.69
330088	1.0497	25.62
330090	1.5603	18.68
330091	1.3782	18.53
330092	0.9905	12.65
330094	1.2369	17.72
330095	1.3277	18.34
330096	1.1197	16.60
330097	1.2448	16.96
330100	0.9996	28.11

Average hourly wage based on data on file as of February 22, 1999. It does not reflect any changes processed after that date.
Asterisk denotes teaching physician costs removed based on costs reported on worksheet a, col. 1, line 23 of FY 1996 cost report.

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
330101	1.7924	29.22
330102	1.2990	17.25
330103	1.2013	16.48
330104	1.4136	28.77
330106	1.7000	35.87
330106	1.2141	17.58
330107	1.2746	28.08
330108	1.2381	17.08
330111	1.0714	15.20
330114	0.9051	18.24
330115	1.1308	16.56
330116	0.8461	24.23
330118	1.6337	20.76
330119	1.7045	34.75
330121	1.0146	14.77
330122	1.0120	21.20
330125	1.8884	22.57
330126	1.1356	22.70
330127	1.3758	28.67
330128	1.3080	26.63
330132	1.1999	14.70
330133	1.3624	32.28
330135	1.1989	18.33
330136	1.3313	17.26
330140	1.8200	19.50
330140	1.3693	29.22
330144	0.9879	12.52
330148	1.0686	15.04
330151	1.0943	13.97
330152	1.4603	29.48
330153	1.7146	17.40
330154	1.7635	.....
330157	1.3770	20.82
330159	1.2596	17.87
330160	1.4253	30.17
330162	1.2101	27.72
330163	1.2553	20.46
330164	1.3684	19.48
330166	1.0688	14.18
330167	1.7206	30.07
330169	1.4402	25.15
330171	1.3082	25.43
330177	0.9538	14.54
330179	0.8481	12.69
330180	1.2145	14.94
330181	1.3234	32.47
330182	2.5161	31.33
330184	1.3694	27.49
330185	1.2686	26.89
330188	1.2751	18.72
330189	1.1706	17.66
330191	1.3142	18.85
330193	1.3060	29.82
330194	1.8125	35.57
330194	1.3303	24.74
330196	1.2593	26.62
330197	1.1217	17.00
330198	1.3920	23.63
330199	1.3788	27.66
330201	1.6461	30.33
330202	1.3273	31.24

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
330203*	1.3894	19.24
330204	1.3574	26.81
330205	1.2183	19.46
330208	1.2533	25.82
330209	1.2122	24.88
330211	1.1003	19.10
330212	1.1260	21.18
330213	1.1307	18.51
330214	1.8224	32.20
330218	1.0787	21.71
330219	1.6427	20.48
330221	1.2963	30.00
330222	1.2742	17.71
330223	1.0460	17.28
330224	1.2634	20.89
330225	1.1993	25.80
330226	1.2803	17.67
330229	1.2988	16.25
330230	1.3375	28.86
330230	1.3883	30.32
330231	1.0207	26.61
330232	1.2609	19.50
330233	1.4708	33.48
330234	2.3386	32.95
330235	1.1656	19.45
330236	1.3899	29.54
330238	1.2178	14.80
330239	1.2090	17.28
330241	2.0171	22.60
330242	1.2839	24.74
330245	1.4700	17.28
330245	1.3066	17.65
330246	1.3232	26.51
330247*	0.8513	27.71
330249	1.1964	16.48
330250	1.2370	19.20
330252	.....	17.04
330254	1.1706	16.73
330258	1.2649	30.47
330259	1.4768	23.87
330261	1.3026	26.17
330263	1.0017	19.64
330264	1.1964	23.14
330265	1.3296	15.62
330267	1.3404	23.56
330268	0.9562	14.62
330270	2.0235	28.24
330273	1.2927	25.89
330275	1.3100	17.41
330275	1.5329	17.72
330276	1.1583	17.75
330277	1.1061	17.16
330279	1.2903	19.91
330285	1.8644	22.47
330286	1.3310	25.09
330290	1.7051	31.84
330293	1.1270	15.38
330304	1.2324	29.51
330306	1.3441	27.62
330307	1.3062	20.74
330308	.....	36.84

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
330327	0.8784	16.97
330331	1.3609	31.04
330332	1.2164	27.16
330333	1.2125	36.77
330333	1.1649	18.57
330336	1.3036	30.17
330338	1.2490	22.14
330339	0.9024	19.67
330340	1.1793	26.92
330350	1.7306	30.38
330353	1.3031	33.55
330354	1.5849	.....
330357	1.3385	34.68
330359	.....	29.29
330372	1.2176	22.50
330381	1.2997	29.24
330385	1.1314	26.39
330386	1.1741	24.67
330387	0.7617	.....
330389	1.7689	30.82
330390	1.3621	29.79
330393	1.7194	27.99
330394	1.5580	18.54
330395	1.3507	36.12
330396	1.1230	28.11
330397	1.3749	31.00
330399	1.2641	35.55
330400	0.8760	.....
340001	1.4552	18.47
340002	1.8350	18.79
340002	1.6766	19.97
340003	1.1378	21.97
340004	1.5051	17.89
340005	1.1264	14.09
340006	1.0454	15.57
340007	1.1632	17.17
340008	1.1038	18.38
340009	.....	20.50
340011	1.1008	14.92
340012	1.1768	16.66
340013	1.2426	17.43
340014	1.5356	19.86
340015	1.2423	19.01
340016	1.1688	16.40
340017	1.2562	19.22
340018	1.1436	15.16
340019	0.9955	11.80
340020	1.2435	16.75
340021	1.2560	19.67
340022	1.1245	16.72
340023	1.3399	15.75
340024	1.1416	16.64
340025	1.2473	16.82
340027	1.2113	17.30
340030	2.0492	20.05
340031	0.9575	12.39
340031	1.2347	19.73
340032	1.3541	20.47
340035	1.0956	18.10
340036	1.1309	16.97
340037	1.0053	15.53

Average hourly wage based on data on file as of February 22, 1999. It does not reflect any changes processed after that date.
Asterisk denotes teaching physician costs removed based on costs reported on worksheet a, col. 1, line 23 of FY 1996 cost report.

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
340038	1.1024	17.01
340039	1.2595	20.01
340040	1.7834	20.07
340041	1.2546	18.97
340042	1.1890	16.63
340044	1.1035	16.37
340045	1.0223	12.42
340047*	1.8843	19.30
340048	0.6134	13.11
340049	0.7590	16.50
340051	1.2900	18.60
340051	1.8432	20.66
340052	0.9876	21.37
340053	1.6323	19.49
340054	1.1763	14.47
340055	1.2604	18.18
340060	1.0860	17.83
340061	1.7099	20.76
340063	1.0057	17.19
340064	1.1560	17.26
340065	1.3378	18.32
340067	1.0061	18.61
340068	1.2336	16.70
340069	1.8138	20.05
340070	1.2544	18.38
340071	1.1438	16.37
340072	1.1338	15.60
340073	1.3879	20.69
340075	1.2367	18.21
340080	0.9831	16.85
340084	1.1281	21.78
340085	1.1702	16.24
340087	1.1121	16.70
340088	1.2513	19.83
340089	0.9805	13.86
340090	1.1718	17.47
340093	1.0391	15.16
340094	1.3870	18.39
340096	1.1754	17.98
340097	1.1310	18.42
340098	1.5829	20.17
340099	1.1295	15.09
340101	1.0709	15.36
340104	0.8681	15.87
340105	1.3491	18.91
340106	1.1393	18.08
340107	1.2314	16.95
340109	1.3469	17.96
340111	1.1160	14.49
340112	0.9984	14.52
340113	1.8531	21.03
340114	1.6133	20.82
340115	1.5465	18.67
340116	1.8578	19.23
340119	1.2151	16.85
340120	1.1381	14.38
340121	1.0491	15.97
340123	1.1262	16.22
340124	1.1113	14.05
340125	1.4577	19.63
340126	1.3187	17.72

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
340127	1.3001	17.28
340130	1.3606	19.40
340131	1.5381	18.94
340132	1.2828	16.94
340133*	1.0724	14.35
340137	1.2697	.....
340138	1.0673	19.28
340141	1.7101	22.23
340142	1.1894	16.09
340143	1.4503	20.95
340144	1.2523	15.98
340145	1.3242	19.20
340146	1.0434	13.01
340147	1.2397	19.11
340148	1.3626	19.61
340151	1.2105	16.57
340155	1.3964	20.42
340156	0.7272	.....
340158	1.0734	17.26
340159	1.1779	16.80
340160	1.1654	15.53
340162	.....	16.64
340164	1.3649	19.68
340166	1.3051	19.22
340168	0.4822	14.75
340171	1.1342	20.05
340173	1.2028	20.21
350001	0.9646	15.10
350002	1.8458	17.28
350003	1.2077	17.43
350004	1.9288	17.90
350005	1.0897	16.03
350006	1.3848	16.62
350007	0.9036	13.28
350008	0.9721	21.70
350009	1.1842	18.28
350010	1.1308	15.28
350011	1.9255	18.49
350012	1.0794	12.73
350013	1.0590	16.68
350014	1.0303	15.79
350015	1.7237	15.87
350016	.....	11.63
350017	1.3344	17.78
350018	1.0338	13.64
350019	1.7223	19.40
350021	0.9859	12.69
350023	0.9505	13.34
350024	1.0054	14.37
350025	0.9807	16.24
350027	1.0099	17.12
350029	0.8409	12.80
350030	1.0670	17.35
350033	0.9292	14.90
350034	0.9296	18.32
350035	0.8734	10.16
350038	1.0785	18.74
350039	1.0406	17.31
350041	0.9448	14.68
350042	1.0516	16.75
350043	1.6090	17.16

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
350044	0.9036	10.53
350047	1.1408	17.93
350049	1.2037	14.53
350050	0.9242	10.57
350051	0.9872	17.53
350053	1.0058	13.94
350055	0.9910	12.37
350056	0.9210	14.67
350058	0.9553	14.35
350060	0.8626	9.60
350061	1.0444	14.59
350063	0.8913	.....
350064	0.8650	.....
350068	2.5336	.....
350069	1.1398	.....
360001	1.3040	17.61
360002	1.1823	17.40
360003	1.7502	22.03
360006	1.9071	22.09
360007	1.0921	17.10
360008	1.2559	18.28
360009	1.5436	17.53
360010	1.2815	18.09
360011	1.2938	18.95
360012	1.3003	19.22
360013	1.1471	20.81
360014	1.1215	19.88
360016	1.6714	18.71
360017	1.9258	22.50
360018*	1.6881	21.13
360019	1.2251	20.17
360020	1.4563	22.96
360024	1.3152	18.54
360025	1.3536	19.19
360026	1.3138	17.04
360027	1.4730	20.43
360028	1.4907	17.27
360029	1.1938	18.22
360030	1.3469	15.35
360031	1.1971	19.90
360032	1.1591	17.93
360034	1.3273	15.56
360035	1.6456	18.97
360036	1.3111	19.14
360037*	2.1426	22.52
360038	1.6235	19.09
360039	1.2937	17.52
360040	1.2913	18.12
360041	1.2871	18.42
360042	1.1662	16.12
360044	1.1478	16.79
360045	1.4244	21.18
360046	1.1481	19.32
360047	1.1315	15.34
360048*	1.8813	21.29
360049	1.2245	18.81
360050	1.2304	12.89
360051	1.6220	20.71
360052*	1.6960	19.75
360054	1.2429	16.19
360055	1.3166	23.27

Average hourly wage based on data on file as of February 22, 1999. It does not reflect any changes processed after that date.
Asterisk denotes teaching physician costs removed based on costs reported on worksheet a, col. 1, line 23 of FY 1996 cost report.

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
360056	1.3960	18.36
360057	1.0590	13.81
360058	1.1936	17.92
360059	1.6088	20.39
360062	1.4087	20.31
360063	1.1347	22.79
360064	1.6113	20.64
360065	1.2531	19.45
360066	1.6390	20.03
360067	1.1463	14.57
360068	1.7916	21.92
360069	1.1347	17.88
360070	1.7820	17.55
360071	1.4177	23.80
360072	1.2731	17.97
360074*	1.2996	18.32
360075	1.3460	19.25
360076	1.3579	19.59
360077	1.6157	20.82
360078	1.2427	20.79
360079*	1.8438	22.00
360080	1.1427	16.66
360081	1.3387	19.64
360082	1.2779	22.86
360083	.....	18.46
360084	1.6077	20.09
360085	1.8767	20.73
360086	1.4308	17.04
360087	1.4296	20.04
360088	1.3224	22.31
360089	1.1349	20.56
360090	1.2682	20.40
360091	1.3213	21.03
360092	1.1373	15.91
360093	1.1774	18.57
360094	1.3412	18.31
360095	1.2596	18.71
360096	1.0736	17.16
360098	1.4620	18.34
360099	0.9911	16.43
360100	1.2362	17.66
360101	1.3303	22.31
360102	1.2046	16.41
360103	.....	22.66
360104	1.1889	.....
360106	1.1909	16.18
360107	1.2449	14.54
360108	1.0519	16.51
360109	1.1015	19.52
360112	1.9154	22.68
360113	1.3257	22.27
360114	1.0880	17.13
360115	1.3591	18.19
360116	1.1091	18.08
360118	1.3515	18.60
360121	1.2071	21.42
360123	1.2382	19.13
360125	1.1479	18.17
360126	1.2125	20.46
360126	1.8377	.....
360127	1.1473	16.92

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
360128	1.1568	15.58
360129	0.9446	15.42
360130	1.0122	15.34
360131	1.3308	18.29
360132	1.4132	18.27
360133	1.6508	19.03
360134	1.7520	20.24
360136	1.0180	17.85
360137	1.7424	20.26
360140	0.9460	19.13
360141	1.6432	22.85
360142	1.0527	17.32
360143	1.3343	20.44
360144	1.2946	21.92
360145	1.6897	19.39
360147	1.2436	16.59
360148	1.1482	18.89
360149	1.2611	18.79
360150	1.3025	20.63
360150	1.3486	14.24
360151	1.3908	17.49
360152	1.5270	22.00
360153	1.1281	14.89
360154	1.0435	13.78
360155	1.3677	20.90
360156	1.2714	17.92
360159	1.1769	20.71
360161*	1.3552	19.43
360162	1.0718	18.32
360163	1.8472	20.38
360164	.....	16.16
360165	1.1740	19.48
360166	.....	16.98
360170	1.4424	17.18
360172	1.3450	18.47
360172	1.0594	11.46
360174	1.2393	19.09
360175	1.1888	20.41
360176	1.1416	15.55
360177	1.3276	19.41
360178	1.3155	17.40
360179	1.4147	18.82
360180	2.1660	22.09
360184	0.5560	19.35
360185	1.2279	18.67
360186	1.0613	20.86
360187	1.4008	18.02
360188	0.9300	17.53
360188	1.3145	19.84
360189	1.0999	17.37
360192	1.3351	21.00
360193	.....	17.67
360194	1.1660	17.69
360195	1.1446	19.02
360197	1.1572	19.42
360200	0.9136	17.76
360203	1.1642	15.61
360204	1.2012	19.35
360210	1.1861	20.28
360211	1.2583	19.58
360212	1.3502	20.23

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
360213	1.2562	18.33
360218	1.3312	18.41
360230	1.5295	21.44
360231	1.1521	13.56
360234	1.3657	22.06
360236	1.2693	19.57
360239	1.2655	19.86
360241	0.4070	22.08
360243	0.6871	13.58
360244	.....	10.55
360245	0.7435	15.06
360247	0.4015	18.11
360248	.....	21.65
370001	1.7396	21.23
370002	1.2252	14.08
370004	1.1874	16.77
370005	0.9385	17.38
370006	1.1866	12.54
370007	1.1476	17.00
370008	1.3755	17.30
370011	1.0368	14.64
370012	0.8370	10.80
370013	1.8507	18.04
370014	1.1884	19.63
370015	1.1919	17.91
370016	1.3306	16.64
370017	1.1140	12.98
370019	1.3158	16.88
370020	1.2742	13.48
370021	0.8613	11.26
370022	1.3170	17.90
370023	1.2564	16.82
370025	1.3094	16.40
370026	1.4938	16.90
370028	1.8978	19.71
370029	1.1615	13.89
370030	1.1993	15.47
370032	1.5960	16.70
370033	1.0434	12.39
370034	1.2300	14.51
370034	1.1035	13.64
370035	1.7244	18.96
370037	1.7347	17.75
370038	0.9601	12.81
370039	1.1556	16.27
370040	1.0121	14.34
370041	0.9415	17.41
370042	0.8490	14.61
370043	0.9307	16.08
370045	1.0379	12.44
370046	0.9834	18.15
370047	1.4255	15.67
370048	1.2037	17.44
370051	0.9449	12.18
370054	1.3630	16.56
370056	1.5715	18.88
370057	1.0250	14.66
370059	1.1266	16.46
370060	1.0540	15.12
370063	1.1044	17.06
370064	0.9378	9.78

Average hourly wage based on data on file as of February 22, 1999. It does not reflect any changes processed after that date.
Asterisk denotes teaching physician costs removed based on costs reported on worksheet a, col. 1, line 23 of FY 1996 cost report.

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
370065	0.9995	16.56
370071	1.0274	14.95
370072	0.8645	26.05
370076	1.2553	12.86
370077	.....	17.62
370078	1.6857	17.24
370079	0.9312	13.60
370080	0.9515	14.34
370082	0.8548	13.57
370083	0.9662	11.49
370084	1.0191	21.75
370085	0.8886	11.88
370086	1.1148	13.56
370089	1.2157	14.50
370091	1.6647	17.58
370092	0.9950	14.68
370093	1.7953	18.57
370094	1.4453	18.38
370095	0.9872	14.13
370097	1.3458	15.72
370099	1.1231	16.17
370100	0.9784	17.10
370103	0.9071	15.90
370105	1.9589	21.06
370106	1.5282	18.62
370108	0.9670	12.24
370112	1.0284	15.25
370113	1.2334	16.20
370114	1.6444	15.98
370121	1.0409	19.55
370122	1.0451	12.15
370123	1.4513	16.36
370125	0.9024	13.55
370126	0.9646	18.24
370131	0.9766	16.24
370133	1.0621	10.47
370138	1.0490	16.02
370139	1.0965	13.30
370140	1.0464	15.23
370141	1.3716	6.09
370146	1.0935	12.56
370148	1.4521	.....
370149	1.3479	16.72
370153	1.1151	15.32
370154	1.0475	16.29
370158	1.0197	15.09
370159	1.2547	15.49
370163	0.9790	14.56
370165	1.2623	13.22
370166	1.0457	17.82
370169	1.0462	11.80
370170	1.0246	.....
370171	1.0343	.....
370172	0.8992	.....
370173	1.0625	.....
370174	0.7213	.....
370176	1.2190	16.03
370177	0.9910	11.88
370178	0.9838	11.64
370179	0.9498	19.27
370180	0.9870	.....

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
370183	1.0383	7.62
370186	0.9785	13.35
370190	1.4695	13.70
370192	1.4803	16.74
370196	0.8822	.....
370197	.....	21.57
370198	1.4366	.....
370199	1.0307	.....
370200	1.1673	.....
380001	1.3046	22.03
380002	1.2175	19.48
380003	1.1750	24.74
380004	1.7385	23.16
380005	1.1745	23.24
380006	1.2246	20.54
380007	1.6509	24.16
380008	1.0680	21.19
380009	1.7977	25.28
380010	1.0413	19.75
380011	1.1006	21.14
380013	1.1883	20.10
380014	1.6527	23.48
380017	1.9295	23.68
380018	1.8300	22.08
380019	1.2442	20.77
380020	1.4525	21.35
380021	1.2077	20.64
380022	1.1107	21.61
380023	1.1378	19.24
380025	1.2975	24.67
380026	1.1414	19.27
380027	1.2810	20.16
380029	1.1411	18.57
380031	0.9370	22.83
380033	1.7968	22.62
380035	1.3525	21.65
380036	1.0858	19.33
380037	1.2271	21.23
380038	1.2457	25.58
380039	1.2601	22.12
380040	1.2922	21.64
380042	1.0121	19.81
380047	1.6765	21.95
380048	1.0418	18.38
380050	1.4266	18.25
380051	1.6342	21.24
380052	1.2506	17.77
380055	.....	21.25
380056	1.0970	17.16
380060	1.4584	23.48
380061	1.5207	22.63
380062	1.2197	18.52
380063	.....	19.36
380064	1.3207	19.87
380065	1.3101	22.17
380066	1.3211	20.42
380068	.....	22.76
380069	1.0679	19.58
380070	1.3454	24.71
380071	1.2327	20.47
380072	0.9961	16.32

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
380075	1.4249	22.17
380078	1.1368	19.10
380081	1.0229	20.59
380082	1.2627	22.58
380083	1.1660	21.81
380084	1.2367	23.64
380087	1.2347	16.75
380088	1.0722	19.52
380089	1.2780	23.74
380090	1.2983	27.09
380091	1.2616	22.83
390001	1.5197	16.39
390002	1.3158	18.08
390003	1.2403	17.24
390004	1.3978	18.82
390005	1.0949	15.36
390006*	1.8485	18.13
390009*	1.7387	20.16
390010	1.2504	17.42
390011	1.2787	18.07
390012	1.2197	20.00
390013	1.2401	19.33
390015	1.1331	12.94
390016	1.2482	17.95
390017	1.1848	16.22
390018	1.2431	18.98
390019	1.0762	16.40
390022	1.3535	22.86
390024	1.1793	25.03
390026	1.2757	22.18
390027	1.7878	27.37
390028*	1.8892	18.48
390030	1.2187	18.40
390031	1.2151	18.69
390032	1.2603	18.15
390035	1.2652	18.51
390036	1.5396	18.78
390039	1.1414	16.54
390040	0.9484	15.12
390041	1.2691	19.58
390042	1.5798	21.10
390043	1.1762	16.36
390044	1.6420	19.50
390045	1.7171	18.75
390046	1.6108	20.42
390047*	1.7435	23.61
390048	1.1520	18.38
390049	1.6125	21.02
390049	1.7948	24.39
390050	2.1150	21.43
390050	1.2393	20.86
390051	2.1342	26.05
390052	1.1532	17.10
390054	1.2344	17.50
390055	1.8882	25.85
390056	1.1202	17.17
390057	1.3145	19.74
390058	1.2840	19.25
390060	1.2088	13.63
390061	1.4935	16.95
390062	1.2449	16.45

Average hourly wage based on data on file as of February 22, 1999. It does not reflect any changes processed after that date.
Asterisk denotes teaching physician costs removed based on costs reported on worksheet a, col. 1, line 23 of FY 1996 cost report.

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
390063	1.8347	19.51
390065	1.2323	20.00
390066	1.2608	18.70
390067	1.8041	20.18
390068	1.3029	17.55
390069	1.2663	19.76
390070	1.4168	20.07
390071	1.1082	16.23
390072	1.0501	15.56
390073	1.6668	20.64
390074	1.2477	16.60
390075	1.3927	17.27
390076	1.2793	21.43
390078	1.1506	18.23
390079	1.7570	17.76
390080	1.2902	18.82
390081	1.2995	23.99
390083	1.2055	.....
390084	1.2684	16.35
390086	1.1376	17.25
390088	1.3701	22.85
390090	1.8017	20.68
390091	1.1279	18.36
390093	1.1549	16.61
390095	1.2035	13.05
390096	1.4931	19.25
390097	1.2755	21.52
390100	1.6536	19.89
390101	1.2027	17.10
390102	1.3963	19.51
390103	1.0916	17.71
390104	1.0666	16.17
390106	1.1160	16.28
390107	1.3258	19.18
390108	1.4022	21.43
390109	1.2016	14.66
390110	1.5961	19.51
390111	1.9406	26.03
390112	1.2965	14.04
390113	1.2515	17.53
390114	1.2347	23.03
390115	1.3973	24.42
390116	1.2899	20.60
390117	1.1722	16.90
390118	1.2135	16.90
390119*	1.3898	18.48
390121	1.3957	18.64
390122	1.0603	17.46
390123	1.2758	20.44
390125	1.2067	15.94
390126	1.2899	20.94
390127	1.2286	21.88
390128	1.2202	19.99
390130	1.1343	17.33
390131	1.3302	16.83
390132	1.2935	21.10
390136	1.1431	17.61
390137	1.5156	16.54
390138	1.3212	18.86
390139	1.5084	22.94
390142*	1.6088	27.22

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
390145	1.3880	20.34
390146	1.2154	17.70
390147	1.2654	21.11
390150	1.1815	19.66
390151	1.2305	20.51
390152	1.1114	19.15
390153	1.2214	23.14
390154	1.2689	15.85
390156	1.4094	20.88
390157	1.3940	19.83
390158	.....	21.69
390160	1.2380	20.67
390161	1.1893	12.37
390162	1.5191	21.01
390163	1.2262	15.64
390164*	2.1709	21.74
390166	1.1125	19.96
390166	1.1125	19.96
390167	.....	22.91
390168	1.2596	18.99
390169	1.3383	18.99
390170	1.8481	22.99
390173	1.2222	17.82
390174*	1.6754	23.61
390176	1.1817	17.36
390178	1.3114	17.47
390179	1.3111	21.16
390180	1.4554	25.02
390181	1.0732	17.09
390183	1.1620	18.28
390184	1.1309	20.75
390185	1.2171	17.65
390189	1.1411	18.67
390191	1.1707	16.20
390192	1.1740	16.32
390193	1.1938	16.50
390194	1.1395	20.15
390195	1.8245	23.69
390196	1.5792	.....
390197	1.2825	18.99
390197	1.3365	11.12
390198*	1.2667	15.51
390199	1.2670	16.66
390200	0.9701	13.59
390201	1.2646	20.50
390203	1.3562	22.06
390204	1.2728	20.85
390206	1.4000	16.78
390206	1.4000	16.78
390209	1.0811	16.96
390211	1.2184	17.88
390213	1.1284	17.17
390215	1.2563	20.84
390217	1.2232	19.29
390219	1.3072	22.71
390220	1.1652	18.52
390222	1.3140	20.91
390223	1.7334	22.13
390224	0.8802	15.91
390225	1.1951	18.17
390226	1.6039	22.46

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
390228	1.2976	19.81
390231	1.5675	22.40
390231	1.1916	9.56
390233	1.3507	18.20
390235	1.4144	23.54
390236	1.2254	17.03
390237	1.5705	19.89
390238	1.2725	1.27
390238	1.1545	10.04
390242	.....	18.10
390244	0.9245	14.41
390245	1.3199	20.15
390246	1.1920	17.75
390247	1.0511	20.67
390249	0.9293	10.73
390256	1.8901	23.84
390258	1.4575	21.36
390258	1.3348	22.53
390260	1.0990	21.19
390262	1.9276	18.62
390263	1.4224	23.62
390265	1.2935	19.51
390266	1.2118	16.24
390267	1.2589	20.79
390268	1.3375	21.02
390270	1.3851	17.83
390272	0.4768	.....
390277	0.4015	27.10
390278	0.6660	18.99
390283	1.2887	.....
390284	1.3639	.....
400001	1.2182	9.86
400002	1.6803	9.31
400003	1.3589	10.13
400004	1.1421	8.48
400005	1.1211	7.85
400006	1.1593	8.22
400007	1.2021	7.86
400009	1.0530	8.37
400010	0.8902	11.66
400011	1.0733	7.44
400012	1.3428	7.81
400013	1.2616	8.21
400014	1.3935	9.54
400015	1.3307	10.33
400016	1.3663	12.07
400017	1.1570	8.57
400018	1.2817	9.45
400019	1.6576	10.13
400021	1.4432	11.68
400024	0.9500	7.56
400026	0.9640	7.12
400027	1.1026	8.49
400028	1.2500	8.40
400031	1.2515	9.78
400032	1.2212	9.42
400048	1.0249	9.47
400061	1.7094	16.08
400079	1.2218	.....
400087	1.4156	9.83
400094	0.9947	5.15

Average hourly wage based on data on file as of February 22, 1999. It does not reflect any changes processed after that date.
Asterisk denotes teaching physician costs removed based on costs reported on worksheet a, col. 1, line 23 of FY 1996 cost report.

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
400098	1.3998	8.17
400102	1.1591	7.73
400103	1.3870	10.59
400104	1.2767	9.68
400105	1.2171	10.06
400106	1.2574	8.51
400109	1.4773	10.18
400110	1.1292	10.52
400112	1.0540	9.97
400113	1.1575	9.48
400114	1.0784	6.41
400115	1.0386	9.13
400118	1.2392	8.70
400120	1.2554	9.74
400121	0.9964	7.11
400122	1.0235	8.48
400123	1.2031	9.00
400124	2.8358	11.16
400125	1.0022	.....
410004	1.2575	22.06
410005	1.3735	21.26
410006	1.3057	21.68
410007	1.6365	20.98
410008	1.2136	22.62
410009	1.2941	24.08
410010	1.1611	27.14
410011	1.2705	24.37
410012	1.9068	21.33
410013	1.2981	25.01
420002	1.5015	20.20
420004	1.8164	19.41
420005	1.1323	15.99
420006	1.1199	18.24
420007	1.5710	17.43
420009	1.1697	17.25
420010	1.1774	17.91
420011	1.2438	14.99
420014	1.0197	16.72
420015	1.3348	17.18
420016	0.9571	18.15
420018	1.8110	19.73
420019	1.2145	15.55
420020	1.1846	20.16
420023	1.4298	20.97
420026	1.8901	21.90
420027	1.3308	18.08
420030	1.2081	17.82
420031	0.8622	13.07
420033	1.1653	21.09
420036	1.2907	19.80
420037	1.1948	21.96
420038	1.3155	16.15
420039	1.0701	16.96
420042	.....	14.66
420043	1.1867	18.36
420048	1.2366	29.62
420049	1.2046	19.23
420051	1.6466	18.25
420053	1.1427	16.48
420054	1.2398	16.55
420055	1.0585	16.18

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
420056	1.1158	14.85
420057	1.1156	14.50
420059	0.9738	19.13
420061	1.1761	17.78
420062	1.1904	18.92
420064	1.1038	16.15
420065	1.3912	19.06
420066	0.9834	15.52
420067	1.2163	18.30
420068	1.3854	17.21
420069	1.0602	16.40
420070	1.2331	17.45
420071	1.3510	18.29
420072	0.9129	12.34
420073	1.2802	19.20
420074	1.0257	13.80
420075	0.9395	16.29
420078*	1.8578	20.68
420079	1.5179	18.77
420080	1.3722	24.83
420082	1.5853	18.88
420083	1.3596	20.41
420085	1.4116	18.33
420086	1.4340	19.31
420087	1.5959	17.43
420088	1.0878	17.09
420089	1.2941	21.66
420091	1.2732	18.57
420093	1.0353	16.77
420094	.....	32.68
430004	0.9973	17.85
430005	1.3588	15.92
430007	1.0895	14.06
430008	1.0971	16.54
430010	1.1605	16.11
430011	1.2930	16.42
430012	1.3230	17.56
430013	1.2073	17.24
430014	1.3653	18.56
430015	1.2134	16.41
430016	1.8711	18.97
430018	0.8815	15.15
430022	0.8616	12.95
430023	0.8729	11.64
430024	0.9364	13.99
430026	.....	10.85
430027	1.7681	18.32
430028	1.0724	16.78
430029	0.9602	15.10
430031	0.9138	12.46
430033	0.9935	14.64
430034	0.9461	12.85
430036	0.9551	13.78
430037	0.9633	15.95
430038	1.0095	11.94
430040	1.0511	13.37
430041	0.9140	12.62
430043	1.1323	13.43
430044	0.9084	16.45
430047	1.0274	17.06
430048	1.2378	17.26

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
430049	0.8812	14.44
430051	0.9318	17.03
430054	0.9648	13.50
430056	0.8301	10.74
430057	0.8972	15.15
430060	1.0902	8.64
430062	.....	10.89
430064	1.0191	12.74
430065	.....	12.77
430066	0.9635	13.44
430073	1.0646	14.98
430076	0.9475	12.25
430076	1.3562	15.61
430077	1.6605	17.72
430079	1.0029	12.98
430081	0.8954	.....
430082	0.8549	.....
430083	0.9273	.....
430084	0.8155	.....
430085	0.7910	.....
430087	.....	10.45
430089	0.8333	17.01
430090	1.3320	.....
430091	1.4528	.....
430092	2.2007	.....
430093	0.9966	.....
440001	1.1722	15.01
440002	1.6649	24.36
440003	1.2128	17.47
440006	1.4058	20.39
440007	1.0032	7.77
440008	0.9784	14.04
440009	1.1552	15.46
440010	0.9307	13.59
440011	1.3832	17.16
440012	1.7143	18.79
440014	1.0046	14.61
440015	1.7923	21.09
440016	1.0334	14.94
440017	1.7422	20.93
440018	1.2965	18.21
440019	1.7372	28.22
440020	1.1314	14.70
440022	.....	19.02
440023	1.1030	14.14
440024	1.2947	18.10
440025	1.1538	15.28
440026	0.8073	22.92
440029	1.2585	18.52
440030	1.2098	15.57
440031	1.0300	14.30
440031	1.5024	19.61
440032	1.0048	13.60
440033	1.1602	14.04
440034	1.5621	17.93
440035	1.2301	18.16
440039	1.8871	16.52
440040	0.9687	17.50
440041	1.0284	13.63
440046	1.2336	16.83
440047	0.9254	17.00

Average hourly wage based on data on file as of February 22, 1999. It does not reflect any changes processed after that date.
Asterisk denotes teaching physician costs removed based on costs reported on worksheet a, col. 1, line 23 of FY 1996 cost report.

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
440048	1.8710	18.14
440049	1.6635	15.23
440050	1.3867	16.76
440051	0.9145	14.91
440052	1.0633	16.27
440053	1.3201	17.69
440054	1.1349	12.31
440056	1.1422	14.25
440057	1.0340	12.72
440058	1.2124	18.86
440059	1.4182	17.53
440060	1.1653	15.86
440061	1.1496	16.48
440063	1.6724	18.29
440064	1.0863	17.38
440065	1.2816	18.69
440067	1.2422	28.28
440068	1.2251	17.45
440070	1.0077	15.04
440071	1.3615	16.17
440073	1.2785	18.56
440078	1.0266	13.09
440081	1.0950	17.97
440082	2.0471	19.61
440083	0.9670	59.16
440084	1.2064	13.37
440091	1.6371	19.72
440100	1.0065	13.95
440102	1.1313	13.96
440103	1.1144	19.21
440104	1.7388	22.39
440105	1.7270	16.03
440109	1.0889	14.25
440110	1.1002	15.92
440111*	1.4426	21.12
440114	1.0554	13.61
440115	1.0675	12.97
440115	1.4538	16.64
440120	1.6404	18.30
440125	1.5584	16.11
440130	1.1384	16.67
440131	1.1174	14.68
440132	1.1314	15.91
440133	1.5479	21.70
440135	1.2196	35.34
440137	1.0844	14.70
440141	0.9706	12.48
440142	1.0003	13.01
440143	1.0461	17.33
440144	1.2139	16.67
440145	0.9559	13.66
440147	1.7001	22.01
440148	1.1231	17.64
440149	1.0945	13.89
440150	1.3319	13.04
440151	1.1148	15.43
440152	2.0165	17.84
440153	1.1547	16.10
440157	1.0819	9.02
440159	1.1218	17.62
440161	1.8684	20.39

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
440162	.....	14.41
440166	1.6849	18.14
440168	1.0561	17.15
440173	1.6008	18.47
440174	1.0302	17.01
440175	1.0716	17.29
440176	1.3816	18.75
440180	1.2237	17.01
440181	0.9662	11.85
440182	0.9596	18.91
440183	1.5917	19.43
440184	1.2536	18.06
440185	1.1857	18.73
440186	1.0479	18.28
440187	1.1048	14.46
440189	1.4799	16.19
440192	1.0810	19.97
440193	1.2265	18.40
440194	1.2532	19.21
440197	1.3616	23.08
440200	1.0421	15.85
440203	0.9727	16.61
440206	0.9468	13.75
440209	.....	14.75
440210	0.8584	12.33
440211	0.7073	.....
440212	1.3679	.....
440213	2.6309	.....
440214	1.3295	.....
450002*	1.5334	19.92
450004	1.1433	15.28
450005	1.1877	15.66
450007	1.2689	15.75
450008	1.2584	15.75
450010	1.4340	16.08
450011	1.5214	17.66
450014	1.1172	18.22
450015*	1.6355	16.44
450016	1.6644	17.31
450018	1.4434	19.81
450020	0.9601	16.97
450021	1.8595	22.03
450024	1.4525	16.10
450024	1.6146	15.16
450025	1.7316	16.44
450028	1.5003	18.28
450029	1.6807	17.69
450031	1.4829	20.90
450032	1.3571	15.24
450033	1.7144	20.86
450034	1.5651	18.91
450035	1.4731	16.91
450037	1.5577	18.65
450039*	1.4262	18.83
450040	1.5483	17.52
450042	1.7715	17.01
450044	1.6187	17.61
450046*	1.3251	16.99
450047	1.1488	12.50
450050	0.9407	13.00
450051	1.5714	20.08

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
450052	1.0002	13.53
450053	1.1028	17.31
450054*	1.6343	21.98
450055	1.1125	14.81
450056	1.6257	19.22
450058	1.6338	16.98
450059	1.3021	14.21
450063	0.9097	13.81
450064	1.4200	15.43
450065	1.0265	19.61
450068	1.9331	22.90
450072	1.1764	17.34
450073	1.1207	16.62
450076	1.7329	.....
450078	0.8770	13.49
450079	1.5311	19.49
450080	1.1778	16.19
450081	1.0574	16.17
450082	0.9688	13.30
450083	1.8071	20.18
450085	1.0524	14.22
450087	1.4467	21.44
450090	1.1231	13.91
450092	1.2254	15.68
450094	1.3268	19.20
450096	1.4156	16.63
450097	1.3392	18.27
450098	1.0981	15.48
450099	1.1515	22.88
450101	1.4797	15.29
450102	1.7275	17.15
450104	1.1833	15.96
450107	1.5329	20.74
450108	1.0388	13.53
450109	0.9217	12.77
450110	.....	21.44
450111	1.2306	19.27
450112	1.2588	12.04
450113	1.3241	15.15
450118	1.6610	15.83
450119	1.4076	18.32
450121	1.5363	17.37
450123	1.1893	19.19
450124	1.6632	20.61
450126	1.3278	17.45
450128	1.1963	15.62
450130	1.5006	17.86
450131	1.2640	17.62
450132	1.6184	14.38
450133	1.6016	19.64
450137	1.5728	23.96
450140	0.9222	18.07
450143	1.0314	13.28
450144	1.0945	16.30
450145	0.8669	14.84
450146	0.9518	13.75
450147	1.3039	14.90
450148	1.2199	16.91
450149	1.4914	24.00
450150	0.9050	12.56
450151	1.1034	14.84

Average hourly wage based on data on file as of February 22, 1999. It does not reflect any changes processed after that date.
Asterisk denotes teaching physician costs removed based on costs reported on worksheet a, col. 1, line 23 of FY 1996 cost report.

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
450152	1.2307	17.33
450153	1.5443	24.00
450154	1.1796	11.36
450155	1.0303	23.77
450157	1.0679	14.62
450160	0.9623	8.75
450162	1.2163	22.12
450163	1.0057	16.98
450164	1.1844	19.21
450165	1.0389	15.16
450166	0.9373	10.28
450169	.....	15.88
450170	0.9628	13.96
450176	1.2927	16.30
450177	1.2044	15.38
450178	1.0248	16.76
450181	1.0084	14.02
450184	1.4589	19.47
450185	1.0264	13.06
450187	1.1969	17.14
450188	0.9950	13.78
450191	1.0176	18.80
450192	1.1764	21.53
450193	2.0194	22.73
450194	1.3017	19.15
450196	1.4365	16.49
450200	1.4455	17.38
450201	1.0178	17.05
450203	1.1592	18.66
450209	1.5655	18.66
450210	1.0520	14.23
450211	1.3626	16.69
450213	1.7288	17.44
450214	1.3280	17.25
450217	0.9354	11.69
450219	1.0891	15.42
450221	1.1920	16.99
450222	1.4941	18.38
450224	1.3678	22.83
450229	1.5725	16.39
450231	1.6282	13.25
450234	1.0450	13.26
450235	1.0681	13.42
450236	1.1453	15.68
450237	1.5262	17.40
450239	1.0080	13.64
450241	0.9562	13.66
450243	0.9422	12.31
450246	1.0110	18.31
450249	1.0667	11.63
450250	0.9906	14.91
450253	1.1234	15.35
450258	1.0358	13.23
450259	.....	17.85
450264	0.8807	13.89
450269	0.9963	14.16
450270	1.0793	9.86
450271	1.2394	15.39
450272	1.2614	17.91
450276	1.0966	12.71
450278	0.8254	13.79
450280	1.5815	19.01
450283	1.0413	13.89
450286	.....	12.12
450288	1.1566	15.67
450289	1.4681	18.08
450293	0.9461	14.43
450296	1.3456	20.66
450299	1.5412	17.97
450303	0.9624	11.59
450306	1.0914	13.32
450307	0.7995	16.23
450309	1.0981	11.91
450315	0.9788	20.80
450320	1.2431	19.63
450321	0.9220	13.09
450322	0.5973	12.33
450324	1.5343	17.87
450327	0.9680	15.98
450330	1.1267	18.42
450334	0.9752	12.27
450337	0.9932	17.42
450340	1.4589	15.85
450341	1.0144	19.27
450346	1.5017	14.22
450347	1.2197	17.54
450348	1.1296	12.94
450352	1.1887	17.50
450353	1.1374	15.00
450355	1.0444	14.32
450358	2.0739	18.73
450362	1.0903	14.71
450369	1.0535	15.17
450370	1.2082	15.44
450371	1.2448	11.90
450372	1.2359	18.76
450373	1.1042	17.60
450374	0.8698	12.69
450378	1.1823	23.06
450379	1.5578	20.28
450381	0.9504	13.57
450388	1.7801	17.56
450389	1.2887	18.15
450393	1.2516	15.73
450395	1.0414	13.48
450400	1.3751	11.53
450411	0.9314	13.56
450417	1.0236	13.85
450418	1.3841	20.58
450419	1.2162	14.50
450422	1.0412	24.33
450423	1.5371	19.44
450424	1.2463	17.09
450429	1.1179	10.12
450431	1.5626	34.88
450438	1.1330	14.95
450446	0.7612	21.97
450447	1.3910	16.35
450451	1.1844	18.35
450457	1.8463	19.35
450460	1.0034	16.62
450462	1.7354	19.83
450464	0.9328	10.87
450465	1.3057	15.22
450467	1.0766	15.02
450469	1.3918	22.10
450473	1.0190	14.19
450475	1.0903	16.25
450484	1.4886	19.59
450488	1.3273	18.73
450489	0.9699	12.93
450497	1.1188	11.89
450498	0.9736	0.87
450508	1.3853	19.37
450514	1.0764	22.28
450517	0.9583	12.86
450518	1.5216	18.98
450523	1.4806	20.26
450530	1.1943	22.91
450534	0.9671	22.77
450535	1.2284	21.26
450537	1.3420	20.83
450538	.....	19.69
450539	1.2651	14.25
450544*	1.1442	19.38
450545	1.3928	16.97
450547	1.0633	13.81
450551	1.1045	24.23
450558	1.7912	20.15
450559	.....	11.50
450561	.....	16.82
450563	1.2647	30.37
450565	1.2567	16.45
450570	1.1346	17.71
450571	1.4908	16.80
450573	0.9885	15.61
450574	0.9302	14.24
450575	1.1445	19.06
450578	0.9365	16.87
450580	1.1534	15.36
450583	1.0350	15.50
450583	1.1976	21.38
450584	1.1771	12.42
450586	1.0584	12.79
450587	1.1745	17.11
450591	1.1460	17.92
450596	1.2182	14.82
450597	0.9687	16.18
450603	0.7880	12.77
450604	1.3023	14.47
450605	1.1873	20.15
450609	0.8938	10.73
450610	1.4674	16.49
450614	0.9889	13.25
450615	1.0755	14.75
450617	1.3306	19.54
450620	1.1230	12.27
450623	1.1390	21.83
450626	1.0109	18.56
450628	1.0152	16.83
450630	1.5199	19.19
450631	1.6593	17.56
450632	0.9391	11.63

Average hourly wage based on data on file as of February 22, 1999. It does not reflect any changes processed after that date.
Asterisk denotes teaching physician costs removed based on costs reported on worksheet a, col. 1, line 23 of FY 1996 cost report.

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
450633	1.5493	19.26
450634	1.5955	20.29
450638	1.5280	21.11
450639	1.4800	20.14
450639	1.1078	14.71
450641	1.0511	13.50
450643	1.2200	17.43
450643	1.8171	18.65
450644	1.4350	20.79
450644	1.2078	17.67
450646	1.4571	19.99
450647	1.8915	22.10
450648	1.0015	12.59
450649	1.0322	15.37
450651	1.6801	20.31
450652	0.9063	15.24
450653	1.0888	19.28
450654	0.9486	13.41
450656	1.3894	18.56
450658	0.9605	15.15
450659	1.4874	20.56
450661	1.1066	20.22
450662	1.4702	18.42
450665	0.8639	13.60
450666	1.3180	19.35
450668	1.6257	18.50
450669	1.3474	22.28
450670	1.3446	18.20
450672	1.5857	21.04
450673	1.0157	13.84
450674	1.1515	20.62
450675	1.3677	23.26
450677	1.3317	18.71
450678	1.4729	20.75
450681	1.3177	.....
450683	1.2745	19.95
450684	1.2398	22.85
450686	1.5933	14.85
450688	1.3163	20.90
450690	1.3862	16.37
450694	1.1409	18.03
450696	1.3358	17.57
450697	1.3692	15.93
450698	0.9124	14.40
450700	0.9465	15.12
450702	1.5056	21.01
450703	1.1321	18.80
450704	1.2418	21.62
450705	0.8800	22.32
450705	1.7726	20.82
450709	1.1858	17.96
450711	1.6329	17.93
450712	0.5447	16.89
450713	1.4868	23.11
450715	1.4311	19.11
450716	1.2675	19.99
450716	1.3205	16.71
450717	1.2910	19.45
450718	1.1993	19.07
450723	1.4195	20.55
450724	1.2576	20.07

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
450725	.....	19.56
450727	1.0735	17.75
450728	0.8255	12.93
450730	1.3987	20.88
450733	1.4711	20.37
450735	0.8297	8.00
450742	1.2724	20.74
450743	1.4594	14.65
450746	0.9226	18.45
450747	1.3312	17.38
450749	1.0333	12.95
450750	1.0162	14.72
450751	1.2148	22.25
450754	0.9405	14.89
450757	0.8760	13.96
450761	0.9449	11.14
450763	1.0029	17.56
450766	2.0829	18.19
450769	0.8529	13.62
450770	0.9940	15.51
450771	1.9141	17.74
450774	1.6697	16.52
450775	1.3635	19.97
450776	1.0096	10.19
450777	0.9775	19.59
450779	1.2926	22.97
450780	1.7465	15.28
450785	0.9897	18.55
450788	1.5030	20.78
450794	.....	18.40
450795	0.9920	14.17
450796	3.3883	.....
450797	0.7701	18.59
450798	0.7662	9.22
450801	1.4574	16.35
450802	1.4444	18.90
450803	1.0998	16.20
450804	1.7558	20.19
450807	0.8919	13.23
450808	1.9103	45.47
450809	1.5476	12.09
450810	0.9739	.....
450811	2.4111	18.38
450812	.....	20.74
450813	0.9720	.....
450815	2.5623	.....
450817	0.6826	.....
450818	1.1788	.....
450819	1.2321	.....
450820	1.0337	.....
450822	1.2194	.....
460001	1.7791	20.63
460003	1.6039	20.60
460005	1.6610	17.58
460006	1.3361	19.65
460007	1.3066	20.57
460008	1.3692	23.97
460009*	1.8478	21.14
460010	2.0938	21.25
460013	1.4314	18.21
460014	1.2150	16.70

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
460015	1.2389	19.99
460016	0.9921	18.08
460017	1.4000	6.88
460018	0.9273	16.86
460019	1.0515	16.83
460020	0.9556	17.03
460021	1.3838	20.26
460022	0.9569	18.21
460023	1.1748	21.33
460024	.....	13.03
460025	0.8253	12.51
460026	1.0648	17.34
460027	0.9545	20.85
460029	1.0958	17.45
460030	1.1965	17.22
460032	0.9812	19.55
460033	0.9710	15.72
460035	0.9482	10.14
460036	1.0012	22.38
460037	0.9093	18.77
460039	1.0603	24.48
460041	1.3034	21.69
460042	1.3720	17.85
460043	0.9896	23.90
460044	1.1363	20.69
460046	.....	17.11
460047	1.6725	20.94
460049	1.9835	18.82
460051	1.1533	20.98
460052	1.4619	.....
470001	1.3024	19.61
470003	1.8178	22.10
470004	1.0690	18.10
470005	1.2301	21.51
470006	1.2402	18.39
470008	1.2583	19.41
470010	1.0674	19.47
470011	1.1523	21.20
470012	1.2771	18.52
470015	1.2008	19.26
470018	1.2257	20.77
470020	0.9900	18.99
470023	1.3178	20.34
470024	1.1530	20.41
490001	1.1947	24.76
490002	1.0751	12.74
490003	0.6419	18.00
490004	1.2734	18.67
490005	1.5964	16.91
490006	1.2135	15.23
490007	2.0980	18.43
490009	1.9433	22.95
490010	1.0335	18.58
490011	1.4669	18.20
490012	1.1951	13.78
490013	1.2469	16.93
490014	1.5363	24.56
490015	1.5153	19.36
490017	1.3909	15.07
490018	1.3011	17.67
490019	1.1928	16.93

Average hourly wage based on data on file as of February 22, 1999. It does not reflect any changes processed after that date.
Asterisk denotes teaching physician costs removed based on costs reported on worksheet a, col. 1, line 23 of FY 1996 cost report.

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
490020	1.2250	17.67
490021	1.3802	19.45
490022	1.5525	21.01
490023	1.2187	18.87
490024	1.6719	16.89
490027	1.1135	14.46
490030	1.1907	10.50
490031	1.0746	15.82
490032*	1.7258	25.58
490033	1.1993	18.33
490037	1.2001	15.97
490038	1.2145	15.71
490040	1.4731	22.35
490041	1.2784	16.55
490042	1.2285	15.27
490043	1.3526	20.68
490044	1.3206	17.63
490045	1.2191	19.63
490046	1.5460	18.61
490047	1.1059	17.16
490048	1.5709	17.89
490050	1.4272	22.71
490052	1.6374	16.94
490053	1.3173	15.69
490054	1.0322	15.55
490057	1.5692	19.07
490059	1.5895	20.22
490060	1.0646	19.20
490063	1.7720	27.25
490066	1.3206	17.88
490067	1.2570	17.19
490069	1.4162	13.29
490071	1.4080	19.47
490074	.....	13.34
490075	1.3803	19.19
490077	1.2281	19.79
490079	1.3125	16.44
490079	1.3236	23.38
490083	.....	16.64
490084	1.1288	16.38
490085	1.1577	16.40
490088	1.1207	20.76
490089	1.0686	15.86
490090	1.1204	16.35
490091	1.2337	19.83
490092	1.2211	12.97
490093	1.4392	16.48
490094	1.0907	16.79
490097	1.2114	15.86
490098	1.2065	14.70
490099	0.9562	16.88
490100	.....	17.22
490101	1.2299	24.85
490104	0.6981	28.49
490105	0.5822	18.25
490106	0.8713	16.91
490107	1.3325	22.41
490107	1.2448	21.42
490108	0.8976	19.75
490109	0.8779	21.16
490110	1.3090	15.84

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
490111	1.2008	17.34
490112	1.6550	20.52
490112	0.9491	21.43
490113	1.3260	23.08
490114	1.1579	16.91
490115	1.1607	17.10
490116	1.1694	16.44
490117	1.1533	13.84
490119	1.3405	17.87
490122	1.3606	23.62
490123	1.1354	16.85
490124	1.0889	19.36
490126	1.3233	17.07
490127	1.0414	14.48
490129	1.0562	27.47
490130	1.3109	16.28
490132	1.0184	17.02
500001	1.4839	21.30
500002	1.4064	21.04
500003	1.3996	24.31
500005	1.7494	23.48
500007	1.3375	22.43
500007	1.7377	27.24
500008	1.9429	24.19
500011	1.3347	25.18
500012	1.5545	22.28
500014	1.5643	23.93
500015	1.3297	23.24
500016	1.4969	23.90
500019	1.3825	22.37
500019	1.0542	16.63
500021	1.4811	24.46
500023	1.2084	27.19
500024	1.6908	28.85
500025	1.9076	23.96
500026	1.4496	23.35
500027*	1.6837	25.11
500028	1.0717	18.86
500029	0.9116	17.15
500030	1.4523	24.13
500031	1.2466	23.37
500033	1.3324	21.39
500036	1.3903	21.89
500037	1.1389	19.69
500039	1.3777	23.32
500042	1.4121	22.13
500043	1.0020	20.25
500044	1.9366	23.11
500045	1.0116	22.10
500048	0.9588	19.01
500049	1.4726	22.95
500050	1.3485	20.97
500051	1.6734	24.48
500052	1.1378	.....
500053	1.3294	22.05
500054	1.8773	22.90
500055	1.1299	22.88
500057	1.3026	18.04
500058	1.4858	23.40
500059	1.0767	22.54
500060	1.3734	23.58

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
500061	1.0038	20.40
500062	1.0655	19.46
500064	1.6399	24.53
500068	1.0553	18.70
500069	1.1143	20.63
500071	1.2830	19.38
500072	1.2022	24.46
500074	1.1040	17.83
500077	1.3318	22.93
500079	1.3197	22.98
500080	0.8124	13.80
500084	1.2783	17.76
500085	0.9278	28.61
500086	1.2605	22.31
500088	1.2964	23.71
500089	1.0388	17.94
500090	0.8380	16.33
500092	1.0142	17.40
500094	0.8826	18.11
500096	0.9385	20.96
500097	1.0798	19.71
500098	1.0464	16.38
500101	1.0138	19.45
500102	0.9022	20.33
500104	1.2658	22.58
500106	0.9351	18.71
500107	1.2050	17.30
500107	1.2050	17.30
500107	1.4730	20.61
500110	1.2039	21.41
500118	1.1500	22.92
500118	1.2716	18.35
500119	1.3565	21.57
500122	1.2754	21.91
500123	0.9512	19.58
500124	1.3682	24.15
500129	1.6395	23.60
500132	0.9695	19.42
500134	0.6470	20.96
500138	3.6799	.....
500139	1.4685	20.88
500140	.....	1.00
500141	1.3697	22.94
500143	0.5986	17.60
500146	.....	17.85
510001	1.9505	17.87
510002	1.2866	17.34
510005	1.0195	14.43
510006	1.2718	17.53
510007*	1.5744	20.25
510008	1.2176	17.29
510012	1.0090	20.21
510013	1.1010	16.62
510015	0.9623	14.56
510016	.....	14.52
510018	1.0667	16.48
510020	1.0824	12.65
510022	1.8964	19.84
510023	1.2383	15.94
510024	1.5822	18.80
510026	1.0565	13.46

Average hourly wage based on data on file as of February 22, 1999. It does not reflect any changes processed after that date.
Asterisk denotes teaching physician costs removed based on costs reported on worksheet a, col. 1, line 23 of FY 1996 cost report.

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
510027	0.9592	17.58
510028	1.0482	20.73
510029	1.2825	17.05
510029	1.1570	15.37
510030	1.0525	18.31
510030	1.1257	17.66
510031	1.4148	18.49
510033	1.2896	18.81
510035	1.2262	18.65
510036	0.9851	13.20
510038	1.0644	14.34
510039	1.3991	16.04
510043	0.9349	14.29
510046	1.2728	17.73
510047	1.2608	19.12
510048	1.1326	20.37
510050	1.7469	16.57
510053	1.0811	15.59
510055	1.2272	22.84
510058	1.2791	17.98
510059	1.9378	16.77
510060	1.0503	15.66
510061	1.0234	14.22
510062	1.2784	17.63
510065	.....	13.72
510066	.....	12.72
510067	1.2058	18.11
510068	1.2072	16.29
510070	1.2966	16.36
510071	1.3310	16.24
510072	1.0568	17.66
510077	1.1382	16.41
510080	1.1488	14.80
510081	1.0777	13.00
510082	1.1599	13.38
510084	1.0387	12.48
510086	1.1038	13.79
510088	1.0373	.....
520003	1.0889	16.43
520004	1.1781	18.17
520006	1.0164	20.44
520007	1.0498	13.11
520008	1.6388	23.11
520009	1.6963	18.51
520010	1.1567	20.34
520011	1.1930	20.38
520013	1.3708	21.64
520014	1.1081	16.40
520015	1.1985	18.32
520016	0.9785	13.29
520017	1.1935	19.32
520018	1.1169	18.64
520019	1.3094	18.31
520021	1.4602	19.46
520024	1.0420	14.61
520025	1.0655	18.11
520026	1.0229	19.81
520027	1.2629	18.86
520028	1.3300	19.14
520029	0.8925	16.75
520030	1.7397	20.01

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
520031	1.0727	18.71
520032	1.2635	17.84
520033	1.2390	18.77
520034	1.1068	16.69
520035	1.3242	17.10
520037	1.7020	20.05
520038	1.3352	17.71
520039	0.9971	19.60
520040	1.5273	20.48
520044	1.4160	17.79
520045	1.6446	19.67
520047	0.9370	17.87
520048	1.4946	18.61
520049	2.0474	19.57
520051*	1.8401	19.06
520053	1.1887	16.49
520054	1.0540	15.99
520057	1.1966	18.32
520058	1.1064	18.13
520059	1.4353	19.85
520060	1.4753	17.05
520062	1.2495	17.80
520063	1.1851	20.77
520064	1.5705	21.46
520066	1.4668	22.24
520068	0.9622	18.08
520069	1.2302	17.00
520070	1.5249	17.82
520071	1.2534	18.75
520074	1.0579	19.57
520075	1.4850	19.09
520076	1.1802	16.51
520077	0.9304	15.54
520078	1.6347	20.13
520082	1.1943	16.74
520083	1.7211	25.85
520084	1.0805	18.95
520087	1.6998	19.39
520088	1.2750	20.15
520090	1.2589	18.00
520091	1.2781	20.07
520092	1.0851	17.56
520094	0.7814	19.78
520095	1.2912	18.51
520096	1.3837	19.30
520097	1.3186	19.57
520098*	1.7679	20.03
520100	1.2558	18.38
520101	1.0673	17.85
520102	1.1747	19.83
520103	1.3291	21.23
520107	1.2651	20.54
520109	1.0080	18.63
520110	1.2429	20.03
520111	1.0771	17.24
520112	1.1370	18.18
520113	1.2753	20.59
520114	1.0715	17.38
520115	1.2443	17.38
520116	1.2746	18.57
520117	1.0104	17.42

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
520118	0.9267	12.44
520120	0.9639	15.62
520121	0.9809	17.58
520122	0.9984	16.76
520123	0.9687	17.41
520124	1.0565	16.39
520130	1.0658	14.49
520131	1.0212	18.80
520132	1.2099	17.28
520134	1.1056	17.61
520135	0.9696	14.47
520136*	1.5145	19.85
520138	1.8811	20.56
520139	1.2600	21.28
520140	1.6657	20.99
520141	.....	16.95
520142	0.8561	17.70
520144	1.0159	16.62
520145	0.9104	17.24
520146	1.0606	15.73
520148	1.1740	16.93
520149	0.8682	13.30
520151	1.0569	18.08
520152	1.1284	21.33
520153	0.9014	15.45
520154	1.1279	17.92
520156	1.1295	19.84
520157	1.1386	17.28
520159	0.9313	18.74
520160	1.7788	18.84
520161	0.9970	18.57
520170	1.1959	22.45
520171	0.9550	15.73
520173	1.1310	19.81
520177	1.7167	21.29
520178	1.0405	17.04
520187	0.6853	.....
530002	1.1871	17.59
530003	0.8651	15.78
530004	0.9408	16.19
530005	1.1117	15.15
530006	1.1073	19.34
530007	1.0694	18.06
530008	1.2168	19.71
530009	0.9868	19.45
530010	1.2449	18.93
530011	1.1582	17.44
530012	1.6193	19.48
530014	1.4152	17.32
530015	1.2824	22.65
530016	1.2295	17.71
530017	0.9391	13.71
530018	0.9886	17.87
530019	0.9196	16.76
530022	1.1517	17.88
530023	0.8312	20.75
530025	1.3777	20.32
530026	1.1298	18.92
530027	0.8284	29.77
530029	1.0012	17.97
530031	0.8249	13.38

Average hourly wage based on data on file as of February 22, 1999. It does not reflect any changes processed after that date.
Asterisk denotes teaching physician costs removed based on costs reported on worksheet a, col. 1, line 23 of FY 1996 cost report.

TABLE 3C.—HOSPITAL CASE MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 1998; HOSPITAL AVERAGE HOURLY WAGE FOR FEDERAL FISCAL YEAR 2000 WAGE INDEX—Continued

Prov.	Case mix index	Avg. hourly wage
530032	0.9898	20.21

TABLE 4A.—WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) – FOR URBAN AREAS

Urban area (constituent counties)	Wage index	GAF
0040 Abilene, TX	0.8269	0.8780
Taylor, TX		
0060 Aguadilla, PR	0.4559	0.5840
Aguada, PR		
Aguadilla, PR		
Moca, PR		
0080 Akron, OH	1.0277	1.0189
Portage, OH		
Summit, OH		
0120 [2] Albany, GA	0.8189	0.8721
Dougherty, GA		
Lee, GA		
0160 [2] Albany-Schenectady-Troy, NY	0.8633	0.9042
Albany, NY		
Montgomery, NY		
Rensselaer, NY		
Saratoga, NY		
Schenectady, NY		
Schoharie, NY		
0200 [2] Albuquerque, NM	0.8613	0.9028
Bernalillo, NM		
Sandoval, NM		
Valencia, NM		
0220 Alexandria, LA	0.7988	0.8574
Rapides, LA		
0240 Allentown-Bethlehem-Easton, PA	0.9754	0.9831
Carbon, PA		
Lehigh, PA		
Northampton, PA		
0280 Altoona, PA	0.9422	0.9600
Blair, PA		
0320 Amarillo, TX	0.8150	0.8693
Potter, TX		
Randall, TX		
0380 Anchorage, AK	1.3143	1.2058
Anchorage, AK		
0440 Ann Arbor, MI	1.1565	1.1047
Lenawee, MI		
Livingston, MI		
Washtenaw, MI		
0450 Anniston, AL	0.8548	0.8981
Calhoun, AL		
0460 Appleton-Oshkosh-Neenah, WI	0.8944	0.9264
Calumet, WI		
Outagamie, WI		
Winnebago, WI		

TABLE 4A.—WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) – FOR URBAN AREAS—Continued

Urban area (constituent counties)	Wage index	GAF
0470 Arecibo, PR	0.4737	0.5995
Arecibo, PR		
Camuy, PR		
Hatillo, PR		
0480 Asheville, NC	0.8978	0.9288
Buncombe, NC		
Madison, NC		
0500 Athens, GA	0.9556	0.9694
Clarke, GA		
Madison, GA		
Oconee, GA		
0520 [1] Atlanta, GA	1.0119	1.0081
Barrow, GA		
Bartow, GA		
Carroll, GA		
Cherokee, GA		
Clayton, GA		
Cobb, GA		
Coweta, GA		
DeKalb, GA		
Douglas, GA		
Fayette, GA		
Forsyth, GA		
Fulton, GA		
Gwinnett, GA		
Henry, GA		
Newton, GA		
Paulding, GA		
Pickens, GA		
Rockdale, GA		
Spalding, GA		
Walton, GA		
0560 Atlantic-Cape May, NJ	1.1076	1.0725
Atlantic, NJ		
Cape May, NJ		
0600 Augusta-Aiken, GA–SC	0.9117	0.9387
Columbia, GA		
McDuffie, GA		
Richmond, GA		
Aiken, SC		
Edgefield, SC		
0640 [2] Austin-San Marcos, TX	0.9511	0.9663
Bastrop, TX		
Caldwell, TX		
Hays, TX		
Travis, TX		
Williamson, TX		
0680 [2] Bakersfield, CA	1.0153	1.0105
Kern, CA		
0720 [1] Baltimore, MD	1.0176	1.0120
Anne Arundel, MD		
Baltimore, MD		
Baltimore City, MD		
Carroll, MD		
Harford, MD		
Howard, MD		
Queen Anne's, MD		
0733 Bangor, ME	0.9706	0.9798
Penobscot, ME		
0743 Barnstable-Yarmouth, MA	1.3013	1.1976

TABLE 4A.—WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) – FOR URBAN AREAS—Continued

Urban area (constituent counties)	Wage index	GAF
Barnstable, MA		
0760 Baton Rouge, LA	0.8796	0.9159
Ascension, LA		
East Baton Rouge, LA		
Livingston, LA		
West Baton Rouge, LA		
0840 Beaumont-Port Arthur, TX	0.8555	0.8986
Hardin, TX		
Jefferson, TX		
Orange, TX		
0860 Bellingham, WA	1.1509	1.1010
Whatcom, WA		
0870 [2] Benton Harbor, MI	0.8904	0.9236
Berrien, MI		
0875 [1] Bergen-Passaic, NJ	1.1861	1.1240
Bergen, NJ		
Passaic, NJ		
0880 Billings, MT	1.1802	1.1201
Yellowstone, MT		
0920 Biloxi-Gulfport-Pascagoula, MS	0.8030	0.8605
Hancock, MS		
Harrison, MS		
Jackson, MS		
0960 Binghamton, NY	0.8701	0.9091
Broome, NY		
Tioga, NY		
1000 Birmingham, AL	0.9010	0.9311
Blount, AL		
Jefferson, AL		
St. Clair, AL		
Shelby, AL		
1010 Bismarck, ND	0.7973	0.8563
Burleigh, ND		
Morton, ND		
1020 Bloomington, IN	0.8680	0.9076
Monroe, IN		
1040 Bloomington-Normal, IL	0.9084	0.9363
McLean, IL		
1080 Boise City, ID	0.9178	0.9430
Ada, ID		
Canyon, ID		
1123 [1] Boston-Worcester-Lawrence-Lowell-Brockton, MA–NH	1.1247	1.0838
Bristol, MA		
Essex, MA		
Middlesex, MA		
Norfolk, MA		
Plymouth, MA		
Suffolk, MA		
Worcester, MA		
Hillsborough, NH		
Merrimack, NH		
Rockingham, NH		
Strafford, NH		

TABLE 4A.—WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) – FOR URBAN AREAS—Continued

Urban area (constituent counties)	Wage index	GAF
1125 Boulder-Longmont, CO	1.0045	1.0031
Boulder, CO		
1145 Brazoria, TX	0.8592	0.9013
Brazoria, TX		
1150 Bremerton, WA	1.1122	1.0755
Kitsap, WA		
1240 Brownsville-Harlingen-San Benito, TX	0.9243	0.9475
Cameron, TX		
1260 Bryan-College Station, TX	0.8453	0.8913
Brazos, TX		
1280 [1] Buffalo-Niagara Falls, NY	0.9586	0.9715
Erie, NY		
Niagara, NY		
1303 Burlington, VT	1.0455	1.0309
Chittenden, VT		
Franklin, VT		
Grand Isle, VT		
1310 Caguas, PR	0.4555	0.5836
Caguas, PR		
Cayey, PR		
Cidra, PR		
Gurabo, PR		
San Lorenzo, PR		
1320 Canton-Massillon, OH	0.8722	0.9106
Carroll, OH		
Stark, OH		
1350 Casper, WY	0.9292	0.9510
Natrona, WY		
1360 Cedar Rapids, IA	0.9110	0.9382
Linn, IA		
1400 Champaign-Urbana, IL	0.9255	0.9484
Champaign, IL		
1440 Charleston-North Charleston, SC	0.8997	0.9302
Berkeley, SC		
Charleston, SC		
Dorchester, SC		
1480 Charleston, WV	0.9187	0.9436
Kanawha, WV		
Putnam, WV		
1520 [1] Charlotte-Gastonia-Rock Hill, NC–SC	0.9522	0.9670
Cabarrus, NC		
Gaston, NC		
Lincoln, NC		
Mecklenburg, NC		
Rowan, NC		
Stanly, NC		
Union, NC		
York, SC		
1540 Charlottesville, VA	1.0681	1.0461
Albemarle, VA		
Charlottesville City, VA		
Fluvanna, VA		
Greene, VA		
1560 Chattanooga, TN–GA	0.9892	0.9926
Catoosa, GA		
Dade, GA		
Walker, GA		
Hamilton, TN		
Marion, TN		
1580 [2] Cheyenne, WY	0.8891	0.9227
Laramie, WY		
1600 [1] Chicago, IL	1.0858	1.0580
Cook, IL		
DeKalb, IL		
DuPage, IL		
Grundy, IL		
Kane, IL		
Kendall, IL		
Lake, IL		
McHenry, IL		
Will, IL		
1620 Chico-Paradise, CA	1.0381	1.0259
Butte, CA		
1640 [1] Cincinnati, OH–KY–IN	0.9477	0.9639
Dearborn, IN		
Ohio, IN		
Boone, KY		
Campbell, KY		
Gallatin, KY		
Grant, KY		
Kenton, KY		
Pendleton, KY		
Brown, OH		
Clermont, OH		
Hamilton, OH		
Warren, OH		
1660 Clarksville-Hopkinsville, TN–KY	0.8413	0.8884
Christian, KY		
Montgomery, TN		
1680 [1] Cleveland-Lorain-Elyria, OH	0.9724	0.9810
Ashtabula, OH		
Cuyahoga, OH		
Geauga, OH		
Lake, OH		
Lorain, OH		
Medina, OH		
1720 Colorado Springs, CO	0.9311	0.9523
El Paso, CO		
1740 Columbia, MO	0.8982	0.9291
Boone, MO		
1760 Columbia, SC	0.9452	0.9621
Lexington, SC		
Richland, SC		
1800 Columbus, GA–AL	0.8565	0.8994
Russell, AL		
Chattahoochee, GA		
Harris, GA		
Muscogee, GA		
1840 [1] Columbus, OH	0.9802	0.9864
Delaware, OH		
Fairfield, OH		
Franklin, OH		
Licking, OH		
Madison, OH		
Pickaway, OH		
1880 Corpus Christi, TX	0.9318	0.9528
Nueces, TX		
San Patricio, TX		
1900 [2] Cumberland, MD–WV (Maryland Hospitals)	0.9096	0.9372
Allegany, MD		
Mineral, WV		
1900 Cumberland, MD–WV (West Virginia Hospitals)	0.8890	0.9226
Allegany, MD		
Mineral, WV		
1920 [1] Dallas, TX	0.9230	0.9466
Collin, TX		
Dallas, TX		
Denton, TX		
Ellis, TX		
Henderson, TX		
Hunt, TX		
Kaufman, TX		
Rockwall, TX		
1950 Danville, VA	0.9153	0.9412
Danville City, VA		
Pittsylvania, VA		
1960 Davenport-Moline-Rock Island, IA–IL	0.8795	0.9158
Scott, IA		
Henry, IL		
Rock Island, IL		
2000 Dayton-Springfield, OH	0.9388	0.9577
Clark, OH		
Greene, OH		
Miami, OH		
Montgomery, OH		
2020 [2] Daytona Beach, FL	0.9074	0.9356
Flagler, FL		
Volusia, FL		
2030 Decatur, AL	0.9983	0.9988
Lawrence, AL		
Morgan, AL		
2040 Decatur, IL	0.8413	0.8884
Macon, IL		
2080 [1] Denver, CO	1.0247	1.0168
Adams, CO		
Arapahoe, CO		
Denver, CO		
Douglas, CO		
Jefferson, CO		
2120 Des Moines, IA	0.8849	0.9197
Dallas, IA		
Polk, IA		
Warren, IA		
2160 [1] Detroit, MI	1.0463	1.0315
Lapeer, MI		

TABLE 4A.—WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) – FOR URBAN AREAS—Continued

Urban area (constituent counties)	Wage index	GAF
Macomb, MI		
Monroe, MI		
Oakland, MI		
St. Clair, MI		
Wayne, MI		
2180 Dothan, AL	0.7916	0.8521
Dale, AL		
Houston, AL		
2190 Dover, DE	0.9426	0.9603
Kent, DE		
2200 Dubuque, IA	0.8606	0.9023
Dubuque, IA		
2240 Duluth-Superior, MN–WI	1.0278	1.0190
St. Louis, MN		
Douglas, WI		
2281 Dutchess County, NY	0.9837	0.9888
Dutchess, NY		
2290 Eau Claire, WI	0.9049	0.9339
Chippewa, WI		
Eau Claire, WI		
2320 El Paso, TX	0.8983	0.9292
El Paso, TX		
2330 Elkhart-Goshen, IN	0.9142	0.9404
Elkhart, IN		
2335 [2] Elmira, NY	0.8633	0.9042
Chemung, NY		
2340 Enid, OK	0.8034	0.8608
Garfield, OK		
2360 Erie, PA	0.9078	0.9359
Erie, PA		
2400 Eugene-Springfield, OR	1.0761	1.0515
Lane, OR		
2440 [2] Evansville-Henderson, IN–KY (IN Hospitals)	0.8480	0.8932
Posey, IN		
Vanderburgh, IN		
Warrick, IN		
Henderson, KY		
2440 Evansville-Henderson, IN–KY (KY Hospital)	0.8380	0.8860
Posey, IN		
Vanderburgh, IN		
Warrick, IN		
Henderson, KY		
2520 Fargo-Moorhead, ND–MN	0.8707	0.9095
Clay, MN		
Cass, ND		
2560 Fayetteville, NC	0.8673	0.9071
Cumberland, NC		
2580 Fayetteville-Springdale-Rogers, AR	0.7852	0.8474
Benton, AR		
Washington, AR		
2620 Flagstaff, AZ–UT	1.0453	1.0308
Coconino, AZ		
Kane, UT		

TABLE 4A.—WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) – FOR URBAN AREAS—Continued

Urban area (constituent counties)	Wage index	GAF
2640 Flint, MI	1.1132	1.0762
Genesee, MI		
2650 Florence, AL	0.8007	0.8588
Colbert, AL		
Lauderdale, AL		
2655 Florence, SC	0.8706	0.9095
Florence, SC		
2670 Fort Collins-Loveland, CO	1.0406	1.0276
Larimer, CO		
2680 [1] Ft. Lauderdale, FL	1.0239	1.0163
Broward, FL		
2700 [2] Fort Myers-Cape Coral, FL	0.9074	0.9356
Lee, FL		
2710 Fort Pierce-Port St. Lucie, FL	1.0240	1.0164
Martin, FL		
St. Lucie, FL		
2720 Fort Smith, AR–OK	0.7923	0.8526
Crawford, AR		
Sebastian, AR		
Sequoyah, OK		
2750 [2] Fort Walton Beach, FL	0.9074	0.9356
Okaloosa, FL		
2760 Fort Wayne, IN	0.8941	0.9262
Adams, IN		
Allen, IN		
De Kalb, IN		
Huntington, IN		
Wells, IN		
Whitley, IN		
2800 [1] Forth Worth-Arlington, TX	0.9003	0.9306
Hood, TX		
Johnson, TX		
Parker, TX		
Tarrant, TX		
2840 Fresno, CA	1.0371	1.0253
Fresno, CA		
Madera, CA		
2880 Gadsden, AL	0.8842	0.9192
Etowah, AL		
2900 Gainesville, FL	1.0181	1.0124
Alachua, FL		
2920 Galveston-Texas City, TX	0.9569	0.9703
Galveston, TX		
2960 Gary, IN	0.9449	0.9619
Lake, IN		
Porter, IN		
2975 Glens Falls, NY	0.8693	0.9085
Warren, NY		
Washington, NY		
2980 Goldsboro, NC	0.8418	0.8888
Wayne, NC		
2985 Grand Forks, ND–MN	0.9190	0.9438
Polk, MN		
Grand Forks, ND		

TABLE 4A.—WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) – FOR URBAN AREAS—Continued

Urban area (constituent counties)	Wage index	GAF
2995 Grand Junction, CO	0.9291	0.9509
Mesa, CO		
3000 [1] Grand Rapids-Muskegon-Holland, MI	1.0169	1.0115
Allegan, MI		
Kent, MI		
Muskegon, MI		
Ottawa, MI		
3040 Great Falls, MT	1.0626	1.0425
Cascade, MT		
3060 Greeley, CO	0.9449	0.9619
Weld, CO		
3080 Green Bay, WI	0.9305	0.9519
Brown, WI		
3120 [1] Greensboro-Winston-Salem-High Point, NC	0.9122	0.9390
Alamance, NC		
Davidson, NC		
Davie, NC		
Forsyth, NC		
Guilford, NC		
Randolph, NC		
Stokes, NC		
Yadkin, NC		
3150 Greenville, NC	0.9570	0.9704
Pitt, NC		
3160 Greenville-Spartanburg-Anderson, SC	0.9199	0.9444
Anderson, SC		
Cherokee, SC		
Greenville, SC		
Pickens, SC		
Spartanburg, SC		
3180 [2] Hagerstown, MD	0.9096	0.9372
Washington, MD		
3200 Hamilton-Middletown, OH	0.9080	0.9360
Butler, OH		
3240 Harrisburg-Lebanon-Carlisle, PA	0.9896	0.9929
Cumberland, PA		
Dauphin, PA		
Lebanon, PA		
Perry, PA		
3283 [1 2] Hartford, CT	1.2692	1.1773
Hartford, CT		
Litchfield, CT		
Middlesex, CT		
Tolland, CT		
3285 Hattiesburg, MS	0.7453	0.8177
Forrest, MS		
Lamar, MS		
3290 Hickory-Morganton-Lenoir, NC	0.9255	0.9484
Alexander, NC		
Burke, NC		
Caldwell, NC		
Catawba, NC		
3320 Honolulu, HI	1.1600	1.1070

TABLE 4A.—WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) – FOR URBAN AREAS—Continued

Urban area (constituent counties)	Wage index	GAF
Honolulu, HI		
3350 Houma, LA	0.7916	0.8521
Lafourche, LA		
Terrebonne, LA		
3360 [1] Houston, TX	0.9286	0.9505
Chambers, TX		
Fort Bend, TX		
Harris, TX		
Liberty, TX		
Montgomery, TX		
Waller, TX		
3400 Huntington-Ashland, WV–KY–OH	0.9851	0.9898
Boyd, KY		
Carter, KY		
Greenup, KY		
Lawrence, OH		
Cabell, WV		
Wayne, WV		
3440 Huntsville, AL	0.8912	0.9242
Limestone, AL		
Madison, AL		
3480 [1] Indianapolis, IN	0.9876	0.9915
Boone, IN		
Hamilton, IN		
Hancock, IN		
Hendricks, IN		
Johnson, IN		
Madison, IN		
Marion, IN		
Morgan, IN		
Shelby, IN		
3500 Iowa City, IA	0.9705	0.9797
Johnson, IA		
3520 Jackson, MI	0.8930	0.9254
Jackson, MI		
3560 Jackson, MS	0.8519	0.8960
Hinds, MS		
Madison, MS		
Rankin, MS		
3580 Jackson, TN	1.0953	1.0643
Madison, TN		
Chester, TN		
3600 [1 2] Jacksonville, FL	0.9074	0.9356
Clay, FL		
Duval, FL		
Nassau, FL		
St. Johns, FL		
3605 [2] Jacksonville, NC	0.8349	0.8838
Onslow, NC		
3610 [2] Jamestown, NY	0.8633	0.9042
Chautauqua, NY		
3620 Janesville-Beloit, WI	0.9703	0.9796
Rock, WI		
3640 Jersey City, NJ	1.1718	1.1147
Hudson, NJ		
3660 Johnson City-Kingsport-Bristol, TN–VA	0.8935	0.9258
Carter, TN		
Hawkins, TN		

TABLE 4A.—WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) – FOR URBAN AREAS—Continued

Urban area (constituent counties)	Wage index	GAF
Sullivan, TN		
Unicoi, TN		
Washington, TN		
Bristol City, VA		
Scott, VA		
Washington, VA		
3680 [2] Johnstown, PA	0.8488	0.8938
Cambria, PA		
Somerset, PA		
3700 Jonesboro, AR	0.7324	0.8079
Craighead, AR		
3710 Joplin, MO	0.7756	0.8403
Jasper, MO		
Newton, MO		
3720 Kalamazoo-Battlecreek, MI	1.0095	1.0065
Calhoun, MI		
Kalamazoo, MI		
Van Buren, MI		
3740 Kankakee, IL	0.8349	0.8838
Kankakee, IL		
3760 [1] Kansas City, KS–MO	0.9301	0.9516
Johnson, KS		
Leavenworth, KS		
Miami, KS		
Wyandotte, KS		
Cass, MO		
Clay, MO		
Clinton, MO		
Jackson, MO		
Lafayette, MO		
Platte, MO		
Ray, MO		
3800 [2] Kenosha, WI	0.8842	0.9192
Kenosha, WI		
3810 Killeen-Temple, TX	1.0031	1.0021
Bell, TX		
Coryell, TX		
3840 Knoxville, TN	0.9315	0.9526
Anderson, TN		
Blount, TN		
Knox, TN		
Loudon, TN		
Sevier, TN		
Union, TN		
3850 Kokomo, IN	0.9075	0.9357
Howard, IN		
Tipton, IN		
3870 La Crosse, WI–MN	0.9024	0.9321
Houston, MN		
La Crosse, WI		
3880 Lafayette, LA	0.8160	0.8700
Acadia, LA		
Lafayette, LA		
St. Landry, LA		
St. Martin, LA		
3920 Lafayette, IN	0.8898	0.9232
Clinton, IN		
Tippecanoe, IN		
3960 Lake Charles, LA	0.7901	0.8510

TABLE 4A.—WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) – FOR URBAN AREAS—Continued

Urban area (constituent counties)	Wage index	GAF
Calcasieu, LA		
3980 [2] Lakeland-Winter Haven, FL	0.9074	0.9356
Polk, FL		
4000 Lancaster, PA	0.8944	0.9264
Lancaster, PA		
4040 Lansing-East Lansing, MI	1.0091	1.0062
Clinton, MI		
Eaton, MI		
Ingham, MI		
4080 Laredo, TX	0.8407	0.8880
Webb, TX		
4100 [2] Las Cruces, NM	0.8613	0.9028
Dona Ana, NM		
4120 [1] Las Vegas, NV–AZ	1.1182	1.0795
Mohave, AZ		
Clark, NV		
Nye, NV		
4150 Lawrence, KS	0.8306	0.8806
Douglas, KS		
4200 Lawton, OK	0.8475	0.8929
Comanche, OK		
4243 Lewiston-Auburn, ME	0.8971	0.9283
Androscoggin, ME		
4280 Lexington, KY	0.8683	0.9078
Bourbon, KY		
Clark, KY		
Fayette, KY		
Jessamine, KY		
Madison, KY		
Scott, KY		
Woodford, KY		
4320 Lima, OH	0.8995	0.9300
Allen, OH		
Auglaize, OH		
4360 Lincoln, NE	0.9768	0.9841
Lancaster, NE		
4400 Little Rock-North Little Rock, AR	0.8698	0.9089
Faulkner, AR		
Lonoke, AR		
Pulaski, AR		
Saline, AR		
4420 Longview-Marshall, TX	0.8828	0.9182
Gregg, TX		
Harrison, TX		
Upshur, TX		
4480 [1] Los Angeles-Long Beach, CA	1.1903	1.1267
Los Angeles, CA		
4520 Louisville, KY–IN	0.9296	0.9512
Clark, IN		
Floyd, IN		
Harrison, IN		
Scott, IN		
Bullitt, KY		
Jefferson, KY		
Oldham, KY		
4600 Lubbock, TX	0.8438	0.8902

TABLE 4A.—WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) – FOR URBAN AREAS—Continued

Urban area (constituent counties)	Wage index	GAF
Lubbock, TX		
4640 Lynchburg, VA	0.9048	0.9338
Amherst, VA		
Bedford, VA		
Bedford City, VA		
Campbell, VA		
Lynchburg City, VA		
4680 Macon, GA	0.8615	0.9029
Bibb, GA		
Houston, GA		
Jones, GA		
Peach, GA		
Twiggs, GA		
4720 Madison, WI	1.0096	1.0066
Dane, WI		
4800 [2] Mansfield, OH	0.8722	0.9106
Crawford, OH		
Richland, OH		
4840 Mayaguez, PR	0.4862	0.6103
Anasco, PR		
Cabo Rojo, PR		
Hormigueros, PR		
Mayaguez, PR		
Sabana Grande, PR		
San German, PR		
4880 McAllen-Edinburg-Mission, TX	0.8152	0.8694
Hidalgo, TX		
4890 Medford-Ashland, OR	1.0600	1.0407
Jackson, OR		
4900 Melbourne-Titusville-Palm Bay, FL	0.9390	0.9578
Brevard, Fl		
4920 [1] Memphis, TN–AR–MS	0.8070	0.8634
Crittenden, AR		
DeSoto, MS		
Fayette, TN		
Shelby, TN		
Tipton, TN		
4940 Merced, CA.		
Merced, CA	1.0615	1.0417
5000 [1] Miami, FL	1.0314	1.0214
Dade, FL		
5015 [1] Middlesex-Somerset-Hunterdon, NJ	1.1028	1.0693
Hunterdon, NJ		
Middlesex, NJ		
Somerset, NJ		
5080 [1] Milwaukee-Waukesha, WI	0.9840	0.9890
Milwaukee, WI		
Ozaukee, WI		
Washington, WI		
Waukesha, WI		
5120 [1] Minneapolis-St. Paul, MN–WI	1.0630	1.0427
Anoka, MN		
Carver, MN		
Chicago, MN		
Dakota, MN		
Hennepin, MN		
Isanti, MN		
Ramsey, MN		
Scott, MN		
Sherburne, MN		
Washington, MN		
Wright, MN		
Pierce, WI		
St. Croix, WI		
5140 Missoula, MT	0.9281	0.9502
Missoula, MT		
5160 Mobile, AL	0.8301	0.8803
Baldwin, AL		
Mobile, AL		
5170 Modesto, CA	1.0183	1.0125
Stanislaus, CA		
5190 [1] Monmouth-Ocean, NJ	1.1371	1.0920
Monmouth, NJ		
Ocean, NJ		
5200 Monroe, LA	0.8304	0.8805
Ouachita, LA		
5240 [2] Montgomery, AL	0.7542	0.8243
Autauga, AL		
Elmore, AL		
Montgomery, AL		
5280 Muncie, IN	1.0869	1.0587
Delaware, IN		
5330 Myrtle Beach, SC	0.8647	0.9052
Horry, SC		
5345 Naples, FL	1.0234	1.0160
Collier, FL		
5360 [1] Nashville, TN	0.9140	0.9403
Cheatham, TN		
Davidson, TN		
Dickson, TN		
Robertson, TN		
Rutherford TN		
Sumner, TN		
Williamson, TN		
Wilson, TN		
5380 [1] Nassau-Suffolk, NY	1.3274	1.2140
Nassau, NY		
Suffolk, NY		
5483 [1 2] New Haven-Bridgeport-Stamford-Waterbury-Danbury, CT	1.2692	1.1773
Fairfield, CT		
New Haven, CT		
5523 [2] New London-Norwich, CT	1.2692	1.1773
New London, CT		
5560 [1] New Orleans, LA	0.9073	0.9356
Jefferson, LA		
Orleans, LA		
Plaquemines, LA		
St. Bernard, LA		
St. Charles, LA		
St. James, LA		
St. John The Baptist, LA		
St. Tammany, LA		
5600 [1] New York, NY	1.4302	1.2777
Bronx, NY		
Kings, NY		
New York, NY		
Putnam, NY		
Queens, NY		
Richmond, NY		
Rockland, NY		
Westchester, NY		
5640 [1] Newark, NJ	1.0873	1.0590
Essex, NJ		
Morris, NJ		
Sussex, NJ		
Union, NJ		
Warren, NJ		
5660 Newburgh, NY–PA	1.1019	1.0687
Orange, NY		
Pike, PA		
5720 [1] Norfolk-Virginia Beach-Newport News, VA–NC	0.8378	0.8859
Currituck, NC		
Chesapeake City, VA		
Gloucester, VA		
Hampton City, VA		
Isle of Wight, VA		
James City, VA		
Mathews, VA		
Newport News City, VA		
Norfolk City, VA		
Poquoson City, VA		
Portsmouth City, VA		
Suffolk City, VA		
Virginia Beach City VA		
Williamsburg City, VA		
York, VA		
5775 [1] Oakland, CA	1.5199	1.3320
Alameda, CA		
Contra Costa, CA		
5790 Ocala, FL	0.9712	0.9802
Marion, FL		
5800 Odessa-Midland, TX	0.8016	0.8595
Ector, TX		
Midland, TX		
5880 [1] Oklahoma City, OK	0.8705	0.9094
Canadian, OK		
Cleveland, OK		
Logan, OK		
McClain, OK		
Oklahoma, OK		
Pottawatomie, OK		
5910 Olympia, WA	1.2750	1.1810
Thurston, WA		
5920 Omaha, NE–IA	1.0722	1.0489
Pottawattamie, IA		
Cass, NE		

TABLE 4A.—WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) – FOR URBAN AREAS—Continued

Urban area (constituent counties)	Wage index	GAF
Douglas, NE		
Sarpy, NE		
Washington, NE		
5945 [1] Orange County, CA	1.1539	1.1030
Orange, CA		
5960 [1] Orlando, FL	0.9997	0.9998
Lake, FL		
Orange, FL		
Osceola, FL		
Seminole, FL		
5990 [2] Owensboro, KY	0.8129	0.8677
Daviess, KY		
6015 Panama City, FL	0.9266	0.9491
Bay, FL		
6020 Parkersburg-Marietta, WV–OH (West Virginia Hospitals)	0.8500	0.8947
Washington, OH		
Wood, WV		
6020 [2] Parkersburg-Marietta, WV–OH (Ohio Hospitals)	0.8722	0.9106
Washington, OH		
Wood, WV		
6080 [2] Pensacola, FL	0.9074	0.9356
Escambia, FL		
Santa Rosa, FL		
6120 Peoria-Pekin, IL	0.8495	0.8943
Peoria, IL		
Tazewell, IL		
Woodford, IL		
6160 [1] Philadelphia, PA–NJ	1.1077	1.0726
Burlington, NJ		
Camden, NJ		
Gloucester, NJ		
Salem, NJ		
Bucks, PA		
Chester, PA		
Delaware, PA		
Montgomery, PA		
Philadelphia, PA		
6200 [1] Phoenix-Mesa, AZ	0.9546	0.9687
Maricopa, AZ		
Pinal, AZ		
6240 Pine Bluff, AR	0.7689	0.8353
Jefferson, AR		
6280 [1] Pittsburgh, PA	0.9537	0.9681
Allegheny, PA		
Beaver, PA		
Butler, PA		
Fayette, PA		
Washington, PA		
Westmoreland, PA		
6323 Pittsfield, MA	1.0767	1.0519
Berkshire, MA		
6340 Pocatello, ID	0.9068	0.9352
Bannock, ID		
6360 Ponce, PR	0.5026	0.6243
Guayanilla, PR		
Juana Diaz, PR		
Penuelas, PR		
Ponce, PR		
Villalba, PR		
Yauco, PR		
6403 Portland, ME	0.9552	0.9691
Cumberland, ME		
Sagadahoc, ME		
York, ME		
6440 [1] Portland-Vancouver, OR–WA	1.1091	1.0735
Clackamas, OR		
Columbia, OR		
Multnomah, OR		
Washington, OR		
Yamhill, OR		
Clark, WA		
6483 [1] Providence-Warwick-Pawtucket, RI	1.0789	1.0534
Bristol, RI		
Kent, RI		
Newport, RI		
Providence, RI		
Washington, RI		
6520 Provo-Orem, UT	0.9786	0.9853
Utah, UT		
6560 Pueblo, CO	0.8943	0.9264
Pueblo, CO		
6580 [2] Punta Gorda, FL	0.9074	0.9356
Charlotte, FL		
6600 Racine, WI	0.9310	0.9522
Racine, WI		
6640 [1] Raleigh-Durham-Chapel Hill, NC	0.9631	0.9746
Chatham, NC		
Durham, NC		
Franklin, NC		
Johnston, NC		
Orange, NC		
Wake, NC		
6660 Rapid City, SD	0.8449	0.8910
Pennington, SD		
6680 Reading, PA	0.9526	0.9673
Berks, PA		
6690 Redding, CA	1.1392	1.0934
Shasta, CA		
6720 Reno, NV	1.0763	1.0516
Washoe, NV		
6740 Richland-Kennewick-Pasco, WA	1.1338	1.0898
Benton, WA		
Franklin, WA		
6760 Richmond-Petersburg, VA	1.0053	1.0036
Charles City County, VA		
Chesterfield, VA		
Colonial Heights City, VA		
Dinwiddie, VA		
Goochland, VA		
Hanover, VA		
Henrico, VA		
Hopewell City, VA		
New Kent, VA		
Petersburg City, VA		
Powhatan, VA		
Prince George, VA		
Richmond City, VA		
6780 [1] Riverside-San Bernardino, CA	1.0622	1.0422
Riverside, CA		
San Bernardino, CA		
6800 Roanoke, VA	0.8224	0.8747
Botetourt, VA		
Roanoke, VA		
Roanoke City, VA		
Salem City, VA		
6820 Rochester, MN	1.1056	1.0712
Olmsted, MN		
6840 [1] Rochester, NY	0.9448	0.9619
Genesee, NY		
Livingston, NY		
Monroe, NY		
Ontario, NY		
Orleans, NY		
Wayne, NY		
6880 Rockford, IL	0.8861	0.9205
Boone, IL		
Ogle, IL		
Winnebago, IL		
6895 Rocky Mount, NC	0.8823	0.9178
Edgecombe, NC		
Nash, NC		
6920 [1] Sacramento, CA	1.2482	1.1640
El Dorado, CA		
Placer, CA		
Sacramento, CA		
6960 Saginaw-Bay City-Midland, MI	0.9422	0.9600
Bay, MI		
Midland, MI		
Saginaw, MI		
6980 St. Cloud, MN	0.9650	0.9759
Benton, MN		
Stearns, MN		
7000 St. Joseph, MO	0.8836	0.9187
Andrew, MO		
Buchanan, MO		
7040 [1] St. Louis, MO–IL	0.9186	0.9435
Clinton, IL		
Jersey, IL		
Madison, IL		
Monroe, IL		
St. Clair, IL		
Franklin, MO		
Jefferson, MO		
Lincoln, MO		
St. Charles, MO		
St. Louis, MO		
St. Louis City, MO		
Warren, MO		
7080 [2] Salem, OR	1.0071	1.0049

TABLE 4A.—WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) – FOR URBAN AREAS—Continued

Urban area (constituent counties)	Wage index	GAF
Marion, OR		
Polk, OR		
7120 Salinas, CA	1.4706	1.3023
Monterey, CA		
7160 [1] Salt Lake City-Ogden, UT	0.9884	0.9920
Davis, UT		
Salt Lake, UT		
Weber, UT		
7200 San Angelo, TX	0.7870	0.8487
Tom Green, TX		
7240 [1] San Antonio, TX	0.8271	0.8781
Bexar, TX		
Comal, TX		
Guadalupe, TX		
Wilson, TX		
7320 [1] San Diego, CA	1.1943	1.1293
San Diego, CA		
7360 [1] San Francisco, CA	1.3976	1.2576
Marin, CA		
San Francisco, CA		
San Mateo, CA		
7400 [1] San Jose, CA	1.3714	1.2415
Santa Clara, CA		
7440 [1] San Juan-Bayamon, PR	0.4740	0.5998
Aguas Buenas, PR		
Barceloneta, PR		
Bayamon, PR		
Canovanas, PR		
Carolina, PR		
Catano, PR		
Ceiba, PR		
Comerio, PR		
Corozal, PR		
Dorado, PR		
Fajardo, PR		
Florida, PR		
Guaynabo, PR		
Humacao, PR		
Juncos, PR		
Los Piedras, PR		
Loiza, PR		
Luguillo, PR		
Manati, PR		
Morovis, PR		
Naguabo, PR		
Naranjito, PR		
Rio Grande, PR		
San Juan, PR		
Toa Alta, PR		
Toa Baja, PR		
Trujillo Alto, PR		
Vega Alta, PR		
Vega Baja, PR		
Yabucoa, PR		
7460 San Luis Obispo-Atascadero-Paso Robles, CA	1.0576	1.0391
San Luis Obispo, CA		

TABLE 4A.—WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) – FOR URBAN AREAS—Continued

Urban area (constituent counties)	Wage index	GAF
7480 Santa Barbara-Santa Maria-Lompoc, CA	1.0927	1.0626
Santa Barbara, CA		
7485 Santa Cruz-Watsonville, CA	1.4068	1.2633
Santa Cruz, CA		
7490 Santa Fe, NM	0.9115	0.9385
Los Alamos, NM		
Santa Fe, NM		
7500 Santa Rosa, CA	1.3127	1.2048
Sonoma, CA		
7510 Sarasota-Bradenton, FL	0.9928	0.9951
Manatee, FL		
Sarasota, FL		
7520 Savannah, GA	0.9892	0.9926
Bryan, GA		
Chatham, GA		
Effingham, GA		
7560 [2] Scranton-Wilkes-Barre-Hazleton, PA	0.8488	0.8938
Columbia, PA		
Lackawanna, PA		
Luzerne, PA		
Wyoming, PA		
7600 [1] Seattle-Bellevue-Everett, WA	1.1390	1.0932
Island, WA		
King, WA		
Snohomish, WA		
7610 [2] Sharon, PA	0.8488	0.8938
Mercer, PA		
7620 [2] Sheboygan, WI	0.8842	0.9192
Sheboygan, WI		
7640 Sherman-Denison, TX	0.9213	0.9454
Grayson, TX		
7680 Shreveport-Bossier City, LA	0.9142	0.9404
Bossier, LA		
Caddo, LA		
Webster, LA		
7720 Sioux City, IA–NE	0.8051	0.8620
Woodbury, IA		
Dakota, NE		
7760 Sioux Falls, SD	0.8778	0.9146
Lincoln, SD		
Minnehaha, SD		
7800 South Bend, IN	0.9893	0.9927
St. Joseph, IN		
7840 Spokane, WA	1.0891	1.0602
Spokane, WA		
7880 Springfield, IL	0.8772	0.9142
Menard, IL		
Sangamon, IL		
7920 Springfield, MO	0.8003	0.8585
Christian, MO		
Greene, MO		
Webster, MO		
8003 Springfield, MA	0.9914	0.9941
Hampden, MA		

TABLE 4A.—WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) – FOR URBAN AREAS—Continued

Urban area (constituent counties)	Wage index	GAF
Hampshire, MA		
8050 State College, PA	0.9249	0.9479
Centre, PA		
8080 [2] Steubenville-Weirton, OH–WV (Ohio Hospitals)	0.8722	0.9106
Jefferson, OH		
Brooke, WV		
Hancock, WV		
8080 Steubenville-Weirton, OH–WV (West Virginia Hospitals)	0.8702	0.9092
Jefferson, OH		
Brooke, WV		
Hancock, WV		
8120 Stockton-Lodi, CA	1.0623	1.0423
San Joaquin, CA		
8140 [2] Sumter, SC	0.8541	0.8976
Sumter, SC		
8160 Syracuse, NY	0.9527	0.9674
Cayuga, NY		
Madison, NY		
Onondaga, NY		
Oswego, NY		
8200 Tacoma, WA	1.1755	1.1171
Pierce, WA		
8240 [2] Tallahassee, FL	0.9074	0.9356
Gadsden, FL		
Leon, FL		
8280 [1] Tampa-St. Petersburg-Clearwater, FL	0.9260	0.9487
Hernando, FL		
Hillsborough, FL		
Pasco, FL		
Pinellas, FL		
8320 Terre Haute, IN	0.8673	0.9071
Clay, IN		
Vermillion, IN		
Vigo, IN		
8360 Texarkana, AR-Texarkana, TX	0.8206	0.8734
Miller, AR		
Bowie, TX		
8400 Toledo, OH	0.9810	0.9870
Fulton, OH		
Lucas, OH		
Wood, OH		
8440 Topeka, KS	0.9195	0.9441
Shawnee, KS		
8480 Trenton, NJ	1.0051	1.0035
Mercer, NJ		
8520 Tucson, AZ	0.8831	0.9184
Pima, AZ		
8560 Tulsa, OK	0.7852	0.8474
Creek, OK		
Osage, OK		
Rogers, OK		
Tulsa, OK		
Wagoner, OK		

TABLE 4A.—WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) – FOR URBAN AREAS—Continued

Urban area (constituent counties)	Wage index	GAF
8600 Tuscaloosa, AL	0.7994	0.8579
Tuscaloosa, AL		
8640 Tyler, TX	0.8572	0.8999
Smith, TX		
8680 [2] Utica-Rome, NY	0.8633	0.9042
Herkimer, NY		
Oneida, NY		
8720 Vallejo-Fairfield-Napa, CA	1.2783	1.1831
Napa, CA		
Solano, CA		
8735 Ventura, CA	1.0983	1.0663
Ventura, CA		
8750 Victoria, TX	0.8062	0.8628
Victoria, TX		
8760 Vineland-Millville-Bridgeton, NJ	1.0623	1.0423
Cumberland, NJ		
8780 Visalia-Tulare-Porterville, CA	1.0409	1.0278
Tulare, CA		
8800 Waco, TX	0.7561	0.8258
McLennan, TX		
8840 [1] Washington, DC–MD–VA–WV	1.1118	1.0753
District of Columbia, DC		
Calvert, MD		
Charles, MD		
Frederick, MD		
Montgomery, MD		
Prince Georges, MD		
Alexandria City, VA		
Arlington, VA		
Clarke, VA		
Culpeper, VA		
Fairfax, VA		
Fairfax City, VA		
Falls Church City, VA		
Fauquier, VA		
Fredericksburg City, VA		
King George, VA		
Loudoun, VA		
Manassas City, VA		
Manassas Park City, VA		
Prince William, VA		
Spotsylvania, VA		
Stafford, VA		
Warren, VA		
Berkeley, WV		
Jefferson, WV		
8920 Waterloo-Cedar Falls, IA	0.9039	0.9332
Black Hawk, IA		
8940 Wausau, WI	0.9545	0.9686
Marathon, WI		
8960 [1] West Palm Beach-Boca Raton, FL	1.0167	1.0114
Palm Beach, FL		

TABLE 4A.—WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) – FOR URBAN AREAS—Continued

Urban area (constituent counties)	Wage index	GAF
9000 [2] Wheeling, WV–OH (West Virginia Hospitals)	0.8206	0.8734
Belmont, OH		
Marshall, WV		
Ohio, WV		
9000 [2] Wheeling, WV–OH (Ohio Hospitals)	0.8722	0.9106
Belmont, OH		
Marshall, WV		
Ohio, WV		
9040 Wichita, KS	0.9117	0.9387
Butler, KS		
Harvey, KS		
Sedgwick, KS		
9080 Wichita Falls, TX	0.7730	0.8384
Archer, TX		
Wichita, TX		
9140 Williamsport, PA	0.8611	0.9027
Lycoming, PA		
9160 Wilmington-Newark, DE–MD	1.1388	1.0931
New Castle, DE		
Cecil, MD		
9200 Wilmington, NC	0.9962	0.9974
New Hanover, NC		
Brunswick, NC		
9260 [2] Yakima, WA	1.0474	1.0322
Yakima, WA		
9270 Yolo, CA	1.0591	1.0401
Yolo, CA		
9280 York, PA	0.9348	0.9549
York, PA		
9320 Youngstown-Warren, OH	1.0098	1.0067
Columbiana, OH		
Mahoning, OH		
Trumbull, OH		
9340 Yuba City, CA	1.0770	1.0521
Sutter, CA		
Yuba, CA		
9360 Yuma, AZ	1.0024	1.0016
Yuma, AZ		

[1] Large Urban Area.
[2] Hospitals geographically located in the area are assigned the statewide rural wage index for FY 2000.

TABLE 4B.—WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) FOR RURAL AREAS

Nonurban area	Wage index	GAF
Alabama	0.7542	0.8243
Alaska	1.2181	1.1447
Arizona	0.8610	0.9026
Arkansas	0.7290	0.8054
California	1.0153	1.0105
Colorado	0.8852	0.9199
Connecticut	1.2692	1.1773
Delaware	0.9259	0.9486

TABLE 4B.—WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) FOR RURAL AREAS—Continued

Nonurban area	Wage index	GAF
Florida	0.9074	0.9356
Georgia	0.8189	0.8721
Hawaii	1.0812	1.0549
Idaho	0.8715	0.9101
Illinois	0.8121	0.8672
Indiana	0.8480	0.8932
Iowa	0.8000	0.8583
Kansas	0.7512	0.8221
Kentucky	0.8129	0.8677
Louisiana	0.7519	0.8226
Maine	0.8706	0.9095
Maryland	0.9096	0.9372
Massachusetts	0.9914	0.9941
Michigan	0.8904	0.9236
Minnesota	0.8753	0.9128
Mississippi	0.7453	0.8177
Missouri	0.7701	0.8362
Montana	0.8528	0.8967
Nebraska	0.8075	0.8638
Nevada	0.9633	0.9747
New Hampshire	0.9978	0.9985
New Jersey [1]	.....	.....
New Mexico	0.8613	0.9028
New York	0.8633	0.9042
North Carolina	0.8349	0.8838
North Dakota	0.7750	0.8398
Ohio	0.8722	0.9106
Oklahoma	0.7345	0.8095
Oregon	1.0071	1.0049
Pennsylvania	0.8488	0.8938
Puerto Rico	0.4379	0.5681
Rhode Island [1]	.....	.....
South Carolina	0.8541	0.8976
South Dakota	0.7663	0.8334
Tennessee	0.7743	0.8393
Texas	0.7008	0.7839
Utah	0.8219	0.8743
Vermont	0.9524	0.9672
Virginia	0.7938	0.8537
Washington	1.0474	1.0322
West Virginia	0.8206	0.8734
Wisconsin	0.8842	0.9192
Wyoming	0.8891	0.9227

[1] All counties within the State are classified as urban.

TABLE 4C.—WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) FOR HOSPITALS THAT ARE RECLASSIFIED

Area	Wage index	GAF
Abilene, TX	0.8269	0.8780
Akron, OH	1.0091	1.0062
Albany, GA	0.8189	0.8721
Alexandria, LA	0.7988	0.8574
Amarillo, TX	0.8150	0.8693
Anchorage, AK	1.3143	1.2058
Ann Arbor, MI	1.1437	1.0963
Atlanta, GA	1.0119	1.0081
Austin-San Marcos, TX	0.9511	0.9663

TABLE 4C.—WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) FOR HOSPITALS THAT ARE RECLASSIFIED—Continued

Area	Wage index	GAF
Baltimore, MD	1.0176	1.0120
Baton Rouge, LA	0.8796	0.9159
Beaumont-Port Arthur, TX	0.8555	0.8986
Bergen-Passaic, NJ	1.1861	1.1240
Billings, MT	1.1496	1.1002
Biloxi-Gulfport-Pascagoula, MS	0.8030	0.8605
Binghamton, NY	0.8701	0.9091
Birmingham, AL	0.9010	0.9311
Bismarck, ND	0.7973	0.8563
Boise City, ID	0.9178	0.9430
Boston-Worcester-Lawrence-Lowell-Brockton, MA–NH	1.1247	1.0838
Burlington, VT	1.0046	1.0031
Caguas, PR	0.4555	0.5836
Champaign-Urbana, IL	0.9255	0.9484
Charleston-North Charleston, SC	0.8997	0.9302
Charleston, WV	0.8950	0.9268
Charlotte-Gastonia-Rock Hill, NC–SC	0.9522	0.9670
Chattanooga, TN–GA	0.9586	0.9715
Chicago, IL	1.0858	1.0580
Cincinnati, OH–KY–IN	0.9477	0.9639
Clarksville-Hopkinsville, TN–KY	0.8413	0.8884
Cleveland-Lorain-Elyria, OH	0.9724	0.9810
Columbia, MO	0.8815	0.9173
Columbia, SC	0.9308	0.9521
Columbus, GA–AL	0.8379	0.8859
Columbus, OH	0.9660	0.9766
Corpus Christi, TX	0.9172	0.9425
Dallas, TX	0.9230	0.9466
Danville, VA	0.8795	0.9158
Davenport-Moline-Rock Island, IA–IL	0.8694	0.9086
Dayton-Springfield, OH	0.9284	0.9504
Denver, CO	1.0247	1.0168
Des Moines, IA	0.8849	0.9197
Dothan, AL	0.7916	0.8521
Dover, DE	1.0618	1.0419
Duluth-Superior, MN–WI	1.0278	1.0190
Elkhart-Goshen, IN	0.9142	0.9404
Eugene-Springfield, OR	1.0761	1.0515
Evansville-Henderson, IN–KY	0.8480	0.8932
Fargo-Moorhead, ND–MN (ND and SD Hospitals)	0.8707	0.9095
Fargo-Moorhead, ND–MN (MN Hospital)	0.8753	0.9128
Fayetteville, NC	0.8673	0.9071
Flagstaff, AZ–UT	0.9960	0.9973
Fort Collins-Loveland, CO	1.0301	1.0205
Fort Pierce-Port St. Lucie, FL	1.0240	1.0164
Fort Smith, AR–OK	0.7774	0.8416
Fort Walton Beach, FL	0.9005	0.9307
Forth Worth-Arlington, TX	0.9003	0.9306
Fresno, CA	1.0371	1.0253
Gadsden, AL	0.8842	0.9192
Gainesville, FL	1.0042	1.0029
Goldsboro, NC	0.8418	0.8888
Grand Forks, ND–MN	0.9190	0.9438
Grand Rapids-Muskegon-Holland, MI	1.0062	1.0042
Great Falls, MT	1.0626	1.0425
Greeley, CO	0.9292	0.9510
Green Bay, WI	0.9305	0.9519
Greensboro-Winston-Salem-High Point, NC	0.9122	0.9390
Greenville, NC	0.9313	0.9524
Greenville-Spartanburg-Anderson, SC	0.9199	0.9444
Hagerstown, MD	0.8943	0.9264
Harrisburg-Lebanon-Carlisle, PA	0.9787	0.9854
Hartford, CT	1.1220	1.0820
Hickory-Morganton-Lenoir, NC	0.9255	0.9484
Honolulu, HI	1.1600	1.1070
Houston, TX	0.9286	0.9505
Huntington-Ashland, WV–KY–OH	0.9563	0.9699
Huntsville, AL	0.8912	0.9242
Indianapolis, IN	0.9876	0.9915
Iowa City, IA	0.9556	0.9694
Jackson, MS	0.8519	0.8960
Jackson, TN	1.0339	1.0231
Jacksonville, FL	0.8993	0.9299
Johnson City-Kingsport-Bristol, TN–VA	0.8935	0.9258
Jonesboro, AR	0.7324	0.8079
Joplin, MO	0.7756	0.8403
Kalamazoo-Battlecreek, MI	1.0095	1.0065
Kansas City, KS–MO	0.9301	0.9516
Knoxville, TN	0.9315	0.9526
Kokomo, IN	0.9075	0.9357
Lafayette, LA	0.8160	0.8700
Lansing-East Lansing, MI	0.9980	0.9986
Las Vegas, NV–AZ	1.1182	1.0795
Lexington, KY	0.8683	0.9078
Lincoln, NE	0.9535	0.9679
Little Rock-North Little Rock, AR	0.8498	0.8945
Longview-Marshall, TX	0.8618	0.9032
Los Angeles-Long Beach, CA	1.1903	1.1267
Louisville, KY–IN	0.9296	0.9512
Macon, GA	0.8615	0.9029
Madison, WI	1.0096	1.0066
Memphis, TN–AR–MS	0.8070	0.8634
Merced, CA	1.0615	1.0417
Milwaukee-Waukesha, WI	0.9840	0.9890
Minneapolis-St. Paul, MN–WI	1.0630	1.0427
Missoula, MT	0.9281	0.9502
Monmouth-Ocean, NJ	1.0829	1.0561
Monroe, LA	0.8143	0.8688
Montgomery, AL	0.7542	0.8243
Myrtle Beach, SC	0.8465	0.8922
Nashville, TN	0.9008	0.9310
New Haven-Bridgeport-Stamford-Waterbury-Danbury, CT	1.2692	1.1773
New London-Norwich, CT	1.0860	1.0581
New Orleans, LA	0.9073	0.9356
New York, NY	1.4302	1.2777
Newark, NJ	1.0873	1.0590
Newburgh, NY–PA	1.0805	1.0545
Norfolk-Virginia Beach-Newport News, VA–NC	0.8378	0.8859
Oakland, CA	1.5199	1.3320
Oklahoma City, OK	0.8705	0.9094
Omaha, NE–IA	1.0722	1.0489
Orange County, CA	1.1539	1.1030
Orlando, FL	0.9997	0.9998
Peoria-Pekin, IL	0.8495	0.8943
Philadelphia, PA–NJ	1.1077	1.0726
Phoenix-Mesa, AZ	0.9546	0.9687
Pittsburgh, PA	0.9537	0.9681
Pocatello, ID	0.8715	0.9101
Portland, ME	0.9552	0.9691
Portland-Vancouver, OR–WA	1.1091	1.0735
Provo-Orem, UT	0.9786	0.9853
Raleigh-Durham-Chapel Hill, NC	0.9631	0.9746
Roanoke, VA	0.8224	0.8747
Rockford, IL	0.8861	0.9205
Sacramento, CA	1.2482	1.1640
Saginaw-Bay City-Midland, MI	0.9422	0.9600
St. Cloud, MN	0.9650	0.9759
St. Louis, MO–IL	0.9186	0.9435
Salt Lake City-Ogden, UT	0.9884	0.9920
San Diego, CA	1.1943	1.1293
Santa Fe, NM	0.9115	0.9385
Santa Rosa, CA	1.3127	1.2048
Seattle-Bellevue-Everett, WA	1.1390	1.0932
Sharon, PA	0.8488	0.8938
Sherman-Denison, TX	0.8782	0.9149
Sioux City, IA–NE	0.8051	0.8620
South Bend, IN	0.9791	0.9856
Springfield, MO	0.8003	0.8585
Syracuse, NY	0.9527	0.9674
Tallahassee, FL	0.8545	0.8979
Tampa-St. Petersburg-Clearwater, FL	0.9260	0.9487
Texarkana, AR-Texarkana, TX	0.8206	0.8734
Toledo, OH	0.9810	0.9870
Tulsa, OK	0.7852	0.8474
Tuscaloosa, AL	0.7994	0.8579
Tyler, TX	0.8572	0.8999

TABLE 4C.—WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) FOR HOSPITALS THAT ARE RECLASSIFIED—Continued

Area	Wage index	GAF
Vallejo-Fairfield-Napa, CA	1.2291	1.1517
Victoria, TX	0.8062	0.8628
Waco, TX	0.7561	0.8258
Washington, DC–MD–VA–WV	1.1118	1.0753
Waterloo-Cedar Falls, IA	0.9039	0.9332
Wausau, WI	0.9545	0.9686
West Palm Beach-Boca Raton, FL	1.0167	1.0114
Wichita, KS	0.8857	0.9202
Rural Colorado	0.8852	0.9199
Rural Florida	0.9074	0.9356
Rural Illinois	0.8121	0.8672
Rural Louisiana	0.7519	0.8226
Rural Michigan	0.8904	0.9236
Rural Minnesota	0.8753	0.9128
Rural Missouri	0.7701	0.8362
Rural Montana	0.8528	0.8967
Rural Oregon	1.0071	1.0049
Rural Pennsylvania (NY Hospital)	0.8633	0.9042
Rural Tennessee	0.7743	0.8393
Rural Texas (OK Hospital)	0.7345	0.8095
Rural Virginia (KY Hospital)	0.8129	0.8677
Rural Washington	1.0370	1.0252
Rural Wyoming	0.8891	0.9227

TABLE 4D.—AVERAGE HOURLY WAGE FOR URBAN AREAS

Urban area	Average hourly wage
Abilene, TX	17.3384
Aguadilla, PR	9.5600
Akron, OH	21.5487
Albany, GA	15.2742
Albany-Schenectady-Troy, NY	18.0615
Albuquerque, NM	17.5627
Alexandria, LA	16.6620
Allentown-Bethlehem-Easton, PA	21.7512
Altoona, PA	19.7557
Amarillo, TX	16.8825
Anchorage, AK	27.2347
Ann Arbor, MI	24.2486
Anniston, AL	17.9235
Appleton-Oshkosh-Neenah, WI	18.7525
Arecibo, PR	9.9315
Asheville, NC	18.8257
Athens, GA	20.0661
Atlanta, GA	21.2165
Atlantic-Cape May, NJ	22.9089
Augusta-Aiken, GA–SC	19.1161
Austin-San Marcos, TX	19.9429
Bakersfield, CA	20.3276
Baltimore, MD	21.3358
Bangor, ME	20.3521

TABLE 4D.—AVERAGE HOURLY WAGE FOR URBAN AREAS—Continued

Urban area	Average hourly wage
Barnstable-Yarmouth, MA	27.2846
Baton Rouge, LA	18.4438
Beaumont-Port Arthur, TX	17.9374
Bellingham, WA	24.1321
Benton Harbor, MI	17.9119
Bergen-Passaic, NJ	25.2711
Billings, MT	24.7467
Biloxi-Gulfport-Pascagoula, MS	16.6634
Binghamton, NY	18.2442
Birmingham, AL	18.8910
Bismarck, ND	16.4329
Bloomington, IN	18.1990
Bloomington-Normal, IL	19.0474
Boise City, ID	19.1895
Boston-Worcester-Lawrence-Lowell-Brockton, MA–NH	23.5756
Boulder-Longmont, CO	21.0610
Brazoria, TX	18.0160
Bremerton, WA	23.3211
Brownsville-Harlingen-San Benito, TX	19.3812
Bryan-College Station, TX	17.7233
Buffalo-Niagara Falls, NY	20.0987
Burlington, VT	21.9214
Caguas, PR	9.5514
Canton-Massillon, OH	18.5824
Casper, WY	19.4829
Cedar Rapids, IA	19.1010
Champaign-Urbana, IL	19.4065
Charleston-North Charleston, SC	18.7959
Charleston, WV	19.2624
Charlotte-Gastonia-Rock Hill, NC–SC	19.9662
Charlottesville, VA	22.3946
Chattanooga, TN–GA	20.7419
Cheyenne, WY	17.3158
Chicago, IL	22.7675
Chico-Paradise, CA	21.7666
Cincinnati, OH–KY–IN	19.8701
Clarksville-Hopkinsville, TN–KY	17.1337
Cleveland-Lorain-Elyria, OH	20.3885
Colorado Springs, CO	19.5228
Columbia, MO	18.8334
Columbia, SC	19.8182
Columbus, GA–AL	17.9587
Columbus, OH	20.5518
Corpus Christi, TX	19.5374
Cumberland, MD–WV	18.6405
Dallas, TX	19.3512
Danville, VA	19.1906
Davenport-Moline-Rock Island, IA–IL	18.4412
Dayton-Springfield, OH	19.9120
Daytona Beach, FL	18.9525
Decatur, AL	20.9325
Decatur, IL	17.6402
Denver, CO	21.4632
Des Moines, IA	18.5542
Detroit, MI	21.9391
Dothan, AL	16.5159
Dover, DE	19.7645
Dubuque, IA	18.0451
Duluth-Superior, MN–WI	21.5499
Dutchess County, NY	22.2045
Eau Claire, WI	18.9735
El Paso, TX	18.8348

TABLE 4D.—AVERAGE HOURLY WAGE FOR URBAN AREAS—Continued

Urban area	Average hourly wage
Elkhart-Goshen, IN	19.1690
Elmira, NY	18.0730
Enid, OK	16.8452
Erie, PA	19.0352
Eugene-Springfield, OR	22.0108
Evansville, Henderson, IN–KY	17.5709
Fargo-Moorhead, ND–MN	18.2572
Fayetteville, NC	17.9896
Fayetteville-Springdale-Rogers, AR	16.4641
Flagstaff, AZ–UT	21.9164
Flint, MI	23.3401
Florence, AL	16.7894
Florence, SC	18.2544
Fort Collins-Loveland, CO	21.8189
Fort Lauderdale, FL	21.5452
Fort Myers-Cape Coral, FL	18.6973
Fort Pierce-Port St. Lucie, FL	21.1349
Fort Smith, AR–OK	16.6129
Fort Walton Beach, FL	18.4550
Fort Wayne, IN	18.7461
Fort Worth-Arlington, TX	18.8776
Fresno, CA	21.7462
Gadsden, AL	18.4020
Gainesville, FL	21.3475
Galveston-Texas City, TX	20.0636
Gary, IN	19.8645
Glens Falls, NY	18.2269
Goldsboro, NC	17.6500
Grand Forks, ND–MN	19.2683
Grand Junction, CO	19.4809
Grand Rapids-Muskegon-Holland, MI	21.3218
Great Falls, MT	22.2802
Greeley, CO	19.8126
Green Bay, WI	19.3280
Greensboro-Winston-Salem-High Point, NC	19.1271
Greenville, NC	20.0665
Greenville-Spartanburg-Anderson, SC	19.2880
Hagerstown, MD	18.7266
Hamilton-Middletown, OH	18.8172
Harrisburg-Lebanon-Carlisle, PA	20.7504
Hartford, CT	23.2800
Hattiesburg, MS	16.1993
Hickory-Morganton-Lenoir, NC	19.3688
Honolulu, HI	24.3141
Houma, LA	16.5978
Houston, TX	19.4711
Huntington-Ashland, WV–KY–OH	20.6552
Huntsville, AL	18.6863
Indianapolis, IN	20.7074
Iowa City, IA	20.3481
Jackson, MI	18.7230
Jackson, MS	17.7577
Jackson, TN	22.9654
Jacksonville, FL	18.8568
Jacksonville, NC	16.6300
Jamestown, NY	16.6418
Janesville-Beloit, WI	20.3455
Jersey City, NJ	24.5703
Johnson City-Kingsport-Bristol, TN–VA	18.6209
Johnstown, PA	17.5658
Jonesboro, AR	15.3149

TABLE 4D.—AVERAGE HOURLY WAGE FOR URBAN AREAS—Continued

Urban area	Average hourly wage
Joplin, MO	16.2618
Kalamazoo-Battlecreek, MI	21.1395
Kankakee, IL	17.5067
Kansas City, KS–MO	19.5015
Kenosha, WI	18.4010
Killeen-Temple, TX	21.0317
Knoxville, TN	19.4838
Kokomo, IN	18.8885
La Crosse, WI–MN	18.9205
Lafayette, LA	16.9163
Lafayette, IN	18.6572
Lake Charles, LA	16.5668
Lakeland-Winter Haven, FL	18.6713
Lancaster, PA	18.7531
Lansing-East Lansing, MI	21.1588
Laredo, TX	17.6272
Las Cruces, NM	17.9392
Las Vegas, NV–AZ	23.4456
Lawrence, KS	17.4151
Lawton, OK	17.7694
Lewiston-Auburn, ME	18.8110
Lexington, KY	18.1825
Lima, OH	18.8613
Lincoln, NE	20.4820
Little Rock-North Little Rock, AR	18.2375
Longview-Marshall, TX	18.5109
Los Angeles-Long Beach, CA	24.8769
Louisville, KY–IN	19.4923
Lubbock, TX	17.6926
Lynchburg, VA	18.9720
Macon, GA	18.0637
Madison, WI	21.1696
Mansfield, OH	17.9415
Mayaguez, PR	10.1946
McAllen-Edinburg-Mission, TX	17.0929
Medford-Ashland, OR	22.2257
Melbourne-Titusville-Palm Bay, FL	19.6889
Memphis, TN–AR–MS	16.9175
Merced, CA	21.7673
Miami, FL	21.6256
Middlesex-Somerset-Hunterdon, NJ	23.6066
Milwaukee-Waukesha, WI	20.6321
Minneapolis-St. Paul, MN–WI	22.2877
Missoula, MT	19.1769
Mobile, AL	17.4061
Modesto, CA	21.3504
Monmouth-Ocean, NJ	23.8424
Monroe, LA	17.4115
Montgomery, AL	14.6992
Muncie, IN	22.7904
Myrtle Beach, SC	18.1305
Naples, FL	21.4581
Nashville, TN	19.1647
Nassau-Suffolk, NY	29.6122
New Haven-Bridgeport-Stamford-Waterbury-Danbury, CT	26.1133
New London-Norwich, CT	22.3392
New Orleans, LA	19.0247
New York, NY	29.8414
Newark, NJ	25.1990
Newburgh, NY–PA	23.1041
Norfolk-Virginia Beach-Newport News, VA–NC	17.5474
Oakland, CA	31.7590
Ocala, FL	20.3639
Odessa-Midland, TX	16.8070
Oklahoma City, OK	18.2516
Olympia, WA	26.7328
Omaha, NE–IA	22.4822
Orange County, CA	24.1961
Orlando, FL	20.9377
Owensboro, KY	16.1873
Panama City, FL	19.4291
Parkersburg-Marietta, WV–OH	17.8217
Pensacola, FL	17.8744
Peoria-Pekin, IL	17.6840
Philadelphia, PA–NJ	23.1971
Phoenix-Mesa, AZ	20.0149
Pine Bluff, AR	16.1227
Pittsburgh, PA	19.9963
Pittsfield, MA	22.5755
Pocatello, ID	19.0128
Ponce, PR	10.5379
Portland, ME	19.9935
Portland-Vancouver, OR–WA	23.2544
Providence-Warwick, RI	22.6214
Provo-Orem, UT	20.5053
Pueblo, CO	18.7505
Punta Gorda, FL	17.9293
Racine, WI	19.5201
Raleigh-Durham-Chapel Hill, NC	20.1948
Rapid City, SD	17.7159
Reading, PA	19.9741
Redding, CA	23.8872
Reno, NV	22.5678
Richland-Kennewick-Pasco, WA	23.7721
Richmond-Petersburg, VA	21.0784
Riverside-San Bernardino, CA	22.6264
Roanoke, VA	17.2365
Rochester, MN	23.1823
Rochester, NY	19.8100
Rockford, IL	18.5789
Rocky Mount, NC	18.4997
Sacramento, CA	26.1722
Saginaw-Bay City-Midland, MI	19.6590
St. Cloud, MN	19.7777
St. Joseph, MO	18.5272
St. Louis, MO–IL	19.2606
Salem, OR	21.0721
Salinas, CA	30.8347
Salt Lake City-Ogden, UT	20.7240
San Angelo, TX	16.5012
San Antonio, TX	17.3414
San Diego, CA	24.9816
San Francisco, CA	29.7441
San Jose, CA	28.9924
San Juan-Bayamon, PR	9.9392
San Luis Obispo-Atascadero-Paso Robles, CA	22.1746
Santa Barbara-Santa Maria-Lompoc, CA	22.9107
Santa Cruz-Watsonville, CA	29.4979
Santa Fe, NM	19.0044
Santa Rosa, CA	27.5249
Sarasota-Bradenton, FL	20.8165
Savannah, GA	20.7408
Scranton-Wilkes Barre-Hazleton, PA	17.2531
Seattle-Bellevue-Everett, WA	23.8788
Sharon, PA	17.4261
Sheboygan, WI	17.3719
Sherman-Denison, TX	19.3180
Shreveport-Bossier City, LA	19.1689
Sioux City, IA–NE	16.7521
Sioux Falls, SD	18.4052
South Bend, IN	20.7423
Spokane, WA	22.8349
Springfield, IL	18.3917
Springfield, MO	16.7813
Springfield, MA	22.2268
State College, PA	19.3927
Steubenville-Weirton, OH–WV	18.2449
Stockton-Lodi, CA	22.2735
Sumter, SC	17.4486
Syracuse, NY	19.9107
Tacoma, WA	24.3185
Tallahassee, FL	18.5118
Tampa-St. Petersburg-Clearwater, FL	19.2631
Terre Haute, IN	18.1855
Texarkana, AR-Texarkana, TX	17.1104
Toledo, OH	21.0109
Topeka, KS	19.2788
Trenton, NJ	19.2422
Tucson, AZ	18.5156
Tulsa, OK	16.4631
Tuscaloosa, AL	16.7614
Tyler, TX	17.6966
Utica-Rome, NY	17.5752
Vallejo-Fairfield-Napa, CA	28.2652
Ventura, CA	24.0627
Victoria, TX	16.7918
Vineland-Millville-Bridgeton, NJ	22.2740
Visalia-Tulare-Porterville, CA	21.8242
Waco, TX	15.8347
Washington, DC–MD–VA–WV	23.3111
Waterloo-Cedar Falls, IA	18.3856
Wausau, WI	20.0138
West Palm Beach-Boca Raton, FL	21.2057
Wheeling, OH–WV	16.1880
Wichita, KS	19.1154
Wichita Falls, TX	16.2079
Williamsport, PA	18.0547
Wilmington-Newark, DE–MD	23.8786
Wilmington, NC	20.8870
Yakima, WA	21.8824
Yolo, CA	20.5840
York, PA	19.5997
Youngstown-Warren, OH	21.1722
Yuba City, CA	22.5818
Yuma, AZ	21.0182

TABLE 4E.—AVERAGE HOURLY WAGE FOR RURAL AREAS

Nonurban area	Average hourly wage
Alabama	15.8142
Alaska	25.5400
Arizona	18.0528
Arkansas	15.2856
California	21.2880
Colorado	18.5603

TABLE 4E.—AVERAGE HOURLY WAGE FOR RURAL AREAS—Continued

Nonurban area	Average hourly wage
Connecticut	26.6122
Delaware	19.4135
Florida	19.0250
Georgia	17.1694
Hawaii	22.6698
Idaho	18.2722
Illinois	17.0275
Indiana	17.7798
Iowa	16.7742
Kansas	15.7503
Kentucky	17.0443
Louisiana	15.5331
Maine	18.2533
Maryland	19.0722
Massachusetts	20.7873
Michigan	18.6349

TABLE 4E.—AVERAGE HOURLY WAGE FOR RURAL AREAS—Continued

Nonurban area	Average hourly wage
Minnesota	18.3523
Mississippi	15.6269
Missouri	16.1473
Montana	17.8810
Nebraska	16.9308
Nevada	20.1989
New Hampshire	20.9206
New Jersey [1]	.....
New Mexico	18.0601
New York	18.1015
North Carolina	17.5057
North Dakota	16.2498
Ohio	18.2882
Oklahoma	15.4011
Oregon	21.1083
Pennsylvania	17.7969

TABLE 4E.—AVERAGE HOURLY WAGE FOR RURAL AREAS—Continued

Nonurban area	Average hourly wage
Puerto Rico	9.1814
Rhode Island [1]	.....
South Carolina	17.9076
South Dakota	16.0683
Tennessee	16.2348
Texas	14.6891
Utah	17.2326
Vermont	19.9290
Virginia	16.6151
Washington	21.9605
West Virginia	17.2069
Wisconsin	18.5387
Wyoming	18.6424

[1] All counties within the State are classified as urban.

TABLE 4F.—PUERTO RICO WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF)

Area	Wage index	GAF	Wage index—reclassified hospitals	GAF—reclassified hospitals
Aguadilla, PR	0.9593	0.9719	.....	.....
Arecibo, PR	0.9965	0.9976	.....	.....
Caguas, PR	0.9584	0.9713	0.9584	0.9713
Mayaguez, PR	1.0229	1.0156	.....	.....
Ponce, PR	1.0574	1.0390	.....	.....
San Juan-Bayamon, PR	0.9973	0.9982	.....	.....
Rural Puerto Rico	0.9213	0.9454	.....	.....

TABLE 5.—LIST OF DIAGNOSIS RELATED GROUPS (DRGS), RELATIVE WEIGHTING FACTORS, GEOMETRIC AND ARITHMETIC MEAN LENGTH OF STAY

DRG	MDC	Type of DRG	DRG title	Relative weights	Geometric mean LOS	Arithmetic mean LOS
1	01	SURG	CRANIOTOMY AGE >17 EXCEPT FOR TRAUMA	3.0845	6.5	9.3
2	01	SURG	CRANIOTOMY FOR TRAUMA AGE >17	3.0989	7.4	9.9
3	01	SURG	*CRANIOTOMY AGE 0–17	1.9619	12.7	12.7
4	01	SURG	SPINAL PROCEDURES	2.3104	4.9	7.5
5	01	SURG	EXTRACRANIAL VASCULAR PROCEDURES	1.4462	2.5	3.4
6	01	SURG	CARPAL TUNNEL RELEASE	.8119	2.2	3.1
7	01	SURG	PERIPH & CRANIAL NERVE & OTHER NERV SYST PROC W CC	2.3667	6.6	9.8
8	01	SURG	PERIPH & CRANIAL NERVE & OTHER NERV SYST PROC W/O CC.	1.3303	2.2	3.1
9	01	MED	SPINAL DISORDERS & INJURIES	1.1785	4.6	6.2
10	01	MED	NERVOUS SYSTEM NEOPLASMS W CC	1.2044	4.9	6.7
11	01	MED	NERVOUS SYSTEM NEOPLASMS W/O CC	.8277	3.0	4.1
12	01	MED	DEGENERATIVE NERVOUS SYSTEM DISORDERS	.8908	4.6	6.3
13	01	MED	MULTIPLE SCLEROSIS & CEREBELLAR ATAXIA	.7585	4.2	5.2
14	01	MED	SPECIFIC CEREBROVASCULAR DISORDERS EXCEPT TIA	1.1924	4.7	6.1
15	01	MED	TRANSIENT ISCHEMIC ATTACK & PRECEREBRAL OCCLUSIONS.	.7405	3.0	3.7
16	01	MED	NONSPECIFIC CEREBROVASCULAR DISORDERS W CC	1.0998	4.6	5.9
17	01	MED	NONSPECIFIC CEREBROVASCULAR DISORDERS W/O CC	.6405	2.6	3.4
18	01	MED	CRANIAL & PERIPHERAL NERVE DISORDERS W CC	.9365	4.2	5.5
19	01	MED	CRANIAL & PERIPHERAL NERVE DISORDERS W/O CC	.6504	3.0	3.8
20	01	MED	NERVOUS SYSTEM INFECTION EXCEPT VIRAL MENINGITIS	2.6065	7.7	10.2
21	01	MED	VIRAL MENINGITIS	1.5010	5.0	6.8
22	01	MED	HYPERTENSIVE ENCEPHALOPATHY	.9637	3.8	4.9
23	01	MED	NONTRAUMATIC STUPOR & COMA	.7756	3.1	4.2
24	01	MED	SEIZURE & HEADACHE AGE >17 W CC	.9782	3.7	5.1
25	01	MED	SEIZURE & HEADACHE AGE >17 W/O CC	.5911	2.6	3.4
26	01	MED	SEIZURE & HEADACHE AGE 0–17	.6296	2.8	3.6

TABLE 5.—LIST OF DIAGNOSIS RELATED GROUPS (DRGS), RELATIVE WEIGHTING FACTORS, GEOMETRIC AND ARITHMETIC MEAN LENGTH OF STAY—Continued

DRG	MDC	Type of DRG	DRG title	Relative weights	Geometric mean LOS	Arithmetic mean LOS
27	01	MED	TRAUMATIC STUPOR & COMA, COMA >1 HR	1.3532	3.3	5.3
28	01	MED	TRAUMATIC STUPOR & COMA, COMA <1 HR AGE >17 W CC	1.2680	4.5	6.2
29	01	MED	TRAUMATIC STUPOR & COMA, COMA <1 HR AGE >17 W/O CC	.6844	2.8	3.6
30	01	MED	*TRAUMATIC STUPOR & COMA, COMA <1 HR AGE 0–17	.3318	2.0	2.0
31	01	MED	CONCUSSION AGE >17 W CC	.8463	3.2	4.3
32	01	MED	CONCUSSION AGE >17 W/O CC	.5282	2.1	2.7
33	01	MED	*CONCUSSION AGE 0–17	.2085	1.6	1.6
34	01	MED	OTHER DISORDERS OF NERVOUS SYSTEM W CC	1.0267	4.0	5.3
35	01	MED	OTHER DISORDERS OF NERVOUS SYSTEM W/O CC	.5931	2.7	3.5
36	02	SURG	RETINAL PROCEDURES	.6804	1.2	1.4
37	02	SURG	ORBITAL PROCEDURES	1.0261	2.6	3.9
38	02	SURG	PRIMARY IRIS PROCEDURES	.4871	1.9	2.6
39	02	SURG	LENS PROCEDURES WITH OR WITHOUT VITRECTOMY	.5682	1.4	1.9
40	02	SURG	EXTRAOCULAR PROCEDURES EXCEPT ORBIT AGE >17	.8131	2.2	3.3
41	02	SURG	*EXTRAOCULAR PROCEDURES EXCEPT ORBIT AGE 0–17	.3378	1.6	1.6
42	02	SURG	INTRAOCULAR PROCEDURES EXCEPT RETINA, IRIS & LENS	.6222	1.6	2.1
43	02	MED	HYPHEMA	.4416	2.5	4.1
44	02	MED	ACUTE MAJOR EYE INFECTIONS	.6449	4.1	5.0
45	02	MED	NEUROLOGICAL EYE DISORDERS	.6946	2.8	3.4
46	02	MED	OTHER DISORDERS OF THE EYE AGE >17 W CC	.7524	3.5	4.6
47	02	MED	OTHER DISORDERS OF THE EYE AGE >17 W/O CC	.4795	2.5	3.2
48	02	MED	*OTHER DISORDERS OF THE EYE AGE 0–17	.2975	2.9	2.9
49	03	SURG	MAJOR HEAD & NECK PROCEDURES	1.8471	3.7	5.0
50	03	SURG	SIALOADENECTOMY	.8390	1.6	2.0
51	03	SURG	SALIVARY GLAND PROCEDURES EXCEPT SIALOADENECTOMY.	.8486	1.9	2.9
52	03	SURG	CLEFT LIP & PALATE REPAIR	.7954	1.6	2.0
53	03	SURG	SINUS & MASTOID PROCEDURES AGE >17	1.1767	2.3	3.6
54	03	SURG	*SINUS & MASTOID PROCEDURES AGE 0–17	.4823	3.2	3.2
55	03	SURG	MISCELLANEOUS EAR, NOSE, MOUTH & THROAT PROCEDURES.	.8648	1.9	2.8
56	03	SURG	RHINOPLASTY	.8881	2.1	2.8
57	03	SURG	T&A PROC, EXCEPT TONSILLECTOMY &/OR ADENOIDECTOMY ONLY, AGE >17.	1.1571	3.0	4.8
58	03	SURG	*T&A PROC, EXCEPT TONSILLECTOMY &/OR ADENOIDECTOMY ONLY, AGE 0–17.	.2739	1.5	1.5
59	03	SURG	TONSILLECTOMY &/OR ADENOIDECTOMY ONLY, AGE >17	.6700	1.9	2.6
60	03	SURG	*TONSILLECTOMY &/OR ADENOIDECTOMY ONLY, AGE 0–17	.2086	1.5	1.5
61	03	SURG	MYRINGOTOMY W TUBE INSERTION AGE >17	1.2529	2.9	4.8
62	03	SURG	*MYRINGOTOMY W TUBE INSERTION AGE 0–17	.2953	1.3	1.3
63	03	SURG	OTHER EAR, NOSE, MOUTH & THROAT O.R. PROCEDURES	1.3078	3.0	4.5
64	03	MED	EAR, NOSE, MOUTH & THROAT MALIGNANCY	1.2517	4.4	6.7
65	03	MED	DYSEQUILIBRIUM	.5270	2.3	2.9
66	03	MED	EPISTAXIS	.5551	2.6	3.2
67	03	MED	EPIGLOTTITIS	.8059	2.9	3.7
68	03	MED	OTITIS MEDIA & URI AGE >17 W CC	.6764	3.4	4.2
69	03	MED	OTITIS MEDIA & URI AGE >17 W/O CC	.5210	2.7	3.3
70	03	MED	OTITIS MEDIA & URI AGE 0–17	.3989	2.3	2.7
71	03	MED	LARYNGOTRACHEITIS	.6206	2.8	3.4
72	03	MED	NASAL TRAUMA & DEFORMITY	.6464	2.6	3.4
73	03	MED	OTHER EAR, NOSE, MOUTH & THROAT DIAGNOSES AGE >17	.7671	3.3	4.3
74	03	MED	*OTHER EAR, NOSE, MOUTH & THROAT DIAGNOSES AGE 0–17.	.3356	2.1	2.1
75	04	SURG	MAJOR CHEST PROCEDURES	3.1078	7.8	9.9
76	04	SURG	OTHER RESP SYSTEM O.R. PROCEDURES W CC	2.6947	8.3	11.1
77	04	SURG	OTHER RESP SYSTEM O.R. PROCEDURES W/O CC	1.2105	3.6	5.1
78	04	MED	PULMONARY EMBOLISM	1.3898	6.1	7.1
79	04	MED	RESPIRATORY INFECTIONS & INFLAMMATIONS AGE >17 W CC.	1.6472	6.6	8.4
80	04	MED	RESPIRATORY INFECTIONS & INFLAMMATIONS AGE >17 W/O CC.	.9030	4.5	5.6
81	04	MED	*RESPIRATORY INFECTIONS & INFLAMMATIONS AGE 0–17	1.5196	6.1	6.1
82	04	MED	RESPIRATORY NEOPLASMS	1.3674	5.2	7.0
83	04	MED	MAJOR CHEST TRAUMA W CC	.9723	4.3	5.5
84	04	MED	MAJOR CHEST TRAUMA W/O CC	.5250	2.6	3.2
85	04	MED	PLEURAL EFFUSION W CC	1.2450	5.0	6.5

TABLE 5.—LIST OF DIAGNOSIS RELATED GROUPS (DRGS), RELATIVE WEIGHTING FACTORS, GEOMETRIC AND ARITHMETIC MEAN LENGTH OF STAY—Continued

DRG	MDC	Type of DRG	DRG title	Relative weights	Geometric mean LOS	Arithmetic mean LOS
86	04	MED	PLEURAL EFFUSION W/O CC	.6706	2.8	3.8
87	04	MED	PULMONARY EDEMA & RESPIRATORY FAILURE	1.3741	4.8	6.3
88	04	MED	CHRONIC OBSTRUCTIVE PULMONARY DISEASE	.9431	4.3	5.3
89	04	MED	SIMPLE PNEUMONIA & PLEURISY AGE >17 W CC	1.0887	5.1	6.1
90	04	MED	SIMPLE PNEUMONIA & PLEURISY AGE >17 W/O CC	.6753	3.7	4.3
91	04	MED	SIMPLE PNEUMONIA & PLEURISY AGE 0–17	.6245	3.3	4.0
92	04	MED	INTERSTITIAL LUNG DISEASE W CC	1.1783	5.0	6.2
93	04	MED	INTERSTITIAL LUNG DISEASE W/O CC	.7624	3.5	4.3
94	04	MED	PNEUMOTHORAX W CC	1.1942	4.8	6.4
95	04	MED	PNEUMOTHORAX W/O CC	.5973	3.0	3.6
96	04	MED	BRONCHITIS & ASTHMA AGE >17 W CC	.7963	3.9	4.8
97	04	MED	BRONCHITIS & ASTHMA AGE >17 W/O CC	.5974	3.1	3.7
98	04	MED	BRONCHITIS & ASTHMA AGE 0–17	.6783	3.3	4.5
99	04	MED	RESPIRATORY SIGNS & SYMPTOMS W CC	.6842	2.4	3.1
100	04	MED	RESPIRATORY SIGNS & SYMPTOMS W/O CC	.5289	1.8	2.2
101	04	MED	OTHER RESPIRATORY SYSTEM DIAGNOSES W CC	.8502	3.3	4.4
102	04	MED	OTHER RESPIRATORY SYSTEM DIAGNOSES W/O CC	.5426	2.1	2.7
103	05	SURG	HEART TRANSPLANT	19.0801	35.2	56.0
104	05	SURG	CARDIAC VALVE & OTHER MAJOR CARDIOTHORACIC PROC W CARDIAC CATH.	7.2220	9.3	11.9
105	05	SURG	CARDIAC VALVE & OTHER MAJOR CARDIOTHORACIC PROC W/O CARDIAC CATH.	5.6426	7.6	9.4
106	05	SURG	CORONARY BYPASS W PTCA	7.3332	9.1	10.9
107	05	SURG	CORONARY BYPASS W CARDIAC CATH	5.4624	9.3	10.5
108	05	SURG	OTHER CARDIOTHORACIC PROCEDURES	5.7505	8.3	11.0
109	05	SURG	CORONARY BYPASS W/O PTCA OR CARDIAC CATH	4.0337	6.9	7.8
110	05	SURG	MAJOR CARDIOVASCULAR PROCEDURES W CC	4.1531	7.3	9.6
111	05	SURG	MAJOR CARDIOVASCULAR PROCEDURES W/O CC	2.2236	4.9	5.7
112	05	SURG	PERCUTANEOUS CARDIOVASCULAR PROCEDURES	1.9200	2.7	3.8
113	05	SURG	AMPUTATION FOR CIRC SYSTEM DISORDERS EXCEPT UPPER LIMB & TOE.	2.7188	9.5	12.5
114	05	SURG	UPPER LIMB & TOE AMPUTATION FOR CIRC SYSTEM DISORDERS.	1.5531	6.0	8.2
115	05	SURG	PRM CARD PACEM IMPL W AMI, HRT FAIL OR SHK, OR AICD LEAD OR GNRTR PR.	3.4736	6.2	8.4
116	05	SURG	OTH PERM CARD PACEMAK IMPL OR PTCA W CORONARY ARTERY STENT IMPLNT.	2.4635	2.8	3.9
117	05	SURG	CARDIAC PACEMAKER REVISION EXCEPT DEVICE REPLACEMENT.	1.2942	2.7	4.1
118	05	SURG	CARDIAC PACEMAKER DEVICE REPLACEMENT	1.5475	2.0	2.9
119	05	SURG	VEIN LIGATION & STRIPPING	1.2288	3.0	4.9
120	05	SURG	OTHER CIRCULATORY SYSTEM O.R. PROCEDURES	2.0093	5.0	8.2
121	05	MED	CIRCULATORY DISORDERS W AMI & MAJOR COMP, DISCHARGED ALIVE.	1.6318	5.6	6.8
122	05	MED	CIRCULATORY DISORDERS W AMI W/O MAJOR COMP, DISCHARGED ALIVE.	1.1091	3.4	4.2
123	05	MED	CIRCULATORY DISORDERS W AMI, EXPIRED	1.5135	2.7	4.4
124	05	MED	CIRCULATORY DISORDERS EXCEPT AMI, W CARD CATH & COMPLEX DIAG.	1.4018	3.4	4.5
125	05	MED	CIRCULATORY DISORDERS EXCEPT AMI, W CARD CATH W/O COMPLEX DIAG.	1.0436	2.2	2.9
126	05	MED	ACUTE & SUBACUTE ENDOCARDITIS	2.5151	9.3	12.1
127	05	MED	HEART FAILURE & SHOCK	1.0156	4.2	5.4
128	05	MED	DEEP VEIN THROMBOPHLEBITIS	.7656	5.1	5.9
129	05	MED	CARDIAC ARREST, UNEXPLAINED	1.0799	1.8	2.8
130	05	MED	PERIPHERAL VASCULAR DISORDERS W CC	.9475	4.7	5.9
131	05	MED	PERIPHERAL VASCULAR DISORDERS W/O CC	.6057	3.7	4.5
132	05	MED	ATHEROSCLEROSIS W CC	.6723	2.5	3.1
133	05	MED	ATHEROSCLEROSIS W/O CC	.5656	1.9	2.4
134	05	MED	HYPERTENSION	.5857	2.6	3.3
135	05	MED	CARDIAC CONGENITAL & VALVULAR DISORDERS AGE >17 W CC.	.8643	3.3	4.4
136	05	MED	CARDIAC CONGENITAL & VALVULAR DISORDERS AGE >17 W/O CC.	.6011	2.3	2.9
137	05	MED	*CARDIAC CONGENITAL & VALVULAR DISORDERS AGE 0–17	.8188	3.3	3.3
138	05	MED	CARDIAC ARRHYTHMIA & CONDUCTION DISORDERS W CC	.8164	3.1	4.0

TABLE 5.—LIST OF DIAGNOSIS RELATED GROUPS (DRGS), RELATIVE WEIGHTING FACTORS, GEOMETRIC AND ARITHMETIC MEAN LENGTH OF STAY—Continued

DRG	MDC	Type of DRG	DRG title	Relative weights	Geometric mean LOS	Arithmetic mean LOS
139 ...	05	MED	CARDIAC ARRHYTHMIA & CONDUCTION DISORDERS W/O CC	.5087	2.1	2.5
140 ...	05	MED	ANGINA PECTORIS	.5840	2.3	2.8
141 ...	05	MED	SYNCOPE & COLLAPSE W CC	.7094	2.9	3.7
142 ...	05	MED	SYNCOPE & COLLAPSE W/O CC	.5426	2.2	2.7
143 ...	05	MED	CHEST PAIN	.5348	1.8	2.2
144 ...	05	MED	OTHER CIRCULATORY SYSTEM DIAGNOSES W CC	1.1513	3.8	5.3
145 ...	05	MED	OTHER CIRCULATORY SYSTEM DIAGNOSES W/O CC	.6502	2.2	2.8
146 ...	06	SURG	RECTAL RESECTION W CC	2.7908	9.1	10.3
147 ...	06	SURG	RECTAL RESECTION W/O CC	1.6377	6.1	6.7
148 ...	06	SURG	MAJOR SMALL & LARGE BOWEL PROCEDURES W CC	3.4324	10.1	12.1
149 ...	06	SURG	MAJOR SMALL & LARGE BOWEL PROCEDURES W/O CC	1.5743	6.2	6.7
150 ...	06	SURG	PERITONEAL ADHESIOLYSIS W CC	2.8115	9.1	11.0
151 ...	06	SURG	PERITONEAL ADHESIOLYSIS W/O CC	1.3464	4.9	6.0
152 ...	06	SURG	MINOR SMALL & LARGE BOWEL PROCEDURES W CC	1.9571	6.9	8.3
153 ...	06	SURG	MINOR SMALL & LARGE BOWEL PROCEDURES W/O CC	1.2162	5.0	5.6
154 ...	06	SURG	STOMACH, ESOPHAGEAL & DUODENAL PROCEDURES AGE >17 W CC.	4.1380	10.1	13.2
155 ...	06	SURG	STOMACH, ESOPHAGEAL & DUODENAL PROCEDURES AGE >17 W/O CC.	1.3793	3.5	4.5
156 ...	06	SURG	*STOMACH, ESOPHAGEAL & DUODENAL PROCEDURES AGE 0–17.	.8432	6.0	6.0
157 ...	06	SURG	ANAL & STOMAL PROCEDURES W CC	1.2385	4.0	5.6
158 ...	06	SURG	ANAL & STOMAL PROCEDURES W/O CC	.6580	2.1	2.6
159 ...	06	SURG	HERNIA PROCEDURES EXCEPT INGUINAL & FEMORAL AGE >17 W CC.	1.3127	3.7	5.0
160 ...	06	SURG	HERNIA PROCEDURES EXCEPT INGUINAL & FEMORAL AGE >17 W/O CC.	.7817	2.2	2.7
161 ...	06	SURG	INGUINAL & FEMORAL HERNIA PROCEDURES AGE >17 W CC	1.1002	2.9	4.2
162 ...	06	SURG	INGUINAL & FEMORAL HERNIA PROCEDURES AGE >17 W/O CC.	.6292	1.6	2.0
163 ...	06	SURG	*HERNIA PROCEDURES AGE 0–17	.8720	2.1	2.1
164 ...	06	SURG	APPENDECTOMY W COMPLICATED PRINCIPAL DIAG W CC	2.3538	7.3	8.5
165 ...	06	SURG	APPENDECTOMY W COMPLICATED PRINCIPAL DIAG W/O CC	1.2706	4.4	4.9
166 ...	06	SURG	APPENDECTOMY W/O COMPLICATED PRINCIPAL DIAG W CC	1.4861	4.1	5.2
167 ...	06	SURG	APPENDECTOMY W/O COMPLICATED PRINCIPAL DIAG W/O CC.	.9038	2.4	2.8
168 ...	03	SURG	MOUTH PROCEDURES W CC	1.2131	3.3	4.7
169 ...	03	SURG	MOUTH PROCEDURES W/O CC	.7494	1.9	2.5
170 ...	06	SURG	OTHER DIGESTIVE SYSTEM O.R. PROCEDURES W CC	2.8361	7.8	11.2
171 ...	06	SURG	OTHER DIGESTIVE SYSTEM O.R. PROCEDURES W/O CC	1.2561	3.6	4.8
172 ...	06	MED	DIGESTIVE MALIGNANCY W CC	1.3135	5.1	6.9
173 ...	06	MED	DIGESTIVE MALIGNANCY W/O CC	.7110	2.7	3.8
174 ...	06	MED	G.I. HEMORRHAGE W CC	.9997	3.9	4.9
175 ...	06	MED	G.I. HEMORRHAGE W/O CC	.5466	2.5	2.9
176 ...	06	MED	COMPLICATED PEPTIC ULCER	1.0992	4.1	5.3
177 ...	06	MED	UNCOMPLICATED PEPTIC ULCER W CC	.8823	3.7	4.5
178 ...	06	MED	UNCOMPLICATED PEPTIC ULCER W/O CC	.6525	2.7	3.2
179 ...	06	MED	INFLAMMATORY BOWEL DISEASE	1.0909	4.8	6.2
180 ...	06	MED	G.I. OBSTRUCTION W CC	.9229	4.2	5.4
181 ...	06	MED	G.I. OBSTRUCTION W/O CC	.5285	2.8	3.4
182 ...	06	MED	ESOPHAGITIS, GASTROENT & MISC DIGEST DISORDERS AGE >17 W CC.	.7834	3.4	4.3
183 ...	06	MED	ESOPHAGITIS, GASTROENT & MISC DIGEST DISORDERS AGE >17 W/O CC.	.5726	2.4	3.0
184 ...	06	MED	ESOPHAGITIS, GASTROENT & MISC DIGEST DISORDERS AGE 0–17.	.5266	2.3	3.0
185 ...	03	MED	DENTAL & ORAL DIS EXCEPT EXTRACTIONS & RESTORATIONS, AGE >17.	.8560	3.3	4.5
186 ...	03	MED	*DENTAL & ORAL DIS EXCEPT EXTRACTIONS & RESTORATIONS, AGE 0–17.	.3214	2.9	2.9
187 ...	03	MED	DENTAL EXTRACTIONS & RESTORATIONS	.7772	2.9	3.9
188 ...	06	MED	OTHER DIGESTIVE SYSTEM DIAGNOSES AGE >17 W CC	1.0941	4.1	5.6
189 ...	06	MED	OTHER DIGESTIVE SYSTEM DIAGNOSES AGE >17 W/O CC	.5841	2.4	3.2
190 ...	06	MED	OTHER DIGESTIVE SYSTEM DIAGNOSES AGE 0–17	.9681	3.8	5.6
191 ...	07	SURG	PANCREAS, LIVER & SHUNT PROCEDURES W CC	4.3647	10.6	14.2
192 ...	07	SURG	PANCREAS, LIVER & SHUNT PROCEDURES W/O CC	1.8479	5.7	7.0

TABLE 5.—LIST OF DIAGNOSIS RELATED GROUPS (DRGS), RELATIVE WEIGHTING FACTORS, GEOMETRIC AND ARITHMETIC MEAN LENGTH OF STAY—Continued

DRG	MDC	Type of DRG	DRG title	Relative weights	Geometric mean LOS	Arithmetic mean LOS
193 ...	07	SURG	BILIARY TRACT PROC EXCEPT ONLY CHOLECYST W OR W/O C.D.E. W CC.	3.4150	10.3	12.7
194 ...	07	SURG	BILIARY TRACT PROC EXCEPT ONLY CHOLECYST W OR W/O C.D.E. W/O CC.	1.6394	5.4	6.6
195 ...	07	SURG	CHOLECYSTECTOMY W C.D.E. W CC	2.9468	8.4	10.0
196 ...	07	SURG	CHOLECYSTECTOMY W C.D.E. W/O CC	1.6603	4.9	5.7
197 ...	07	SURG	CHOLECYSTECTOMY EXCEPT BY LAPAROSCOPE W/O C.D.E. W CC.	2.4209	7.1	8.6
198 ...	07	SURG	CHOLECYSTECTOMY EXCEPT BY LAPAROSCOPE W/O C.D.E. W/O CC.	1.2360	3.9	4.5
199 ...	07	SURG	HEPATOBILIARY DIAGNOSTIC PROCEDURE FOR MALIGNANCY.	2.3278	7.2	9.7
200 ...	07	SURG	HEPATOBILIARY DIAGNOSTIC PROCEDURE FOR NON-MALIGNANCY.	3.0720	7.2	11.1
201 ...	07	SURG	OTHER HEPATOBILIARY OR PANCREAS O.R. PROCEDURES	3.5771	10.3	14.2
202 ...	07	MED	CIRRHOSIS & ALCOHOLIC HEPATITIS	1.3202	5.0	6.6
203 ...	07	MED	MALIGNANCY OF HEPATOBILIARY SYSTEM OR PANCREAS	1.3042	5.0	6.7
204 ...	07	MED	DISORDERS OF PANCREAS EXCEPT MALIGNANCY	1.2186	4.6	6.0
205 ...	07	MED	DISORDERS OF LIVER EXCEPT MALIG, CIRR, ALC HEPA W CC	1.1831	4.7	6.4
206 ...	07	MED	DISORDERS OF LIVER EXCEPT MALIG, CIRR, ALC HEPA W/O CC.	.7257	3.1	4.1
207 ...	07	MED	DISORDERS OF THE BILIARY TRACT W CC	1.1049	4.0	5.2
208 ...	07	MED	DISORDERS OF THE BILIARY TRACT W/O CC	.6473	2.3	2.9
209 ...	08	SURG	MAJOR JOINT & LIMB REATTACHMENT PROCEDURES OF LOWER EXTREMITY.	2.1217	4.6	5.2
210 ...	08	SURG	HIP & FEMUR PROCEDURES EXCEPT MAJOR JOINT AGE >17 W CC.	1.8053	5.9	6.8
211 ...	08	SURG	HIP & FEMUR PROCEDURES EXCEPT MAJOR JOINT AGE >17 W/O CC.	1.2625	4.5	4.9
212 ...	08	SURG	*HIP & FEMUR PROCEDURES EXCEPT MAJOR JOINT AGE 0–17.	.8468	11.1	11.1
213 ...	08	SURG	AMPUTATION FOR MUSCULOSKELETAL SYSTEM & CONN TISSUE DISORDERS.	1.7128	6.1	8.3
214 ...	08	SURG	NO LONGER VALID	.0000	.0	.0
215 ...	08	SURG	NO LONGER VALID	.0000	.0	.0
216 ...	08	SURG	BIOPSIES OF MUSCULOSKELETAL SYSTEM & CONNECTIVE TISSUE.	2.1374	6.9	9.5
217 ...	08	SURG	WND DEBRID & SKN GRFT EXCEPT HAND, FOR MUSCSKELET & CONN TISS DIS.	2.7842	8.6	12.6
218 ...	08	SURG	LOWER EXTREM & HUMER PROC EXCEPT HIP, FOOT, FEMUR AGE >17 W CC.	1.4902	4.2	5.3
219 ...	08	SURG	LOWER EXTREM & HUMER PROC EXCEPT HIP, FOOT, FEMUR AGE >17 W/O CC.	1.0127	2.7	3.2
220 ...	08	SURG	*LOWER EXTREM & HUMER PROC EXCEPT HIP, FOOT, FEMUR AGE 0–17.	.5841	5.3	5.3
221 ...	08	SURG	NO LONGER VALID	.0000	.0	.0
222 ...	08	SURG	NO LONGER VALID	.0000	.0	.0
223 ...	08	SURG	MAJOR SHOULDER/ELBOW PROC, OR OTHER UPPER EXTREMITY PROC W CC.	.9394	2.0	2.6
224 ...	08	SURG	SHOULDER, ELBOW OR FOREARM PROC, EXC MAJOR JOINT PROC, W/O CC.	.8046	1.7	2.0
225 ...	08	SURG	FOOT PROCEDURES	1.0528	3.2	4.5
226 ...	08	SURG	SOFT TISSUE PROCEDURES W CC	1.4373	4.1	6.0
227 ...	08	SURG	SOFT TISSUE PROCEDURES W/O CC	.8175	2.1	2.8
228 ...	08	SURG	MAJOR THUMB OR JOINT PROC, OR OTH HAND OR WRIST PROC W CC.	1.0502	2.4	3.6
229 ...	08	SURG	HAND OR WRIST PROC, EXCEPT MAJOR JOINT PROC, W/O CC.	.7328	1.9	2.4
230 ...	08	SURG	LOCAL EXCISION & REMOVAL OF INT FIX DEVICES OF HIP & FEMUR.	1.1609	3.2	4.7
231 ...	08	SURG	LOCAL EXCISION & REMOVAL OF INT FIX DEVICES EXCEPT HIP & FEMUR.	1.3614	3.1	4.6
232 ...	08	SURG	ARTHROSCOPY	1.1675	2.4	4.1
233 ...	08	SURG	OTHER MUSCULOSKELET SYS & CONN TISS O.R. PROC W CC	2.0314	5.3	7.5
234 ...	08	SURG	OTHER MUSCULOSKELET SYS & CONN TISS O.R. PROC W/O CC.	1.2439	2.7	3.4

TABLE 5.—LIST OF DIAGNOSIS RELATED GROUPS (DRGS), RELATIVE WEIGHTING FACTORS, GEOMETRIC AND ARITHMETIC MEAN LENGTH OF STAY—Continued

DRG	MDC	Type of DRG	DRG title	Relative weights	Geometric mean LOS	Arithmetic mean LOS
235 ...	08	MED	FRACTURES OF FEMUR	.7475	3.8	5.1
236 ...	08	MED	FRACTURES OF HIP & PELVIS	.7167	3.9	5.0
237 ...	08	MED	SPRAINS, STRAINS, & DISLOCATIONS OF HIP, PELVIS & THIGH.	.5445	2.9	3.6
238 ...	08	MED	OSTEOMYELITIS	1.2827	6.4	8.4
239 ...	08	MED	PATHOLOGICAL FRACTURES & MUSCULOSKELETAL & CONN TISS MALIGNANCY.	.9657	4.9	6.3
240 ...	08	MED	CONNECTIVE TISSUE DISORDERS W CC	1.2316	5.0	6.7
241 ...	08	MED	CONNECTIVE TISSUE DISORDERS W/O CC	.6066	3.2	4.0
242 ...	08	MED	SEPTIC ARTHRITIS	1.0152	5.1	6.6
243 ...	08	MED	MEDICAL BACK PROBLEMS	.7170	3.8	4.7
244 ...	08	MED	BONE DISEASES & SPECIFIC ARTHROPATHIES W CC	.7014	3.8	4.8
245 ...	08	MED	BONE DISEASES & SPECIFIC ARTHROPATHIES W/O CC	.4801	2.8	3.6
246 ...	08	MED	NON-SPECIFIC ARTHROPATHIES	.5573	3.0	3.7
247 ...	08	MED	SIGNS & SYMPTOMS OF MUSCULOSKELETAL SYSTEM & CONN TISSUE.	.5564	2.6	3.4
248 ...	08	MED	TENDONITIS, MYOSITIS & BURSITIS	.7566	3.6	4.6
249 ...	08	MED	AFTERCARE, MUSCULOSKELETAL SYSTEM & CONNECTIVE TISSUE.	.6508	2.5	3.5
250 ...	08	MED	FX, SPRN, STRN & DISL OF FOREARM, HAND, FOOT AGE >17 W CC.	.6705	3.2	4.1
251 ...	08	MED	FX, SPRN, STRN & DISL OF FOREARM, HAND, FOOT AGE >17 W/O CC.	.4615	2.3	2.9
252 ...	08	MED	*FX, SPRN, STRN & DISL OF FOREARM, HAND, FOOT AGE 0–17.	.2537	1.8	1.8
253 ...	08	MED	FX, SPRN, STRN & DISL OF UPARM, LOWLEG EX FOOT AGE >17 W CC.	.7273	3.7	4.8
254 ...	08	MED	FX, SPRN, STRN & DISL OF UPARM, LOWLEG EX FOOT AGE >17 W/O CC.	.4344	2.6	3.2
255 ...	08	MED	*FX, SPRN, STRN & DISL OF UPARM, LOWLEG EX FOOT AGE 0–17.	.2954	2.9	2.9
256 ...	08	MED	OTHER MUSCULOSKELETAL SYSTEM & CONNECTIVE TISSUE DIAGNOSES.	.7645	3.8	5.1
257 ...	09	SURG	TOTAL MASTECTOMY FOR MALIGNANCY W CC	.9153	2.3	2.9
258 ...	09	SURG	TOTAL MASTECTOMY FOR MALIGNANCY W/O CC	.7242	1.8	2.1
259 ...	09	SURG	SUBTOTAL MASTECTOMY FOR MALIGNANCY W CC	.8671	1.9	2.8
260 ...	09	SURG	SUBTOTAL MASTECTOMY FOR MALIGNANCY W/O CC	.6428	1.3	1.5
261 ...	09	SURG	BREAST PROC FOR NON-MALIGNANCY EXCEPT BIOPSY & LOCAL EXCISION.	.9205	1.7	2.2
262 ...	09	SURG	BREAST BIOPSY & LOCAL EXCISION FOR NON-MALIGNANCY	.8409	2.7	3.9
263 ...	09	SURG	SKIN GRAFT &/OR DEBRID FOR SKN ULCER OR CELLULITIS W CC.	2.0527	8.6	11.8
264 ...	09	SURG	SKIN GRAFT &/OR DEBRID FOR SKN ULCER OR CELLULITIS W/O CC.	1.1213	5.3	7.1
265 ...	09	SURG	SKIN GRAFT &/OR DEBRID EXCEPT FOR SKIN ULCER OR CELLULITIS W CC.	1.5630	4.4	7.0
266 ...	09	SURG	SKIN GRAFT &/OR DEBRID EXCEPT FOR SKIN ULCER OR CELLULITIS W/O CC.	.8479	2.4	3.3
267 ...	09	SURG	PERIANAL & PILONIDAL PROCEDURES	.9756	2.9	4.1
268 ...	09	SURG	SKIN, SUBCUTANEOUS TISSUE & BREAST PLASTIC PROCEDURES.	1.1919	2.4	3.8
269 ...	09	SURG	OTHER SKIN, SUBCUT TISS & BREAST PROC W CC	1.6213	5.6	7.9
270 ...	09	SURG	OTHER SKIN, SUBCUT TISS & BREAST PROC W/O CC	.7435	2.2	3.1
271 ...	09	MED	SKIN ULCERS	.9921	5.6	7.1
272 ...	09	MED	MAJOR SKIN DISORDERS W CC	.9989	4.8	6.3
273 ...	09	MED	MAJOR SKIN DISORDERS W/O CC	.6270	3.3	4.4
274 ...	09	MED	MALIGNANT BREAST DISORDERS W CC	1.1271	4.7	6.5
275 ...	09	MED	MALIGNANT BREAST DISORDERS W/O CC	.6269	2.5	3.8
276 ...	09	MED	NON-MALIGANT BREAST DISORDERS	.6538	3.5	4.4
277 ...	09	MED	CELLULITIS AGE >17 W CC	.8323	4.7	5.8
278 ...	09	MED	CELLULITIS AGE >17 W/O CC	.5628	3.7	4.4
279 ...	09	MED	CELLULITIS AGE 0–17	.6722	4.1	5.1
280 ...	09	MED	TRAUMA TO THE SKIN, SUBCUT TISS & BREAST AGE >17 W CC.	.6740	3.3	4.2
281 ...	09	MED	TRAUMA TO THE SKIN, SUBCUT TISS & BREAST AGE >17 W/O CC.	.4577	2.4	3.1

TABLE 5.—LIST OF DIAGNOSIS RELATED GROUPS (DRGS), RELATIVE WEIGHTING FACTORS, GEOMETRIC AND ARITHMETIC MEAN LENGTH OF STAY—Continued

DRG	MDC	Type of DRG	DRG title	Relative weights	Geometric mean LOS	Arithmetic mean LOS
282	09	MED	*TRAUMA TO THE SKIN, SUBCUT TISS & BREAST AGE 0–17	.2569	2.2	2.2
283	09	MED	MINOR SKIN DISORDERS W CC	.7141	3.6	4.7
284	09	MED	MINOR SKIN DISORDERS W/O CC	.4375	2.5	3.2
285	10	SURG	AMPUTAT OF LOWER LIMB FOR ENDOCRINE, NUTRIT, & METABOL DISORDERS.	2.0096	7.7	10.6
286	10	SURG	ADRENAL & PITUITARY PROCEDURES	2.2196	5.2	6.6
287	10	SURG	SKIN GRAFTS & WOUND DEBRID FOR ENDOC, NUTRIT & METAB DISORDERS.	1.8074	7.4	10.4
288	10	SURG	O.R. PROCEDURES FOR OBESITY	2.0819	4.6	5.7
289	10	SURG	PARATHYROID PROCEDURES	.9714	2.0	3.0
290	10	SURG	THYROID PROCEDURES	.9187	1.9	2.4
291	10	SURG	THYROGLOSSAL PROCEDURES	.6730	1.6	2.0
292	10	SURG	OTHER ENDOCRINE, NUTRIT & METAB O.R. PROC W CC	2.4603	7.1	10.4
293	10	SURG	OTHER ENDOCRINE, NUTRIT & METAB O.R. PROC W/O CC	1.1770	3.5	4.9
294	10	MED	DIABETES AGE >35	.7528	3.7	4.8
295	10	MED	DIABETES AGE 0–35	.7460	3.0	3.9
296	10	MED	NUTRITIONAL & MISC METABOLIC DISORDERS AGE >17 W CC	.8567	4.0	5.3
297	10	MED	NUTRITIONAL & MISC METABOLIC DISORDERS AGE >17 W/O CC.	.5213	2.8	3.5
298	10	MED	NUTRITIONAL & MISC METABOLIC DISORDERS AGE 0–17	.4976	2.4	3.5
299	10	MED	INBORN ERRORS OF METABOLISM	.9448	3.8	5.4
300	10	MED	ENDOCRINE DISORDERS W CC	1.0797	4.8	6.2
301	10	MED	ENDOCRINE DISORDERS W/O CC	.5883	2.8	3.6
302	11	SURG	KIDNEY TRANSPLANT	3.5315	8.2	9.7
303	11	SURG	KIDNEY, URETER & MAJOR BLADDER PROCEDURES FOR NEOPLASM.	2.5381	7.2	8.7
304	11	SURG	KIDNEY, URETER & MAJOR BLADDER PROC FOR NON-NEOPL W CC.	2.3395	6.5	8.9
305	11	SURG	KIDNEY, URETER & MAJOR BLADDER PROC FOR NON-NEOPL W/O CC.	1.1790	3.2	3.9
306	11	SURG	PROSTATECTOMY W CC	1.2476	3.7	5.4
307	11	SURG	PROSTATECTOMY W/O CC	.6587	2.0	2.4
308	11	SURG	MINOR BLADDER PROCEDURES W CC	1.5880	4.1	6.1
309	11	SURG	MINOR BLADDER PROCEDURES W/O CC	.9430	2.0	2.5
310	11	SURG	TRANSURETHRAL PROCEDURES W CC	1.0881	3.0	4.3
311	11	SURG	TRANSURETHRAL PROCEDURES W/O CC	.6130	1.6	1.9
312	11	SURG	URETHRAL PROCEDURES, AGE >17 W CC	1.0283	3.1	4.6
313	11	SURG	URETHRAL PROCEDURES, AGE >17 W/O CC	.6653	1.8	2.4
314	11	SURG	*URETHRAL PROCEDURES, AGE 0–17	.4950	2.3	2.3
315	11	SURG	OTHER KIDNEY & URINARY TRACT O.R. PROCEDURES	2.0624	4.5	7.8
316	11	MED	RENAL FAILURE	1.3389	4.9	6.7
317	11	MED	ADMIT FOR RENAL DIALYSIS	.6906	2.1	3.2
318	11	MED	KIDNEY & URINARY TRACT NEOPLASMS W CC	1.1406	4.4	6.0
319	11	MED	KIDNEY & URINARY TRACT NEOPLASMS W/O CC	.6201	2.1	2.9
320	11	MED	KIDNEY & URINARY TRACT INFECTIONS AGE >17 W CC	.8664	4.4	5.4
321	11	MED	KIDNEY & URINARY TRACT INFECTIONS AGE >17 W/O CC	.5797	3.3	3.9
322	11	MED	KIDNEY & URINARY TRACT INFECTIONS AGE 0–17	.5653	3.0	3.8
323	11	MED	URINARY STONES W CC, &/OR ESW LITHOTRIPSY	.7851	2.4	3.2
324	11	MED	URINARY STONES W/O CC	.4491	1.6	1.9
325	11	MED	KIDNEY & URINARY TRACT SIGNS & SYMPTOMS AGE >17 W CC.	.6292	3.0	3.9
326	11	MED	KIDNEY & URINARY TRACT SIGNS & SYMPTOMS AGE >17 W/O CC.	.4193	2.2	2.7
327	11	MED	*KIDNEY & URINARY TRACT SIGNS & SYMPTOMS AGE 0–17	.3541	3.1	3.1
328	11	MED	URETHRAL STRICTURE AGE >17 W CC	.7043	2.7	3.7
329	11	MED	URETHRAL STRICTURE AGE >17 W/O CC	.5215	1.7	2.5
330	11	MED	*URETHRAL STRICTURE AGE 0–17	.3189	1.6	1.6
331	11	MED	OTHER KIDNEY & URINARY TRACT DIAGNOSES AGE >17 W CC.	1.0149	4.1	5.5
332	11	MED	OTHER KIDNEY & URINARY TRACT DIAGNOSES AGE >17 W/O CC.	.6079	2.6	3.4
333	11	MED	OTHER KIDNEY & URINARY TRACT DIAGNOSES AGE 0–17	.7660	3.3	4.4
334	12	SURG	MAJOR MALE PELVIC PROCEDURES W CC	1.5888	4.3	5.0
335	12	SURG	MAJOR MALE PELVIC PROCEDURES W/O CC	1.1891	3.3	3.5
336	12	SURG	TRANSURETHRAL PROSTATECTOMY W CC	.8981	2.8	3.6
337	12	SURG	TRANSURETHRAL PROSTATECTOMY W/O CC	.6235	2.0	2.2

TABLE 5.—LIST OF DIAGNOSIS RELATED GROUPS (DRGS), RELATIVE WEIGHTING FACTORS, GEOMETRIC AND ARITHMETIC MEAN LENGTH OF STAY—Continued

DRG	MDC	Type of DRG	DRG title	Relative weights	Geometric mean LOS	Arithmetic mean LOS
338 ...	12	SURG	TESTES PROCEDURES, FOR MALIGNANCY	1.1598	3.3	5.1
339 ...	12	SURG	TESTES PROCEDURES, NON-MALIGNANCY AGE >17	1.0637	2.9	4.5
340 ...	12	SURG	*TESTES PROCEDURES, NON-MALIGNANCY AGE 0–17	.2834	2.4	2.4
341 ...	12	SURG	PENIS PROCEDURES	1.1125	2.1	3.2
342 ...	12	SURG	CIRCUMCISION AGE >17	.8606	2.6	3.5
343 ...	12	SURG	*CIRCUMCISION AGE 0–17	.1540	1.7	1.7
344 ...	12	SURG	OTHER MALE REPRODUCTIVE SYSTEM O.R. PROCEDURES FOR MALIGNANCY.	1.0994	1.6	2.4
345 ...	12	SURG	OTHER MALE REPRODUCTIVE SYSTEM O.R. PROC EXCEPT FOR MALIGNANCY.	.8850	2.5	3.7
346 ...	12	MED	MALIGNANCY, MALE REPRODUCTIVE SYSTEM, W CC	.9669	4.2	5.7
347 ...	12	MED	MALIGNANCY, MALE REPRODUCTIVE SYSTEM, W/O CC	.5868	2.3	3.1
348 ...	12	MED	BENIGN PROSTATIC HYPERTROPHY W CC	.6994	3.2	4.2
349 ...	12	MED	BENIGN PROSTATIC HYPERTROPHY W/O CC	.4393	2.0	2.5
350 ...	12	MED	INFLAMMATION OF THE MALE REPRODUCTIVE SYSTEM	.6962	3.6	4.4
351 ...	12	MED	*STERILIZATION, MALE	.2363	1.3	1.3
352 ...	12	MED	OTHER MALE REPRODUCTIVE SYSTEM DIAGNOSES	.6762	2.7	3.9
353 ...	13	SURG	PELVIC EVISCERATION, RADICAL HYSTERECTOMY & RADICAL VULVECTOMY.	1.9662	5.4	7.1
354 ...	13	SURG	UTERINE, ADNEXA PROC FOR NON-OVARIAN/ADNEXAL MALIG W CC.	1.5142	4.8	5.8
355 ...	13	SURG	UTERINE, ADNEXA PROC FOR NON-OVARIAN/ADNEXAL MALIG W/O CC.	.9471	3.2	3.4
356 ...	13	SURG	FEMALE REPRODUCTIVE SYSTEM RECONSTRUCTIVE PROCEDURES.	.7930	2.2	2.6
357 ...	13	SURG	UTERINE & ADNEXA PROC FOR OVARIAN OR ADNEXAL MALIGNANCY.	2.3678	7.0	8.7
358 ...	13	SURG	UTERINE & ADNEXA PROC FOR NON-MALIGNANCY W CC	1.2377	3.7	4.4
359 ...	13	SURG	UTERINE & ADNEXA PROC FOR NON-MALIGNANCY W/O CC	.8724	2.7	2.9
360 ...	13	SURG	VAGINA, CERVIX & VULVA PROCEDURES	.8832	2.5	3.0
361 ...	13	SURG	LAPAROSCOPY & INCISIONAL TUBAL INTERRUPTION	1.1850	2.4	3.4
362 ...	13	SURG	*ENDOSCOPIC TUBAL INTERRUPTION	.3020	1.4	1.4
363 ...	13	SURG	D&C, CONIZATION & RADIO-IMPLANT, FOR MALIGNANCY	.7775	2.5	3.3
364 ...	13	SURG	D&C, CONIZATION EXCEPT FOR MALIGNANCY	.7605	2.6	3.5
365 ...	13	SURG	OTHER FEMALE REPRODUCTIVE SYSTEM O.R. PROCEDURES	1.8299	4.9	7.1
366 ...	13	MED	MALIGNANCY, FEMALE REPRODUCTIVE SYSTEM W CC	1.2435	4.7	6.7
367 ...	13	MED	MALIGNANCY, FEMALE REPRODUCTIVE SYSTEM W/O CC	.5558	2.2	3.0
368 ...	13	MED	INFECTIONS, FEMALE REPRODUCTIVE SYSTEM	1.0486	4.8	6.2
369 ...	13	MED	MENSTRUAL & OTHER FEMALE REPRODUCTIVE SYSTEM DISORDERS.	.5540	2.4	3.2
370 ...	14	SURG	CESAREAN SECTION W CC	1.1037	4.5	6.0
371 ...	14	SURG	CESAREAN SECTION W/O CC	.7226	3.3	3.6
372 ...	14	MED	VAGINAL DELIVERY W COMPLICATING DIAGNOSES	.5785	2.6	3.3
373 ...	14	MED	VAGINAL DELIVERY W/O COMPLICATING DIAGNOSES	.4018	1.9	2.1
374 ...	14	SURG	VAGINAL DELIVERY W STERILIZATION &/OR D&C	.7118	2.5	3.2
375 ...	14	SURG	*VAGINAL DELIVERY W O.R. PROC EXCEPT STERIL &/OR D&C	.6856	4.4	4.4
376 ...	14	MED	POSTPARTUM & POST ABORTION DIAGNOSES W/O O.R. PROCEDURE.	.5246	2.4	3.5
377 ...	14	SURG	POSTPARTUM & POST ABORTION DIAGNOSES W O.R. PROCEDURE.	1.3418	3.1	5.4
378 ...	14	MED	ECTOPIC PREGNANCY	.9321	2.3	2.8
379 ...	14	MED	THREATENED ABORTION	.4438	2.1	3.1
380 ...	14	MED	ABORTION W/O D&C	.3447	1.6	1.9
381 ...	14	SURG	ABORTION W D&C, ASPIRATION CURETTAGE OR HYSTEROTOMY.	.5785	1.7	2.3
382 ...	14	MED	FALSE LABOR	.2097	1.2	1.3
383 ...	14	MED	OTHER ANTEPARTUM DIAGNOSES W MEDICAL COMPLICATIONS.	.5250	2.8	4.0
384 ...	14	MED	OTHER ANTEPARTUM DIAGNOSES W/O MEDICAL COMPLICATIONS.	.3457	1.8	2.4
385 ...	15		*NEONATES, DIED OR TRANSFERRED TO ANOTHER ACUTE CARE FACILITY.	1.3760	1.8	1.8
386 ...	15		*EXTREME IMMATURITY OR RESPIRATORY DISTRESS SYNDROME, NEONATE.	4.5376	17.9	17.9
387 ...	15		*PREMATURITY W MAJOR PROBLEMS	3.0991	13.3	13.3
388 ...	15		*PREMATURITY W/O MAJOR PROBLEMS	1.8699	8.6	8.6

TABLE 5.—LIST OF DIAGNOSIS RELATED GROUPS (DRGS), RELATIVE WEIGHTING FACTORS, GEOMETRIC AND ARITHMETIC MEAN LENGTH OF STAY—Continued

DRG	MDC	Type of DRG	DRG title	Relative weights	Geometric mean LOS	Arithmetic mean LOS
389	15		*FULL TERM NEONATE W MAJOR PROBLEMS	1.8398	4.7	4.7
390	15		*NEONATE W OTHER SIGNIFICANT PROBLEMS	1.6011	3.4	3.4
391	15		*NORMAL NEWBORN	.1526	3.1	3.1
392	16	SURG	SPLENECTOMY AGE >17	3.1400	7.2	9.7
393	16	SURG	*SPLENECTOMY AGE 0–17	1.3479	9.1	9.1
394	16	SURG	OTHER O.R. PROCEDURES OF THE BLOOD AND BLOOD FORMING ORGANS.	1.6743	4.1	6.8
395	16	MED	RED BLOOD CELL DISORDERS AGE >17	.8170	3.3	4.6
396	16	MED	RED BLOOD CELL DISORDERS AGE 0–17	1.0895	2.1	3.2
397	16	MED	COAGULATION DISORDERS	1.2145	3.9	5.4
398	16	MED	RETICULOENDOTHELIAL & IMMUNITY DISORDERS W CC	1.2525	4.7	6.0
399	16	MED	RETICULOENDOTHELIAL & IMMUNITY DISORDERS W/O CC	.7076	3.0	3.7
400	17	SURG	LYMPHOMA & LEUKEMIA W MAJOR O.R. PROCEDURE	2.6450	5.9	9.1
401	17	SURG	LYMPHOMA & NON-ACUTE LEUKEMIA W OTHER O.R. PROC W CC.	2.6136	7.8	11.0
402	17	SURG	LYMPHOMA & NON-ACUTE LEUKEMIA W OTHER O.R. PROC W/O CC.	1.0641	2.8	4.2
403	17	MED	LYMPHOMA & NON-ACUTE LEUKEMIA W CC	1.7141	5.7	8.0
404	17	MED	LYMPHOMA & NON-ACUTE LEUKEMIA W/O CC	.8541	3.2	4.3
405	17		*ACUTE LEUKEMIA W/O MAJOR O.R. PROCEDURE AGE 0–17	1.9110	4.9	4.9
406	17	SURG	MYELOPROLIF DISORD OR POORLY DIFF NEOPL W MAJ O.R. PROC W CC.	2.7825	7.5	10.1
407	17	SURG	MYELOPROLIF DISORD OR POORLY DIFF NEOPL W MAJ O.R. PROC W/O CC.	1.2467	3.4	4.2
408	17	SURG	MYELOPROLIF DISORD OR POORLY DIFF NEOPL W OTHER O.R. PROC.	1.9957	4.7	7.8
409	17	MED	RADIOTHERAPY	1.0593	4.5	6.1
410	17	MED	CHEMOTHERAPY W/O ACUTE LEUKEMIA AS SECONDARY DIAGNOSIS.	.8997	2.8	3.6
411	17	MED	HISTORY OF MALIGNANCY W/O ENDOSCOPY	.4177	1.8	2.3
412	17	MED	HISTORY OF MALIGNANCY W ENDOSCOPY	.4028	1.5	2.0
413	17	MED	OTHER MYELOPROLIF DIS OR POORLY DIFF NEOPL DIAG W CC.	1.3970	5.5	7.5
414	17	MED	OTHER MYELOPROLIF DIS OR POORLY DIFF NEOPL DIAG W/O CC.	.7882	3.1	4.2
415	18	SURG	O.R. PROCEDURE FOR INFECTIOUS & PARASITIC DISEASES	3.5467	10.3	14.1
416	18	MED	SEPTICEMIA AGE >17	1.5004	5.6	7.3
417	18	MED	SEPTICEMIA AGE 0–17	.8818	3.6	4.9
418	18	MED	POSTOPERATIVE & POST-TRAUMATIC INFECTIONS	.9925	4.8	6.1
419	18	MED	FEVER OF UNKNOWN ORIGIN AGE >17 W CC	.8892	3.9	4.9
420	18	MED	FEVER OF UNKNOWN ORIGIN AGE >17 W/O CC	.6151	3.0	3.7
421	18	MED	VIRAL ILLNESS AGE >17	.6676	3.1	3.9
422	18	MED	VIRAL ILLNESS & FEVER OF UNKNOWN ORIGIN AGE 0–17	.4797	2.4	3.0
423	18	MED	OTHER INFECTIOUS & PARASITIC DISEASES DIAGNOSES	1.6009	5.7	7.7
424	19	SURG	O.R. PROCEDURE W PRINCIPAL DIAGNOSES OF MENTAL ILLNESS.	2.3807	8.7	14.0
425	19	MED	ACUTE ADJUSTMENT REACTION & PSYCHOLOGICAL DYSFUNCTION.	.6802	3.0	4.1
426	19	MED	DEPRESSIVE NEUROSES	.5384	3.4	4.7
427	19	MED	NEUROSES EXCEPT DEPRESSIVE	.5750	3.4	5.0
428	19	MED	DISORDERS OF PERSONALITY & IMPULSE CONTROL	.6910	4.4	6.8
429	19	MED	ORGANIC DISTURBANCES & MENTAL RETARDATION	.8447	4.9	6.7
430	19	MED	PSYCHOSES	.7925	6.0	8.4
431	19	MED	CHILDHOOD MENTAL DISORDERS	.7467	4.7	7.0
432	19	MED	OTHER MENTAL DISORDER DIAGNOSES	.7113	3.3	5.2
433	20		ALCOHOL/DRUG ABUSE OR DEPENDENCE, LEFT AMA	.2974	2.3	3.1
434	20		ALC/DRUG ABUSE OR DEPEND, DETOX OR OTH SYMPT TREAT W CC.	.7290	3.9	5.2
435	20		ALC/DRUG ABUSE OR DEPEND, DETOX OR OTH SYMPT TREAT W/O CC.	.4270	3.4	4.4
436	20		ALC/DRUG DEPENDENCE W REHABILITATION THERAPY	.7934	10.7	13.6
437	20		ALC/DRUG DEPENDENCE, COMBINED REHAB & DETOX THERAPY.	.6899	7.5	9.0
438			NO LONGER VALID	.0000	.0	.0
439	21	SURG	SKIN GRAFTS FOR INJURIES	1.6217	5.0	7.4
440	21	SURG	WOUND DEBRIDEMENTS FOR INJURIES	1.9196	5.7	8.9

TABLE 5.—LIST OF DIAGNOSIS RELATED GROUPS (DRGS), RELATIVE WEIGHTING FACTORS, GEOMETRIC AND ARITHMETIC MEAN LENGTH OF STAY—Continued

DRG	MDC	Type of DRG	DRG title	Relative weights	Geometric mean LOS	Arithmetic mean LOS
441	21	SURG	HAND PROCEDURES FOR INJURIES	.9185	2.2	3.1
442	21	SURG	OTHER O.R. PROCEDURES FOR INJURIES W CC	2.2447	5.2	7.9
443	21	SURG	OTHER O.R. PROCEDURES FOR INJURIES W/O CC	.9604	2.5	3.3
444	21	MED	TRAUMATIC INJURY AGE >17 W CC	.7068	3.3	4.3
445	21	MED	TRAUMATIC INJURY AGE >17 W/O CC	.4796	2.4	3.0
446	21	MED	*TRAUMATIC INJURY AGE 0–17	.2962	2.4	2.4
447	21	MED	ALLERGIC REACTIONS AGE >17	.5218	1.9	2.5
448	21	MED	*ALLERGIC REACTIONS AGE 0–17	.0974	2.9	2.9
449	21	MED	POISONING & TOXIC EFFECTS OF DRUGS AGE >17 W CC	.8140	2.6	3.7
450	21	MED	POISONING & TOXIC EFFECTS OF DRUGS AGE >17 W/O CC	.4356	1.6	2.0
451	21	MED	*POISONING & TOXIC EFFECTS OF DRUGS AGE 0–17	.2631	2.1	2.1
452	21	MED	COMPLICATIONS OF TREATMENT W CC	.9922	3.5	4.9
453	21	MED	COMPLICATIONS OF TREATMENT W/O CC	.5065	2.2	2.9
454	21	MED	OTHER INJURY, POISONING & TOXIC EFFECT DIAG W CC	.8161	3.2	4.5
455	21	MED	OTHER INJURY, POISONING & TOXIC EFFECT DIAG W/O CC	.4661	1.9	2.6
456			NO LONGER VALID	.0000	.0	.0
457			NO LONGER VALID	.0000	.0	.0
458			NO LONGER VALID	.0000	.0	.0
459			NO LONGER VALID	.0000	.0	.0
460			NO LONGER VALID	.0000	.0	.0
461	23	SURG	O.R. PROC W DIAGNOSES OF OTHER CONTACT W HEALTH SERVICES.	1.1304	2.4	4.5
462	23	MED	REHABILITATION	1.3558	9.8	12.4
463	23	MED	SIGNS & SYMPTOMS W CC	.6814	3.3	4.3
464	23	MED	SIGNS & SYMPTOMS W/O CC	.4953	2.5	3.2
465	23	MED	AFTERCARE W HISTORY OF MALIGNANCY AS SECONDARY DIAGNOSIS.	.6710	2.0	3.6
466	23	MED	AFTERCARE W/O HISTORY OF MALIGNANCY AS SECONDARY DIAGNOSIS.	.6995	2.3	3.9
467	23	MED	OTHER FACTORS INFLUENCING HEALTH STATUS	.5054	2.1	3.3
468			EXTENSIVE O.R. PROCEDURE UNRELATED TO PRINCIPAL DIAGNOSIS.	3.6495	9.4	13.3
469			**PRINCIPAL DIAGNOSIS INVALID AS DISCHARGE DIAGNOSIS	.0000	.0	.0
470			**UNGROUPABLE	.0000	.0	.0
471	08	SURG	BILATERAL OR MULTIPLE MAJOR JOINT PROCS OF LOWER EXTREMITY.	3.2312	4.9	5.6
472			NO LONGER VALID	.0000	.0	.0
473	17		ACUTE LEUKEMIA W/O MAJOR O.R. PROCEDURE AGE >17	3.7175	7.8	13.4
474			NO LONGER VALID	.0000	.0	.0
475	04	MED	RESPIRATORY SYSTEM DIAGNOSIS WITH VENTILATOR SUPPORT.	3.7064	8.0	11.2
476		SURG	PROSTATIC O.R. PROCEDURE UNRELATED TO PRINCIPAL DIAGNOSIS.	2.2619	8.6	11.7
477		SURG	NON-EXTENSIVE O.R. PROCEDURE UNRELATED TO PRINCIPAL DIAGNOSIS.	1.7659	5.3	8.0
478	05	SURG	OTHER VASCULAR PROCEDURES W CC	2.3493	5.0	7.3
479	05	SURG	OTHER VASCULAR PROCEDURES W/O CC	1.4604	2.9	3.8
480		SURG	LIVER TRANSPLANT	10.7204	17.6	23.1
481		SURG	BONE MARROW TRANSPLANT	8.6480	22.2	25.1
482		SURG	TRACHEOSTOMY FOR FACE, MOUTH & NECK DIAGNOSES	3.6326	9.9	12.9
483		SURG	TRACHEOSTOMY EXCEPT FOR FACE, MOUTH & NECK DIAGNOSES.	15.9802	32.9	40.6
484	24	SURG	CRANIOTOMY FOR MULTIPLE SIGNIFICANT TRAUMA	5.5399	9.0	13.3
485	24	SURG	LIMB REATTACHMENT, HIP AND FEMUR PROC FOR MULTIPLE SIGNIFICANT TRA.	3.0215	7.4	9.1
486	24	SURG	OTHER O.R. PROCEDURES FOR MULTIPLE SIGNIFICANT TRAUMA.	4.8710	8.4	12.3
487	24	MED	OTHER MULTIPLE SIGNIFICANT TRAUMA	1.9497	5.3	7.4
488	25	SURG	HIV W EXTENSIVE O.R. PROCEDURE	4.7592	12.0	18.2
489	25	MED	HIV W MAJOR RELATED CONDITION	1.7870	6.1	8.7
490	25	MED	HIV W OR W/O OTHER RELATED CONDITION	.9616	3.8	5.3
491	08	SURG	MAJOR JOINT & LIMB REATTACHMENT PROCEDURES OF UPPER EXTREMITY.	1.6696	3.0	3.5
492	17	MED	CHEMOTHERAPY W ACUTE LEUKEMIA AS SECONDARY DIAGNOSIS.	4.4339	11.4	16.8
493	07	SURG	LAPAROSCOPIC CHOLECYSTECTOMY W/O C.D.E. W CC	1.8341	4.3	5.7

TABLE 5.—LIST OF DIAGNOSIS RELATED GROUPS (DRGS), RELATIVE WEIGHTING FACTORS, GEOMETRIC AND ARITHMETIC MEAN LENGTH OF STAY—Continued

DRG	MDC	Type of DRG	DRG title	Relative weights	Geometric mean LOS	Arithmetic mean LOS
494 ...	07	SURG	LAPAROSCOPIC CHOLECYSTECTOMY W/O C.D.E. W/O CC	1.0276	2.0	2.5
495 ...	.....	SURG	LUNG TRANSPLANT	9.1249	13.1	15.9
496 ...	08	SURG	COMBINED ANTERIOR/POSTERIOR SPINAL FUSION	5.6734	8.4	10.8
497 ...	08	SURG	SPINAL FUSION W CC	2.8425	4.9	6.3
498 ...	08	SURG	SPINAL FUSION W/O CC	1.7943	2.8	3.4
499 ...	08	SURG	BACK & NECK PROCEDURES EXCEPT SPINAL FUSION W CC ..	1.4487	3.6	4.8
500 ...	08	SURG	BACK & NECK PROCEDURES EXCEPT SPINAL FUSION W/O CC.	.9837	2.3	2.8
501 ...	08	SURG	KNEE PROCEDURES W PDX OF INFECTION W CC	2.5446	8.0	10.0
502 ...	08	SURG	KNEE PROCEDURES W PDX OF INFECTION W/O CC	1.5591	5.2	6.3
503 ...	08	SURG	KNEE PROCEDURES W/O PDX OF INFECTION	1.2047	3.1	4.0
504 ...	22	SURG	EXTENSIVE 3RD DEGREE BURNS W SKIN GRAFT	12.8853	23.5	31.1
505 ...	22	MED	EXTENSIVE 3RD DEGREE BURNS W/O SKIN GRAFT	2.1552	2.6	5.1
506 ...	22	SURG	FULL THICKNESS BURN W SKIN GRAFT OR INHAL INJ W CC OR SIG TRAUMA.	4.1711	12.5	16.8
507 ...	22	SURG	FULL THICKNESS BURN W SKIN GRFT OR INHAL INJ W/O CC OR SIG TRAUMA.	1.8963	6.8	9.5
508 ...	22	MED	FULL THICKNESS BURN W/O SKIN GRFT OR INHAL INJ W CC OR SIG TRAUMA.	1.5807	5.8	8.6
509 ...	22	MED	FULL THICKNESS BURN W/O SKIN GRFT OR INH INJ W/O CC OR SIG TRAUMA.	.8575	3.9	5.4
510 ...	22	MED	NON-EXTENSIVE BURNS W CC OR SIGNIFICANT TRAUMA	1.3433	5.1	7.4
511 ...	22	MED	NON-EXTENSIVE BURNS W/O CC OR SIGNIFICANT TRAUMA ...	.8283	3.5	5.2

*Medicare data have been supplemented by data from 19 states for low volume DRGS.
**DRGS 469 and 470 contain cases which could not be assigned to valid DRGS.
Note: Geometric mean is used only to determine payment for transfer cases.
Note: Arithmetic mean is presented for informational purposes only.
Note: Relative weights are based on medicare patient data and may not be appropriate for other patients.

TABLE 7A.—MEDICARE PROSPECTIVE PAYMENT SYSTEM, SELECTED PERCENTILE LENGTHS OF STAY

[FY98 MEDPAR Update 12/98 Grouper V16.0]

DRG	Number discharges	Arithmetic mean LOS	10th percentile	25th percentile	50th percentile	75th percentile	90th percentile
1	36506	9.2605	2	4	7	12	19
2	7109	9.8658	3	5	7	12	20
3	7	10.5714	1	4	12	12	14
4	6015	7.4519	1	3	5	9	16
5	98703	3.4164	1	1	2	4	7
6	377	3.1326	1	1	2	4	7
7	11683	9.7496	2	4	7	12	19
8	3373	3.1254	1	1	2	4	7
9	1698	6.1143	1	3	5	8	12
10	19098	6.5697	2	3	5	8	13
11	3155	4.0396	1	2	3	5	8
12	44239	6.2732	2	3	4	7	12
13	6486	5.1576	2	3	4	6	9
14	354618	6.0040	2	3	5	7	11
15	143996	3.7354	1	2	3	5	7
16	12049	5.9114	2	3	5	7	11
17	3303	3.3657	1	2	3	4	6
18	27014	5.4748	2	3	4	7	10
19	7911	3.7895	1	2	3	5	7
20	6115	9.9243	2	5	8	13	19
21	1409	6.8027	2	3	5	9	13
22	2567	4.9003	2	2	4	6	9
23	7637	4.1747	1	2	3	5	8
24	54321	5.0362	1	2	4	6	10
25	24173	3.3500	1	2	3	4	6
26	29	3.5862	1	1	3	4	6
27	3593	5.2931	1	1	3	7	12
28	11084	6.0999	1	3	5	8	12
29	3704	3.6126	1	2	3	5	7
30	1	13.0000	13	13	13	13	13
31	3126	4.3349	1	2	3	5	8

TABLE 7A.—MEDICARE PROSPECTIVE PAYMENT SYSTEM, SELECTED PERCENTILE LENGTHS OF STAY—Continued

[FY98 MEDPAR Update 12/98 Grouper V16.0]

DRG	Number discharges	Arithmetic mean LOS	10th percentile	25th percentile	50th percentile	75th percentile	90th percentile
32	1388	2.6981	1	1	2	3	5
34	19926	5.3284	1	2	4	6	10
35	4860	3.4829	1	2	3	4	7
36	4637	1.4238	1	1	1	1	2
37	1545	3.8460	1	1	3	5	8
38	106	2.6415	1	1	2	3	5
39	1458	1.8759	1	1	1	2	4
40	1967	3.3421	1	1	2	4	7
42	3287	2.1150	1	1	1	2	4
43	84	4.0476	1	2	2	4	7
44	1346	4.9562	2	3	4	6	9
45	2489	3.4339	1	2	3	4	6
46	3035	4.5519	1	2	3	6	9
47	1196	3.1304	1	1	2	4	6
48	1	6.0000	6	6	6	6	6
49	2268	5.0004	1	2	4	6	10
50	2816	1.9950	1	1	1	2	3
51	275	2.8873	1	1	1	3	7
52	242	1.9463	1	1	1	2	3
53	2676	3.6214	1	1	2	4	8
54	1	1.0000	1	1	1	1	1
55	1548	2.8443	1	1	2	3	6
56	583	2.8405	1	1	2	3	6
57	496	4.7702	1	1	3	5	12
59	76	2.5921	1	1	2	3	6
60	4	1.2500	1	1	1	1	2
61	236	4.8051	1	1	3	6	10
62	2	2.5000	2	2	3	3	3
63	3257	4.4473	1	2	3	5	9
64	3255	6.6224	1	2	4	8	14
65	31668	2.9110	1	1	2	4	5
66	6943	3.2093	1	2	3	4	6
67	510	3.7118	1	2	3	4	7
68	13096	4.1846	2	2	3	5	7
69	4070	3.3174	1	2	3	4	6
70	38	2.7368	1	2	2	3	5
71	108	3.4259	1	2	3	4	6
72	789	3.5349	1	2	3	4	7
73	6418	4.3408	1	2	3	5	8
74	1	2.0000	2	2	2	2	2
75	40117	9.9090	3	5	7	12	19
76	40189	11.0696	3	5	9	14	21
77	2189	5.1092	1	2	4	7	10
78	29868	7.0817	3	5	6	9	12
79	203034	8.4200	3	4	7	10	16
80	8367	5.5711	2	3	5	7	10
81	9	6.1111	1	4	6	7	9
82	67396	6.9696	2	3	5	9	14
83	6816	5.4608	2	3	4	7	10
84	1499	3.2115	1	2	3	4	6
85	21440	6.5169	2	3	5	8	13
86	1715	3.7638	1	2	3	5	7
87	67211	6.2429	1	3	5	8	12
88	395665	5.2571	2	3	4	7	9
89	507777	6.1138	2	3	5	8	11
90	46106	4.3389	2	3	4	5	7
91	63	3.9683	1	2	3	5	7
92	14068	6.2258	2	3	5	8	12
93	1431	4.2851	1	2	4	6	8
94	12904	6.3868	2	3	5	8	13
95	1503	3.6334	1	2	3	4	7
96	63347	4.7647	2	3	4	6	8
97	28210	3.7386	1	2	3	5	7
98	18	4.5000	2	2	3	4	5
99	19288	3.1362	1	1	2	4	6
100	7679	2.1705	1	1	2	3	4

TABLE 7A.—MEDICARE PROSPECTIVE PAYMENT SYSTEM, SELECTED PERCENTILE LENGTHS OF STAY—Continued

[FY98 MEDPAR Update 12/98 Grouper V16.0]

DRG	Number discharges	Arithmetic mean LOS	10th percentile	25th percentile	50th percentile	75th percentile	90th percentile
101	19908	4.4001	1	2	3	6	8
102	4712	2.7177	1	1	2	3	5
103	526	55.9620	9	15	38	81	125
104	32469	11.8910	3	6	10	15	22
105	28435	9.4345	4	6	7	11	17
106	3874	10.9174	5	7	9	13	18
107	96633	10.4780	5	7	9	12	17
108	5213	10.9714	3	6	9	14	21
109	66066	7.8103	4	5	7	9	13
110	58950	9.5307	2	5	8	11	18
111	6548	5.6188	2	4	6	7	8
112	80275	3.8243	1	1	3	5	8
113	45999	11.8933	3	5	9	15	23
114	8660	8.1865	2	4	7	10	16
115	14332	8.4104	2	4	7	11	16
116	270327	3.9279	1	1	3	5	8
117	3493	4.1457	1	1	3	5	9
118	6394	2.8907	1	1	2	4	6
119	1547	4.8946	1	1	3	6	11
120	36472	8.2124	1	2	5	11	18
121	168411	6.5102	2	4	5	8	12
122	83057	3.9825	1	2	4	5	7
123	41857	4.4094	1	1	2	6	10
124	144199	4.4338	1	2	3	6	8
125	69258	2.8460	1	1	2	4	6
126	5245	11.8471	3	6	9	15	23
127	720949	5.3848	2	3	4	7	10
128	13882	5.8857	3	4	5	7	9
129	4476	2.8132	1	1	1	3	7
130	93152	5.8377	2	3	5	7	10
131	26175	4.4798	1	3	4	6	7
132	166567	3.0916	1	2	2	4	6
133	7046	2.3686	1	1	2	3	4
134	32604	3.3402	1	2	3	4	6
135	7501	4.3393	1	2	3	5	8
136	1134	2.9365	1	1	2	4	6
138	203034	3.9942	1	2	3	5	8
139	74491	2.5373	1	1	2	3	5
140	89482	2.8042	1	1	2	3	5
141	85001	3.7313	1	2	3	5	7
142	40519	2.7087	1	1	2	3	5
143	173003	2.1910	1	1	2	3	4
144	77203	5.3186	1	2	4	7	11
145	6725	2.8174	1	1	2	4	5
146	12161	10.3049	5	7	9	12	17
147	2295	6.7115	3	5	7	8	10
148	142496	12.0975	5	7	10	14	21
149	16260	6.7259	4	5	6	8	10
150	22047	11.0292	4	6	9	14	19
151	4378	5.9826	2	3	6	8	11
152	4733	8.2766	3	5	7	10	14
153	1785	5.6112	3	4	5	7	8
154	32146	13.1977	4	7	10	16	25
155	5559	4.4970	1	2	4	6	8
156	5	10.6000	2	2	11	13	22
157	8532	5.5772	1	2	4	7	11
158	4386	2.6423	1	1	2	3	5
159	17279	4.9647	1	2	4	6	10
160	10447	2.7383	1	1	2	4	5
161	12543	4.1562	1	2	3	5	9
162	6726	1.9967	1	1	1	2	4
163	6	3.3333	1	3	3	5	5
164	5059	8.5274	4	5	7	10	14
165	1803	4.9434	2	3	5	6	8
166	3401	5.1541	2	3	4	6	10
167	2666	2.7817	1	2	2	3	5

TABLE 7A.—MEDICARE PROSPECTIVE PAYMENT SYSTEM, SELECTED PERCENTILE LENGTHS OF STAY—Continued

[FY98 MEDPAR Update 12/98 Grouper V16.0]

DRG	Number discharges	Arithmetic mean LOS	10th percentile	25th percentile	50th percentile	75th percentile	90th percentile
168	1649	4.6731	1	2	3	6	10
169	857	2.4982	1	1	2	3	5
170	12092	11.1993	2	5	8	14	22
171	1053	4.7673	1	2	4	6	9
172	31897	6.9143	2	3	5	9	14
173	2312	3.7855	1	1	3	5	8
174	249000	4.8426	2	3	4	6	9
175	25202	2.9397	1	2	3	4	5
176	17587	5.2799	2	3	4	6	10
177	10522	4.4893	2	2	4	6	8
178	3593	3.1795	1	2	3	4	6
179	12330	6.1658	2	3	5	8	12
180	90227	5.3446	2	3	4	7	10
181	24379	3.4107	1	2	3	4	6
182	234882	4.3349	1	2	3	5	8
183	76735	2.9911	1	1	2	4	6
184	89	3.0225	1	1	2	3	7
185	4222	4.5246	1	2	3	6	9
186	7	3.2857	1	2	3	4	4
187	838	3.9224	1	2	3	5	8
188	75482	5.5481	1	2	4	7	11
189	9623	3.2219	1	1	2	4	6
190	66	5.5909	1	2	4	7	9
191	9649	14.1563	4	7	10	17	28
192	834	7.0432	2	4	6	9	12
193	6497	12.6191	5	7	10	15	23
194	742	6.5660	2	4	6	8	11
195	5896	9.9910	4	6	8	12	17
196	1262	5.6830	2	4	5	7	9
197	22829	8.6119	3	5	7	10	15
198	6333	4.5173	2	3	4	6	8
199	1863	9.6334	2	5	7	13	19
200	1177	11.0110	2	4	8	14	22
201	1502	14.0752	4	6	11	18	28
202	27309	6.5861	2	3	5	8	13
203	29813	6.7010	2	3	5	9	13
204	54942	5.9723	2	3	5	7	11
205	23086	6.3271	2	3	5	8	12
206	1713	4.1004	1	2	3	5	8
207	32550	5.1222	1	2	4	6	10
208	9792	2.9086	1	1	2	4	6
209	353744	5.1342	3	3	4	6	8
210	133786	6.7558	3	4	6	8	11
211	29098	4.9011	3	3	4	6	7
212	8	3.6250	1	2	4	5	5
213	7866	8.3354	2	4	6	10	17
216	6023	9.5177	2	4	7	12	19
217	19595	12.5727	3	5	9	15	26
218	22521	5.2767	2	3	4	6	9
219	19288	3.1965	1	2	3	4	5
220	4	9.2500	1	1	6	12	18
223	17769	2.5644	1	1	2	3	5
224	7897	2.0380	1	1	2	3	4
225	5773	4.4653	1	2	3	6	9
226	5252	5.9842	1	2	4	8	12
227	4296	2.7491	1	1	2	3	5
228	2550	3.5910	1	1	2	4	8
229	1137	2.4450	1	1	2	3	5
230	2280	4.7487	1	2	3	6	10
231	10903	4.6309	1	2	3	6	10
232	527	4.0892	1	1	2	5	9
233	4814	7.4909	2	3	5	9	16
234	2558	3.4461	1	2	3	4	7
235	5355	5.0045	1	2	4	6	9
236	39188	4.9057	1	3	4	6	9
237	1699	3.5621	1	2	3	4	6

TABLE 7A.—MEDICARE PROSPECTIVE PAYMENT SYSTEM, SELECTED PERCENTILE LENGTHS OF STAY—Continued

[FY98 MEDPAR Update 12/98 Grouper V16.0]

DRG	Number discharges	Arithmetic mean LOS	10th percentile	25th percentile	50th percentile	75th percentile	90th percentile
238	7684	8.2965	3	4	6	10	16
239	55608	6.2447	2	3	5	8	12
240	12878	6.6378	2	3	5	8	13
241	3005	4.0090	1	2	3	5	7
242	2655	6.5646	2	3	5	8	13
243	83845	4.7270	1	3	4	6	9
244	12628	4.8210	1	3	4	6	9
245	4919	3.5727	1	2	3	4	7
246	1343	3.7312	1	2	3	5	7
247	14016	3.4163	1	2	3	4	7
248	8925	4.6222	1	2	4	6	9
249	10902	3.5356	1	1	2	4	7
250	3601	4.1172	1	2	3	5	8
251	2274	2.9081	1	1	2	4	5
253	18995	4.7535	1	3	4	6	9
254	9941	3.2011	1	2	3	4	6
256	5904	5.0899	1	2	4	6	10
257	19379	2.9197	1	2	2	3	5
258	16797	2.0623	1	1	2	2	3
259	3704	2.7608	1	1	2	3	6
260	4700	1.4715	1	1	1	2	2
261	1775	2.1808	1	1	1	3	4
262	645	3.9271	1	1	3	5	8
263	25880	11.3104	3	5	8	14	22
264	3815	7.0029	2	3	5	8	13
265	4082	6.9581	1	2	4	8	14
266	2523	3.3436	1	1	2	4	7
267	240	4.0833	1	1	3	5	9
268	873	3.7537	1	1	2	4	8
269	8758	7.8451	2	3	6	10	16
270	2727	3.0983	1	1	2	4	7
271	22440	7.0501	3	4	6	8	13
272	5622	6.2757	2	3	5	7	12
273	1342	4.3644	1	2	3	5	8
274	2431	6.4825	1	3	5	8	13
275	201	3.7612	1	1	2	5	8
276	989	4.4034	1	2	4	5	8
277	83986	5.7562	2	3	5	7	10
278	27530	4.4238	2	3	4	5	8
279	11	5.0909	1	3	4	5	8
280	14848	4.2196	1	2	3	5	8
281	6385	3.0641	1	1	3	4	6
282	1	3.0000	3	3	3	3	3
283	5325	4.7213	1	2	4	6	9
284	1773	3.1985	1	1	3	4	6
285	5979	10.5514	3	5	8	13	21
286	2145	6.6112	2	3	5	8	13
287	5999	10.4182	3	5	7	12	20
288	1972	5.7221	2	3	4	6	9
289	4787	3.0171	1	1	2	3	6
290	8532	2.4319	1	1	2	3	4
291	76	2.0132	1	1	1	2	3
292	4798	10.3558	2	4	8	13	21
293	318	4.9119	1	2	4	6	10
294	83797	4.7445	1	2	4	6	9
295	3416	3.8662	1	2	3	5	7
296	232852	5.2808	2	3	4	6	10
297	36465	3.5335	1	2	3	4	6
298	86	3.5116	1	1	2	4	7
299	1113	5.3998	1	2	4	7	11
300	16055	6.2361	2	3	5	8	12
301	2798	3.5647	1	2	3	4	7
302	7788	9.7017	5	6	7	11	17
303	19947	8.7442	4	5	7	10	15
304	12267	8.8996	2	4	7	11	18
305	2771	3.8964	1	2	3	5	7

TABLE 7A.—MEDICARE PROSPECTIVE PAYMENT SYSTEM, SELECTED PERCENTILE LENGTHS OF STAY—Continued

[FY98 MEDPAR Update 12/98 Grouper V16.0]

DRG	Number discharges	Arithmetic mean LOS	10th percentile	25th percentile	50th percentile	75th percentile	90th percentile
306	9087	5.4264	1	2	3	7	12
307	2172	2.3596	1	1	2	3	4
308	8237	6.1412	1	2	4	8	13
309	4040	2.5252	1	1	2	3	5
310	25234	4.3353	1	2	3	5	9
311	7913	1.9368	1	1	1	2	4
312	1652	4.5745	1	1	3	6	10
313	636	2.4009	1	1	2	3	5
314	1	2.0000	2	2	2	2	2
315	28095	7.8214	1	2	5	10	17
316	93946	6.6586	2	3	5	8	13
317	787	3.1525	1	1	2	3	6
318	6040	5.9818	1	3	4	8	12
319	452	2.8496	1	1	2	4	6
320	182629	5.4053	2	3	4	7	10
321	26785	3.8728	2	2	3	5	7
322	66	3.7273	1	2	3	4	6
323	16620	3.2068	1	1	2	4	6
324	7588	1.9258	1	1	1	2	4
325	7746	3.8615	1	2	3	5	7
326	2359	2.6880	1	1	2	3	5
327	9	3.4444	1	2	3	6	6
328	682	3.7097	1	2	3	5	7
329	107	2.4579	1	1	1	3	5
331	44791	5.5053	1	3	4	7	11
332	4640	3.4358	1	1	3	4	7
333	264	4.4356	1	2	3	5	10
334	14143	5.0008	3	3	4	6	8
335	10325	3.5485	2	3	3	4	5
336	46390	3.6056	1	2	3	4	7
337	30864	2.2143	1	1	2	3	3
338	2138	5.1300	1	2	3	7	12
339	1797	4.5042	1	1	3	6	10
340	2	1.0000	1	1	1	1	1
341	4067	3.1913	1	1	2	3	6
342	874	3.4748	1	2	2	4	7
344	4100	2.3539	1	1	1	2	5
345	1230	3.7195	1	1	2	4	8
346	4931	5.7175	1	3	4	7	11
347	370	3.1595	1	1	2	4	7
348	3080	4.1844	1	2	3	5	8
349	591	2.5296	1	1	2	3	5
350	6519	4.3806	2	2	4	5	8
352	692	3.9263	1	1	3	5	7
353	2693	7.0791	3	4	5	8	13
354	8980	5.7827	3	3	4	7	10
355	5919	3.4087	2	3	3	4	5
356	28210	2.5548	1	2	2	3	4
357	6046	8.6508	3	5	7	10	16
358	24803	4.4161	2	3	3	5	7
359	29406	2.8913	2	2	3	3	4
360	17303	3.0327	1	2	3	3	5
361	473	3.3742	1	1	2	4	7
362	1	1.0000	1	1	1	1	1
363	3572	3.2900	1	2	2	3	7
364	1811	3.5400	1	1	2	4	7
365	2008	7.1116	2	3	5	9	15
366	4324	6.6751	1	3	5	8	14
367	466	3.0193	1	1	2	4	6
368	2756	6.2144	2	3	5	8	12
369	2740	3.2281	1	1	2	4	6
370	1120	5.9848	3	3	4	5	9
371	1192	3.6460	2	3	3	4	5
372	847	3.2621	1	2	2	3	5
373	3838	2.1449	1	2	2	2	3
374	134	3.1716	1	2	2	3	4

TABLE 7A.—MEDICARE PROSPECTIVE PAYMENT SYSTEM, SELECTED PERCENTILE LENGTHS OF STAY—Continued

[FY98 MEDPAR Update 12/98 Grouper V16.0]

DRG	Number discharges	Arithmetic mean LOS	10th percentile	25th percentile	50th percentile	75th percentile	90th percentile
375	5	4.4000	1	1	5	5	9
376	199	3.4472	1	1	2	3	7
377	35	5.4000	1	1	3	5	13
378	173	2.7746	1	2	2	3	4
379	350	3.0914	1	1	2	3	6
380	87	1.8851	1	1	1	2	3
381	183	2.3005	1	1	1	3	5
382	54	1.2963	1	1	1	1	2
383	1486	3.9711	1	2	3	5	8
384	121	2.4132	1	1	2	3	5
385	1	2.0000	2	2	2	2	2
389	6	5.8333	1	5	5	7	7
390	9	3.3333	1	1	4	4	5
392	2630	9.6696	3	4	7	12	20
394	1779	6.8375	1	2	4	8	15
395	77187	4.5508	1	2	3	6	9
396	17	3.1765	1	1	2	4	6
397	19143	5.3427	1	2	4	7	11
398	18492	5.9583	2	3	5	7	11
399	1493	3.7173	1	2	3	5	7
400	7294	9.1058	2	3	6	11	20
401	6217	11.0227	2	5	8	14	22
402	1452	4.1887	1	1	3	5	9
403	36218	8.0041	2	3	6	10	16
404	4103	4.3359	1	2	3	6	9
406	2824	10.1331	3	5	8	13	21
407	667	4.1829	1	2	3	5	7
408	2404	7.7417	1	2	5	10	18
409	3746	6.1030	2	3	4	6	12
410	49872	3.5697	1	2	3	4	6
411	21	2.2857	1	1	2	3	4
412	28	2.0000	1	1	1	2	4
413	7391	7.4619	2	3	6	10	15
414	687	4.1499	1	2	3	5	9
415	42535	14.0456	4	6	11	17	28
416	213568	7.3051	2	4	6	9	14
417	41	4.7805	1	2	4	6	10
418	22297	6.0470	2	3	5	7	11
419	15835	4.9039	2	2	4	6	9
420	3029	3.6524	1	2	3	5	7
421	13089	3.9185	1	2	3	5	7
422	91	2.9890	1	1	2	4	6
423	9072	7.7017	2	3	6	9	16
424	1385	14.0072	2	5	10	17	27
425	15534	4.0610	1	2	3	5	8
426	4568	4.6421	1	2	3	6	9
427	1659	4.9458	1	2	3	6	11
428	855	6.7766	1	2	4	8	14
429	29447	6.5176	2	3	5	8	13
430	58875	8.3608	2	3	6	11	17
431	306	6.9869	1	3	5	8	13
432	438	5.2283	1	2	3	5	10
433	6312	3.1039	1	1	2	4	6
434	21675	5.1476	1	2	4	6	10
435	14502	4.3431	1	2	4	5	8
436	3279	13.5166	4	7	12	21	27
437	11570	8.9775	3	5	8	11	15
439	1183	7.4480	1	3	5	9	15
440	5298	8.9332	2	3	6	11	19
441	562	3.0498	1	1	2	4	7
442	15691	7.9084	1	3	6	10	16
443	3343	3.2767	1	1	2	4	7
444	5016	4.2845	1	2	3	5	8
445	2198	3.0100	1	1	2	4	6
447	4686	2.5378	1	1	2	3	5
448	2	1.5000	1	1	2	2	2

TABLE 7A.—MEDICARE PROSPECTIVE PAYMENT SYSTEM, SELECTED PERCENTILE LENGTHS OF STAY—Continued

[FY98 MEDPAR Update 12/98 Grouper V16.0]

DRG	Number discharges	Arithmetic mean LOS	10th percentile	25th percentile	50th percentile	75th percentile	90th percentile
449	25965	3.6989	1	1	3	4	7
450	6281	2.0492	1	1	1	2	4
451	4	3.7500	1	1	2	4	8
452	22264	4.9182	1	2	3	6	10
453	4242	2.8868	1	1	2	4	5
454	5953	4.4749	1	2	3	5	9
455	974	2.6078	1	1	2	3	5
461	3446	4.5133	1	1	2	5	11
462	10911	12.2067	4	6	10	16	23
463	16562	4.2876	1	2	3	5	8
464	4467	3.1842	1	2	3	4	6
465	202	3.5693	1	1	1	4	7
466	1753	3.9395	1	1	2	4	8
467	1206	3.2629	1	1	2	4	6
468	59861	13.2552	3	6	10	17	26
471	11866	5.6302	3	3	5	6	9
473	7998	13.1317	2	3	7	19	33
475	109305	11.0583	2	5	9	15	22
476	5166	11.6465	2	6	10	15	21
477	26937	8.0048	1	3	6	10	17
478	118559	7.2875	1	3	5	9	15
479	21234	3.7671	1	2	3	5	7
480	446	23.0807	7	11	16	28	47
481	269	25.0632	11	19	23	30	40
482	6415	12.8803	4	7	10	15	23
483	42782	38.7045	14	21	32	48	70
484	392	13.2219	1	6	10	18	27
485	3148	9.0886	4	5	7	11	17
486	2027	12.1722	1	5	10	16	24
487	3604	7.3047	1	3	6	9	15
488	784	18.0982	3	7	13	23	37
489	14037	8.7084	2	3	6	11	18
490	4768	5.2685	1	2	4	7	10
491	11583	3.5480	2	2	3	4	6
492	2575	16.8287	4	5	12	27	35
493	55018	5.7173	1	3	5	7	11
494	26030	2.5108	1	1	2	3	5
495	130	15.9154	6	8	13	22	29
496	1095	10.7826	4	5	8	13	21
497	23026	6.2674	2	3	5	7	11
498	16601	3.4126	1	2	3	4	6
499	33369	4.8049	1	2	4	6	9
500	40659	2.7628	1	1	2	3	5
501	1974	10.0172	4	5	8	12	19
502	544	6.2702	3	4	5	7	11
503	5860	3.9602	1	2	3	5	7
504	121	31.1488	9	15	26	40	62
505	157	5.0446	1	1	2	6	11
506	1107	16.4625	4	7	13	22	33
507	410	9.4780	2	4	8	13	20
508	1102	7.4093	2	3	5	9	14
509	493	4.9270	1	2	3	6	11
510	1017	6.9646	2	3	5	8	15
511	301	4.7176	1	2	3	6	9
	11177104						

TABLE 7B.—MEDICARE PROSPECTIVE PAYMENT SYSTEM, SELECTED PERCENTILE LENGTHS OF STAY

[FY98 MEDPAR Update 12/98 Grouper V17.0]

DRG	Number discharges	Arithmetic mean LOS	10th percentile	25th percentile	50th percentile	75th percentile	90th percentile
1	36506	9.2605	2	4	7	12	19
2	7109	9.8658	3	5	7	12	20

TABLE 7B.—MEDICARE PROSPECTIVE PAYMENT SYSTEM, SELECTED PERCENTILE LENGTHS OF STAY—Continued

[FY98 MEDPAR Update 12/98 Grouper V17.0]

DRG	Number discharges	Arithmetic mean LOS	10th percentile	25th percentile	50th percentile	75th percentile	90th percentile
3	7	10.5714	1	4	12	12	14
4	6015	7.4519	1	3	5	9	16
5	98703	3.4164	1	1	2	4	7
6	377	3.1326	1	1	2	4	7
7	11683	9.7496	2	4	7	12	19
8	3373	3.1254	1	1	2	4	7
9	1698	6.1143	1	3	5	8	12
10	19098	6.5697	2	3	5	8	13
11	3155	4.0396	1	2	3	5	8
12	44239	6.2732	2	3	4	7	12
13	6486	5.1576	2	3	4	6	9
14	354510	6.0035	2	3	5	7	11
15	143996	3.7354	1	2	3	5	7
16	12049	5.9114	2	3	5	7	11
17	3303	3.3657	1	2	3	4	6
18	27014	5.4748	2	3	4	7	10
19	7911	3.7895	1	2	3	5	7
20	6115	9.9243	2	5	8	13	19
21	1409	6.8027	2	3	5	9	13
22	2567	4.9003	2	2	4	6	9
23	7637	4.1747	1	2	3	5	8
24	54321	5.0362	1	2	4	6	10
25	24173	3.3500	1	2	3	4	6
26	29	3.5862	1	1	3	4	6
27	3593	5.2931	1	1	3	7	12
28	11084	6.0999	1	3	5	8	12
29	3704	3.6126	1	2	3	5	7
30	1	13.0000	13	13	13	13	13
31	3126	4.3349	1	2	3	5	8
32	1388	2.6981	1	1	2	3	5
34	19926	5.3284	1	2	4	6	10
35	4860	3.4829	1	2	3	4	7
36	4637	1.4238	1	1	1	1	2
37	1545	3.8460	1	1	3	5	8
38	106	2.6415	1	1	2	3	5
39	1458	1.8759	1	1	1	2	4
40	1967	3.3421	1	1	2	4	7
42	3287	2.1150	1	1	1	2	4
43	84	4.0476	1	2	2	4	7
44	1346	4.9562	2	3	4	6	9
45	2489	3.4339	1	2	3	4	6
46	3035	4.5519	1	2	3	6	9
47	1196	3.1304	1	1	2	4	6
48	1	6.0000	6	6	6	6	6
49	2268	5.0004	1	2	4	6	10
50	2816	1.9950	1	1	1	2	3
51	275	2.8873	1	1	1	3	7
52	242	1.9463	1	1	1	2	3
53	2676	3.6214	1	1	2	4	8
54	1	1.0000	1	1	1	1	1
55	1548	2.8443	1	1	2	3	6
56	583	2.8405	1	1	2	3	6
57	496	4.7702	1	1	3	5	12
59	76	2.5921	1	1	2	3	6
60	4	1.2500	1	1	1	1	2
61	236	4.8051	1	1	3	6	10
62	2	2.5000	2	2	3	3	3
63	3257	4.4473	1	2	3	5	9
64	3255	6.6224	1	2	4	8	14
65	31668	2.9110	1	1	2	4	5
66	6943	3.2093	1	2	3	4	6
67	510	3.7118	1	2	3	4	7
68	13096	4.1846	2	2	3	5	7
69	4070	3.3174	1	2	3	4	6
70	38	2.7368	1	2	2	3	5
71	108	3.4259	1	2	3	4	6

TABLE 7B.—MEDICARE PROSPECTIVE PAYMENT SYSTEM, SELECTED PERCENTILE LENGTHS OF STAY—Continued

[FY98 MEDPAR Update 12/98 Grouper V17.0]

DRG	Number discharges	Arithmetic mean LOS	10th percentile	25th percentile	50th percentile	75th percentile	90th percentile
72	789	3.5349	1	2	3	4	7
73	6418	4.3408	1	2	3	5	8
74	1	2.0000	2	2	2	2	2
75	40117	9.9090	3	5	7	12	19
76	40189	11.0696	3	5	9	14	21
77	2189	5.1092	1	2	4	7	10
78	29868	7.0817	3	5	6	9	12
79	203034	8.4200	3	4	7	10	16
80	8367	5.5711	2	3	5	7	10
81	9	6.1111	1	4	6	7	9
82	67396	6.9696	2	3	5	9	14
83	6816	5.4608	2	3	4	7	10
84	1499	3.2115	1	2	3	4	6
85	21440	6.5169	2	3	5	8	13
86	1715	3.7638	1	2	3	5	7
87	67211	6.2429	1	3	5	8	12
88	395665	5.2571	2	3	4	7	9
89	507777	6.1138	2	3	5	8	11
90	46106	4.3389	2	3	4	5	7
91	63	3.9683	1	2	3	5	7
92	14068	6.2258	2	3	5	8	12
93	1431	4.2851	1	2	4	6	8
94	12904	6.3868	2	3	5	8	13
95	1503	3.6334	1	2	3	4	7
96	63347	4.7647	2	3	4	6	8
97	28210	3.7386	1	2	3	5	7
98	18	4.5000	2	2	3	4	5
99	19288	3.1362	1	1	2	4	6
100	7679	2.1705	1	1	2	3	4
101	19908	4.4001	1	2	3	6	8
102	4712	2.7177	1	1	2	3	5
103	526	55.9620	9	15	38	81	125
104	32469	11.8910	3	6	10	15	22
105	28435	9.4345	4	6	7	11	17
106	3874	10.9174	5	7	9	13	18
107	96633	10.4780	5	7	9	12	17
108	5213	10.9714	3	6	9	14	21
109	66066	7.8103	4	5	7	9	13
110	58950	9.5307	2	5	8	11	18
111	6548	5.6188	2	4	6	7	8
112	80275	3.8243	1	1	3	5	8
113	45978	11.8914	3	5	9	15	23
114	8660	8.1865	2	4	7	10	16
115	14332	8.4104	2	4	7	11	16
116	270327	3.9279	1	1	3	5	8
117	3493	4.1457	1	1	3	5	9
118	6394	2.8907	1	1	2	4	6
119	1547	4.8946	1	1	3	6	11
120	36569	8.2082	1	2	5	11	18
121	168411	6.5102	2	4	5	8	12
122	83057	3.9825	1	2	4	5	7
123	41857	4.4094	1	1	2	6	10
124	144199	4.4338	1	2	3	6	8
125	69258	2.8460	1	1	2	4	6
126	5245	11.8471	3	6	9	15	23
127	720949	5.3848	2	3	4	7	10
128	13882	5.8857	3	4	5	7	9
129	4476	2.8132	1	1	1	3	7
130	93152	5.8377	2	3	5	7	10
131	26175	4.4798	1	3	4	6	7
132	166567	3.0916	1	2	2	4	6
133	7046	2.3686	1	1	2	3	4
134	32604	3.3402	1	2	3	4	6
135	7501	4.3393	1	2	3	5	8
136	1134	2.9365	1	1	2	4	6
138	203034	3.9942	1	2	3	5	8

TABLE 7B.—MEDICARE PROSPECTIVE PAYMENT SYSTEM, SELECTED PERCENTILE LENGTHS OF STAY—Continued

[FY98 MEDPAR Update 12/98 Grouper V17.0]

DRG	Number discharges	Arithmetic mean LOS	10th percentile	25th percentile	50th percentile	75th percentile	90th percentile
139	74491	2.5373	1	1	2	3	5
140	89482	2.8042	1	1	2	3	5
141	85001	3.7313	1	2	3	5	7
142	40519	2.7087	1	1	2	3	5
143	173003	2.1910	1	1	2	3	4
144	77203	5.3186	1	2	4	7	11
145	6725	2.8174	1	1	2	4	5
146	12161	10.3049	5	7	9	12	17
147	2295	6.7115	3	5	7	8	10
148	142496	12.0975	5	7	10	14	21
149	16260	6.7259	4	5	6	8	10
150	22047	11.0292	4	6	9	14	19
151	4378	5.9826	2	3	6	8	11
152	4733	8.2766	3	5	7	10	14
153	1785	5.6112	3	4	5	7	8
154	32146	13.1977	4	7	10	16	25
155	5559	4.4970	1	2	4	6	8
156	5	10.6000	2	2	11	13	22
157	8532	5.5772	1	2	4	7	11
158	4386	2.6423	1	1	2	3	5
159	17279	4.9647	1	2	4	6	10
160	10447	2.7383	1	1	2	4	5
161	12543	4.1562	1	2	3	5	9
162	6726	1.9967	1	1	1	2	4
163	6	3.3333	1	3	3	5	5
164	5059	8.5274	4	5	7	10	14
165	1803	4.9434	2	3	5	6	8
166	3401	5.1541	2	3	4	6	10
167	2666	2.7817	1	2	2	3	5
168	1649	4.6731	1	2	3	6	10
169	857	2.4982	1	1	2	3	5
170	12092	11.1993	2	5	8	14	22
171	1053	4.7673	1	2	4	6	9
172	31897	6.9143	2	3	5	9	14
173	2312	3.7855	1	1	3	5	8
174	249000	4.8426	2	3	4	6	9
175	25202	2.9397	1	2	3	4	5
176	17587	5.2799	2	3	4	6	10
177	10522	4.4893	2	2	4	6	8
178	3593	3.1795	1	2	3	4	6
179	12330	6.1658	2	3	5	8	12
180	90227	5.3446	2	3	4	7	10
181	24379	3.4107	1	2	3	4	6
182	234882	4.3349	1	2	3	5	8
183	76735	2.9911	1	1	2	4	6
184	89	3.0225	1	1	2	3	7
185	4222	4.5246	1	2	3	6	9
186	7	3.2857	1	2	3	4	4
187	838	3.9224	1	2	3	5	8
188	75482	5.5481	1	2	4	7	11
189	9623	3.2219	1	1	2	4	6
190	66	5.5909	1	2	4	7	9
191	9649	14.1563	4	7	10	17	28
192	834	7.0432	2	4	6	9	12
193	6497	12.6191	5	7	10	15	23
194	742	6.5660	2	4	6	8	11
195	5896	9.9910	4	6	8	12	17
196	1262	5.6830	2	4	5	7	9
197	22829	8.6119	3	5	7	10	15
198	6333	4.5173	2	3	4	6	8
199	1863	9.6334	2	5	7	13	19
200	1177	11.0110	2	4	8	14	22
201	1502	14.0752	4	6	11	18	28
202	27309	6.5861	2	3	5	8	13
203	29813	6.7010	2	3	5	9	13
204	54942	5.9723	2	3	5	7	11

TABLE 7B.—MEDICARE PROSPECTIVE PAYMENT SYSTEM, SELECTED PERCENTILE LENGTHS OF STAY—Continued

[FY98 MEDPAR Update 12/98 Grouper V17.0]

DRG	Number discharges	Arithmetic mean LOS	10th percentile	25th percentile	50th percentile	75th percentile	90th percentile
205	23086	6.3271	2	3	5	8	12
206	1713	4.1004	1	2	3	5	8
207	32550	5.1222	1	2	4	6	10
208	9792	2.9086	1	1	2	4	6
209	353674	5.1341	3	3	4	6	8
210	133764	6.7556	3	4	6	8	11
211	29096	4.9012	3	3	4	6	7
212	8	3.6250	1	2	4	5	5
213	7866	8.3354	2	4	6	10	17
216	6023	9.5177	2	4	7	12	19
217	19595	12.5727	3	5	9	15	26
218	22521	5.2767	2	3	4	6	9
219	19288	3.1965	1	2	3	4	5
220	4	9.2500	1	1	6	12	18
223	17769	2.5644	1	1	2	3	5
224	7897	2.0380	1	1	2	3	4
225	5773	4.4653	1	2	3	6	9
226	5252	5.9842	1	2	4	8	12
227	4296	2.7491	1	1	2	3	5
228	2550	3.5910	1	1	2	4	8
229	1137	2.4450	1	1	2	3	5
230	2280	4.7487	1	2	3	6	10
231	10903	4.6309	1	2	3	6	10
232	527	4.0892	1	1	2	5	9
233	4814	7.4909	2	3	5	9	16
234	2558	3.4461	1	2	3	4	7
235	5355	5.0045	1	2	4	6	9
236	39179	4.9058	1	3	4	6	9
237	1699	3.5621	1	2	3	4	6
238	7684	8.2965	3	4	6	10	16
239	55608	6.2447	2	3	5	8	12
240	12878	6.6378	2	3	5	8	13
241	3005	4.0090	1	2	3	5	7
242	2655	6.5646	2	3	5	8	13
243	83845	4.7270	1	3	4	6	9
244	12628	4.8210	1	3	4	6	9
245	4919	3.5727	1	2	3	4	7
246	1343	3.7312	1	2	3	5	7
247	14016	3.4163	1	2	3	4	7
248	8925	4.6222	1	2	4	6	9
249	10902	3.5356	1	1	2	4	7
250	3601	4.1172	1	2	3	5	8
251	2274	2.9081	1	1	2	4	5
253	18995	4.7535	1	3	4	6	9
254	9941	3.2011	1	2	3	4	6
256	5904	5.0899	1	2	4	6	10
257	19379	2.9197	1	2	2	3	5
258	16797	2.0623	1	1	2	2	3
259	3704	2.7608	1	1	2	3	6
260	4700	1.4715	1	1	1	2	2
261	1775	2.1808	1	1	1	3	4
262	645	3.9271	1	1	3	5	8
263	25866	11.3105	3	5	8	14	22
264	3810	7.0034	2	3	5	8	13
265	4082	6.9581	1	2	4	8	14
266	2523	3.3436	1	1	2	4	7
267	240	4.0833	1	1	3	5	9
268	873	3.7537	1	1	2	4	8
269	8758	7.8451	2	3	6	10	16
270	2727	3.0983	1	1	2	4	7
271	22440	7.0501	3	4	6	8	13
272	5622	6.2757	2	3	5	7	12
273	1342	4.3644	1	2	3	5	8
274	2431	6.4825	1	3	5	8	13
275	201	3.7612	1	1	2	5	8
276	989	4.4034	1	2	4	5	8

TABLE 7B.—MEDICARE PROSPECTIVE PAYMENT SYSTEM, SELECTED PERCENTILE LENGTHS OF STAY—Continued

[FY98 MEDPAR Update 12/98 Grouper V17.0]

DRG	Number discharges	Arithmetic mean LOS	10th percentile	25th percentile	50th percentile	75th percentile	90th percentile
277	83986	5.7562	2	3	5	7	10
278	27530	4.4238	2	3	4	5	8
279	11	5.0909	1	3	4	5	8
280	14848	4.2196	1	2	3	5	8
281	6385	3.0641	1	1	3	4	6
282	1	3.0000	3	3	3	3	3
283	5325	4.7213	1	2	4	6	9
284	1773	3.1985	1	1	3	4	6
285	5979	10.5514	3	5	8	13	21
286	2145	6.6112	2	3	5	8	13
287	5999	10.4182	3	5	7	12	20
288	1972	5.7221	2	3	4	6	9
289	4787	3.0171	1	1	2	3	6
290	8532	2.4319	1	1	2	3	4
291	76	2.0132	1	1	1	2	3
292	4798	10.3558	2	4	8	13	21
293	318	4.9119	1	2	4	6	10
294	83797	4.7445	1	2	4	6	9
295	3416	3.8662	1	2	3	5	7
296	232852	5.2808	2	3	4	6	10
297	36465	3.5335	1	2	3	4	6
298	86	3.5116	1	1	2	4	7
299	1113	5.3998	1	2	4	7	11
300	16055	6.2361	2	3	5	8	12
301	2798	3.5647	1	2	3	4	7
302	7788	9.7017	5	6	7	11	17
303	19947	8.7442	4	5	7	10	15
304	12267	8.8996	2	4	7	11	18
305	2771	3.8964	1	2	3	5	7
306	9087	5.4264	1	2	3	7	12
307	2172	2.3596	1	1	2	3	4
308	8237	6.1412	1	2	4	8	13
309	4040	2.5252	1	1	2	3	5
310	25234	4.3353	1	2	3	5	9
311	7913	1.9368	1	1	1	2	4
312	1652	4.5745	1	1	3	6	10
313	636	2.4009	1	1	2	3	5
314	1	2.0000	2	2	2	2	2
315	28095	7.8214	1	2	5	10	17
316	93946	6.6586	2	3	5	8	13
317	787	3.1525	1	1	2	3	6
318	6040	5.9818	1	3	4	8	12
319	452	2.8496	1	1	2	4	6
320	182629	5.4053	2	3	4	7	10
321	26785	3.8728	2	2	3	5	7
322	66	3.7273	1	2	3	4	6
323	16620	3.2068	1	1	2	4	6
324	7588	1.9258	1	1	1	2	4
325	7746	3.8615	1	2	3	5	7
326	2359	2.6880	1	1	2	3	5
327	9	3.4444	1	2	3	6	6
328	682	3.7097	1	2	3	5	7
329	107	2.4579	1	1	1	3	5
331	44791	5.5053	1	3	4	7	11
332	4640	3.4358	1	1	3	4	7
333	264	4.4356	1	2	3	5	10
334	14143	5.0008	3	3	4	6	8
335	10325	3.5485	2	3	3	4	5
336	46390	3.6056	1	2	3	4	7
337	30864	2.2143	1	1	2	3	3
338	2138	5.1300	1	2	3	7	12
339	1797	4.5042	1	1	3	6	10
340	2	1.0000	1	1	1	1	1
341	4067	3.1913	1	1	2	3	6
342	874	3.4748	1	2	2	4	7
344	4100	2.3539	1	1	1	2	5

TABLE 7B.—MEDICARE PROSPECTIVE PAYMENT SYSTEM, SELECTED PERCENTILE LENGTHS OF STAY—Continued

[FY98 MEDPAR Update 12/98 Grouper V17.0]

DRG	Number discharges	Arithmetic mean LOS	10th percentile	25th percentile	50th percentile	75th percentile	90th percentile
345	1230	3.7195	1	1	2	4	8
346	4931	5.7175	1	3	4	7	11
347	370	3.1595	1	1	2	4	7
348	3080	4.1844	1	2	3	5	8
349	591	2.5296	1	1	2	3	5
350	6519	4.3806	2	2	4	5	8
352	692	3.9263	1	1	3	5	7
353	2693	7.0791	3	4	5	8	13
354	8980	5.7827	3	3	4	7	10
355	5919	3.4087	2	3	3	4	5
356	28210	2.5548	1	2	2	3	4
357	6046	8.6508	3	5	7	10	16
358	24803	4.4161	2	3	3	5	7
359	29406	2.8913	2	2	3	3	4
360	17303	3.0327	1	2	3	3	5
361	473	3.3742	1	1	2	4	7
362	1	1.0000	1	1	1	1	1
363	3572	3.2900	1	2	2	3	7
364	1811	3.5400	1	1	2	4	7
365	2008	7.1116	2	3	5	9	15
366	4324	6.6751	1	3	5	8	14
367	466	3.0193	1	1	2	4	6
368	2756	6.2144	2	3	5	8	12
369	2740	3.2281	1	1	2	4	6
370	1120	5.9848	3	3	4	5	9
371	1192	3.6460	2	3	3	4	5
372	847	3.2621	1	2	2	3	5
373	3838	2.1449	1	2	2	2	3
374	134	3.1716	1	2	2	3	4
375	5	4.4000	1	1	5	5	9
376	199	3.4472	1	1	2	3	7
377	35	5.4000	1	1	3	5	13
378	173	2.7746	1	2	2	3	4
379	350	3.0914	1	1	2	3	6
380	87	1.8851	1	1	1	2	3
381	183	2.3005	1	1	1	3	5
382	54	1.2963	1	1	1	1	2
383	1486	3.9711	1	2	3	5	8
384	121	2.4132	1	1	2	3	5
385	1	2.0000	2	2	2	2	2
389	6	5.8333	1	5	5	7	7
390	9	3.3333	1	1	4	4	5
392	2630	9.6696	3	4	7	12	20
394	1779	6.8375	1	2	4	8	15
395	77187	4.5508	1	2	3	6	9
396	17	3.1765	1	1	2	4	6
397	19143	5.3427	1	2	4	7	11
398	18492	5.9583	2	3	5	7	11
399	1493	3.7173	1	2	3	5	7
400	7294	9.1058	2	3	6	11	20
401	6217	11.0227	2	5	8	14	22
402	1452	4.1887	1	1	3	5	9
403	36218	8.0041	2	3	6	10	16
404	4103	4.3359	1	2	3	6	9
406	2824	10.1331	3	5	8	13	21
407	667	4.1829	1	2	3	5	7
408	2404	7.7417	1	2	5	10	18
409	3746	6.1030	2	3	4	6	12
410	49872	3.5697	1	2	3	4	6
411	21	2.2857	1	1	2	3	4
412	28	2.0000	1	1	1	2	4
413	7391	7.4619	2	3	6	10	15
414	687	4.1499	1	2	3	5	9
415	42535	14.0456	4	6	11	17	28
416	213568	7.3051	2	4	6	9	14
417	41	4.7805	1	2	4	6	10

TABLE 7B.—MEDICARE PROSPECTIVE PAYMENT SYSTEM, SELECTED PERCENTILE LENGTHS OF STAY—Continued

[FY98 MEDPAR Update 12/98 Grouper V17.0]

DRG	Number discharges	Arithmetic mean LOS	10th percentile	25th percentile	50th percentile	75th percentile	90th percentile
418	22297	6.0470	2	3	5	7	11
419	15835	4.9039	2	2	4	6	9
420	3029	3.6524	1	2	3	5	7
421	13089	3.9185	1	2	3	5	7
422	91	2.9890	1	1	2	4	6
423	9072	7.7017	2	3	6	9	16
424	1385	14.0072	2	5	10	17	27
425	15534	4.0610	1	2	3	5	8
426	4568	4.6421	1	2	3	6	9
427	1659	4.9458	1	2	3	6	11
428	855	6.7766	1	2	4	8	14
429	29435	6.5167	2	3	5	8	13
430	58875	8.3608	2	3	6	11	17
431	306	6.9869	1	3	5	8	13
432	438	5.2283	1	2	3	5	10
433	6312	3.1039	1	1	2	4	6
434	21675	5.1476	1	2	4	6	10
435	14502	4.3431	1	2	4	5	8
436	3279	13.5166	4	7	12	21	27
437	11570	8.9775	3	5	8	11	15
439	1183	7.4480	1	3	5	9	15
440	5298	8.9332	2	3	6	11	19
441	562	3.0498	1	1	2	4	7
442	15691	7.9084	1	3	6	10	16
443	3343	3.2767	1	1	2	4	7
444	5016	4.2845	1	2	3	5	8
445	2198	3.0100	1	1	2	4	6
447	4686	2.5378	1	1	2	3	5
448	2	1.5000	1	1	2	2	2
449	25965	3.6989	1	1	3	4	7
450	6281	2.0492	1	1	1	2	4
451	4	3.7500	1	1	2	4	8
452	22264	4.9182	1	2	3	6	10
453	4242	2.8868	1	1	2	4	5
454	5953	4.4749	1	2	3	5	9
455	974	2.6078	1	1	2	3	5
461	3446	4.5133	1	1	2	5	11
462	10911	12.2067	4	6	10	16	23
463	16562	4.2876	1	2	3	5	8
464	4467	3.1842	1	2	3	4	6
465	202	3.5693	1	1	1	4	7
466	1753	3.9395	1	1	2	4	8
467	1206	3.2629	1	1	2	4	6
468	59764	13.2659	3	6	10	17	26
471	11866	5.6302	3	3	5	6	9
473	7998	13.1317	2	3	7	19	33
475	109305	11.0583	2	5	9	15	22
476	5166	11.6465	2	6	10	15	21
477	26937	8.0048	1	3	6	10	17
478	118559	7.2875	1	3	5	9	15
479	21234	3.7671	1	2	3	5	7
480	446	23.0807	7	11	16	28	47
481	269	25.0632	11	19	23	30	40
482	6415	12.8803	4	7	10	15	23
483	42777	38.7018	14	21	32	48	70
484	392	13.2219	1	6	10	18	27
485	3148	9.0886	4	5	7	11	17
486	2027	12.1722	1	5	10	16	24
487	3604	7.3047	1	3	6	9	15
488	784	18.0982	3	7	13	23	37
489	14037	8.7084	2	3	6	11	18
490	4768	5.2685	1	2	4	7	10
491	11583	3.5480	2	2	3	4	6
492	2575	16.8287	4	5	12	27	35
493	55018	5.7173	1	3	5	7	11
494	26030	2.5108	1	1	2	3	5

TABLE 7B.—MEDICARE PROSPECTIVE PAYMENT SYSTEM, SELECTED PERCENTILE LENGTHS OF STAY—Continued

[FY98 MEDPAR Update 12/98 Grouper V17.0]

DRG	Number discharges	Arithmetic mean LOS	10th percentile	25th percentile	50th percentile	75th percentile	90th percentile
495	130	15.9154	6	8	13	22	29
496	1095	10.7826	4	5	8	13	21
497	23026	6.2674	2	3	5	7	11
498	16601	3.4126	1	2	3	4	6
499	33369	4.8049	1	2	4	6	9
500	40659	2.7628	1	1	2	3	5
501	1974	10.0172	4	5	8	12	19
502	544	6.2702	3	4	5	7	11
503	5860	3.9602	1	2	3	5	7
504	121	31.1488	9	15	26	40	62
505	157	5.0446	1	1	2	6	11
506	966	16.7598	4	8	13	22	33
507	349	9.4413	2	4	8	13	19
508	599	8.5192	2	3	6	9	17
509	210	5.3000	1	2	4	7	10
510	1661	7.3323	2	3	5	9	16
511	645	5.1581	1	2	3	6	11
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TABLE 8A.—STATEWIDE AVERAGE OPERATING COST-TO-CHARGE RATIOS FOR URBAN AND RURAL HOSPITALS (CASE WEIGHTED) MARCH 1999

State	Urban	Rural
ALABAMA	0.373	0.377
ALASKA	0.507	0.732
ARIZONA	0.368	0.536
ARKANSAS	0.478	0.452
CALFORNIA	0.369	0.472
COLORADO	0.449	0.559
CONNECTICUT	0.500	0.505
DELAWARE	0.495	0.453
DISTRICT OF COLUMBIA	0.519	.....
FLORIDA	0.378	0.387
GEORGIA	0.486	0.487
HAWAII	0.492	0.556
IDAHO	0.548	0.576
ILLINOIS	0.443	0.543
INDIANA	0.559	0.596
IOWA	0.506	0.629
KANSAS	0.420	0.627
KENTUCKY	0.491	0.515
LOUISIANA	0.430	0.495
MAINE	0.615	0.570
MARYLAND	0.764	0.821
MASSACHUSETTS	0.528	0.559
MICHIGAN	0.469	0.580
MINNESOTA	0.518	0.591
MISSISSIPPI	0.472	0.488
MISSOURI	0.423	0.506
MONTANA	0.501	0.559
NEBRASKA	0.488	0.626
NEVADA	0.296	0.474
NEW HAMPSHIRE	0.575	0.595
NEW JERSEY	0.412	.....
NEW MEXICO	0.477	0.510
NEW YORK	0.545	0.620
NORTH CAROLINA	0.536	0.506
NORTH DAKOTA	0.616	0.662
OHIO	0.521	0.565
OKLAHOMA	0.438	0.531

TABLE 8A.—STATEWIDE AVERAGE OPERATING COST-TO-CHARGE RATIOS FOR URBAN AND RURAL HOSPITALS (CASE WEIGHTED) MARCH 1999—Continued

State	Urban	Rural
OREGON	0.545	0.593
PENNSYLVANIA	0.407	0.531
PUERTO RICO	0.488	0.589
RHODE ISLAND	0.590	.....
SOUTH CAROLINA	0.453	0.455
SOUTH DAKOTA	0.536	0.617
TENNESSEE	0.465	0.495
TEXAS	0.415	0.517
UTAH	0.529	0.654
VERMONT	0.644	0.603
VIRGINA	0.473	0.494
WASHINGTON	0.590	0.660
WEST VIRGINIA	0.592	0.574
WISCONSIN	0.562	0.634
WYOMING	0.475	0.677

TABLE 8B.—STATEWIDE AVERAGE CAPITAL COST-TO-CHARGE RATIOS (CASE WEIGHTED) MARCH 1999

State	Ratio
ALABAMA	0.047
ALASKA	0.066
ARIZONA	0.042
ARKANSAS	0.051
CALIFORNIA	0.039
COLORADO	0.050
CONNECTICUT	0.039
DELAWARE	0.054
DISTRICT OF COLUMBIA	0.039
FLORIDA	0.046
GEORGIA	0.056
HAWAII	0.046
IDAHO	0.060

TABLE 8B.—STATEWIDE AVERAGE CAPITAL COST-TO-CHARGE RATIOS (CASE WEIGHTED) MARCH 1999—Continued

State	Ratio
ILLINOIS	0.043
INDIANA	0.059
IOWA	0.054
KANSAS	0.049
KENTUCKY	0.051
LOUISIANA	0.053
MAINE	0.040
MARYLAND	0.013
MASSACHUSETTS	0.056
MICHIGAN	0.045
MINNESOTA	0.049
MISSISSIPPI	0.048
MISSOURI	0.048
MONTANA	0.051
NEBRASKA	0.057
NEVADA	0.031
NEW HAMPSHIRE	0.066
NEW JERSEY	0.037
NEW MEXICO	0.045
NEW YORK	0.052
NORTH CAROLINA	0.050
NORTH DAKOTA	0.075
OHIO	0.052
OKLAHOMA	0.052
OREGON	0.050
PENNSYLVANIA	0.042
PUERTO RICO	0.049
RHODE ISLAND	0.035
SOUTH CAROLINA	0.047
SOUTH DAKOTA	0.060
TENNESSEE	0.055
TEXAS	0.051
UTAH	0.054
VERMONT	0.051
VIRGINIA	0.060
WASHINGTON	0.066
WEST VIRGINIA	0.056
WISCONSIN	0.056

TABLE 8B.—STATEWIDE AVERAGE CAPITAL COST-TO-CHARGE RATIOS (CASE WEIGHTED) MARCH 1999—Continued

State	Ratio
WYOMING	0.054

Appendix A: Regulatory Impact Analysis

I. Introduction

We generally prepare a regulatory flexibility analysis that is consistent with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 through 612), unless we certify that a proposed rule would not have a significant economic impact on a substantial number of small entities. For purposes of the RFA, we consider all hospitals to be small entities.

Also, section 1102(b) of the Act requires us to prepare a regulatory impact analysis for any proposed rule that may have a significant impact on the operations of a substantial number of small rural hospitals. Such an 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 define a small rural hospital as a hospital with fewer than 100 beds that is located outside of a Metropolitan Statistical Area (MSA) or New England County Metropolitan Area (NECMA). 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 NECMA. Thus, for purposes of the hospital inpatient prospective payment system, we classify these hospitals as urban hospitals.

It is clear that the changes being proposed in this document would affect both a substantial number of small rural hospitals as well as other classes of hospitals, and the effects on some may be significant. Therefore, the discussion below, in combination with the rest of this proposed rule, constitutes a combined regulatory impact analysis and regulatory flexibility analysis.

In accordance with the provisions of Executive Order 12866, this proposed rule was reviewed by the Office of Management and Budget.

II. Objectives

The primary objective of the hospital inpatient prospective payment system 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 Trust Fund.

We believe the proposed changes 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 this payment system are reasonable and equitable while avoiding or minimizing unintended adverse consequences.

III. Limitations of Our Analysis

As has been the case in our previously published regulatory impact analyses, the following quantitative analysis presents the projected effects of our proposed policy changes, as well as statutory changes effective for FY 2000, 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 we do not attempt to predict behavioral responses to our policy changes, and we do not make adjustments for future changes in such variables as admissions, lengths of stay, or case mix. As we have done in previous proposed rules, we are soliciting comments and information about the anticipated effects of these changes on hospitals and our methodology for estimating them.

IV. Hospitals Included in and Excluded From the Prospective Payment System

The prospective payment systems for hospital inpatient operating and capital-related costs encompass nearly all general, short-term, acute care hospitals that participate in the Medicare program. There were 45 Indian Health Service hospitals in our database, which we excluded from the analysis due to the special characteristics of the prospective payment method for these hospitals. Among other short-term, acute care hospitals, only the 50 such hospitals in Maryland remain excluded from the prospective payment system under the waiver at section 1814(b)(3) of the Act. Thus, as of February 1999, we have included 4,874 hospitals in our analysis. This represents about 82 percent of all Medicare-participating hospitals. The majority of this impact analysis focuses on this set of hospitals.

The remaining 18 percent are specialty hospitals that are excluded from the prospective payment system and continue to be paid on the basis of their reasonable costs (subject to a rate-of-increase ceiling on their inpatient operating costs per discharge). These hospitals include psychiatric, rehabilitation, long-term care, children's, and cancer hospitals. The impacts of our final policy changes on these hospitals are discussed below.

V. Impact on Excluded Hospitals and Units

As of February 1999, there were 1,085 specialty hospitals excluded from the prospective payment system and instead paid on a reasonable cost basis subject to the rate-of-increase ceiling under § 413.40. Broken down by speciality, there were 587 psychiatric, 191 rehabilitation, 208 long-term care, 70 childrens', 19 Christian Science Sanatoria, and 10 cancer hospitals. In addition, there were 1,494 psychiatric and 901 rehabilitation units in hospitals otherwise subject to the prospective payment system. These excluded units are also paid in accordance with § 413.40. Under § 413.40(a)(2)(i)(A), the target rate-of-increase ceiling is not applicable to the 36 specialty hospitals and units in Maryland that are paid in accordance with the waiver at section 1814(b)(3) of the Act.

As required by section 1886(b)(3)(B) of the Act, the update factor applicable to the rate-of-increase limit for excluded hospitals and units for FY 2000 would be between 0 and 2.6 percent, depending on the hospital's or unit's costs in relation to its limit for the most recent cost reporting period for which information is available.

The impact on excluded hospitals and units of the update in the rate-of-increase limit depends on the cumulative cost increases experienced by each excluded hospital or unit since its applicable base period. For excluded hospitals and units that have maintained their cost increases at a level below the percentage increases in the rate-of-increase limits since their base period, the major effect will be on the level of incentive payments these hospitals and units receive. Conversely, for excluded hospitals and units with per-case cost increases above the cumulative update in their rate-of-increase limits, the major effect will be the amount of excess costs that would not be reimbursed.

We note that, under § 413.40(d)(3), an excluded hospital or unit 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, certain excluded hospitals and units can obtain payment adjustments for justifiable increases in operating costs that exceed the limit. At the same time, however, by generally limiting payment increases, we continue to provide an incentive for excluded hospitals and units to restrain the growth in their spending for patient services.

VI. Quantitative Impact Analysis of the Proposed Policy Changes Under the Prospective Payment System for Operating Costs

A. Basis and Methodology of Estimates

In this proposed rule, we are announcing policy changes and payment rate updates for the prospective payment systems for operating and capital-related costs. We estimate the total impact of these changes for FY 2000 payments compared to FY 1999 payments to be approximately a $250 million reduction. We have prepared separate impact analyses of the proposed changes to each system. This section deals with changes to the operating prospective payment system.

The data used in developing the quantitative analyses presented below are taken from the FY 1998 MedPAR file and the most current provider-specific file that is used for payment purposes. Although the analyses of the changes to the operating prospective payment system do not

incorporate cost data, the most recently available hospital cost report data were used to categorize hospitals. Our analysis has several qualifications. First, we do not make adjustments for behavioral changes that hospitals may adopt in response to these proposed policy changes. Second, due to the interdependent nature of the prospective payment system, it is very difficult to precisely quantify the impact associated with each proposed change. Third, we draw upon 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. For individual hospitals, however, some miscategorizations are possible.

Using cases in the FY 1998 MedPAR file, we simulated payments under the operating prospective payment system given various combinations of payment parameters. Any short-term, acute care hospitals not paid under the general prospective payment systems (Indian Health Service hospitals and hospitals in Maryland) are excluded from the simulations. Payments under the capital prospective payment system, or payments for costs other than inpatient operating costs, are not analyzed here. Estimated payment impacts of proposed FY 2000 changes to the capital prospective payment system are discussed below in section VII of this Appendix.

The proposed changes discussed separately below are the following:

- The effects of the annual reclassification of diagnoses and procedures and the recalibration of the DRG relative weights required by section 1886(d)(4)(C) of the Act.
- The effects of changes in hospitals' wage index values reflecting the wage index update (FY 1996 data).
- The effects of fully removing from the wage index the costs and hours associated with teaching physicians Part A, residents, and CRNAs; and the effects of our proposal to implement the first year of a 5-year phase-out of these costs, by calculating a wage index based on 20 percent of hospitals' average hourly wages after removing the costs and hours associated with teaching physicians, residents, and CRNAs, and 80 percent of hospitals' average hourly wages with these costs included.
- The effects of geographic reclassifications by the MGCRB that will be effective in FY 2000.
- The total change in payments based on FY 2000 policies relative to payments based on FY 1999 policies.

To illustrate the impacts of the FY 2000 proposed changes, our analysis begins with a FY 2000 baseline simulation model using: the FY 1999 GROUPER (version 16.0); the FY 1999 wage index; and no MGCRB reclassifications. Outlier payments are set at 5.1 percent of total DRG plus outlier payments.

Each proposed and statutory policy change is then added incrementally to this baseline model, finally arriving at an FY 2000 model incorporating all of the changes. This allows us to isolate the effects of each change.

Our final comparison illustrates the percent change in payments per case from FY 1999 to FY 2000. Four factors have significant impacts here. The first is the update to the standardized amounts. In accordance with section 1886(d)(3)(A)(iv) of the Act, we are proposing to update the large urban and the other areas average standardized amounts for FY 2000 using the most recently forecasted hospital market basket increase for FY 2000 of 2.7 percent minus 1.8 percentage points. Similarly, section 1886(b)(3)(C)(ii) of the Act provides that the update factor applicable to the hospital-specific rates for sole community hospitals (SCHs), essential access community hospitals (EACHs) (which are treated as SCHs for payment purposes), and Medicare-dependent, small rural hospitals (MDHs) is equal to the market basket increase of 2.7 percent minus 1.8 percentage points (for an update of 0.9 percent).

A second significant factor that impacts changes in hospitals' payments per case from FY 1999 to FY 2000 is a change in MGCRB reclassification status from one year to the next. That is, hospitals reclassified in FY 1999 that are no longer reclassified in FY 2000 may have a negative payment impact going from FY 1999 to FY 2000; conversely, hospitals not reclassified in FY 1999 that are reclassified in FY 2000 may have a positive impact. In some cases, these impacts can be quite substantial, so if a relatively small number of hospitals in a particular category lose their reclassification status, the percentage increase in payments for the category may be below the national mean.

A third significant factor is that we currently estimate that actual outlier payments during FY 1999 will be 6.2 percent of actual total DRG payments. When the FY 1999 final rule was published, we projected FY 1999 outlier payments would be 5.1 percent of total DRG plus outlier payments, and the standardized amounts were reduced correspondingly. The effects of the higher than expected outlier payments during FY 1999 (as discussed in the Addendum to this proposed rule) are reflected in the analyses below comparing our current estimates of FY 1999 payments per case to estimated FY 2000 payments per case.

Fourth, payments per case in FY 1999 are reduced from FY 1999 for hospitals that receive the IME or the DSH adjustments. Section 1886(d)(5)(B)(ii) of the Act provides that the IME adjustment is reduced from approximately a 6.5 percent increase for every 10 percent increase in a hospital's resident-to-bed ratio in FY 1999, to a 6.0 percent increase in FY 2000. Similarly, in accordance with section 1886(d)(5)(F)(ix) of the Act, the DSH adjustment for FY 2000 is reduced by 3 percent from what would otherwise have been paid, compared to a 2 percent reduction for FY 1999.

Table I demonstrates the results of our analysis. 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 4,874 hospitals included in the analysis. This is 100 fewer hospitals than were included in the impact analysis in the FY 1999 final rule with comment period (63 FR 41106).

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, or rural). There are 2,712 hospitals located in urban areas (MSAs or NECMAs) included in our analysis. Among these, there are 1,553 hospitals located in large urban areas (populations over 1 million), and 1,160 hospitals in other urban areas (populations of 1 million or fewer). In addition, there are 2,162 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 2000 payment classifications, including any reclassifications under section 1886(d)(10) of the Act. For example, the rows labeled urban, large urban, other urban, and rural show that the number of hospitals paid based on these categorizations (after consideration of geographic reclassifications) are 2,790, 1,628, 1,161, and 2,085, respectively.

The next three groupings examine the impacts of the proposed changes on hospitals grouped by whether or not they have residency programs (teaching hospitals that receive an IME adjustment) or receive DSH payments, or some combination of these two adjustments. There are 3,772 nonteaching hospitals in our analysis, 868 teaching hospitals with fewer than 100 residents, and 234 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 after MGCRB reclassifications. Hospitals in the rural DSH categories, therefore, represent hospitals that were not reclassified for purposes of the standardized amount or for purposes of the DSH adjustment. (They may, however, have been reclassified for purposes of the wage index.) The next category groups hospitals considered urban after geographic reclassification, in terms of whether they receive the IME adjustment, the DSH adjustment, both, or neither.

The next five rows examine the impacts of the proposed changes on rural hospitals by special payment groups (SCHs, rural referral centers (RRCs), and MDHs), as well as rural hospitals not receiving a special payment designation. The RRCs (151), SCHs (639), MDHs (353), and SCH and RRCs (58) shown here were not reclassified for purposes of the standardized amount. There are three SCHs that will be reclassified for the standardized amount in FY 2000 that, therefore, are not included in these rows.

The next two groupings are based on type of ownership and the hospital's Medicare utilization expressed as a percent of total patient days. These data are taken primarily from the FY 1997 Medicare cost report files, if available (otherwise FY 1996 data are used). Data needed to determine ownership status or Medicare utilization percentages were unavailable for 37 hospitals. For the most part, these are new hospitals.

The next series of groupings concern the geographic reclassification status of hospitals. The first three groupings display hospitals that were reclassified by the MGCRB for both FY 1999 and FY 2000, or for either of those 2 years, by urban and rural status. The next rows illustrate the overall number of FY 2000 reclassifications, as well as the numbers of reclassified hospitals grouped by urban and rural location. The final row in Table I contains hospitals located in rural counties but deemed to be urban under section 1886(d)(8)(B) of the Act.

TABLE I.—IMPACT ANALYSIS OF CHANGES FOR FY 2000 OPERATING PROSPECTIVE PAYMENT SYSTEM

[Percent Changes in Payments Per Case]

	Number of hosps. [1] (0)	Drg recalib. [2] (1)	New wage date [3] (2)	Remove GME and CRNA costs [4] (3)	Blended wage index costs [5] (4)	DRG & WI changes [6] (5)	MGCRB reclassification [7] (6)	All FY 2000 changes [8] (7)
(BY GEOGRAPHIC LOCATION):								
ALL HOSPITALS	4,875	0.0	0.2	0.2	0.0	0.0	0.0	−0.6
URBAN HOSPITALS	2,712	−0.1	0.1	0.2	0.0	−0.2	−0.4	−0.8
LARGE URBAN	1,552	−0.1	−0.1	0.1	0.0	−0.4	−0.5	−1.0
OTHER URBAN	1,160	−0.1	0.4	0.4	0.1	0.1	−0.3	−0.3
RURAL HOSPITALS	2,162	0.2	0.8	0.4	0.1	0.9	2.5	0.9
BED SIZE (URBAN):								
0– 99 BEDS	679	0.2	−0.1	0.3	0.1	−0.1	−0.5	−0.3
100–199 BEDS	918	0.1	0.1	0.3	0.1	0.0	−0.5	−0.3
200–299 BEDS	553	0.0	0.2	0.3	0.1	0.0	−0.4	−0.6
300–499 BEDS	423	−0.1	0.1	0.3	0.1	−0.2	−0.3	−0.8
500 OR MORE BEDS	139	−0.2	−0.1	−0.1	0.0	−0.5	−0.4	−2.0
BED SIZE (RURAL):								
0–49 BEDS	1,194	0.5	0.6	0.4	0.1	0.9	0.2	1.5
50–99 BEDS	581	0.3	0.7	0.4	0.1	0.8	0.9	1.1
100–149 BEDS	232	0.2	0.8	0.5	0.1	0.8	3.8	0.8
150–199 BEDS	85	0.1	1.0	0.4	0.1	1.0	4.3	1.1
200 OR MORE BEDS	70	0.0	0.9	0.4	0.1	0.8	4.2	0.0
URBAN BY CENSUS DIVISION:								
NEW ENGLAND	149	0.0	0.5	0.1	0.0	0.3	−0.3	−0.6
MIDDLE ATLANTIC	416	0.0	−0.5	−0.3	−0.1	−0.8	−0.4	−2.0
SOUTH ATLANTIC	401	−0.1	0.8	0.5	0.1	0.6	−0.4	0.2
EAST NORTH CENTRAL	446	−0.1	0.7	0.0	0.0	0.4	−0.4	−0.3
EAST SOUTH CENTRAL	157	−0.1	0.8	0.4	0.1	0.6	−0.4	0.1
WEST NORTH CENTRAL	183	−0.1	−0.2	0.1	0.0	−0.5	−0.4	−1.0
WEST SOUTH CENTRAL	343	0.0	−1.2	0.5	0.1	−1.4	−0.4	−2.0
MOUNTAIN	126	−0.1	0.3	0.2	0.0	0.0	−0.4	−0.3
PACIFIC	444	−0.1	−0.3	0.7	0.1	−0.4	−0.4	−0.9
PUERTO RICO	47	0.2	0.9	0.3	0.1	0.9	−0.5	0.5
RURAL BY CENSUS DIVISION:								
NEW ENGLAND	52	0.1	0.0	0.0	0.0	−0.2	2.3	0.2
MIDDLE ATLANTIC	81	0.2	−0.5	0.2	0.0	−0.5	2.2	0.0
SOUTH ATLANTIC	285	0.2	1.7	0.6	0.1	1.8	2.7	0.8
EAST NORTH CENTRAL	301	0.2	0.8	0.5	0.1	0.8	2.0	0.8
EAST SOUTH CENTRAL	270	0.3	1.6	0.6	0.1	1.8	2.5	1.8
WEST NORTH CENTRAL	490	0.2	1.2	0.2	0.0	1.2	2.3	1.6
WEST SOUTH CENTRAL	338	0.3	−1.1	0.5	0.1	−0.9	3.5	−0.2
MOUNTAIN	201	0.3	0.5	0.3	0.1	0.5	2.0	1.4
PACIFIC	139	0.2	0.4	0.5	0.1	0.4	1.9	0.4
PUERTO RICO	5	0.2	3.2	0.4	0.1	3.2	0.7	2.5
(BY PAYMENT CATEGORIES):								
URBAN HOSPITALS	2,790	−0.1	0.1	0.2	0.0	−0.1	−0.3	−0.8
LARGE URBAN	1,628	−0.1	−0.1	0.1	0.0	−0.3	−0.4	−1.0
OTHER URBAN	1,161	−0.1	0.4	0.3	0.1	0.2	−0.3	−0.2
RURAL HOSPITALS	2,085	0.2	0.8	0.4	0.1	0.8	2.2	0.9
TEACHING STATUS:								
NON-TEACHING	3,772	0.1	0.3	0.4	0.1	0.2	0.3	0.1
LESS THAN 100 RESIDENTS	868	−0.1	0.2	0.2	0.0	−0.1	−0.3	−0.6
100+ RESIDENTS	234	−0.1	−0.1	−0.1	0.0	−0.4	−0.2	−2.0
DISPROPORTIONATE SHARE HOSPITALS (DSH):								
NON–DSH	3,048	0.0	0.3	0.3	0.1	0.1	0.2	−0.3
URBAN DSH								
100 BEDS OR MORE	1,365	−0.1	0.0	0.2	0.0	−0.2	−0.3	−0.9
FEWER THAN 100 BEDS	86	0.2	−0.3	0.5	0.1	−0.2	−0.5	−0.3
RURAL DSH								
SOLE COMMUNITY (SCH)	153	0.4	0.8	0.4	0.1	1.0	−0.1	1.5
REFERRAL CENTERS (RRC)	55	0.2	1.4	0.6	0.1	1.4	4.7	1.0
OTHER RURAL DSH HOSPITALS								
100 BEDS OR MORE	57	0.3	1.4	0.6	0.1	1.6	1.1	−0.1
FEWER THAN 100 BEDS	110	0.5	1.7	0.6	0.1	2.0	0.2	2.7
URBAN TEACHING AND DSH:								
BOTH TEACHING AND DSH	703	−0.1	0.0	0.1	0.0	−0.3	−0.4	−1.0

TABLE I.—IMPACT ANALYSIS OF CHANGES FOR FY 2000 OPERATING PROSPECTIVE PAYMENT SYSTEM—Continued

[Percent Changes in Payments Per Case]

	Number of hosps. [1]	Drg recalib. [2]	New wage date [3]	Remove GME and CRNA costs [4]	Blended wage index costs [5]	DRG & WI changes [6]	MGCRB reclassification [7]	All FY 2000 changes [8]
	(0)	(1)	(2)	(3)	(4)	(5)	(6)	(7)
TEACHING AND NO DSH	337	−0.1	0.2	0.1	0.0	−0.1	−0.3	−1.0
NO TEACHING AND DSH	748	0.0	0.1	0.5	0.1	0.0	−0.2	−0.1
NO TEACHING AND NO DSH	1,002	0.0	0.2	0.3	0.1	0.1	−0.5	−0.3
RURAL HOSPITAL TYPES:								
NONSPECIAL STATUS HOSPITALS	884	0.3	1.1	0.6	0.1	1.3	1.1	0.9
RRC	151	0.1	0.9	0.5	0.1	0.9	5.6	0.3
SCH	639	0.3	0.3	0.2	0.0	0.4	0.3	1.2
MDH	353	0.4	0.6	0.4	0.1	0.9	0.3	1.3
SCH AND RRC	58	0.1	0.3	0.2	0.0	0.2	2.2	1.4
TYPE OF OWNERSHIP:								
VOLUNTARY	2,838	0.0	0.1	0.2	0.0	−0.1	−0.1	−0.7
PROPRIETARY	743	0.0	0.1	0.4	0.1	0.0	0.0	−0.3
GOVERNMENT	1,256	0.1	0.6	0.4	0.1	0.5	0.2	−0.2
UNKNOWN	37	−0.1	−0.3	−0.4	−0.1	−0.6	−0.2	−2.0
MEDICARE UTILIZATION AS A PERCENT OF INPATIENT DAYS:								
0–25	372	0.0	−0.4	0.6	0.1	−0.5	−0.1	−2.0
25–50	1,745	−0.1	0.0	0.2	0.0	−0.3	−0.2	−1.0
50–65	1,893	0.0	0.3	0.2	0.0	0.2	0.1	−0.2
OVER 65	822	0.1	0.7	0.3	0.1	0.6	0.3	0.2
UNKNOWN	42	−0.1	−0.3	−0.4	−0.1	−0.6	−0.2	−2.0
HOSPITALS RECLASSIFIED BY THE MEDICARE GEOGRAPHIC REVIEW BOARD:								
RECLASSIFICATION STATUS DURING FY 1999 AND FY 2000:								
RECLASSIFIED DURING BOTH FY 1999 AND FY 2000	373	0.1	0.6	0.4	0.1	0.5	5.6	−0.3
URBAN	55	0.0	0.1	0.5	0.1	0.0	4.1	−2.0
RURAL	318	0.1	0.8	0.4	0.1	0.7	6.3	0.5
RECLASSIFIED DURING FY 2000 ONLY	131	0.0	1.2	0.3	0.1	1.0	3.3	4.5
URBAN	30	−0.2	1.2	0.2	0.0	0.8	2.2	2.9
RURAL	101	0.2	1.1	0.4	0.1	1.2	5.4	7.3
RECLASSIFIED DURING FY 1999 ONLY	136	0.1	0.4	0.4	0.1	0.4	−0.7	−6.0
URBAN	32	−0.1	−0.1	0.4	0.1	−0.3	−0.9	−6.0
RURAL	104	0.3	1.0	0.5	0.1	1.1	−0.4	−5.0
FY 2000 RECLASSIFICATIONS:								
ALL RECLASSIFIED HOSPITALS	504	0.0	0.7	0.4	0.1	0.6	5.1	0.8
STANDARDIZED AMOUNT ONLY	65	0.2	0.6	0.5	0.1	0.7	2.7	−0.7
WAGE INDEX ONLY	393	0.0	0.8	0.4	0.1	0.6	5.5	1.0
BOTH	46	0.1	0.4	0.4	0.1	0.3	3.8	0.2
NONRECLASSIFIED	4,344	0.0	0.1	0.2	0.0	−0.1	−0.5	−0.7
ALL URBAN RECLASSIFIED	85	−0.1	0.5	0.3	0.1	0.3	3.4	−0.1
STANDARDIZED AMOUNT ONLY	13	0.1	−0.4	0.5	0.1	−0.3	0.9	−4.0
WAGE INDEX ONLY	49	−0.2	0.8	0.3	0.1	0.5	4.3	0.5
BOTH	23	0.1	−0.2	0.4	0.1	−0.2	0.4	−0.9
NONRECLASSIFIED	2,627	−0.1	0.1	0.2	0.0	−0.2	−0.6	−0.9
ALL RURAL RECLASSIFIED	419	0.1	0.8	0.4	0.1	0.8	6.1	1.4
STANDARDIZED AMOUNT ONLY	52	0.2	1.3	0.6	0.1	1.4	4.0	1.9
WAGE INDEX ONLY	344	0.1	0.7	0.4	0.1	0.7	6.0	1.3
BOTH	23	0.1	1.4	0.4	0.1	1.3	9.3	1.8
NONRECLASSIFIED	1,717	0.3	0.8	0.4	0.1	0.9	−0.4	0.9
OTHER RECLASSIFIED HOSPITALS (SECTION 1886(d)(8)(B))	26	0.2	0.7	0.6	0.1	0.8	−0.5	−9.0

[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 1998, and hospital cost report data are from reporting periods beginning in FY 1996 and FY 1997.

[2] This column displays the payment impact of the recalibration of the DRG weights based on FY 1998 MedPAR data and the DRG reclassification changes, in accordance with section 1886(d)(4)(C) of the Act.

[3] This column shows the payment effects of updating the data used to calculate the wage index with data from the FY 1996 cost reports.

[4] This column displays the impact of completely removing the costs and hours associated with teaching physicians Part A, residents, and CRNAs from the wage index calculation.

[5] This column illustrates the payment impact of phasing out the costs and hours associated with teaching physicians Part A, residents, and CRNAs, by calculating the wage index by blending 20 percent of an average hourly wage after removing these costs with 80 percent of an average hourly wage without removing these costs.

[6] This column displays the combined impact of the reclassification and recalibration of the DRGs, the updated and revised wage data used to calculate the wage index, and the budget neutrality adjustment factor for these two changes, in accordance with sections 1886(d)(4)(C)(iii) and 1886(d)(3)(E) of the Act. Thus, it represents the combined impacts shown in columns 1, 2, 3, and 4, and the FY 2000 budget neutrality factor of 0.997393.

[7] Shown here are the effects of geographic reclassifications by the Medicare Geographic Classification Review Board (MGCRB). The effects demonstrate the FY 2000 payment impact of going from no reclassifications to the reclassifications scheduled to be in effect for FY 2000. Reclassification for prior years has no bearing on the payment impacts shown here.

[8] This column shows changes in payments from FY 1999 to FY 2000. It incorporates all of the changes displayed in columns 5 and 6 (the changes displayed in columns 1, 2, and 4 are included in column 5). It also displays the impact of the FY 2000 update, changes in hospitals' reclassification status in FY 2000 compared to FY 1999, the difference in outlier payments from FY 1999 to FY 2000, and the reductions to payments through the IME and DSH adjustments taking effect during FY 2000. The sum of these columns may be different from the percentage changes shown here due to rounding and interactive effects.

B. Impact of the Proposed Changes to the DRG Reclassifications and Recalibration of Relative Weights (Column 1)

In column 1 of Table I, we present the combined effects of the DRG reclassifications and recalibration, as discussed in section II of the preamble to this proposed rule. Section 1886(d)(4)(C)(i) of the Act requires us to annually make appropriate classification changes and to recalibrate the DRG weights in order to reflect changes in treatment patterns, technology, and any other factors that may change the relative use of hospital resources.

We compared aggregate payments using the FY 1999 DRG relative weights (GROUPER version 16) to aggregate payments using the proposed FY 2000 DRG relative weights (GROUPER version 17). Overall payments are unaffected by the DRG reclassification and recalibration. Consistent with the minor changes we are proposing for the FY 2000 GROUPER, the redistributional impacts of DRG reclassifications and recalibration across hospital groups are very small (a 0.1 percent decrease for large and other urban hospitals; a 0.2 percent increase for rural hospitals). Within hospital categories, the net effects for urban hospitals are small positive changes for small hospitals (a 0.2 percent increase for hospitals with fewer than 100 beds), and small decreases for larger hospitals (a 0.2 percent decrease for hospitals with more than 500 beds). Among rural hospitals, small hospital categories experience the largest increases, a 0.5 percent increase for hospitals with fewer than 50 beds.

The breakdown by urban census division shows that the decrease among urban hospitals is spread across most census categories. Payments to urban hospitals in New England, the Middle Atlantic, and the West South Central census divisions are unchanged, while payments to urban hospitals in Puerto Rico rise by 0.2 percent. All rural hospital census divisions experience payment increases ranging from 0.1 percent for hospitals in New England, to 0.3 percent for hospitals in the East South Central, West South Central, and Mountain census divisions. All other divisions experience a 0.2 percent increase.

This pattern of payment increases for small hospitals and decreases for larger hospitals persists among other categories. Declines in the relative weights of several specific DRGs likely contribute to this trend. Among these DRGs, the relative weight for DRG 108 (Other Cardiothoracic Procedures), declined from 5.9764 in FY 1999 to 5.7505 in this proposed rule for FY 2000. Also, the relative weight for DRG 112 (Percutaneous Cardiovascular Procedures) declined from 1.9893 in FY 1999 to 1.9200 in this proposed rule for FY 2000. Although these cardiovascular procedures are not necessarily limited to very large hospitals, we would expect they are more likely to occur in larger hospitals. As the relative weights of DRGs predominantly occurring in large hospitals decline, the relative weights of other DRGs rise, leading to the small payment increases in hospitals less likely to be affected by the declines in the DRGs noted above.

C. Impact of Updating the Wage Data (Column 2)

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 FY 2000 is based on data submitted for hospital cost reporting periods beginning on or after October 1, 1995 and before October 1, 1996. As with the previous column, the impact of the new data on hospital payments is isolated by holding the other payment parameters constant in the two simulations. That is, column 2 shows the percentage changes in payments when going from a model using the FY 1999 wage index (effective for discharges on or after March 1, 1999 (64 FR 9378)) based on FY 1995 wage data before geographic reclassifications to a model using the FY 2000 prereclassification wage index based on FY 1996 wage data.

The wage data collected on the FY 1996 cost reports is similar to the data used in the calculation of the FY 1999 wage index. For example, the wage index values used here include all physician Part A costs (direct and contracted), resident costs, and CRNA costs. Also, as in the calculation for the FY 1999 wage index, contract labor costs and hours for top management positions are included, and the overhead costs allocated to patient care areas excluded from the calculation of the wage index are excluded as well.

The results indicate that the new wage data have an overall impact of a 0.2 percent increase in hospital payments (prior to applying the budget neutrality factor, see column 5). Rural hospitals especially appear to benefit from the update. Their payments increase by 0.8 percent. These increases are attributable to relatively large increases in the wage index values for the rural areas of particular States; Arizona, Puerto Rico, and South Carolina all had increases greater than 6 percent in their prereclassification wage index values. At the same time, several States experience large declines due to moving to the FY 1996 wage data; Massachusetts, Texas, and Utah all had decreases greater than 6 percent.

Urban hospitals as a group are not significantly affected by the updated wage data. The gains of hospitals in other urban areas (0.4 percent increase) are offset by decreases among hospitals in large urban areas (0.1 percent decrease). Urban West South Central hospitals experience a 1.0 percent decrease, largely due to a number of MSAs in Texas with prereclassified FY 2000 wage indexes that fall by 6 percent or more. We note that the wage data used for the proposed wage index are based upon the data available as of February 22, 1999, and therefore, do not reflect revision requests received by the fiscal intermediaries after February 22, 1999. To the extent these requests are granted by hospitals' fiscal intermediaries, these revisions are likely to affect the impacts shown in the final rule. In addition, we continue to verify the accuracy of the data for hospitals with extraordinary changes in their data from the prior year.

The largest increases are seen in the rural census divisions. Rural Puerto Rico experiences the greatest positive impact, 3.2 percent. Hospitals in three other census divisions receive positive impacts over 1.0 percent; South Atlantic at 1.7 percent, East South Central at 1.6 percent, and West North Central at 1.2 percent.

D. Impact of Removing Teaching Physicians' Part A, Residents', and CRNAs' Costs (Column 3)

As discussed in section III.C of the preamble, we are proposing to revise the calculation of the wage index by phasing out the costs and hours associated with teaching physicians Part A, residents, and CRNAs. Although the proposed FY 2000 wage index is based upon a blend of 20 percent of hospitals' average hourly wages after removing these costs and 80 percent of average hourly wages calculated without removing these costs, this column displays the impacts on payments per case of completely removing these costs from the wage index calculation.

As described above in section III.C.1 of the preamble, we determined teaching physician costs by first subtracting the costs and hours attributable to teaching physicians based upon the special survey data we collected for this purpose. If these data were not available from the survey for a particular teaching hospital, 80 percent of the total physician Part A costs and hours for that hospital were removed, consistent with the recommendation of hospital (see discussion in section III.C.1 of the preamble). If a teaching hospital did not separately report its physician Part A costs on the cost report, the amount reported on Line 23, Column 1, of the Worksheet A was removed from the total wage data (as was an associated amount for hours). Resident and CRNA costs and hours were removed in their entirety, based upon the data separately attributed to these employees on the Worksheet S–3.

Column 3 shows the payment impacts of completely removing these costs, relative to wage index values calculated based on the FY 1996 wage data without removing these costs. The overall payment impact of completely removing these costs and hours from the wage index calculation would be a 0.2 percent increase in total payments (prior to applying budget neutrality). The FY 2000 proposed wage index is, however, based on a blended average hourly wage. The impacts of this blended approach are shown in column 4.

The impact of removing these costs from the wage index calculation are generally positive across the majority of hospital categories. However, examining the impacts across urban and rural census divisions indicate that urban Middle Atlantic hospitals experience a 0.3 percent decrease. This effect is attributable to the concentration of teaching hospitals in this census division. The largest positive impact occurs in the

urban Pacific census division, a 0.7 percent payment increase.

As noted above, the data used to prepare the proposed FY 2000 wage index are subject to revision. In particular, in early February 1999, we instructed the fiscal intermediaries to review the survey data on collected teaching physician costs. We have also extended the deadline for teaching hospitals to request revisions to their teaching physician survey data until June 7, 1999. The extent of these requests and the number of changes that are approved by the fiscal intermediaries may change the impacts in the final rule.

E. Impact of 5-Year Phase-Out of Teaching Physicians', Residents', and CRNA Costs (Column 4)

As described above in section III.E of this preamble, the proposed FY 2000 wage index is calculated by blending 80 percent of hospitals' average hourly wages calculated without removing teaching physician Part A, residents, or CRNA costs (and hours); and 20 percent of average hourly wages calculated after removing these costs (and hours). This constitutes the first year of a 5-year phase-out of these costs, where the proportion of the calculation based upon average hourly wages after removing these costs increases by 20 percentage points per year.

This column shows the impact of the blended wage index relative to a wage index using FY 1996 wage data without removing costs or hours of teaching physicians Part A, residents, or CRNAs. The impacts in column 4 are minimal (an increase or decrease of 0.1 percent). As expected, the hospital categories experiencing negative payment impacts in column 3 experience either negative 0.1 percent changes or no change here. The overall impact is 0.0 percent.

The combined wage index changes in Table I are determined by summing the individual impacts in columns 2 and 4. For example, the urban West South Central census division loses 1.2 percent from the new wage data, and gains 0.1 percent from the blended wage index. Therefore, the combined impact of the proposed FY 2000 wage index for these hospitals is a 1.1 percent decrease.

The following chart compares the shifts in wage index values for labor market areas for FY 2000 relative to FY 1999. This chart demonstrates the impact of the proposed changes for the FY 2000 wage index relative to the FY 1999 wage index. The majority of labor market areas (299) experience less than a 5 percent change. A total of 47 labor market areas experience an increase of more than 5 percent with 14 having an increase greater than 10 percent. A total of 28 areas experience decreases of more than 5 percent. Of those, 7 decline by 10 percent or more.

Percentage change in area wage index values	Number of labor market areas	
	FY 1999	FY 2000
Increase more than 10 percent	9	14
Increase more than 5 percent and less than 10 percent	29	33
Increase or decrease less than 5 percent	305	299
Decrease more than 5 percent and less than 10 percent	28	21
Decrease more than 10 percent	0	7

Among urban hospitals, 169 would experience an increase of between 5 and 10 percent and 40 more than 10 percent. A total of 139 rural hospitals have increases greater than 5 percent, but none greater than 10 percent. On the negative side, 130 urban hospitals and 187 rural hospitals have decreases in their wage index values of at least 5 percent but less than 10 percent. There are no rural hospitals with decreases greater than 10 percent, and 21 urban hospitals in this category. The following chart shows the projected impact for urban and rural hospitals.

Percentage change in area wage index values	Number of hospitals	
	Urban	Rural
Increase more than 10 percent	40	0
Increase more than 5 percent and less than 10 percent	169	139
Increase or decrease less than 5 percent	2352	1836
Decrease more than 5 percent and less than 10 percent	130	187
Decrease more than 10 percent	21	0

F. Combined Impact of DRG and Wage Index Changes—Including Budget Neutrality Adjustment (Column 5)

The impact of DRG reclassifications and recalibration on aggregate payments is required by section 1886(d)(4)(C)(iii) of the Act to be budget neutral. In addition, section 1886(d)(3)(E) of the Act specifies that any updates or adjustments to the wage index are to be budget neutral. As noted in the Addendum to this proposed rule, we compared simulated aggregate payments using the FY 1999 DRG relative weights and wage index to simulated aggregate payments using the proposed FY 2000 DRG relative weights and blended wage index. Based on this comparison, we computed a wage and recalibration budget neutrality factor of 0.997393. In Table I, the combined overall impacts of the effects of both the DRG reclassifications and recalibration and the updated wage index are shown in column 5. The 0.0 percent impact for All Hospitals demonstrates that these changes, in combination with the budget neutrality factor, are budget neutral.

For the most part, the changes in this column are the sum of the changes in columns 1, 2, and 4, minus approximately 0.3 percent attributable to the budget neutrality factor. There may be some variation of plus or minus 0.1 percent due to rounding.

G. Impact of MGCRB Reclassifications (Column 6)

Our impact analysis to this point has assumed hospitals are paid on the basis of their actual geographic location (with the exception of ongoing policies that provide that certain hospitals receive payments on bases other than where they are geographically located, such as hospitals in rural counties that are deemed urban under section 1886(d)(8)(B) of the Act). The changes in column 6 reflect the per case payment impact of moving from this baseline to a simulation incorporating the MGCRB decisions for FY 2000. As noted below, these decisions affect hospitals' standardized amount and wage index area assignments. In addition, rural hospitals reclassified for purposes of the standardized amount qualify to be treated as urban for purposes of the DSH adjustment.

Beginning in 1998, by February 28 of each year, the MGCRB makes reclassification determinations that will be effective for the next fiscal year, which begins on October 1. (In previous years, these determinations were made by March 30.) The MGCRB may approve a hospital's reclassification request for the purpose of using the other area's standardized amount, wage index value, or both or for FYs 1999–2001 for purposes of

qualifying for a DSH adjustment or to receive a higher DSH payment.

The proposed FY 2000 wage index values incorporate all of the MGCRB's reclassification decisions for FY 2000. The wage index values also reflect any decisions made by the HCFA Administrator through the appeals and review process for MGCRB decisions as of February 27, 1999. Additional changes that result from the Administrator's review of MGCRB decisions or a request by a hospital to withdraw its application will be reflected in the final rule for FY 2000.

The overall effect of geographic reclassification is required by section 1886(d)(8)(D) of the Act to be budget neutral. Therefore, we applied an adjustment of 0.994453 to ensure that the effects of reclassification are budget neutral. (See section II.A.4.b. of the Addendum to this proposed rule.)

As a group, rural hospitals benefit from geographic reclassification. Their payments rise 2.5 percent, while payments to urban hospitals decline 0.4 percent. Hospitals in other urban areas see a decrease in payments of 0.3 percent, while large urban hospitals lose 0.5 percent. Among urban hospital groups (that is, bed size, census division, and special payment status), payments generally decline.

A positive impact is evident among all rural hospital groups. The smallest increases among the rural census divisions is 0.7 percent for Puerto Rico and 1.9 percent for Pacific. The largest increase is in rural West South Central, with an increase of 3.5 percent.

Among rural hospitals designated as RRCs, 127 hospitals are reclassified for purposes of the wage index only, leading to the 5.6 percent increase in payments among RRCs overall. This positive impact on RRCs is also reflected in the category of rural hospitals with 200 or more beds, which has a 4.2 percent increase in payments.

Rural hospitals reclassified for FY 1999 and FY 2000 experience a 6.3 percent increase in payments. This may be due to the fact that these hospitals have the most to gain from reclassification and have been reclassified for a period of years. Rural hospitals reclassified for FY 2000 only experience a 5.4 percent increase in payments, while rural hospitals reclassified for FY 1999 only experience a 0.4 percent decrease in payments. Urban hospitals reclassified for FY 1999 but not FY 2000 experience a 0.9 percent decline in payments overall. Urban hospitals reclassified for FY 2000 but not for FY 1999 experience a 3.3 percent increase in payments.

The FY 2000 Reclassification rows of Table I show the changes in payments per case for all FY 2000 reclassified and nonreclassified hospitals in urban and rural locations for each of the three reclassification categories (standardized amount only, wage index only, or both). The table illustrates that the largest impact for reclassified rural hospitals is for those hospitals reclassified for both the standardized amount and the wage index. These hospitals receive a 9.3 percent increase in payments. In addition, rural hospitals reclassified just for the wage index receive a 6.0 percent payment increase. The overall impact on reclassified hospitals is to increase their payments per case by an average of 5.1 percent for FY 2000.

The reclassification of hospitals primarily affects payment to nonreclassified hospitals through changes in the wage index and the geographic reclassification budget neutrality adjustment required by section 1886(d)(8)(D) of the Act. Among hospitals that are not reclassified, the overall impact of hospital reclassifications is an average decrease in payments per case of about 0.5 percent. Rural nonreclassified hospitals decrease by 0.4 percent, and urban nonreclassified hospitals lose 0.6 percent (the amount of the budget neutrality offset).

The foregoing analysis was based on MGCRB and HCFA Administrator decisions made by February 27, 1999. As previously noted, there may be changes to some MGCRB decisions through the appeals, review, and applicant withdrawal process. The outcome of these cases will be reflected in the analysis presented in the final rule.

H. All Changes (Column 7)

Column 7 compares our estimate of payments per case, incorporating all changes reflected in this proposed rule for FY 2000 (including statutory changes), to our estimate of payments per case in FY 1999. It includes the effects of the 0.9 percent update to the standardized amounts and the hospital-specific rates for SCHs and MDHs. It also reflects the 1.1 percentage point difference between the projected outlier payments in FY 2000 (5.1 percent of total DRG payments) and the current estimate of the percentage of actual outlier payments in FY 1999 (6.2 percent), as described in the introduction to this Appendix and the Addendum to this proposed rule.

Additional changes affecting the difference between FY 1999 and FY 2000 payments are the reductions to the IME and DSH adjustments enacted by the Balanced Budget Act of 1997. These changes initially went into effect during FY 1998 and include additional decreases in payment for each of several succeeding years. As noted in the introduction to this impact analysis, for FY 2000, IME is reduced to approximately a 6.0 percent rate of increase, and DSH is reduced by 3 percent from what hospitals otherwise would receive. We estimate the overall effect of these statutory changes to be a 0.5 percent reduction in FY 2000 payments. For hospitals receiving both IME and DSH, the impact is estimated to be a 0.8 percent reduction in payments per case.

We also note that column 8 includes the impacts of FY 2000 MGCRB reclassifications compared to the payment impacts of FY 1999 reclassifications. Therefore, when comparing FY 2000 payments to FY 1999, the percent changes due to FY 2000 reclassifications shown in column 6 need to be offset by the effects of reclassification on hospitals' FY 1999 payments (column 7 of Table 1, July 31, 1998 final rule (63 FR 41106)). For example, the impact of MGCRB reclassifications on rural hospitals' FY 1999 payments was approximately a 2.7 percent increase, more than offsetting the 2.5 percent increase in column 6 for FY 2000. Therefore, the net change in FY 2000 payments due to reclassification for rural hospitals is actually a decrease of 0.2 percent relative to FY 1999. However, last year's analysis contained a somewhat different set of hospitals, so this might affect the numbers slightly.

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 7 may not equal the sum of the changes in columns 5 and 6, plus the other impacts that we are able to identify.

The overall payment change from FY 1999 to FY 2000 for all hospitals is a 0.6 percent decrease. This reflects the 0.9 percent update for FY 2000, the 1.1 percent lower outlier payments in FY 1999 compared to FY 1999 (5.1 percent compared to 6.2 percent); and the 0.5 percent reduction due to lower IME and DSH payments.

Hospitals in urban areas experience a 0.8 percent drop in payments per case compared to FY 1999. The 0.4 percent negative impact due to reclassification is offset by an identical negative impact for FY 1999. The impact of reducing IME and DSH is a 0.6 percent reduction in FY 2000 payments per case. Payment to hospitals in large urban areas are expected to fall 1.0 percent per case compared to 0.3 percent per case for hospitals in other urban areas.

Hospitals in rural areas, meanwhile, experience a 0.9 percent payment increase. As discussed previously, this is primarily due to the positive effect due to the wage index and DRG changes (0.9 percent increase).

Among census divisions, urban Middle Atlantic and the West South Central display the largest negative impacts, 2.0 percent decrease in payments per case for hospitals in these two divisions. These negative impacts are primarily related to the relatively large decreases attributable to the proposed wage index. Hospitals in the South Atlantic and East South Central census divisions, along with Puerto Rico, are the only urban categories grouped by census division exhibiting increases in payments per case for FY 2000. Again, this appears to be related to the proposed FY 2000 wage index.

The only rural census division to experience a negative payment impact is West South Central (0.2 percent fall), and as is generally the case, this appears to be related to a negative payment impact related to their FY 1996 wage data. The largest increases by rural hospitals are in Puerto Rico at 2.5 percent. Among rural census divisions, the largest increases are in the East South Central and West North Central, with 1.8 percent and 1.6 percent increases in their FY 2000 payments per case, respectively. As with the other impacts discussed above, this is generally due to updating the wage data. One rural census division that did not experience an increase in payments as large

as suggested by the positive impact of updating the wage data was the South Atlantic. This census division experienced a 3.8 percent payment increase due to geographic reclassification in FY 1999, but the effect of geographic reclassification in FY 2000 was only 2.7 percent.

Among special categories of rural hospitals, those hospitals receiving payment under the hospital-specific methodology (SCHs, MDHs, and SCH/RRCs) experience payment increases of 1.2 percent, 1.3 percent, and 1.4 percent, respectively. This outcome is primarily related to the fact that, for hospitals receiving payments under the hospital-specific methodology, there are no outlier payments. Therefore, these hospitals do not experience negative payment impacts from the decline in outlier payments from FY 1999 to FY 2000 (from 6.2 of total DRG plus outlier payments to 5.1 percent) as do hospitals paid based on the national standardized amounts.

The largest negative payment impacts from FY 1999 to FY 2000 are among hospitals that were reclassified for FY 1999 and are not reclassified for FY 2000. Overall, these hospitals lose 6.0 percent. The urban hospitals in this category lose 6.0 percent, while the rural hospitals lose 5.0 percent. On the other hand, hospitals reclassified for FY 2000 that were not reclassified for FY 1999 would experience the greatest payment increases: 4.5 percent overall; 7.3 percent for 101 rural hospitals in this category and 2.9 percent for 32 urban hospitals.

TABLE II—IMPACT ANALYSIS OF CHANGES FOR FY 2000 OPERATING PROSPECTIVE PAYMENT SYSTEM

[Payments Per Case]

	Number of hospitals (1)	Average FY1999 payment per case (2) [1]	Average FY 2000 payment per case (3) [1]	All changes (4)
(BY GEOGRAPHIC LOCATION):				
ALL HOSPITALS	4,875	6,770	6,730	−0.6
URBAN HOSPITALS	2,712	7,346	7,285	−0.8
LARGE URBAN AREAS	1,552	7,879	7,787	−1.2
OTHER URBAN AREAS	1,160	6,623	6,604	−0.3
RURAL HOSPITALS	2,162	4,505	4,546	0.9
BED SIZE (URBAN):				
0–99 BEDS	679	4,973	4,957	−0.3
100–199 BEDS	918	6,165	6,147	−0.3
200–299 BEDS	553	6,998	6,958	−0.6
300–499 BEDS	423	7,803	7,741	−0.8
500 OR MORE BEDS	139	9,912	9,733	−1.8
BED SIZE (RURAL):				
0–49 BEDS	1,194	3,725	3,779	1.5
50–99 BEDS	581	4,226	4,274	1.1
100–149 BEDS	232	4,605	4,643	0.8
150–199 BEDS	85	4,930	4,983	1.1
200 OR MORE BEDS	70	5,734	5,733	0.0
URBAN BY CENSUS DIVISION:				
NEW ENGLAND	149	7,723	7,677	−0.6
MIDDLE ATLANTIC	416	8,278	8,110	−2.0
SOUTH ATLANTIC	401	6,990	7,001	0.2
EAST NORTH CENTRAL	446	6,994	6,973	−0.3
EAST SOUTH CENTRAL	157	6,579	6,586	0.1
WEST NORTH CENTRAL	183	7,053	6,981	−1.0
WEST SOUTH CENTRAL	343	6,785	6,660	−1.8
MOUNTAIN	126	7,016	6,996	−0.3
PACIFIC	444	8,460	8,388	−0.9
PUERTO RICO	47	3,108	3,124	0.5
RURAL BY CENSUS DIVISION:				
NEW ENGLAND	52	5,356	5,369	0.2
MIDDLE ATLANTIC	81	4,862	4,860	0.0
SOUTH ATLANTIC	285	4,681	4,721	0.8
EAST NORTH CENTRAL	301	4,559	4,596	0.8
EAST SOUTH CENTRAL	270	4,162	4,239	1.8
WEST NORTH CENTRAL	490	4,279	4,349	1.6
WEST SOUTH CENTRAL	338	4,002	3,993	−0.2
MOUNTAIN	201	4,751	4,817	1.4
PACIFIC	139	5,600	5,625	0.4
PUERTO RICO	5	2,334	2,392	2.5
(BY PAYMENT CATEGORIES):				
URBAN HOSPITALS	2,790	7,310	7,251	−0.8
LARGE URBAN	1,628	7,806	7,715	−1.2
OTHER URBAN	1,161	6,610	6,596	−0.2
RURAL HOSPITALS	2,085	4,480	4,519	0.9
TEACHING STATUS:				
NON-TEACHING	3,772	5,473	5,477	0.1
FEWER THAN 100 RESIDENTS	868	7,184	7,138	−0.6
100 OR MORE RESIDENTS	234	10,858	10,658	−1.8
DISPROPORTIONATE SHARE HOSPITALS (DSH):				

TABLE II—IMPACT ANALYSIS OF CHANGES FOR FY 2000 OPERATING PROSPECTIVE PAYMENT SYSTEM—Continued

[Payments Per Case]

	Number of hospitals (1)	Average FY1999 payment per case (2) [1]	Average FY 2000 payment per case (3) [1]	All changes (4)
NON-DSH	3,048	5,792	5,775	−0.3
URBAN DSH:				
100 BEDS OR MORE	1,365	7,972	7,900	−0.9
FEWER THAN 100 BEDS	86	5,193	5,180	−0.3
RURAL DSH:				
SOLE COMMUNITY (SCH):	153	4,205	4,266	1.5
REFERRAL CENTERS (RRC)	55	5,357	5,408	1.0
OTHER RURAL DSH HOSPITALS:				
100 BEDS OR MORE	57	4,186	4,183	−0.1
FEWER THAN 100 BEDS	110	3,597	3,692	2.7
URBAN TEACHING AND DSH:				
BOTH TEACHING AND DSH	703	8,936	8,826	−1.2
TEACHING AND NO DSH	337	7,281	7,211	−1.0
NO TEACHING AND DSH	748	6,371	6,362	−0.1
NO TEACHING AND NO DSH	1,002	5,646	5,630	−0.3
RURAL HOSPITAL TYPES:				
NONSPECIAL STATUS HOSPITALS	884	3,964	3,997	0.9
RRC	151	5,225	5,243	0.3
SCH	639	4,470	4,524	1.2
MDH	353	3,757	3,805	1.3
SCH AND RRC	58	5,368	5,442	1.4
TYPE OF OWNERSHIP:				
VOLUNTARY	2,838	6,943	6,895	−0.7
PROPRIETARY	743	6,202	6,181	−0.3
GOVERNMENT	1,256	6,286	6,273	−0.2
UNKNOWN	37	9,806	9,626	−1.8
MEDICARE UTILIZATION AS A PERCENT OF INPATIENT DAYS:				
0–25	372	8,826	8,692	−1.5
25–50	1,745	7,924	7,844	−1.0
50–65	1,893	5,997	5,986	−0.2
OVER 65	822	5,272	5,285	0.2
UNKNOWN	42	9,716	9,539	−1.8
HOSPITALS RECLASSIFIED BY THE MEDICARE GEOGRAPHIC REVIEW BOARD:				
RECLASSIFICATION STATUS DURING FY 1999 AND FY 2000:				
RECLASSIFIED DURING BOTH FY 1999 AND FY 2000	373	5,819	5,803	−0.3
URBAN	55	8,004	7,849	−1.9
RURAL	318	5,202	5,226	0.5
RECLASSIFIED DURING FY 2000 ONLY	131	6,183	6,459	4.5
URBAN	30	8,096	8,327	2.9
RURAL	101	4,362	4,682	7.3
RECLASSIFIED DURING FY 1999 ONLY	136	5,577	5,267	−5.6
URBAN	32	6,976	6,568	−5.8
RURAL	104	4,611	4,369	−5.3
FY 2000 RECLASSIFICATIONS:				
ALL RECLASSIFIED HOSPITALS	504	5,896	5,943	0.8
STANDARDIZED AMOUNT ONLY	65	4,764	4,732	−0.7
WAGE INDEX ONLY	393	5,981	6,041	1.0
BOTH	46	6,156	6,168	0.2
NONRECLASSIFIED	4,344	6,889	6,839	−0.7
ALL URBAN RECLASSIFIED	85	8,039	8,028	−0.1
STANDARDIZED AMOUNT ONLY	13	5,253	5,032	−4.2
WAGE INDEX ONLY	49	8,867	8,908	0.5
BOTH	23	6,894	6,834	−0.9
NONRECLASSIFIED	2,627	7,318	7,255	−0.9
ALL RURAL RECLASSIFIED	419	5,075	5,144	1.4
STANDARDIZED AMOUNT ONLY	52	4,468	4,551	1.9
WAGE INDEX ONLY	344	5,110	5,175	1.3
BOTH	23	5,281	5,379	1.8
NONRECLASSIFIED	1,717	4,108	4,143	0.9
OTHER RECLASSIFIED HOSPITALS (SECTION 1886(d)(8)(B))	26	4,781	4,361	−8.8

[1] These payment amounts per case do not reflect any estimates of annual case-mix increase.

Table II presents the projected impact of the proposed changes for FY 2000 for urban and rural hospitals and for the different categories of hospitals shown in Table I. It compares the projected payments per case for FY 2000 with the average estimated per case payments for FY 1999, as calculated under our models. Thus, this table presents, in terms of the average dollar amounts paid per discharge, the combined effects of the changes presented in Table I. The percentage changes shown in the last column of Table II equal the percentage changes in average payments from column 7 of Table I.

VII. Impact of Proposed Changes in the Capital Prospective Payment System

A. General Considerations

We now have cost report data for the 5th and 6th years of the capital prospective payment system (cost reports beginning in FY 1996 and in FY 1997) available through the December 1998 update of the HCRIS. We also have updated information on the projected aggregate amount of obligated capital approved by the fiscal intermediaries. However, our impact analysis of payment changes for capital-related costs is still limited by the lack of hospital-specific data on several items. These are the hospital's projected new capital costs for each year, its projected old capital costs for each year, and the actual amounts of obligated capital that will be put in use for patient care and recognized as Medicare old capital costs in each year. The lack of this information affects our impact analysis in the following ways:

- Major investment in hospital capital assets (for example, in building and major fixed equipment) occurs at irregular intervals. As a result, there can be significant variation in the growth rates of Medicare capital-related costs per case among hospitals. We do not have the necessary hospital-specific budget data to project the hospital capital growth rate for individual hospitals.
- Our policy of recognizing certain obligated capital as old capital makes it difficult to project future capital-related costs for individual hospitals. Under § 412.302(c), a hospital is required to notify its intermediary that it has obligated capital by the later of October 1, 1992, or 90 days after the beginning of the hospital's first cost reporting period under the capital prospective payment system. The intermediary must then notify the hospital of its determination whether the criteria for recognition of obligated capital have been met by the later of the end of the hospital's first cost reporting period subject to the capital prospective payment system or 9 months after the receipt of the hospital's notification. The amount that is recognized as old capital is limited to the lesser of the actual allowable costs when the asset is put in use for patient care or the estimated costs of the capital expenditure at the time it was obligated. We have substantial information regarding intermediary determinations of projected aggregate obligated capital amounts. However, we still do not know when these projects will actually be put into use for patient care, the actual amount that will be recognized as obligated capital when the project is put into use, or the Medicare share of the recognized costs. Therefore, we do not know actual obligated capital commitments for purposes of the FY 2000 capital cost projections. In Appendix B of this proposed rule, we discuss the assumptions and computations that we employ to generate the amount of obligated capital commitments for use in the FY 2000 capital cost projections.

In Table III of this section, we present the redistributive effects that are expected to occur between ''hold-harmless'' hospitals and ''fully prospective'' hospitals in FY 2000. In addition, we have integrated sufficient hospital-specific information into our actuarial model to project the impact of the proposed FY 2000 capital payment policies by the standard prospective payment system hospital groupings. While we now have actual information on the effects of the transition payment methodology and interim payments under the capital prospective payment system and cost report data for most hospitals, we still need to randomly generate numbers for the change in old capital costs, new capital costs for each year, and obligated amounts that will be put in use for patient care services and recognized as old capital each year. We continue to be unable to predict accurately FY 2000 capital costs for individual hospitals, but with the most recent data hospitals' experience under the capital prospective payment system, there is adequate information to estimate the aggregate impact on most hospital groupings.

B. Projected Impact Based on the Proposed FY 2000 Actuarial Model

1. Assumptions

In this impact analysis, we model dynamically the impact of the capital prospective payment system from FY 1999 to FY 2000 using a capital cost model. The FY 2000 model, as described in Appendix B of this proposed rule, integrates actual data from individual hospitals with randomly generated capital cost amounts. We have capital cost data from cost reports beginning in FY 1989 through FY 1997 as reported on the December 1998 update of HCRIS, interim payment data for hospitals already receiving capital prospective payments through PRICER, and data reported by the intermediaries that include the hospital-specific rate determinations that have been made through January 1, 1999 in the provider-specific file. We used these data to determine the proposed FY 2000 capital rates. However, we do not have individual hospital data on old capital changes, new capital formation, and actual obligated capital costs. We have data on costs for capital in use in FY 1997, and we age that capital by a formula described in Appendix B. Therefore, we need to randomly generate only new capital acquisitions for any year after FY 1997. All Federal rate payment parameters are assigned to the applicable hospital.

For purposes of this impact analysis, the proposed FY 2000 actuarial model includes the following assumptions:

- Medicare inpatient capital costs per discharge will change at the following rates during these periods:

AVERAGE PERCENTAGE CHANGE IN CAPITAL COSTS PER DISCHARGE

Fiscal year	Percentage change
1998	−0.71
1999	−0.15
2000	0.75

- The Medicare case-mix index will increase by 1.0 percent in FY 1999 and 0.5 percent in FY 2000.
- The Federal capital rate and hospital-specific rate were updated 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 FY 2000 update is −0.6 percent (see section IV of the Addendum to this proposed rule).

2. Results

We have used the actuarial model to estimate the change in payment for capital-related costs from FY 1999 to FY 2000. Table III shows the effect of the capital prospective payment system on low capital cost hospitals and high capital cost hospitals. We consider a hospital to be a low capital cost hospital if, based on a comparison of its initial hospital-specific rate and the applicable Federal rate, it will be paid under the fully prospective payment methodology. A high capital cost hospital is a hospital that, based on its initial hospital-specific rate and the applicable Federal rate, will be paid under the hold-harmless payment methodology. Based on our actuarial model, the breakdown of hospitals is as follows:

CAPITAL TRANSITION PAYMENT METHODOLOGY FOR FY 2000

Type of Hospital	Percent of hospitals	Percent of discharges	Percent of capital costs	Percent of capital payments
Low Cost Hospital	66	61	54	59
High Cost Hospital	34	39	46	41

A low capital cost hospital may request to have its hospital-specific rate redetermined based on old capital costs in the current year, through the later of the hospital's cost reporting period beginning in FY 1994 or the first cost reporting period beginning after obligated capital comes into use (within the limits established in § 412.302(e) for putting obligated capital into use for patient care). If the redetermined hospital-specific rate is greater than the adjusted Federal rate, these hospitals will be paid under the hold-harmless payment methodology. Regardless of whether the hospital became a hold-harmless payment hospital as a result of a redetermination, we continue to show these hospitals as low capital cost hospitals in Table III.

Assuming no behavioral changes in capital expenditures, Table III displays the percentage change in payments from FY 1999 to FY 2000 using the above described actuarial model. With the proposed Federal rate, we estimate aggregate Medicare capital payments will increase by 2.66 percent in FY 2000.

TABLE III.—IMPACT OF PROPOSED CHANGES FOR FY 2000 ON PAYMENTS PER DISCHARGE

	Number of hospitals	Discharges	Adjusted Federal payment	Average Federal percent	Hospital specific payment	Hold harmless payment	Exceptions payment	Total payment	Percent change over FY 1999
FY 1999 Payments per Discharge:									
Low Cost Hospitals	3,200	6,737,171	$521.48	81.42	$58.83	$3.46	$8.72	$592.49	
Fully Prospective	2,977	6,138,720	511.78	80.00	64.57	.....	8.44	584.79	.....
100% Federal Rate	193	538,418	642.90	100.00	.....	.....	4.44	647.34	.....
Hold Harmless	30	60,033	423.55	60.65	.....	388.55	75.12	887.21	.....
High Cost Hospitals	1,634	4,248,111	658.19	97.70	.....	22.81	14.66	695.65	.....
100% Federal Rate	1,424	3,876,299	677.27	100.00	.....	.....	7.26	684.53	.....
Hold Harmless	210	371,812	459.27	72.18	.....	260.63	91.71	811.60	.....
Total Hospitals	4,834	10,985,282	574.34	87.91	36.08	10.94	11.01	632.38	.....
FY 2000 Payments per Discharge:									
Low Cost Hospitals	3,200	6,785,508	573.45	90.60	29.15	2.91	10.29	615.79	3.93
Fully Prospective	2,977	6,182,772	569.26	90.00	31.99	.....	9.24	610.48	4.39
100% Federal Rate	194	543,519	632.85	100.00	.....	.....	4.51	637.36	−1.54
Hold Harmless	29	59,217	465.60	68.51	.....	333.70	173.36	972.66	9.63
High Cost Hospitals	1,634	4,278,443	649.22	98.47	.....	16.61	24.44	690.27	−0.77
100% Federal Rate	1,442	3,951,867	663.34	100.00	.....	.....	11.28	674.62	−1.45
Hold Harmless	192	326,576	478.35	78.33	.....	217.65	183.66	879.66	8.38
Total Hospitals	4,834	11,063,951	602.75	93.72	17.87	8.21	15.76	644.59	1.93

We project that low capital cost hospitals paid under the fully prospective payment methodology will experience an average increase in payments per case of 4.39 percent, and high capital cost hospitals will experience an average decrease of 0.77 percent. These results are due to the change in the blended percentages to the payment system to 90 percent adjusted Federal rate and 10 percent hospital-specific rate.

For hospitals paid under the fully prospective payment methodology, the Federal rate payment percentage will increase from 80 percent to 90 percent and the hospital-specific rate payment percentage will decrease from 20 to 10 percent in FY 2000. The Federal rate payment percentage for hospitals paid under the hold-harmless payment methodology is based on the hospital's ratio of new capital costs to total capital costs. The average Federal rate payment percentage for high cost hospitals receiving a hold-harmless payment for old capital will increase from 72.18 percent to 78.83 percent. We estimate the percentage of hold-harmless hospitals paid based on 100 percent of the Federal rate will increase from 87.1 percent to 88.2 percent. We estimate that the few remaining high cost hold-harmless hospitals (192) will experience an increase in payments of 8.38 percent from FY 1999 to FY 2000. The increase occurs because we estimate that exception payments per discharge will increase 50.1 percent from FY 1999 to FY 2000 for high cost hold-harmless hospitals. While we estimate that this group's regular hold-harmless payments for old capital will decline by 16.5 percent due to the retirement of old capital, we estimate that its high overall capital costs will cause an increase in these hospitals' exceptions payments from $91.71 per discharge in FY 1999 to $183.66 per discharge in FY 2000. This is primarily due to the estimated decrease in outlier payments, which will cause an estimated increase in exceptions payments to cover unmet capital costs.

We expect that the average hospital-specific rate payment per discharge will decrease from $64.57 in FY 1999 to $31.99 in FY 2000. This is mostly due to the decrease in the hospital-specific rate payment percentage from 20 percent in FY 1999 to 10 percent in FY 2000.

We are proposing no changes in our exceptions policies for FY 2000. As a result, the minimum payment levels would be—

- 90 percent for sole community hospitals;
- 80 percent for urban hospitals with 100 or more beds and a disproportionate share patient percentage of 20.2 percent or more; or
- 70 percent for all other hospitals.

We estimate that exceptions payments will increase from 1.74 percent of total capital payments in FY 1999 to 2.45 percent of payments in FY 2000. The projected distribution of the exception payments is shown in the chart below:

ESTIMATED FY 2000 EXCEPTIONS PAYMENTS

Type of hospital	Number of hospitals	Percent of exceptions payments
Low Capital Cost	180	40
High Capital Cost	208	60
Total	388	100

C. Cross-Sectional Comparison of Capital Prospective Payment Methodologies

Table IV presents a cross-sectional summary of hospital groupings by capital prospective payment methodology. This distribution is generated by our actuarial model.

TABLE IV.—DISTRIBUTION BY METHOD OF PAYMENT (HOLD-HARMLESS/FULLY PROSPECTIVE) OF HOSPITALS RECEIVING CAPITAL PAYMENTS

	(1) Total number of hospitals	(2) Hold-harmless		(3) Percentage paid fully prospective rate
		Percentage paid hold-harmless (A)	Percentage paid fully federal (B)	
By Geographic Location:				
All hospitals	4,834	4.6	33.8	61.6
Large urban areas (populations over 1 million)	1,531	4.8	41.7	53.4
Other urban areas (populations of 1 million of fewer)	1,146	5.7	42.0	52.4
Rural areas	2,157	3.8	23.9	72.3
Urban hospitals	2,677	5.2	41.8	53.0
0–99 beds	650	6.5	34.3	59.2
100–199 beds	912	7.2	48.5	44.3
200–299 beds	553	4.2	42.3	53.5
300–499 beds	423	1.4	39.2	59.3
500 or more beds	139	1.4	39.6	59.0
Rural hospitals	2,157	3.8	23.9	72.3
0–49 beds	1,190	3.4	16.8	79.7
50–99 beds	580	4.5	29.5	66.0
100–149 beds	232	4.7	36.6	58.6
150–199 beds	85	3.5	30.6	65.9
200 or more beds	70	1.4	48.6	50.0
By Region:				
Urban by Region	2,677	5.2	41.8	53.0
New England	148	0.7	28.4	70.9
Middle Atlantic	412	2.7	36.4	60.9
South Atlantic	399	5.3	52.9	41.9
East North Central	444	6.1	31.8	62.2
East South Central	154	10.4	46.8	42.9
West North Central	179	3.4	40.2	56.4
West South Central	331	10.3	59.2	30.5
Mountain	123	5.7	50.4	43.9
Pacific	440	3.4	36.6	60.0
Puerto Rico	47	2.1	27.7	70.2
Rural by Region	2,157	3.8	23.9	72.3
New England	52	1.9	23.1	75.0
Middle Atlantic	80	6.3	20.0	73.8
South Atlantic	285	1.4	34.7	63.9
East North Central	300	3.3	18.3	78.3
East South Central	270	2.6	34.1	63.3
West North Central	490	3.7	15.9	80.4
West South Central	337	3.9	27.9	68.2
Mountain	200	8.5	18.0	73.5
Pacific	138	5.1	23.9	71.0
By Payment Classification:				
Large urban areas (populations over 1 million)	1,607	4.7	41.8	53.6
Other urban areas (populations of 1 million of fewer)	1,147	5.8	41.3	52.9
Rural areas	2,080	3.8	23.6	72.5
Teaching Status:				
Non-teaching	3,732	5.0	33.1	61.9
Fewer than 100 Residents	868	3.8	37.0	59.2
100 or more Residents	234	1.3	33.3	65.4

TABLE IV.—DISTRIBUTION BY METHOD OF PAYMENT (HOLD-HARMLESS/FULLY PROSPECTIVE) OF HOSPITALS RECEIVING CAPITAL PAYMENTS—Continued

	(1) Total number of hospitals	(2) Hold-harmless		(3) Percentage paid fully prospective rate
		Percentage paid hold-harmless (A)	Percentage paid fully federal (B)	
Disproportionate share hospitals (DSH):.				
Non-DSH	3,014	4.6	29.9	65.5
Urban DSH:				
100 or more beds	1,362	4.4	44.6	51.0
Less than 100 beds	84	8.3	23.8	67.9
Rural DSH:				
Sole Community (SCH)	153	5.9	20.9	73.2
Referral Center (RRC)	55	3.6	43.6	52.7
Other Rural:.				
100 or more beds	57	1.8	43.9	54.4
Less than 100 beds	109	2.8	25.7	71.6
Urban teaching and DSH:				
Both teaching and DSH	703	2.7	37.7	59.6
Teaching and no DSH	337	4.5	33.8	61.7
No teaching and DSH	743	6.5	48.7	44.8
No teaching and no DSH	971	6.1	41.6	52.3
Rural Hospital Types:				
Non special status hospitals	881	1.7	25.0	73.3
RRC/EACH	151	0.7	43.0	56.3
SCH/EACH	638	7.7	21.0	71.3
Medicare-dependent hospitals (MDH)	352	2.3	16.2	81.5
SCH, RRC and EACH	58	12.1	25.9	62.1
Type of Ownership:				
Voluntary	2,826	4.0	33.4	62.6
Proprietary	721	7.6	59.1	33.3
Government	1,255	3.8	20.8	75.4
Medicare Utilization as a Percent of Inpatient Days:				
0–25	360	4.4	27.8	67.8
25–50	1,739	4.8	36.6	58.7
50–65	1,885	4.2	33.3	62.5
Over 65	817	4.7	32.9	62.4

As we explain in Appendix B of this proposed rule, we were not able to determine a hospital-specific rate for 40 of the 4,874 hospitals in our database. Consequently, the payment methodology distribution is based on 4,834 hospitals. These data should be fully representative of the payment methodologies that will be applicable to hospitals.

The cross-sectional distribution of hospital by payment methodology is presented by: (1) Geographic location; (2) region; and (3) payment classification. This provides an indication of the percentage of hospitals within a particular hospital grouping that will be paid under the fully prospective payment methodology and the hold-harmless payment methodology.

The percentage of hospitals paid fully Federal (100 percent of the Federal rate) as hold-harmless hospitals is expected to increase to 33.8 percent in FY 2000.

Table IV indicates that 61.6 percent of hospitals will be paid under the fully prospective payment methodology. (This figure, unlike the figure of 66 percent for low cost capital hospitals in the chart on ''Capital Transition Payment Methodology for FY 2000,'' in section VII.B.2. of this preamble takes into account the effects of redeterminations. In other words, this figure does not include low cost hospitals that, following a hospital-specific rate redetermination, are now paid under the hold-harmless methodology.) As expected, a relatively higher percentage of rural and governmental hospitals (72.5 percent and 75.4 percent, respectively by payment classification) are being paid under the fully prospective payment methodology. This is a reflection of their lower than average capital costs per case. In contrast, only 33.3 percent of proprietary hospitals are being paid under the fully prospective methodology. This is a reflection of their higher than average capital costs per case. (We found at the time of the August 30, 1991 final rule (56 FR 43430) that 62.7 percent of proprietary hospitals had a capital cost per case above the national average cost per case.)

D. Cross-Sectional Analysis of Changes in Aggregate Payments

We used our FY 2000 actuarial model to estimate the potential impact of our proposed changes for FY 2000 on total capital payments per case, using a universe of 4,834 hospitals. The individual hospital payment parameters are taken from the best available data, including: the January 1, 1999 update to the provider-specific file, cost report data, and audit information supplied by intermediaries. In Table V we present the results of the cross-sectional analysis using the results of our actuarial model and the aggregate impact of the proposed FY 2000 payment policies. Columns 3 and 4 show estimates of payments per case under our model for FY 1999 and FY 2000. Column 5 shows the total percentage change in payments from FY 1999 to FY 2000. Column 6 presents the percentage change in payments that can be attributed to Federal rate changes alone.

Federal rate changes represented in Column 6 include the 1.0 percent decrease in the Federal rate, a 0.5 percent increase in case mix, changes in the adjustments to the Federal rate (for example, the effect of the new hospital wage index on the geographic adjustment factor), and reclassifications by the MGCRB. Column 5 includes the effects of the Federal rate changes represented in Column 6. Column 5 also reflects the effects

of all other changes, including the change from 80 percent to 90 percent in the portion of the Federal rate for fully prospective hospitals, the hospital-specific rate update, changes in the proportion of new to total capital for hold-harmless hospitals, changes in old capital (for example, obligated capital put in use), hospital-specific rate redeterminations, and exceptions. The comparisons are provided by: (1) Geographic location, (2) region, and (3) payment classification.

The simulation results show that, on average, capital payments per case can be expected to increase 1.9 percent in FY 2000, despite the effect of the 1.4 percent decrease attributable to the reduction in the Federal rate and other factors (which include changes in the adjustment to the Federal rate, the increase in case mix, and the other components of column 6 of table V).

Our comparison by geographic location shows that urban and rural hospitals will experience slightly different rates of increase in capital payments per case (1.8 percent and 2.8 percent, respectively). This difference is due to the higher rate of decrease for urban hospitals relative to rural hospitals (1.6 percent and 0.4 percent, respectively) from the Federal rate changes alone. Urban hospitals will gain approximately the same as rural hospitals (3.4 percent versus 3.2 percent) from the effects of all other changes.

Most regions are estimated to receive increases in total capital payments per case, partly due to the increased share of payments that are based on the Federal rate (from 80 to 90 percent). Changes by region vary from a low of 1.1 percent decrease (West South Central urban region) to a high of 5.9 percent increase (West North Central rural region).

By type of ownership, government hospitals are projected to have the largest rate of increase of total payment changes (3.1 percent, a 3.9 percent increase from the effects of all other changes and a 0.8 percent decrease due to Federal rate changes). Payments to voluntary hospitals will increase 1.9 percent (a 3.3 percent increase from the effects of all other changes and a 1.4 percent decrease due to Federal rate changes), and payments to proprietary hospitals will increase 1.1 percent (a 3.1 percent increase from the effects of all other changes and a 2.0 percent decrease due to Federal rate changes).

Section 1886(d)(10) of the Act established the MGCRB. Hospitals may apply for reclassification for purposes of the standardized amount, wage index, or both and for purposes of DSH, for FY 1999–2001. Although the Federal capital rate is not affected, a hospital's geographic classification for purposes of the operating standardized amount does affect a hospital's capital payments as a result of the large urban adjustment factor and the disproportionate share adjustment for urban hospitals with 100 or more beds. Reclassification for wage index purposes affects the geographic adjustment factor, since that factor is constructed from the hospital wage index.

To present the effects of the hospitals being reclassified for FY 2000 compared to the effects of reclassification for FY 1999, we show the average payment percentage increase for hospitals reclassified in each fiscal year and in total. For FY 2000 reclassifications, we indicate those hospitals reclassified for standardized amount purposes only, for wage index purposes only, and for both purposes. The reclassified groups are compared to all other nonreclassified hospitals. These categories are further identified by urban and rural designation.

Hospitals reclassified for FY 2000 as a whole are projected to experience a 2.8 percent increase in payments (a 3.1 percent increase attributable to the effects of all other changes and a 0.3 percent decrease attributable to Federal rate changes). Payments to nonreclassified hospitals will increase slightly less (1.9 percent) than reclassified hospitals (2.8 percent) overall. Payments to nonreclassified hospitals will decrease more than reclassified hospitals from the Federal rate changes (1.5 percent compared to 0.3 percent), but they will gain about the same from the effects of all other changes (3.4 percent compared to 3.1 percent).

TABLE V.—COMPARISON OF TOTAL PAYMENTS PER CASE

[FY 1999 Compared to FY 2000]

	Number of hospitals	Average FY 1999 payments/case	Average FY 2000 payments/case	All changes	Portion attributable to Federal rate change
By Geographic Location:					
All hospitals	4,834	632	645	1.9	−1.4
Large urban areas (populations over 1 million)	1,531	731	742	1.5	−1.8
Other urban areas (populations of 1 million or fewer)	1,146	622	636	2.3	−1.3
Rural areas	2,157	426	438	2.8	−0.4
Urban hospitals	2,677	684	697	1.8	−1.6
0–99 beds	650	501	507	1.1	−1.6
100–199 beds	912	602	609	1.2	−1.5
200–299 beds	553	660	673	2.0	−1.6
300–499 beds	423	704	720	2.3	−1.5
500 or more beds	139	892	906	1.5	−1.9
Rural hospitals	2,157	426	438	2.8	−0.4
0–49 beds	1,190	346	359	3.9	0.2
50–99 beds	580	400	413	3.4	−0.1
100–149 beds	232	439	451	2.7	−0.4
150–199 beds	85	459	479	4.3	−0.4
200 or more beds	70	549	550	0.1	−1.1
By Region:					
Urban by Region	2,677	684	697	1.8	−1.6
New England	148	693	715	3.1	−1.0
Middle Atlantic	412	751	759	1.1	−2.2
South Atlantic	399	671	692	3.1	−1.0
East North Central	444	645	663	2.7	−0.9
East South Central	154	642	662	3.1	−1.3
West North Central	179	664	672	1.3	−1.8
West South Central	331	664	657	−1.1	−2.9
Mountain	123	657	667	1.6	−1.2
Pacific	440	762	773	1.5	−1.9
Puerto Rico	47	298	295	−1.0	−1.4

TABLE V.—COMPARISON OF TOTAL PAYMENTS PER CASE—Continued

[FY 1999 Compared to FY 2000]

	Number of hospitals	Average FY 1999 payments/case	Average FY 2000 payments/case	All changes	Portion attributable to Federal rate change
Rural by Region	2,157	426	438	2.8	−0.4
New England	52	507	515	1.6	−0.6
Middle Atlantic	80	446	458	2.7	−1.3
South Atlantic	285	439	451	2.6	−0.4
East North Central	300	441	449	1.8	−0.4
East South Central	270	391	403	3.2	0.4
West North Central	490	417	442	5.9	0.6
West South Central	337	380	381	0.3	−1.7
Mountain	200	447	466	4.3	0.5
Pacific	138	498	512	2.8	−0.7
By Payment Classification:					
All hospitals	4,834	632	645	1.9	−1.4
Large urban areas (populations over 1 million)	1,607	724	735	1.5	−1.8
Other urban areas (populations of 1 million or fewer)	1,147	620	635	2.3	−1.3
Rural areas	2,080	423	435	2.9	−0.4
Teaching Status:					
Non-teaching	3,732	532	541	1.7	−1.2
Fewer than 100 Residents	868	664	679	2.1	−1.6
100 or more Residents	234	946	967	2.2	−1.8
Urban DSH:					
100 or more beds	1,362	724	737	1.8	−1.6
Less than 100 beds	84	505	500	−0.9	−1.2
Rural DSH:					
Sole Community (SCH/EACH)	153	390	418	7.3	0.1
Referral Center (RRC/EACH)	55	484	492	1.8	−0.5
Other Rural:					
100 or more beds	57	392	396	1.1	−0.6
Less than 100 beds	109	331	348	5.3	1.4
Urban teaching and DSH:					
Both teaching and DSH	703	794	811	2.1	−1.7
Teaching and no DSH	337	681	696	2.2	−1.6
No teaching and DSH	743	607	614	1.3	−1.5
No teaching and no DSH	971	573	580	1.3	−1.5
Rural Hospital Types:					
Non special status hospitals	881	378	387	2.6	−0.4
RRC/EACH	151	490	500	1.9	−0.9
SCH/EACH	638	428	446	4.4	0.0
Medicare-dependent hospitals (MDH)	352	345	357	3.5	0.0
SCH, RRC and EACH	58	498	511	2.4	0.2
Hospitals Reclassified by the Medicare Geographic Classification Review Board:					
Reclassification Status During FY1999 and FY2000:					
Reclassified During Both FY1999 and FY2000	373	553	561	1.3	−1.3
Reclassified During FY2000 Only	131	594	642	8.1	3.1
Reclassified During FY1999 Only	136	531	513	−3.4	−6.3
FY2000 Reclassifications:					
All Reclassified Hospitals	504	562	578	2.8	−0.3
All Nonreclassified Hospitals	4,304	642	654	1.9	−1.5
All Urban Reclassified Hospitals	85	751	775	3.2	−1.1
Urban Nonreclassified Hospitals	2,592	682	694	1.7	−1.6
All Reclassified Rural Hospitals	419	489	502	2.6	0.1
Rural Nonreclassified Hospitals	1,712	381	394	3.4	−0.4
Other Reclassified Hospitals (Section 1886(D)(8)(B))	26	463	429	−7.3	−8.8
Type of Ownership:					
Voluntary	2,826	646	658	1.9	−1.4
Proprietary	721	634	641	1.1	−2.0
Government	1,255	555	572	3.1	−0.8
Medicare Utilization as a Percent of Inpatient Days:					
0–25	360	768	789	2.8	−2.1
25–50	1,739	726	737	1.5	−1.7
50–65	1,885	575	588	2.2	−1.2

Appendix B: Technical Appendix on the Capital Cost Model and Required Adjustments

Under section 1886(g)(1)(A) of the Act, we set capital prospective payment rates for FY 1992 through FY 1995 so that aggregate prospective payments for capital costs were projected to be 10 percent lower than the amount that would have been payable on a reasonable cost basis for capital-related costs in that year. To implement this requirement, we developed the capital acquisition model to determine the budget neutrality adjustment factor. Even though the budget neutrality requirement expired effective with FY 1996, we must continue to determine the recalibration and geographic reclassification budget neutrality adjustment factor and the reduction in the Federal and hospital-specific rates for exceptions payments. To determine these factors, we must continue to project capital costs and payments.

We used the capital acquisition model from the start of prospective payments for capital costs through FY 1997. We now have 6 years of cost reports under the capital prospective payment system. For FY 1998, we developed a new capital cost model to replace the capital acquisition model. This revised model makes use of the data from these cost reports.

The following cost reports are used in the capital cost model for this proposed rule: the December 31, 1998 update of the cost reports for PPS–IX (cost reporting periods beginning in FY 1992), PPS–X (cost reporting periods beginning in FY 1993), PPS–XI (cost reporting periods beginning in FY 1994), PPS–XII (cost reporting periods beginning in FY 1995), PPS–XIII (cost reporting periods beginning in FY 1996), and PPS–XIV (cost reporting periods beginning in FY 1997). In addition, to model payments, we use the January 1, 1999 update of the provider-specific file, and the March 1994 update of the intermediary audit file.

Since hospitals under alternative payment system waivers (that is, hospitals in Maryland) are currently not paid under the capital prospective payment system, we excluded these hospitals from our model.

We developed FY 1992 through FY 1999 hospital-specific rates using the provider-specific file and the intermediary audit file. (We used the cumulative provider-specific file, which includes all updates to each hospital's records, and chose the latest record for each fiscal year.) We checked the consistency between the provider-specific file and the intermediary audit file. We ensured that increases in the hospital-specific rates were at least as large as the published updates (increases) for the hospital-specific rates each year. We were able to match hospitals to the files as shown in the following table:

Source	Number of hospitals
Neither File	1
Audit File only	53
Provider-Specific File Only	103
Provider-Specific and Audit File	4717
Total	4874

Sixty-three of the 4,874 hospitals had unusable or missing data, or had no cost reports available. For 21 of the 63 hospitals, we were unable to determine a hospital-specific rate from the available cost reports. However, there was adequate cost information to determine that these hospitals were paid under the hold-harmless methodology. Since the hospital-specific rate is not used to determine payments for hospitals paid under the hold-harmless methodology, there was sufficient cost report information available to include these 21 hospitals in the analysis. We were able to estimate hospital-specific amounts from the PPS–IX cost report data for an additional 2 hospitals. Hence, we were able to use 23 of the 63 hospitals. We used 4,834 hospitals for the analysis. Forty hospitals could not be used in the analysis because of insufficient information. These hospitals account for less than 0.2 percent of admissions. Therefore, any effects from the elimination of their cost report data should be minimal.

We analyzed changes in capital-related costs (depreciation, interest, rent, leases, insurance, and taxes) reported in the cost reports. We found a wide variance among hospitals in the growth of these costs. For hospitals with more than 100 beds, the distribution and mean of these cost increases were different for large changes in bed-size (greater than ±20 percent). We also analyzed changes in the growth in old capital and new capital for cost reports that provided this information. For old capital, we limited the analysis to decreases in old capital. We did this since the opportunity for most hospitals to treat ''obligated'' capital put into service as old capital has expired. Old capital costs should decrease as assets become fully depreciated and as interest costs decrease as the loan is amortized.

The new capital cost model separates the hospitals into three mutually exclusive groups. Hold-harmless hospitals with data on old capital were placed in the first group. Of the remaining hospitals, those hospitals with fewer than 100 beds comprise the second group. The third group consists of all hospitals that did not fit into either of the first two groups. Each of these groups displayed unique patterns of growth in capital costs. We found that the gamma distribution is useful in explaining and describing the patterns of increase in capital costs. A gamma distribution is a statistical distribution that can be used to describe patterns of growth rates, with the greatest proportion of rates being at the low end. We use the gamma distribution to estimate individual hospital rates of increase as follows:

(1) For hold-harmless hospitals, old capital cost changes were fitted to a truncated gamma distribution, that is, a gamma distribution covering only the distribution of cost decreases. New capital costs changes were fitted to the entire gamma distribution, allowing for both decreases and increases.

(2) For hospitals with fewer than 100 beds (small), total capital cost changes were fitted to the gamma distribution, allowing for both decreases and increases.

(3) Other (large) hospitals were further separated into three groups:

- Bed-size decreases over 20 percent (decrease).
- Bed-size increases over 20 percent (increase).
- Other (no change).

Capital cost changes for large hospitals were fitted to gamma distributions for each bed-size change group, allowing for both decreases and increases in capital costs. We analyzed the probability distribution of increases and decreases in bed size for large hospitals. We found the probability somewhat dependent on the prior year change in bed size and factored this dependence into the analysis. Probabilities of bed-size change were determined. Separate sets of probability factors were calculated to reflect the dependence on prior year change in bed size (increase, decrease, and no change).

The gamma distributions were fitted to changes in aggregate capital costs for the entire hospital. We checked the relationship between aggregate costs and Medicare per discharge costs. For large hospitals, there was a small variance, but the variance was larger for small hospitals. Since costs are used only for the hold-harmless methodology and to determine exceptions, we decided to use the gamma distributions fitted to aggregate cost increases for estimating distributions of cost per discharge increases.

Capital costs per discharge calculated from the cost reports were increased by random numbers drawn from the gamma distribution to project costs in future years. Old and new capital were projected separately for hold-harmless hospitals. Aggregate capital per discharge costs were projected for all other hospitals. Because the distribution of increases in capital costs varies with changes in bed size for large hospitals, we first projected changes in bed size for large hospitals before drawing random numbers from the gamma distribution. Bed-size changes were drawn from the uniform distribution with the probabilities dependent on the previous year bed-size change. The gamma distribution has a shape parameter and a scaling parameter. (We used different parameters for each hospital group, and for old and new capital.)

We used discharge counts from the cost reports to calculate capital cost per discharge. To estimate total capital costs for FY 1998 (the MedPAR data year) and later, we use the number of discharges from the MEDPAR data. Some hospitals have considerably more discharges in FY 1998 than in the years for which we calculated cost per discharge from the cost report data. Consequently, a hospital with few cost report discharges would have a high capital cost per discharge, since fixed

costs would be allocated over only a few discharges. If discharges increase substantially, the cost per discharge would decrease because fixed costs would be allocated over more discharges. If the projection of capital cost per discharge is not adjusted for increases in discharges, the projection of exceptions would be overstated. We address this situation by recalculating the cost per discharge with the MedPAR discharges if the MedPAR discharges exceed the cost report discharges by more than 20 percent. We do not adjust for increases of less than 20 percent because we have not received all of the FY 1998 discharges, and we have removed some discharges from the analysis because they are statistical outliers. This adjustment reduces our estimate of exceptions payments, and consequently, the reduction to the Federal rate for exceptions is smaller. We will continue to monitor our modeling of exceptions payments and make adjustments as needed.

The average national capital cost per discharge generated by this model is the combined average of many randomly generated increases. This average must equal the projected average national capital cost per discharge, which we projected separately (outside this model). We adjusted the shape parameter of the gamma distributions so that the modeled average capital cost per discharge matches our projected capital cost per discharge. The shape parameter for old capital was not adjusted since we are modeling the aging of ''existing'' assets. This model provides a distribution of capital costs among hospitals that is consistent with our aggregate capital projections.

Once each hospital's capital-related costs are generated, the model projects capital payments. We use the actual payment parameters (for example, the case-mix index and the geographic adjustment factor) that are applicable to the specific hospital.

To project capital payments, the model first assigns the applicable payment methodology (fully prospective or hold-harmless) to the hospital as determined from the provider-specific file and the cost reports. The model simulates Federal rate payments using the assigned payment parameters and hospital-specific estimated outlier payments. The case-mix index for a hospital is derived from the FY 1998 MedPAR file using the proposed FY 2000 DRG relative weights included in section VI. of the Addendum to this proposed rule. The case-mix index is increased each year after FY 1998 based on analysis of past experiences in case-mix increases. Based on analysis of recent case-mix increases, we estimate that case-mix will increase 0.5 percent in FY 1999 and 0.5 percent in FY 2000. (Since we are using FY 1998 cases for our analysis, the FY 1998 increase in case mix has no effect on projected capital payments.)

Changes in geographic classification and revisions to the hospital wage data used to establish the hospital wage index affect the geographic adjustment factor. Changes in the DRG classification system and the relative weights affect the case-mix index.

Section 412.308(c)(4)(ii) requires that the estimated aggregate payments for the fiscal year, based on the Federal rate after any changes resulting from DRG reclassifications and recalibration and the geographic adjustment factor, equal the estimated aggregate payments based on the Federal rate that would have been made without such changes. For FY 1999, the budget neutrality adjustment factors were 1.00294 for the national rate and 1.00233 for the Puerto Rico rate.

Since we implemented a separate geographic adjustment factor for Puerto Rico, we applied separate budget neutrality adjustments for the national geographic adjustment factor and the Puerto Rico geographic adjustment factor. We applied the same budget neutrality factor for DRG reclassifications and recalibration nationally and for Puerto Rico. Separate adjustments were unnecessary for FY 1998 since the geographic adjustment factor for Puerto Rico was implemented in 1998.

To determine the factors for FY 2000, we first determined the portions of the Federal national and Puerto Rico rates that would be paid for each hospital in FY 2000 based on its applicable payment methodology. Using our model, we then compared, separately for the national rate and the Puerto Rico rate, estimated aggregate Federal rate payments based on the FY 1999 DRG relative weights and the FY 1999 geographic adjustment factor to estimated aggregate Federal rate payments based on the FY 1999 relative weights and the FY 2000 geographic adjustment factor. In making the comparison, we held the FY 2000 Federal rate portion constant and set the other budget neutrality adjustment factor and the exceptions reduction factor to 1.00. We determined that, to achieve budget neutrality for the changes in the national geographic adjustment factor, an incremental budget neutrality adjustment of 0.99845 for FY 2000 should be applied to the previous cumulative FY 1999 adjustment of 1.00294, yielding a cumulative adjustment of 1.00139 through FY 2000. For the Puerto Rico geographic adjustment factor, an incremental budget neutrality adjustment of 1.00151 for FY 2000 should be applied to the previous cumulative FY 1999 adjustment of 1.00233, yielding a cumulative adjustment of 1.00384 through FY 2000. We apply these new adjustments, then compare estimated aggregate Federal rate payments based on the FY 1999 DRG relative weights and the FY 2000 geographic adjustment factors to estimated aggregate Federal rate payments based on the FY 2000 DRG relative weights and the FY 2000 geographic adjustment factors. The incremental adjustment for DRG classifications and changes in relative weights would be 1.00014 nationally and for Puerto Rico. The cumulative adjustments for DRG classifications and changes in relative weights and for changes in the geographic adjustment factors through FY 2000 would be 1.00153 nationally, and 1.00398 for Puerto Rico. The following table summarizes the adjustment factors for each fiscal year:

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	0.99845	1.00014	0.99859	1.00153	1.00151	1.00014	1.00165	1.00398

The methodology used to determine the recalibration and geographic (DRG/GAF) budget neutrality adjustment factor is similar to that used in establishing budget neutrality adjustments under the prospective payment system for operating costs. One difference is that, under the operating prospective payment system, the budget neutrality adjustments for the effect of geographic reclassifications are determined separately from the effects of other changes in the hospital wage index and the DRG relative weights. Under the capital prospective payment system, there is a single DRG/GAF budget neutrality adjustment factor (the national rate and the Puerto Rico rate are determined separately) for changes in the geographic adjustment factor (including geographic reclassification) and the DRG relative weights. In addition, there is no adjustment for the effects that geographic reclassification has on the other payment parameters, such as the payments for serving low-income patients or the large urban add-on payments.

In addition to computing the DRG/GAF budget neutrality adjustment factor, we used the model to simulate total payments under the prospective payment system.

Additional payments under the exceptions process are accounted for through a reduction in the Federal and hospital-specific rates. Therefore, we used the model to calculate the exceptions reduction factor. This exceptions reduction factor ensures that aggregate payments under the capital prospective payment system, including exceptions payments, are projected to equal the aggregate payments that would have been made under the capital prospective payment system without an exceptions process. Since changes in the level of the payment rates change the level of payments under the exceptions process, the exceptions reduction factor must be determined through iteration.

In the August 30, 1991 final rule (56 FR 43517), we indicated that we would publish each year the estimated payment factors generated by the model to determine payments for the next 5 years. The table below provides the actual factors for FYs 1992 through 1999, the proposed factors for FY 2000, and the estimated factors that would be applicable through FY 2004. We caution that these are estimates for FYs 2000 and later, and are subject to revisions resulting from continued methodological refinements, receipt of additional data, and changes in payment policy changes. We note that in making these projections, we have assumed that the cumulative national DRG/GAF budget neutrality adjustment factor will remain at 1.00153 (1.00398 for Puerto Rico) for FY 2000 and later because we do not have sufficient information to estimate the change that will occur in the factor for years after FY 2000.

The projections are as follows:

Fiscal year	Update factor	Exceptions reduction factor	Budget neutrality factor	DRG/GAF adjustment factor [1]	Outlier adjustment factor	Federal rate adjustment	Federal rate (after outlier) reduction
1992	N/A	0.9813	0.9602	.....	.9497	.....	415.59
1993	6.07	.9756	.9162	.9980	.9496	.....	417.29
1994	3.04	.9485	.8947	1.0053	.9454	[2] .9260	378.34
1995	3.44	.9734	.8432	.9998	.9414	.....	376.83
1996	1.20	.9849	N/A	.9994	.9536	[3] .9972	461.96
1997	0.70	.9358	N/A	.9987	.9481	.....	438.92
1998	0.90	.9659	N/A	.9989	.9382	[4] .8222	371.51
1999	0.10	.9783	N/A	1.0028	.9392	.....	378.10
2000	−0.60	.9752	N/A	.9986	.9397	.....	374.31
2001	0.50	.9645	N/A	[5] 1.0000	[5] .9397	.....	372.06
2002	0.50	[6] 1.0000	N/A	1.0000	.9397	.....	387.68
2003	0.50	[6] 1.0000	N/A	1.0000	.9397	[4] 1.0255	399.57
2004	0.60	[6] 1.0000	N/A	1.0000	.9397	.....	401.97

[1] Note: The incremental change over the previous year.
[2] Note: OBRA 1993 adjustment.
[3] Note: Adjustment for change in the transfer policy.
[4] Note: Balanced Budget Act of 1997 adjustment.
[5] Note: Future adjustments are, for purposes of this projection, assumed to remain at the same level.
[6] Note: We are unable to estimate exceptions payments for the year under the special exceptions provision (§ 412.348(g) of the regulations) because the regular exceptions provision (§ 412.348(e)) expires.

Appendix C: Report to Congress

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THE SECRETARY OF HEALTH AND HUMAN SERVICES
WASHINGTON, D.C. 20201

APR 1 1999

The Honorable J. Dennis Hastert
Speaker of the House of Representatives
Washington, D.C. 20515

Dear Mr. Speaker:

Section 1886(e)(3) of the Social Security Act (the Act) requires me to report to Congress the initial estimate of the applicable percentage increase in hospital inpatient payment rates for fiscal year (FY) 2000 that I will recommend for hospitals subject to the Medicare prospective payment system (PPS) and for hospitals and units excluded from PPS. This submission constitutes the required report.

Current law mandates an update for all PPS hospitals equal to the market basket rate of increase (2.7 percent) minus 1.8 percentage points. However, based on the continuing decline in hospital operating costs and the related record levels of hospital Medicare and total operating profit margins, we recommend an update for hospitals in both large urban and other areas of zero percent.

Sole community hospitals (SCHs) are the sole source of care in their area and are afforded special payment protection in order to maintain access to services for Medicare beneficiaries. Medicare-dependent small rural hospitals (MDHs) are a major source of care for Medicare beneficiaries in their area and are afforded special payment protection in order to maintain access to services for beneficiaries. As you know, SCHs and MDHs are PPS hospitals. However, SCHs are paid the higher of a hospital-specific rate or the Federal PPS rate and MDHs are paid the Federal PPS rate, or, if their hospital-specific rate exceeds the Federal PPS rate, the Federal rate plus 50 percent of the difference between the hospital-specific rate and the Federal rate. We also recommend an update of zero percent to the hospital-specific rate.

Hospitals and distinct part hospital units excluded from PPS are paid based on their reasonable costs subject to a limit under the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA). Current law mandates that the update for all hospitals and distinct part units excluded from PPS equals the rate of increase in the excluded hospital market basket less a percentage between 0 and 2.5 percentage points, depending on the hospital's costs in relation to its limit, or 0 if costs do not exceed two thirds of the limit. The President's FY 2000 budget incorporates an increase to the TEFRA limit using 2.7 percent for the excluded hospital market basket increase. Therefore, depending on the hospital's costs in relation to its limit, the update would be the market basket increase

Page 2 - The Honorable J. Dennis Hastert

minus a percentage between 0 and 2.5 percentage points, or 0. Thus, we recommend an increase in the TEFRA limits of between 0 and 2.7 percent.

My recommendation for the updates is based on cost projections used in the President's FY 2000 budget. A final recommendation on the appropriate percentage increases for FY 2000 will be made nearer the beginning of the new Federal fiscal year based on the most current market basket projection available at that time. The final recommendation will incorporate the Health Care Financing Administration's analysis of the latest estimates of all relevant factors, including recommendations by the Medicare Payment Advisory Commission.

Section 1886(d)(4)(C)(iv) of the Act also requires that I include in my report recommendations with respect to adjustments to the diagnosis-related group (DRG) weighting factors. At this time I do not anticipate recommending any adjustment to the DRG weighting factors for FY 2000.

I am pleased to provide this recommendation to you. I am also sending a copy of this letter to the President of the Senate.

Sincerely,

Donna E. Shalala

Donna E. Shalala

THE SECRETARY OF HEALTH AND HUMAN SERVICES
WASHINGTON, D.C. 20201

APR 1 1999

The Honorable Albert Gore, Jr.
President of the Senate
Washington, D.C. 20510

Dear Mr. President:

Section 1886(e)(3) of the Social Security Act (the Act) requires me to report to Congress the initial estimate of the applicable percentage increase in hospital inpatient payment rates for fiscal year (FY) 2000 that I will recommend for hospitals subject to the Medicare prospective payment system (PPS) and for hospitals and units excluded from PPS. This submission constitutes the required report.

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Hospitals and distinct part hospital units excluded from PPS are paid based on their reasonable costs subject to a limit under the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA). Current law mandates that the update for all hospitals and distinct part units excluded from PPS equals the rate of increase in the excluded hospital market basket less a percentage between 0 and 2.5 percentage points, depending on the hospital's costs in relation to its limit, or 0 if costs do not exceed two thirds of the limit. The President's FY 2000 budget incorporates an increase to the TEFRA limit using 2.7 percent for the excluded hospital market basket increase. Therefore, depending on the hospital's costs in relation to its limit, the update would be the market basket increase

Page 2 - The Honorable Albert Gore, Jr

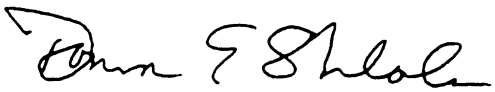
minus a percentage between 0 and 2.5 percentage points, or 0. Thus, we recommend an increase in the TEFRA limits of between 0 and 2.7 percent.

My recommendation for the updates is based on cost projections used in the President's FY 2000 budget. A final recommendation on the appropriate percentage increases for FY 2000 will be made nearer the beginning of the new Federal fiscal year based on the most current market basket projection available at that time. The final recommendation will incorporate the Health Care Financing Administration's analysis of the latest estimates of all relevant factors, including recommendations by the Medicare Payment Advisory Commission.

Section 1886(d)(4)(C)(iv) of the Act also requires that I include in my report recommendations with respect to adjustments to the diagnosis-related group (DRG) weighting factors. At this time I do not anticipate recommending any adjustment to the DRG weighting factors for FY 2000.

I am pleased to provide this recommendation to you. I am also sending a copy of this letter to the Speaker of the House of Representatives.

Sincerely,



Donna E. Shalala

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Appendix D: Recommendation of Update Factors for Operating Cost Rates of Payment for Inpatient Hospital Services

I. Background

Several provisions of the Act address the setting of update factors for inpatient services furnished in FY 2000 by hospitals subject to the prospective payment system and those excluded from the prospective payment system. Section 1886(b)(3)(B)(i)(XV) of the Act sets the FY 2000 percentage increase in the operating cost standardized amounts equal to the rate of increase in the hospital market basket minus 1.8 percent for prospective payment hospitals in all areas. Section 1886(b)(3)(B)(iv) of the Act sets the FY 2000 percentage increase in the hospital-specific rates applicable to sole community and Medicare-dependent, small rural hospitals equal to the rate set forth in section 1886(b)(3)(B)(i) of the Act, that is, the same update factor as all other hospitals subject to the prospective payment system, or the rate of increase in the market basket minus 1.8 percentage points. Under section 1886(b)(3)(B)(ii) of the Act, the FY 2000 percentage increase in the rate of increase limits for hospitals excluded from the prospective payment system ranges from the percentage increase in the excluded hospital market basket to 0 percent, depending on the hospital's costs in relation to its limit for the most recent cost reporting period for which information is available.

In accordance with section 1886(d)(3)(A) of the Act, we are proposing to update the standardized amounts, the hospital-specific rates, and the rate-of-increase limits for hospitals excluded from the prospective payment system as provided in section 1886(b)(3)(B) of the Act. Based on the first quarter 1999 forecast of the FY 2000 market basket increase of 2.7 percent for hospitals subject to the prospective payment system, the proposed updates to the standardized amounts are 0.9 percent (that is, the market basket rate of increase minus 1.8 percent percentage points) for hospitals in both large urban and other areas. The proposed update to the hospital-specific rate applicable to sole community and Medicare-dependent, small rural hospitals is also 0.9 percent. The proposed update for hospitals excluded from the prospective payment system would range from 0 percent to the percentage increase in the excluded hospital market basket (currently estimated at 2.6 percent).

Section 1886(e)(4) of the Act requires that the Secretary, taking into consideration the recommendations of the Medicare Payment Advisory Commission (MedPAC), recommend update factors for each fiscal year that take into account the amounts necessary for the efficient and effective delivery of medically appropriate and necessary care of high quality. Under section 1886(e)(5) of the Act, we are required to publish the update factors recommended under section 1886(e)(4) of the Act. Accordingly, this appendix provides the recommendations of appropriate update factors, the analysis underlying our recommendations, and our responses to the MedPAC recommendations concerning the update factors.

In its March 1, 1999 report, MedPAC stated that the legislated update of market basket increase minus 1.8 percentage points would provide a reasonable level of payment to hospitals. Although MedPAC suggests that a somewhat lower update could be justified in light of changes in the utilization and provision of hospital inpatient care, the Commission does not believe it is necessary to recommend a lower update for FY 2000. MedPAC did not make a separate recommendation for the hospital-specific rates applicable to sole community and Medicare-dependent, small rural hospitals. We discuss MedPAC's recommendations concerning the update factors and our responses to these recommendations below.

II. Secretary's Recommendations

Under section 1886(e)(4) of the Act, we are recommending that an appropriate update factor for the standardized amounts is 0.0 percentage points for hospitals located in large urban and other areas. We are also recommending an update of 0.0 percentage points to the hospital-specific rate for sole community hospitals and Medicare-dependent, small rural hospitals. These figures are consistent with the President's FY 2000 budget recommendations. We believe these recommended update factors would ensure that Medicare acts as a prudent purchaser and provide incentives to hospitals for increased efficiency, thereby contributing to the solvency of the Medicare Part A Trust Fund. When the President's budget was submitted, the market basket rate of increase was projected at 2.7 percent. This proposed recommendation is based on a more recent forecast of the market basket, although still 2.7 percent.

We recommend that hospitals excluded from the prospective payment system receive an update of between 0 and 2.6 percentage points. The update for excluded hospitals and units is equal to the increase in the excluded hospital operating market basket less a percentage between 0 and 2.5 percentage points, or 0 percentage points, depending on the hospital's or unit's costs in relation to its rate-of-increase limit. The market basket rate of increase is currently forecast at 2.6 percent. This recommendation is consistent with the President's FY 2000 budget, although we note that the market basket rate of increase was forecast at 2.7 percent when the budget was submitted.

As required by section 1886(e)(4) of the Act, we have taken into consideration the recommendations of MedPAC in setting these recommended update factors. Our responses to the MedPAC recommendations concerning the update factors are discussed below.

III. MedPAC Recommendations for Updating the Prospective Payment System Standardized Amounts

For FY 2000, MedPAC's update framework would support an update to the standardized amounts under the prospective payment system between the increase in the hospital market basket minus 2.5 percentage points and the increase in the hospital market basket plus 0.1 percentage points. MedPAC notes that hospital total revenue margins have continued to increase this decade and the percentage of hospitals with negative total revenue margins remains much lower than it was a decade ago. Thus, MedPAC believes the statutory update of market basket increase minus 1.8 percentage points for FY 2000 is reasonable and appropriate.

MedPAC's estimate of the market basket increase is 2.3 percent, based on the fourth quarter 1998 estimate. MedPAC's market basket estimate focuses on employee compensation changes in the hospital industry and the economy in general, while HCFA's market basket forecast gives less weight to the projected changes in the hospital industry's wages. When MedPAC published its recommendations, HCFA's market basket forecast was 2.5 percent. Thus, MedPAC's update framework reflects a 0.2 percent adjustment for this difference.

Response: Our update recommendation of 0.0 percent is within the range of updates MedPAC has suggested for the prospective payment system hospitals, albeit at the low end. Our recommendation is supported by the following analyses that measure changes in hospital productivity, scientific and technological advances, practice pattern changes, and changes in case mix:

a. *Productivity.* Service level productivity is defined as the ratio of total service output to full-time equivalent employees (FTEs). While we recognize that productivity is a function of many variables (for example, labor, nonlabor material, and capital inputs), we use a labor productivity measure since this update framework applies to operating payment. To recognize that we are apportioning the short run output changes to the labor input and not considering the nonlabor inputs, we weight our productivity measure for operating costs by the share of direct labor services in the market basket rate of increase to determine the expected effect on cost per case.

Our recommendation for the service productivity component is based on historical trends in productivity and total output for both the hospital industry and the general economy, and projected levels of future hospital service output. MedPAC's predecessor, the Prospective Payment Assessment Commission (ProPAC), estimated cumulative service productivity growth to be 4.9 percent from 1985 through 1989, or 1.2 percent annually. At the same time, ProPAC estimated total output growth at 3.4 percent annually, implying a ratio of service productivity growth to output growth of 0.35.

Since it is not possible at this time to develop a productivity measure specific to Medicare patients, we examined productivity (output per hour) and output (gross domestic product) for the economy. Depending on the exact time period, annual changes in productivity range from 0.3 to 0.35 percent of the change in output (that is, a 1.0 percent increase in output would be correlated with

a 0.3 to 0.35 percent change in output per hour).

Under our framework, the recommended update is based in part on expected productivity—that is, projected service output during the year, multiplied by the historical ratio of service productivity to total service output, multiplied by the share of labor in total operating inputs, as calculated in the hospital market basket rate of increase. This method estimates an expected labor productivity improvement in the same proportion to expected total service growth that has occurred in the past and assumes that, at a minimum, growth in FTEs changes proportionally to the growth in total service output. Thus, the recommendation allows for unit productivity to be smaller than the historical averages in years that output growth is relatively low and larger in years that output growth is higher than the historical averages. Based on the above estimates from both the hospital industry and the economy, we have chosen to employ the range of ratios of productivity change to output change of 0.30 to 0.35.

The expected change in total hospital service output is the product of projected growth in total admissions (adjusted for outpatient usage), projected real case-mix growth, expected quality enhancing intensity growth, and net of expected decline in intensity due to reduction of cost ineffective practice. Case-mix growth and intensity numbers for Medicare are used as proxies for those of the total hospital, since case-mix increases (used in the intensity measure as well) are unavailable for non-Medicare patients. Thus, expected output growth is simply the sum of the expected change in intensity (0.0 percent), projected admissions change (1.0 percent for FY 2000), and projected real case-mix growth (0.5 percent), or 1.5 percent. The share of direct labor services in the market basket rate of increase (consisting of wages, salaries, and employee benefits) is 61.4 percent.

Multiplying the expected change in total hospital service output (1.5 percent) by the ratio of historical service productivity change to total service growth of 0.30 to 0.35 and by the direct labor share percentage 61.4, provides our productivity standard of 0.3 percent, thus our recommendation includes a −0.3 percent update for improved productivity.

In past years, MedPAC's recommendation has taken into account product change. This year, while there is not a specific mention of product change in MedPAC's recommendation, similar factors do appear in their discussion of ''site of service substitution.'' HCFA takes this factor into account when measuring change in intensity, as discussed below. In addition, MedPAC's update framework contains a productivity adjustment of between −1.0 to 0.0 percent, which is slightly more optimistic than our estimate.

b. *Intensity*. We base our intensity standard on the combined effect of three separate factors: changes in the use of quality enhancing services, changes in the use of services due to shifts in within-DRG severity, and changes in the use of services due to reductions of cost-ineffective practices. For FY 2000, we recommend an adjustment of 0.0 percent. The basis of this recommendation is discussed below.

We have no empirical evidence that accurately gauges the level of quality-enhancing technology changes. A study published in the Winter 1992 issue of the *Health Care Financing Review*, ''Contributions of case mix and intensity change to hospital cost increases'' (pp. 151–163), suggests that one-third of the intensity change is attributable to high-cost technology. The balance was unexplained but the authors speculated that it is attributable to fixed costs in service delivery.

Typically, a specific new technology increases cost in some uses and decreases cost in other uses. Concurrently, health status is improved in some situations while in other situations it may be unaffected or even worsened using the same technology. It is difficult to separate out the relative significance of each of the cost increasing effects for individual technologies and new technologies.

All things being equal, per-discharge fixed costs tend to fluctuate in inverse proportion to changes in volume. Fixed costs exist whether patients are treated or not. If volume is declining, per-discharge fixed costs will rise, but the reverse is true if volume is increasing.

Following methods developed by HCFA's Office of the Actuary for deriving hospital output estimates from total hospital charges, we have developed Medicare-specific intensity measures based on a 5-year average using FYs 1994 through 1998 MedPAR billing data. Case-mix constant intensity is calculated as the change in total Medicare charges per discharge adjusted for changes in the average charge per unit of service as measured by the Medical CPI hospital component and changes in real case mix. Thus, in order to measure changes in intensity, one must measure changes in real case mix.

For FYs 1994 through 1998, observed case-mix index change ranged from a low of −.04 percent to a high of 1.7 percent, with a 5-year average change of 1.0 percent. Based on evidence from past studies of case-mix change, we estimate that real case-mix change fluctuates between 1.0 and 1.4 percent and the observed values generally fall in this range, although some years the figures fall outside this range. The average percentage change in charge per discharge was 2.9 percent and the average annual change in the medical CPI was 4.6 percent. Dividing the change in charge per discharge by the quantity of the real case-mix index change and the medical CPI, yields an average annual change in intensity of −2.9 percent. Assuming the technology/fixed cost ratio still holds, technology would account for a −1.0 percent annual decline while fixed costs would account for a −1.9 percent annual decline. The decline in fixed costs per discharge makes intuitive sense as volume, measured by total discharges, has increased during the period. Since we estimate that intensity has declined during that period, we are recommending a 0.0 percent intensity adjustment for FY 2000.

MedPAC does not make an intensity recommendation per se, but its recommendation for the FY 2000 update includes two categories that we consider to be comparable with our intensity recommendation. MedPAC is recommending a 0.5 to 1.0 update for scientific and technological advances to account for increased costs of systems conversions necessary for computer compliance on January 1, 2000. MedPAC's recommendation also takes into account the increasingly apparent trend of some acute care providers to shift care to a postacute care facility. While this can occur for many reasons, there is good reason to suspect prospective payment system payment limits. Accordingly, MedPAC recommends an adjustment of −1.8 to −0.9 for site-of-care substitution.

As we mentioned in last year's final rule, higher input prices that hospitals incur to convert computer systems to be complaint on January 1, 2000, will be accounted for through the market basket. We agree with MedPAC that the site of care substitution effect is real and believe that it is factored into our intensity recommendation.

c. *Change in Case-Mix*. Our analysis takes into account projected changes in case-mix, adjusted for changes attributable to improved coding practices. For our FY 2000 update recommendation, we are projecting a 0.5 percent increase in the case-mix index. Unlike in past years, where we differentiated between ''real'' case-mix increase and increases attributable to changes in coding behavior, we do not feel changes in coding behavior will impact the overall case-mix in FY 2000. As such, we project the entire change will be ''real.''

MedPAC also does not expect any case-mix change due to coding changes. MedPAC's estimate of overall case-mix change ranges from 0.0 to 0.2 percentage points for FY 2000.

d. *Effect of FY 1998 DRG Reclassification and Recalibration*. We estimate that DRG reclassification and recalibration for FY 1998 resulted in a 0.7 percent decrease in the case-mix index when compared with the case-mix index that would have resulted if we had not made the reclassification and recalibration changes to the GROUPER. MedPAC does not make an adjustment for DRG reclassification and recalibration in its update recommendation.

We make a forecast error correction if the actual market basket change for a previous fiscal year differs from the forecasted market basket by 0.25 percentage points or more. Our update framework for FY 2000 does not reflect a forecast error correction because, for FY 1998, there was less than a 0.25 percentage point difference between the actual market basket and the forecasted market basket.

TABLE 1.—COMPARISON OF FY 2000 UPDATE RECOMMENDATIONS

	HHS	MedPAC
Market Basket	MB	MB
Difference between HCFA & MedPAC Market Baskets		–0.4
Subtotal	MB	MB
Policy Adjustments Factors:		
Productivity	–0.3	–1.0 to 0.0
Site of Service Substitution	(3)	–1.8 to –0.9
Intensity	0.0.	
Science & Technology		0.5 to 1.0
Practice Patterns		(1)
Real Within DRG Change		(2)
Subtotal	–0.3	–2.3 to 0.1
Case-Mix Adjustment Factors:		
Projected Case-Mix Change	–0.5.	
Real Across DRG Change	0.5	0.0
Real Within DRG Change	(3)	0.0 to 0.2
Subtotal	0.0	0.0 to 0.2
Effect of 1998 Reclassification & Recalibration	–0.7.	
Forecast Error Correction	0.0	0.0
Total Recommended Update	MB –1.0	MB –2.7 to MB 0.1

[1] Included in MedPAC's Productivity Measure.
[2] Included in MedPAC's Case-Mix Adjustment.
[3] Included in HHS' Intensity Factor.

While the above analysis would support a recommendation that the update be no less than the market basket minus 1.0 percentage points, we are recommending an update of 0.0 percentage points. We note that had our framework included the negative intensity adjustment, the framework would have suggested an update in the range of market basket increase minus 3.9 percentage points and market basket increase minus 2.0 percentage points. However, consistent with past update recommendations, we did not make a negative adjustment for intensity this year. A negative intensity adjustment would capture the site of care substitution adjustment in MedPAC's recommendation. In conjunction with our Office of Actuary, we do intend to reexamine our update framework and the appropriateness of a negative intensity adjustment.

For FY 2000, we believe that a 0.0 update factor appropriately reflects current trends in health care delivery, including the recent decreases in the use of hospital inpatient services and the corresponding increase in the use of hospital outpatient and postacute care services. Our recommendation is within the range of MedPAC's recommendation. We also recommend that the hospital-specific rates applicable to sole community hospitals be increased by the same update, 0.0 percentage points.

IV. MedPAC Recommendation for Updating the Rate-of-Increase Limits for Excluded Hospitals and Hospital Units (Recommendation 4A)

For hospitals and units excluded from the prospective payment system, MedPAC's recommendation is that the Secretary ''should increase the market basket amount in the target amount update formula by 0.4 percentage points for fiscal year 2000.'' For cost reporting periods beginning in FY 2000, the statute provides that the update to the target amounts for excluded hospitals or units is equal to the increase in the excluded hospital operating market basket less a percentage between 0 and 2.5 percentage points, or 0 percent, depending on the hospital's or unit's costs in relation to its target amount for the most recent cost reporting period for which information is available. MedPAC believes that the update formula for excluded hospitals should be adjusted upward by 0.4 percentage points, to reflect (1) a −0.1 percent adjustment for differences between HCFA's and MedPAC's market baskets and (2) a 0.5 percent adjustment for scientific and technological advances.

Response: We believe that the statutory update is adequate and that an upward adjustment to the statutory formula is unnecessary. Thus, we recommend that hospitals excluded from the prospective payment system receive an update between 0 percent and the increase in the market basket for excluded hospitals. Overall declines in inpatient operating costs and high levels of Medicare profit margins support our recommendation. We believe this update would ensure that Medicare acts as a prudent purchaser and would provide incentives to hospitals for increased efficiency, thereby contributing to the solvency of the Medicare Part A Trust Fund.

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Friday
May 7, 1999

Part III

Department of Justice

Office of Juvenile Justice and Delinquency Prevention

Internet Crimes Against Children Task Force Program; Notice

DEPARTMENT OF JUSTICE

Office of Juvenile Justice and Delinquency Prevention

[OJP (OJJDP)–1222]

RIN 1121–ZB55

Internet Crimes Against Children Task Force Program

AGENCY: Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, Justice.

ACTION: Announcement of Discretionary Competitive Assistance Grant.

SUMMARY: Notice is hereby given that the Office of Juvenile Justice and Delinquency Prevention (OJJDP), pursuant to Public Law 105–277, October 19, 1998, Making Appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies for the Fiscal Year Ending September 30, 1999, is requesting applications from State and local law enforcement agencies interested in participating in the Internet Crimes Against Children Task Force (ICAC Task Force) Program. The ICAC Task Force Program encourages communities to develop regional multidisciplinary, multijurisdictional task forces to prevent, interdict, and investigate sexual exploitation offenses against children by offenders using online technology.

DATES: Applications must be received by June 21, 1999.

ADDRESSES: Interested applicants must obtain an application kit from the Juvenile Justice Clearinghouse at 800–638–8736. The application kit is also available at OJJDP's Web site at www.ojjdp.ncjrs.org.

FOR FURTHER INFORMATION CONTACT: Michael Medaris, ICAC Task Force Program Manager, Office of Juvenile Justice and Delinquency Prevention, 202–616–8937. [This is not a toll-free number.]

SUPPLEMENTAL INFORMATION:

Purpose

The purpose of this program is to assist State and local law enforcement agencies to enhance their investigative response to sexual exploitation of children by offenders using the Internet, online communication systems, or other computer technology. For purposes of this program announcement, ''Internet crimes against children (ICAC)'' refers to sexual exploitation of children that is facilitated by computers and includes crimes of child pornography and online solicitation for sexual purposes.

Background

In his 1984 novel, *Neuromancer*, William Gibson created a world he named ''Cyberspace.'' Gibson theorized that online human interaction with computers would create a virtual universe where electronic actions could entail physical repercussions. Fifteen years later, cyberspace is a reality. Started by the Internet, accelerated by the World Wide Web, and fueled by the data demands of the Information Age, today's cyberspace covers the entire world through instantaneous information exchange.

Industry experts estimate that more than 10 million children currently go online and, by the year 2002, 45 million children will use cyberspace to talk with friends, explore the universe, or complete homework assignments. In cyberspace, children are a mouse click away from exploring our greatest museums, libraries, and universities. Unfortunately, they are also a mouse click away from sexual exploitation and victimization.

While providing almost limitless opportunities to learn, the Internet has also become the new schoolyard for predators seeking children to victimize. Yesterday's enticements of puppy dogs and candy bars are augmented in today's chat rooms with anonymity and pornography. Cloaked in the anonymity of cyberspace, sex offenders can capitalize on the natural curiosity of children, seeking victims with little risk of detection. Preferential sex offenders [1] no longer need to lurk in parks and malls. Instead, they can roam from chat room to chat room trolling for children susceptible to victimization. This alarming trend has grave implications for parents, teachers, and law enforcement officers because it circumvents conventional safeguards in place for the physical world and provides sex offenders virtually unlimited opportunities for unsupervised contact with children.

In 1982, New York v. Ferber (458 U.S. 747), the Supreme Court stated: ''The distribution of photographs and films depicting sexual activity by juveniles is intrinsically related to the sexual abuse of children * * * the materials produced are a permanent record of the children's participation and the harm to the child is exacerbated by their circulation.'' There are much more insidious implications to child pornography than the mere depiction of a child's molestation. It not only depicts the sexual assault of a child, but is also used by child molesters to recruit, seduce, and control future victims. While not all molesters collect pornography and not all child pornography collectors molest children, there is a significant consensus among law enforcement officers about the role pornography plays in recruiting and controlling additional victims. Child pornography is used to break down inhibitions, validate sex between children and adults as normal, and control the victim throughout the molestation. When the offender loses interest, it is often used as blackmail to ensure the child's silence and in these most egregious cases, child pornography allows the molester to go unpunished—and what is most important and indeed tragic—the victim untreated. It is clear to OJJDP that this inexorable confluence of the increasing online presence of children, the proliferation of child pornography, and predators ceaselessly searching for unsupervised contact with underage victims presents a significant threat to the health and safety of children and a formidable challenge for law enforcement today and into the foreseeable future.

Many factors complicate law enforcement's response to these challenges. Because the Internet transcends State and local boundaries, very few investigations begin and end within the same jurisdiction. Most investigations involve multiple jurisdictions, which then require close coordination and cooperation between Federal, State, and local law enforcement agencies.

Evidence collection in cases of Internet crimes against children invariably requires specialized knowledge. Many preferential sex offenders tend to be avid recordkeepers, and their computers, magnetic media, and related equipment can be rich sources of evidence. However, routine forensic examination procedures are insufficient for seizing, preserving, and analyzing this information. In addition, specific legal issues regarding property and privacy rights may be triggered with the seizure of computers and related technology.

When appropriate, medical and psychological evaluation of child victims should also be a part of the law enforcement response. While ensuring that injuries or diseases related to the exploitation are treated, forensic medical examinations can also provide crucial corroborative evidence.

Routine interviewing practices are inadequate for collecting evidence from child victims of Internet crimes. Some children deny they are victims because of embarrassment or fear of ridicule

[1] For the purposes of this program, ''preferential sex offenders'' are defined as individuals whose primary sexual focus is children.

from their peers or discipline from their parents. Others bond with the offender, remain susceptible to further manipulation, and resent what they perceive as interference from law enforcement. Investigators who lack understanding of the dynamics of juvenile sexual exploitation risk losing information critical for conviction of the perpetrator or identification of additional victims.

The factors cited above almost routinely complicate the investigative process, and while no two cases will raise identical issues of jurisdiction, evidence collection, and victim services, it is logical to presume that investigations characterized by a multijurisdictional, multidisciplinary approach are more likely to result in successful prosecutions.

A variety of Federal activities are assisting and can further assist law enforcement in responding to these offenses. The Innocent Images program, located in the Federal Bureau of Investigation's (FBI's) Baltimore Field Division, works specifically on computer-facilitated child sexual exploitation cases and has developed substantial technical and investigative expertise. Each FBI Field Division has two designated Crimes Against Children coordinators who work with State and local law enforcement agencies to investigate and prosecute child abduction and exploitation cases that transcend jurisdictional boundaries.

The U.S. Customs Service (USCS) and the U.S. Postal Inspection Service (USPIS) have successfully investigated hundreds of child pornography cases and have developed specialized expertise in undercover operations targeting preferential sex offenders and child pornography.

With OJJDP and private sector funding, the National Center for Missing and Exploited Children (NCMEC) serves as the national resource center and clearinghouse for missing and exploited children issues. NCMEC's Exploited Child Unit coordinates a comprehensive training and technical assistance program that includes prevention and awareness activities, and the CyberTipline (www.missingkids.com). The Tipline collects online reports from citizens regarding computer-facilitated sexual exploitation of children and rapidly forwards the information to law enforcement agencies with investigative jurisdiction. Brought online in March 1998, the CyberTipline has provided information that has enabled law enforcement officers to arrest individuals seeking sex with underage victims and safely recover and return children enticed from home by sex offenders.

NCMEC's law enforcement training and technical assistance program was developed in partnership with the FBI, OJJDP, USCS, USPIS, and the Child Exploitation and Obscenity Section (CEOS) of the Criminal Division, U.S. Department of Justice. NCMEC has also developed a broad-based education and awareness campaign that features the Kids and Company curriculum, Know the Rules teen awareness program, and two pamphlets, *Child Safety on the Information Highway* and *Teen Safety on the Information Highway*, that provide information about safe Internet practices for children and youth. These programs and materials are offered free of charge, and OJJDP encourages communities working on child victimization issues to use them. Additional information regarding NCMEC's broad array of services for children, parents, educators, and law enforcement officers can be obtained by calling 800–843–5678 or by accessing NCMEC's Web site at www.missingkids.com.

In fiscal year (FY) 1998, OJJDP awarded funds to 10 State or local law enforcement agencies to develop regional multijurisdictional and multiagency task forces to prevent, interdict, and investigate ICAC offenses. Under the Internet Crimes Against Children Task Force (ICAC Task Force) Program, the following jurisdictions received FY 1998 funding: Bedford County, Virginia, Sheriff's Department; Broward County, Florida, Sheriff's Department; Colorado Springs, Colorado, Police Department; Dallas, Texas, Police Department; Illinois State Police; New York State Division of Criminal Justices Services; Portsmouth, New Hampshire, Police Department; Sacramento County, California, Sheriff's Office; South Carolina Office of the Attorney General; and Wisconsin Department of Justice. These agencies have become regional clusters of ICAC technical and investigative expertise and offer prevention and investigative services to children, parents, educators, law enforcement officers, and other individuals working on child sexual exploitation issues.

In the 21st century, law enforcement will be increasingly challenged by sex offenders using computer technology to victimize children. To help meet this challenge, at the direction of Congress, OJJDP is continuing a competitive grant program, the ICAC Task Force Program, which will award cooperative agreements to State and local law enforcement agencies seeking to improve their investigative response to the computer-facilitated sexual exploitation of children.

Program Strategy

The OJJDP ICAC Task Force Program seeks to enhance the national response by developing a State and local law enforcement network composed of regional task forces. The program encourages communities to develop multijurisdictional and multiagency responses and provides funding to enable State and local law enforcement agencies to acquire the knowledge, personnel resources, and specialized equipment to prevent, interdict, or investigate ICAC offenses. Although the ICAC Task Force Program emphasizes law enforcement investigations, OJJDP encourages jurisdictions to include intervention, prevention, and victim services activities as part of their comprehensive approach.

A total of $2.4 million is available to fund new ICAC Task Force Program grants in FY 1999. OJJDP intends to award 8 to 10 new cooperative agreement awards of up to $300,000 each to State or local law enforcement agencies or combinations of State or local law enforcement agencies. Successful applicants will be expected to serve as regional clusters of ICAC technical and investigative expertise, collaborate with existing OJJDP ICAC Task Forces, and become part of a national law enforcement network designed to protect children on the information highway.

Cooperative agreements will be competitively awarded as follows:

- At least two cooperative agreements will be reserved for rural States or rural jurisdictions.[2]
- No more than two cooperative agreements will be awarded to jurisdictions proposing to expand existing ICAC law enforcement programs.

[2] For the purposes of the ICAC Program, a ''rural State'' means a State that has a population density of 52 or fewer persons per square mile or a State in which the largest county has fewer than 150,000 population based on the decennial census of 1990 through FY 1997. ''A rural area or jurisdiction'' means one that lies outside a Metropolitan Area (MA) as determined by the Office of Management and Budget as of June 30, 1996, and that has a total population of no more than 100,000, based on the most recent census data. Tribal governments and small towns and cites may be included in this definition, provided they meet the above criteria. In small jurisdictions where the larger surrounding jurisdiction is responsible for providing any of the necessary human services (probation, law enforcement, social services, etc.), a joint application is recommended. To determine if a jurisdiction is within an MA and therefore not considered a rural jurisdiction under the ICAC Task Force Program, visit the Census Web site at www.census.gov/population/www/metroarea.html.

• Applicants from States where there are existing OJJDP ICAC Task Forces, *i.e.*, California, Colorado, Florida, Illinois, New Hampshire, New York, South Carolina, Texas, Virginia, and Wisconsin, must clearly indicate protocols or procedures to coordinate their investigations and other activities with existing Task Forces within their States.

Successful applicants will develop or enhance an investigative ICAC response that includes prevention, education, and victim services activities and investigators working in a multiagency, interdisciplinary task force environment.

Eligibility Requirements

Applicants must be State and/or local law enforcement agencies. Joint applications from two or more eligible applicants are welcome; however, one applicant must be clearly indicated as the primary applicant (for correspondence, award, and management purposes) and the other(s) indicated as coapplicant(s).

Applications should include evidence of multidisciplinary, multijurisdictional partnerships among public agencies, private organizations, community-based groups, and prosecutors' offices. Applications should also include prevention activities.

Goal

To enhance State and local law enforcement ICAC investigative response.

Objectives

Projects must accomplish the following objectives:

• Develop or expand multiagency, multijurisdictional task forces that include, but are not limited to, representatives from law enforcement, prosecution, victim services, and child protective services agencies. Relevant nongovernment organizations may also be included, and OJJDP encourages applicants to invite task force participation by Federal law enforcement.

• Institute policies and procedures that comply with the OJJDP ICAC Task Force Program Operational and Investigative Standards (see ''OJJDP Program Management'' below). Requests from eligible law enforcement agencies for copies of this document must be faxed on official letterhead to the Juvenile Justice Clearinghouse at 301–519–5600 (Attention: Corey Mackison).

• Ensure investigative capacity by properly equipping and training ICAC Task Force investigators. Task Force investigators should be computer literate, knowledgeable regarding child exploitation issues, and familiar with Federal and State statutes and caselaw pertaining to ICAC investigations.

• Develop and maintain case management systems to document reported offenses and investigative results and to make or receive outside agency referrals of ICAC cases.

• Develop response protocols or memorandums of understandings that foster collaboration, information sharing, and service integration among public and private organizations to provide services to sexually exploited children.

OJJDP Program Management

On the information highway, conventional law enforcement boundaries are virtually meaningless and the governing factors of time, place, and distance lose their sway. Offenders eagerly adapted the jurisdictional murkiness and metaphysical aspects of the Internet to further their criminal activities. These factors, which are conducive to criminal activity, present unique coordination and communication challenges for State and local law enforcement.

Few ICAC cases start and end within same the jurisdiction, and investigations usually cross town, State, or even international borders. Accordingly, nearly all ICAC investigations involve multiple jurisdictions and require interagency coordination and communication. Absent meaningful case coordination, it is likely that law enforcement will simultaneously investigate identical suspects and organizations or target undercover operatives of other law enforcement agencies. Lack of communication and coordination can also contribute to law enforcement officers inadvertently disrupting clandestine investigations of other agencies.

The obvious need for interagency cooperation and coordination also galvanizes interest in establishing standards for ICAC undercover investigations. Representatives from Federal, State, and local law enforcement agencies have repeatedly expressed concern about initiating investigations that are based on referrals from outside agencies that may be predicated on information acquired through inappropriate officer conduct or investigative techniques.

The clandestine nature of undercover operations along with the Internet's metaphysical aspect significantly exacerbates these concerns. Undercover operations, when executed and documented properly, collect virtually unassailable evidence regarding a suspect's predilection to sexually exploit children. These operations allow law enforcement to go on the offensive and—what is most important—children do not have to be victimized to bring a case. While there is substantial consensus that carefully managed undercover operations by well-trained officers are very effective, they also generate significant concerns regarding legal, coordination, communication, and resource management issues.

To address these concerns, OJJDP's overall ICAC Task Force program management involves:

• Ensuring that ICAC Task Force personnel are adequately trained and equipped.

• Establishing and/or maintaining ICAC Task Force investigative standards to facilitate interagency case referrals.

• Advocating coordination and collaboration among Federal, State, and local law enforcement agencies investigating ICAC offenses.

• Fostering meaningful information sharing to avoid redundant investigations or activities that could disrupt ongoing investigations of other agencies.

• Maintaining a national oversight board composed of local prosecutors and law enforcement executives to review undercover operations proposals and to formulate policy for the operation of the ICAC Task Force Program.

OJJDP has established ICAC Task Force operational and investigative standards through a collaborative process with the 10 original ICAC Task Force agencies and the FBI, NCMEC, USCS, USPIS, CEOS, and the Executive Office for United States Attorneys. The standards were designed by the Task Force agencies to foster information sharing, coordinate investigations, ensure the probative quality of undercover operations, and facilitate interagency case referrals through standardization of investigative practices.

OJJDP has also established an ICAC Task Force Review Board (Board) to assist in the administration of the ICAC Task Force Program. As a condition of award, each grantee designates a policy-level law enforcement official or prosecutor to be a Board member. Although the Board's primary responsibility is to review proposed undercover operations for compliance with the standards, a major focus of the Board is to encourage case coordination and facilitate information sharing on trends, innovative investigative techniques, and prosecution strategies. Technical advice is provided to the

Board by CEOS, the FBI, and other Federal law enforcement agencies.

In addition, each ICAC Task Force member sends at least one investigator and one policy-level official to the ICAC Task Force orientation seminar. The next seminar, scheduled for September 26–30, 1999, at NCMEC's Jimmy Ryce Law Enforcement Training Center, was developed by OJJDP and NCMEC in consultation with Federal law enforcement agencies. The seminar will provide information regarding legal issues, specific investigative techniques, undercover operation documentation requirements, behavioral characteristics of preferential sex offenders, and other topics relevant to child exploitation cases.

Expenses associated with attendance at the orientation seminar will be reimbursed by OJJDP and NCMEC. Expenses associated with Board responsibilities will be covered by grant funds.

Selection Criteria

The OJJDP Administrator is committed to the concept of a national network of State and local law enforcement to respond to online enticement and child pornography offenses. Under this concept, the ICAC Task Forces will be positioned throughout the country to serve as regional sources of technical, educational, and investigative expertise to provide assistance to parents, teachers, law enforcement, and other professionals working on child sexual exploitation issues. Therefore, in selecting applicants, consideration will be given to achieving an equitable geographic distribution.

OJJDP will convene a peer review panel to evaluate and rank applications and to make funding recommendations to the OJJDP Administrator. Although peer review recommendations are given weight, they are advisory only and final award decisions will be made by the OJJDP Administrator. OJJDP will negotiate specific terms of the award with applicants being considered for the award. Applicants will be evaluated and rated according to the criteria outlined below.

Problem(s) To Be Addressed (10 points)

The applicant should clearly identify the need for this project and demonstrate an understanding of the program concept. While OJJDP recognizes that Internet crimes against children are an emerging problem, applicants should include data that illustrate the size and scope of the problem in the State and local jurisdiction, where available. If statistics or other research findings are used to support a statement or position, applicants must include the relevant source information.

Goals and Objectives (10 points)

Applicants must establish clearly defined, measurable, and attainable goals and objectives for this program.

Project Design (35 points)

The applicant must present a clear workplan that contains program elements directly linked to the achievement of the project objectives. The workplan must indicate significant project milestones, product due dates, and the nature of the products to be delivered. The applicant must explain in clear terms how the State or local task force will be developed and implemented. In those States currently participating in the OJJDP ICAC Task Force Program, an explanation of how activities will be coordinated with the existing OJJDP ICAC Task Force must be included. In addition, letters of support from State and local prosecution offices and the cognizant United States Attorney should be provided.

Management and Organizational Capability (30 points)

Applicant's management structure and staffing must be adequate and appropriate for the successful implementation of the project. Applicants must present a workplan that identifies responsible individuals, their time commitment, major tasks, and milestones. Applicants must describe how Internet crimes against children activities will be continued following Federal funding support. In addition, direct letters of support from State and local prosecution offices and the local district United States Attorney should be provided.

Budget (15 points)

Applicants must provide a proposed budget that is complete, detailed, reasonable, allowable, and cost effective in relation to the activities to be undertaken. Budgets must allow for required travel, including four trips for one individual to the quarterly ICAC Task Force Board meetings.

Format

The narrative must not exceed 35 pages in length (excluding forms, assurances, and appendixes) and must be submitted on 8½- by 11-inch paper, double-spaced on one side of the paper in a standard 12-point font. These requirements are necessary to maintain fair and uniform standards among all applicants. If the narrative does not conform to these standards, OJJDP will deem the application ineligible for consideration.

Award Period

The project will be for up to an 18-month budget and project period. Funding of the project beyond the initial project period will be contingent upon performance of the grantee, and availability of funds.

Award Amount

The total amount available for this program is $2.4 million. OJJDP intends to award 8 to 10 cooperative agreements of up to $300,000 each for the 18-month project period.

Catalog of Federal Domestic Assistance (CFDA) Number

For this program, the CFDA number, which is required on Standard Form 424, Application for Federal Assistance, is 16.543. This form is included in OJJDP's Application Kit, which can be obtained by calling the Juvenile Justice Clearinghouse at 800–638–8736 or sending an e-mail request to askncjrs@ncjrs.org. The kit is also available online at www.ojjdp.ncjrs.org.

Coordination of Federal Efforts

To encourage better coordination among Federal agencies in addressing State and local needs, the U.S. Department of Justice is requesting applicants to provide information on the following: (1) active Federal grant award(s) supporting this or related efforts, including awards from the U.S. Department of Justice; (2) any pending application(s) for Federal funds for this or related efforts; and (3) plans for coordinating any funds described in items (1) or (2) with the funding sought by this application. For each Federal award, applicants must include the program or project title, the Federal grantor agency, the amount of the award, and a brief description of its purpose.

''Related efforts'' is defined for these purposes as one of the following:

- Efforts for the same purpose (*i.e.*, the proposed award would supplement, expand, complement, or continue activities funded with other Federal grants).
- Another phase or component of the same program or project (*e.g.*, to implement a planning effort funded by other Federal funds or to provide a substance abuse treatment or education component within a criminal justice project).
- Services of some kind (*e.g.*, technical assistance, research, or

evaluation) to the program or project described in the application.

Delivery Instructions

All application packages should be mailed or delivered to the Office of Juvenile Justice and Delinquency Prevention, c/o Juvenile Justice Resource Center, 2277 Research Boulevard, Mail Stop 2K, Rockville, MD 20850; 301–519–5535. Note: In the lower left-hand corner of the envelope, the applicant must clearly write ''Internet Crimes Against Children Task Force Program.''

Due Date

Applicants are responsible for ensuring that the original and five copies of the application package are received by 5 p.m. EDT on June 21, 1999.

Contact

For further information, call Michael Medaris, ICAC Task Force Program Manager, Missing and Exploited Children's Program, 202–616–3637, or send an e-mail inquiry to medarism@ojp.usdoj.gov.

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Dated: May 3, 1999.

Shay Bilchik,

Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 99–11433 Filed 5–6–99; 8:45 am]

BILLING CODE 4410–18–P

federal register

Friday
May 7, 1999

Part IV

Department of Education

34 CFR Part 300

Assistance to States for the Education of Children With Disabilities; Final Rule

DEPARTMENT OF EDUCATION

34 CFR Part 300

RIN 1820–AB40

Assistance to States for the Education of Children With Disabilities

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Final regulations; preamble amendment.

SUMMARY: The Department of Education published in the **Federal Register** on March 12, 1999 (64 FR 12406), the final regulations for Assistance to States for the Education of Children with Disabilities and Early Intervention Program for Infants and Toddlers with Disabilities. The preamble to the final regulations did not include information concerning the biennial performance report. This document supplements the preamble of that document by adding the necessary information:

FOR FURTHER INFORMATION CONTACT: Joleta Reynolds, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3090, Mary E. Switzer Building, Washington, DC 20202. Individuals who use a telecommunications device for the deaf (TDD) may call (202) 205–5465 or the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern time, Monday through Friday, except Federal holidays.

Individuals with disabilities may obtain this document in an alternate format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

SUPPLEMENTARY INFORMATION: The following information addresses the biennial performance report:

Paperwork Reduction Act of 1995

Sections 300.137–300.139 and 300.146 contain information collection requirements. As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), the Department of Education has submitted a copy of these sections to the Office of Management and Budget (OMB) for its review.

Collection of Information: Biennial Performance Report for Part B of the Individuals with Disabilities Education Act, §§ 300.137–300.139 and 300.146.

Each State educational agency is required to establish goals for the performance of children with disabilities in that State, and establish performance indicators the State will use to assess progress toward achieving those goals. The statute mandates that States report every two years to the Secretary the progress of the State, and of children with disabilities in the State, toward meeting the State's goals.

State educational agencies are required by statute to make reports available to the public regarding the number of children with disabilities who participate in regular assessments, and the number participating in alternate assessments. In the biennial performance report, State educational agencies are asked to provide the U.S. Department of Education with a copy of these reports.

In addition, the statute requires States to examine data to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children. Since this information is relevant to drop-out rates for children with disabilities and graduation rates for children with disabilities, this information is included in the biennial performance report.

The statute also requires States to submit data to the Secretary to determine if a significant disproportionality based on race is occurring in the State with respect to the identification of children with disabilities. To reduce the reporting burden for States, this separate reporting requirement is combined with the biennial performance report.

The annual reporting and recordkeeping burden for this collection of information is estimated to average 20 hours biennially for each response for 58 respondents, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection information. Thus, the total annual reporting and recordkeeping burden for this collection is estimated to be 580 hours.

Organizations and individuals desiring to submit comments on the information collection requirements should direct them to the Office of Information and Regulatory Affairs, OMB, room 10235, New Executive Office Building, Washington, DC 20503; Attention: Desk Officer for U.S. Department of Education.

The Department considers comments by the public on these proposed collections of information in—

- Evaluating whether the proposed collections of information are necessary for the proper performance of the functions of the Department, including whether the information will have practical utility;
- Evaluating the accuracy of the Department's estimate of the burden of the proposed collections of information, including the validity of the methodology and assumptions used;
- Enhancing the quality, usefulness, and clarity of the information to be collected; and
- Minimizing 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.

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

Electronic Access to This Document

You may review this document, as well as all other Department of Education documents published in the **Federal Register,** in text or Adobe Portable Document Format (PDF) on the World Wide Web at either of the following sites:

http://gcs.ed.gov/fedreg.htm

http://www.ed.gov/news.html

To use the PDF you must have the Adobe Acrobat Reader Program with Search, which is available free at either of the previous sites. If you have questions about using the PDF, call the U.S. Government Printing Office (GPO) at (202) 512–1530 or, toll free at 1–888–293–6498.

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.access.gpo.gov/nara/index.html

List of Subjects in 34 CFR Part 300

Administrative practice and procedure, Education of individuals with disabilities, Elementary and secondary education, Equal educational opportunity, Grant programs—education, Privacy, Private Schools, Reporting and recordkeeping requirements.

(Catalog of Federal Domestic Assistance Number: 84.027 Assistance to States for the Education of Children with Disabilities)

Dated: April 30, 1999.

Judith E. Heumann,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 99–11321 Filed 5–6–99; 8:45 am]

BILLING CODE 4000–01–P

federal register

Friday
May 7, 1999

Part V

Department of Housing and Urban Development

24 CFR Part 888

Fair Market Rents for the Section 8 Housing Assistance Payments Program—Fiscal Year 2000; Proposed Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 888

[Docket No. FR–4496–N–01]

Fair Market Rents for the Section 8 Housing Assistance Payments Program—Fiscal Year 2000

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of Proposed Fiscal Year (FY) 2000 Fair Market Rents (FMRs).

SUMMARY: Section 8(c)(1) of the United States Housing Act of 1937 requires the Secretary to publish FMRs annually to be effective on October 1 of each year. FMRs are used for the Section 8 Existing certificate and voucher program and the new merged tenant-based certificate and voucher program; the Moderate Rehabilitation Single Room Occupancy program; the project-based voucher program; and any other programs whose regulations specify their use. Today's notice proposes revised FMRs that reflect estimated 40th percentile rent levels trended to April 1, 2000.

DATES: Comments Due Date: July 6, 1999.

ADDRESSES: Interested persons are invited to submit comments regarding HUD's estimates of the FMRs as published in this Notice to the Office of the General Counsel, Rules Docket Clerk, Room 10276, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410. Communications should refer to the above docket number and title and should contain the information specified in the ''Request for Comments'' section. To ensure that the information is fully considered by all of the reviewers, each commenter is requested to submit two copies of its comments, one to the Rules Docket Clerk and the other to the Economic and Market Analysis Staff in the appropriate HUD Field Office. A copy of each communication submitted will be available for public inspection and copying during regular business hours (7:30 a.m.–5:30 p.m. Eastern Time) at the above address.

FOR FURTHER INFORMATION CONTACT: Gerald Benoit, Operations Division, Office of Rental Assistance, telephone (202) 708–0477. For technical information on the development of schedules for specific areas or the method used for the rent calculations, contact Alan Fox, Economic and Market Analysis Division, Office of Economic Affairs, telephone (202) 708–0590, Extension 5863 (e-mail: alan__fox@hud.gov). Hearing- or speech-impaired persons may use the Telecommunications Devices for the Deaf (TTY) by contacting the Federal Information Relay Service at 1–800–877–8339. (Other than the ''800'' TTY number, telephone numbers are not toll free.)

SUPPLEMENTARY INFORMATION: Section 8 of the United States Housing Act of 1937 (the Act) (42 U.S.C. 1437f) authorizes housing assistance to aid lower income families in obtaining decent, safe, and sanitary housing. Housing assistance payments are limited by FMRs established by HUD for different areas. In general, the FMR for an area is the amount that would be needed to pay the gross rent (shelter rent plus utilities) of privately owned, decent, safe, and sanitary rental housing of a modest (non-luxury) nature with suitable amenities.

Publication of FMRs

Section 8(c) of the Act requires the Secretary of HUD to publish FMRs periodically, but not less frequently than annually. The Department's regulations provide that HUD will develop FMRs by publishing proposed FMRs for public comment and, after evaluating the public comments, publish the final FMRs (see 24 CFR 888.115). Schedule B of the proposed FY 2000 FMR schedules at the end of this document lists the FMR levels for Section 8 existing housing. Schedule D lists FMRs for the rental of manufactured home spaces in the Section 8 Existing certificate and voucher program and the new merged tenant-based certificate and voucher program in areas where modifications based on public comments have been approved for FMRs greater than 30 percent of the 2-bedroom FMR.

Method Used to Develop FMRs

FMR Standard

FMRs are gross rent estimates; they include shelter rent and the cost of utilities, except telephone. HUD sets FMRs to assure that a sufficient supply of rental housing is available to program participants. To accomplish this objective, FMRs must be both high enough to permit a selection of units and neighborhoods and low enough to serve as many families as possible. The level at which FMRs are set is expressed as a percentile point within the rent distribution of standard quality rental housing units. The current definition used is the 40th percentile rent, the dollar amount below which 40 percent of the standard quality rental housing units rent. The 40th percentile rent is drawn from the distribution of rents of units which are occupied by recent movers (renter households who moved into their unit within the past 15 months). Newly built units less than two years old are excluded, and adjustments have been made to correct for the below market rents of public housing units included in the data base.

Data Sources

HUD used the most accurate and current data available to develop the FMR estimates. The sources of survey data used for the base-year estimates are:

(1) The 1990 Census, which provides statistically reliable rent data for all FMR areas;

(2) The Bureau of the Census' American Housing Surveys (AHSs), which are used to develop between-Census revisions for the largest metropolitan areas and which have accuracy comparable to the decennial Census; and

(3) Random Digit Dialing (RDD) telephone surveys of individual FMR areas, which are based on a sampling procedure that uses computers to select statistically random samples of rental housing.

The base-year FMRs are updated using trending factors based on Consumer Price Index (CPI) data for rents and utilities or HUD regional rent change factors developed from RDD surveys. Annual average CPI data are available individually for 96 metropolitan FMR areas. (Buffalo and New Orleans no longer are surveyed separately in the Consumer Price Index survey.) RDD regional rent change factors are developed annually for the metropolitan and nonmetropolitan parts of each of the 10 HUD regions. The RDD factors are used to update the base year estimates for all FMR areas that do not have their own local CPI survey.

State Minimum FMRs

FMRs are established at the higher of the local 40th percentile rent level or the Statewide average of nonmetropolitan counties, subject to a ceiling rent cap. The State minimum also affects a small number of metropolitan areas whose rents would otherwise fall below the State minimum.

Bedroom Size Adjustments

FMRs have been calculated separately for each bedroom size category. For areas whose FMRs are based on the State minimums, the rents for each bedroom size are the higher of the rent for the area or the Statewide average of nonmetropolitan counties for that bedroom size. For all other FMR areas,

the bedroom intervals are based on data for the specific area. Exceptions have been made for some areas with local bedroom size rent intervals below an acceptable range. For those areas the intervals selected were the minimums determined after outliers had been excluded from the distribution of bedroom intervals for all metropolitan areas. Higher ratios continue to be used for three-bedroom and larger size units than would result from using the actual market relationships. This is done to assist the largest, most difficult to house families in finding program-eligible units.

RDD Surveys

RDD surveys are used to obtain statistically-reliable FMR estimates for selected FMR areas. This survey technique involves drawing random samples of renter units occupied by recent movers. RDD surveys exclude public housing units, other assisted units for which the market rent cannot be determined, units built in the past two years, seasonal units, non-cash rental units, and those owned by relatives. A HUD analysis has shown that the slight downward RDD survey bias caused by including some rental units that are in substandard condition is almost exactly offset by the slight upward bias that results from surveying only units with telephones.

Approximately 8,000–12,000 telephone numbers need to be contacted to achieve the target survey sample level of 200 eligible recent mover responses. RDD surveys have a high degree of statistical accuracy; there is a 95 percent likelihood that the recent mover rent estimates developed using this approach are within 3 to 4 percent of the actual rent value. Virtually all of the estimates are within 5 percent of the actual value.

Today's notice proposes FMRs based on RDD surveys conducted in late-1998 and early-1999 for the following areas:

Proposed FMR increase above normal update factor

Pike County, AL
Denver, CO
Henry County, IN
Wayne County, IN
Perry County, MO
St. Francois County, MO
Kansas City, MO–KS
Charlotte-Gastonia-Rock Hill, NC–SC
Harnett County, NC
Columbus, OH
Portland-Vancouver, OR–WA
Pittsburgh, PA
Greenville-Spartanburg-Anderson, SC
Knoxville, TN

Proposed FMR decrease

Modesto, CA
Barnstable-Yarmouth, MA
Barnstable County, MA
Dukes County, MA
Middlesex-Somerset-Hunterdon, NJ
Allentown-Bethlehem-Easton, PA

Proposed FMR increase by normal update factor

Little Rock-North Little Rock, AR
Santa Barbara-Santa Maria-Lompoc, CA
Santa Rosa, CA
Wilmington-Newark, DE
Fort Lauderdale, FL
Miami, FL
New Orleans, LA
Grand Rapids-Muskegon-Holland, MI
Cape Girardeau County, MO
Ste. Genevieve County, MO
Albuquerque, NM
Akron, OH
San Juan-Bayamon, PR
Charleston-North Charleston, SC
San Antonio, TX

AHS Areas

AHSs cover the largest metropolitan areas on a four-year cycle. The 40th percentile rents for these areas are calculated from the distributions of two-bedroom units occupied by recent movers. Public housing units, newly constructed units, and units that fail a housing quality test are excluded from the rental housing distributions before the FMRs are calculated.

Detailed rent data from the metropolitan AHSs conducted in 1998 are not yet available. If increases are warranted by data that are processed in time for the 2000 Final FMRs they will be put into effect at that time; any proposed decreases will be delayed until the 2001 proposed FMR publication.

Manufactured Home Space FMRs

FMRs for the rental of manufactured home spaces in the Section 8 Existing certificate and voucher program and the new merged tenant-based certificate and voucher program are 30 percent of the applicable Section 8 existing housing program FMR for a two-bedroom unit. HUD accepts public comments requesting modifications of these FMRs where the 30 percent FMRs are thought to be inadequate. In order to be accepted as a basis for revising the FMRs, comments must contain statistically valid survey data that show the 40th percentile space rent (excluding the cost of utilities) for the entire FMR area. Manufactured home space FMR revisions are published as final FMRs in Schedule D. Once approved, the revised manufactured home space FMRs establish new base year estimates that are updated annually using the same data used to update the other FMRs.

Request for Comments

HUD seeks public comments on FMR levels for specific areas. Comments on FMR levels must include sufficient information (including local data and a full description of the rental housing survey methodology used) to justify any proposed changes. Changes may be proposed in all or any one or more of the bedroom-size categories on the schedule. Recommendations and supporting data must reflect the rent levels that exist within the entire FMR area.

HUD recommends use of professionally-conducted Random Digit Dialing (RDD) telephone surveys to test the accuracy of FMRs for areas where there is a sufficient number of Section 8 units to justify the survey cost of $10,000–$12,000. Areas with 500 or more program units usually meet this cost criterion, and areas with fewer units may meet it if actual two-bedroom rents are significantly different from the FMRs proposed by HUD. In addition, HUD has developed a version of the RDD survey methodology for smaller, nonmetropolitan PHAs. This methodology is designed to be simple enough to be done by the PHA itself, rather than by professional survey organizations, at a cost of $5,000 or less.

PHAs in nonmetropolitan areas may, in certain circumstances, do surveys of groups of counties. All grouped county surveys must be approved in advance by HUD. PHAs are cautioned that the resulting FMRs will not be identical for the counties surveyed; each individual FMR area will have a separate FMR based on the relationship of rents in that area to the combined rents in the cluster of FMR areas. In addition, PHAs are advised that counties whose FMRs are based on the State minimum will not have their FMRs revised unless the grouped survey results show a revised FMR above the State minimum level.

PHAs that plan to use the RDD survey technique should obtain a copy of the appropriate survey guide. Larger PHAs should request HUD's survey guide entitled ''Random Digit Dialing Surveys; A Guide to Assist Larger Public Housing Agencies in Preparing Fair Market Rent Comments.'' Smaller PHAs should obtain a guide entitled ''Rental Housing Surveys; A Guide to Assist Smaller Public Housing Agencies in Preparing Fair Market Rent Comments.'' These guides are available from HUD USER on 1–800–245–2691, or from HUD's Worldwide Web site, in Microsoft Word or Adobe Acrobat format, at the following address:

http://www.huduser.org/datasets/fmr.html.

HUD prefers, but does not mandate, the use of RDD telephone surveys, or the more traditional method described in the survey guide intended for small PHAs along with the simplified RDD methodology. Other survey methodologies are acceptable as long as the surveys submitted provide statistically reliable, unbiased estimates of the 40th percentile gross rent. Survey samples should preferably be randomly drawn from a complete list of rental units for the FMR area. If this is not feasible, the selected sample must be drawn so as to be statistically representative of the entire rental housing stock of the FMR area. In particular, surveys must include units of all rent levels and be representative by structure type (including single-family, duplex and other small rental properties), age of housing unit, and geographic location. The decennial Census should be used as a starting point and means to verify whether the sample is representative of the FMR area's rental housing stock.

Local rental housing surveys conducted with alternative methods must include the following documentation:

—Identification of the 40th percentile gross rent (gross rent is rent including the cost of utilities) and the actual distribution (or distributions, if more than one bedroom size is surveyed) of the surveyed units, rank-ordered by gross rent.

—An explanation of how the rental housing sample was drawn and a copy of the survey questionnaire, transmittal letter, and any publicity materials.

—An explanation of how the contract rents of the individual units surveyed were converted to gross rents. (For RDD-type surveys, HUD requires use of the Section 8 utility allowance schedule.)

—An explanation of how the survey excluded units built within two years prior to the survey date.

—The date the rent data were collected so that HUD can apply a trending factor to update the estimate to the midpoint of the applicable fiscal year. If the survey has already been trended to this date, the date the survey was conducted and a description of the trending factor used.

—Copies of all survey sheets.

Since FMRs are based on standard quality units and units occupied by recent movers, both of which are difficult to identify and survey, HUD will accept surveys of all rental units and apply appropriate adjustments.

Most surveys cover only one- and two-bedroom units, in which case HUD will make the adjustments for other size units consistent with the differentials established on the basis of the 1990 Census data for the FMR area. When three- and four-bedroom units are surveyed separately to determine FMRs for these unit size categories, the commenter should multiply the 40th percentile survey rents by 1.087 and 1.077, respectively, to determine the FMRs. The use of these factors will produce the same upward adjustments in the rent differentials as those used in the HUD methodology.

Other Matters

A Finding of No Significant Impact with respect to the environment as required by the National Environmental Policy Act (42 U.S.C. 4321–4374) is unnecessary, since the Section 8 Existing certificate and voucher program and the new merged tenant-based certificate and voucher program are categorically excluded from the Department's National Environmental Policy Act procedures under 24 CFR 50.19(c)(d).

The undersigned, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), hereby certifies that this Notice does not have a significant economic impact on a substantial number of small entities, because FMRs do not change the rent from that which would be charged if the unit were not in the Section 8 program.

The General Counsel, as the Designated Official under section 6(a) of Executive Order No. 12611, *Federalism*, has determined that this Notice will not involve the preemption of State law by Federal statute or regulation and does not have Federalism implications. The Fair Market Rent schedules do not have any substantial direct impact on States, on the relationship between the Federal government and the States, or on the distribution of power and responsibility among the various levels of government.

The Catalog of Federal Domestic Assistance program number is 14.156, Lower-Income Housing Assistance Program (section 8).

Accordingly, the Fair Market Rent Schedules, which will be codified in 24 CFR part 888, are proposed to be amended as follows:

Dated: April 30, 1999.

Andrew Cuomo,

Secretary.

Fair Market Rents for the Section 8 Housing Assistance Payments Program

Schedules B and D—General Explanatory Notes

1. Geographic Coverage

a. *Metropolitan Areas.*—FMRs are housing market-wide rent estimates that are intended to provide housing opportunities throughout the geographic area in which rental housing units are in direct competition. The FMRs shown in Schedule B are determined for the same areas as the Office of Management and Budget's (OMB) most current definitions of metropolitan areas, with the exceptions discussed in paragraph b. HUD uses the OMB Metropolitan Statistical Area (MSA) and Primary Metropolitan Statistical Area (PMSA) definitions for FMR areas because they closely correspond to housing market area definitions.

b. *Exceptions to OMB Definitions.*—The exceptions are counties deleted from several large metropolitan areas whose revised OMB metropolitan area definitions were determined by HUD to be larger than the housing market areas. The FMRs for the following counties (shown by the metropolitan area) are calculated separately and are shown in Schedule B within their respective States under the ''Metropolitan FMR Areas'' listing:

Metropolitan Area and Counties Deleted

Chicago, IL: DeKalb, Grundy and Kendall Counties
Cincinnati-Hamilton, OH–KY–IN: Brown County, Ohio; Gallatin, Grant and Pendleton Counties in Kentucky; and Ohio County, Indiana
Dallas, TX: Henderson County
Flagstaff, AZ–UT: Kane County, UT
New Orleans, LA: St. James Parish
Washington, DC–MD–VA–WV: Berkeley and Jefferson Counties in West Virginia; and Clarke, Culpeper, King George and Warren counties in Virginia

c. *Nonmetropolitan Area FMRs.*—FMRs also are established for nonmetropolitan counties and for county equivalents in the United States, for nonmetropolitan parts of counties in the New England states, and for FMR areas in Puerto Rico, the Virgin Islands, and the Pacific Islands. Nonmetropolitan area FMRs are set at the higher of the local 40th percentile rent level or the Statewide average of nonmetropolitan counties. (The State minimum also affects a small number of metropolitan areas whose rents would

otherwise fall below the State minimum.)

d. *Virginia Independent Cities.*—FMRs for the areas in Virginia shown in the table below were established by combining the Census data for the nonmetropolitan counties with the data for the independent cities that are located within the county borders. Because of space limitations, the FMR listing in Schedule B includes only the name of the nonmetropolitan county.

The complete definitions of these areas including the independent cities are as follows:

VIRGINIA NONMETROPOLITAN COUNTY FMR AREA AND INDEPENDENT CITIES INCLUDED

County	Cities
Alleghany	Clifton Forge and Covington.
Augusta	Staunton and Waynesboro.
Carroll	Galax.
Frederick	Winchester.
Greensville	Emporia.
Henry	Martinsville.
Montgomery	Radford.
Rockbridge	Buena Vista and Lexington.
Rockingham	Harrisonburg.
Southhampton	Franklin.
Wise	Norton.

2. Bedroom Size Adjustments

Schedule B shows the FMRs for 0-bedroom through 4-bedroom units. The FMRs for unit sizes larger than 4 bedrooms are calculated by adding 15 percent to the 4-bedroom FMR for each extra bedroom. For example, the FMR for a 5-bedroom unit is 1.15 times the 4-bedroom FMR, and the FMR for a 6-bedroom unit is 1.30 times the 4 bedroom FMR. FMRs for single-room-occupancy (SRO) units are 0.75 times the 0 bedroom FMR.

3. FMRs for Manufactured Home Spaces

FMRs for Section 8 manufactured home spaces in the Section 8 Existing certificate and voucher program and the new merged tenant-based certificate and voucher program are 30 percent of the two-bedroom Section 8 existing housing program FMRs, with the exception of the areas listed in Schedule D whose manufactured home space FMRs have been modified on the basis of public comments. Once approved, the revised manufactured home space FMRs establish new base-year estimates that are updated annually using the same data used to estimate the Section 8 existing housing FMRs. The FMR area definitions used for the rental of manufactured home spaces in the Section 8 Existing certificate and voucher program and the new merged tenant-based certificate and voucher program are the same as the area definitions used for other FMRs.

4. Arrangement of FMR Areas and Identification of Constituent Parts

a. The FMR areas in Schedule B are listed alphabetically by metropolitan FMR area and by nonmetropolitan county within each State. The exception FMRs for manufactured home spaces in Schedule D are listed alphabetically by State.

b. The constituent counties (and New England towns and cities) included in each metropolitan FMR area are listed immediately following the listings of the FMR dollar amounts. All constituent parts of a metropolitan FMR area that are in more than one State can be identified by consulting the listings for each applicable State.

c. Two nonmetropolitan counties are listed alphabetically on each line of the nonmetropolitan county listings.

BILLING CODE 4210–32–P

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

A L A B A M A

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Anniston, AL MSA	259	307	383	535	606	Calhoun
Birmingham, AL MSA	368	415	484	657	728	Blount, Jefferson, St. Clair, Shelby
Columbus, GA-AL MSA	350	389	467	610	662	Russell
Decatur, AL MSA	344	348	438	567	678	Lawrence, Morgan
Dothan, AL MSA	312	319	396	545	553	Dale, Houston
Florence, AL MSA	292	335	431	538	603	Colbert, Lauderdale
Gadsden, AL MSA	259	317	366	475	584	Etowah
Huntsville, AL MSA	361	423	521	694	827	Limestone, Madison
Mobile, AL MSA	379	423	485	653	766	Baldwin, Mobile
Montgomery, AL MSA	395	422	499	679	818	Autauga, Elmore, Montgomery
Tuscaloosa, AL MSA	341	365	485	667	705	Tuscaloosa

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Barbour	245	291	347	450	516
Bullock	245	291	347	450	516
Chambers	245	291	347	450	517
Chilton	253	291	347	450	516
Clarke	245	291	347	450	516
Cleburne	245	291	347	450	516
Conecuh	245	291	347	450	516
Covington	245	291	347	450	516
Cullman	245	291	347	461	560
Dekalb	245	291	347	450	516
Fayette	245	291	347	450	516
Geneva	245	291	347	450	516
Hale	245	291	347	450	516
Jackson	264	291	347	450	552
Lee	258	361	463	602	761
Macon	267	300	400	501	561
Marion	245	291	347	450	516
Monroe	245	291	347	450	516
Pickens	245	291	347	450	516
Randolph	245	291	347	450	516
Talladega	245	291	347	450	516
Walker	245	302	356	460	585
Wilcox	245	291	347	450	516

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Bibb	245	291	347	468	561
Butler	245	291	347	450	516
Cherokee	245	291	347	450	516
Choctaw	245	291	347	450	516
Clay	245	291	347	450	516
Coffee	245	344	447	622	698
Coosa	245	291	347	450	516
Crenshaw	245	291	347	450	516
Dallas	245	291	347	450	516
Escambia	245	291	347	450	516
Franklin	245	291	347	450	516
Greene	245	291	347	450	516
Henry	245	291	347	450	516
Lamar	245	291	347	450	516
Lowndes	245	291	347	450	516
Marengo	245	291	347	450	516
Marshall	281	291	354	490	580
Perry	245	291	347	450	516
Pike	293	341	407	528	615
Sumter	245	291	347	450	516
Tallapoosa	246	291	347	450	516
Washington	245	291	347	450	516
Winston	245	291	347	450	516

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 041599

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 2

A L A S K A

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Anchorage, AK MSA	500	591	783	1090	1287	Anchorage

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Aleutian East	522	588	664	828	1085
Bethel	674	843	1068	1337	1496
Dillingham	651	662	881	1102	1234
Haines	486	602	685	932	959
Kenai Peninsula	441	563	678	942	1113
Kodiak Island	694	763	991	1239	1607
Matanuska-Susitna	466	631	710	964	1139
North Slope	779	798	987	1372	1599
Pr.Wales-Outer Ketchikan	364	579	666	924	976
Skagway-Yakutat-Angoon	445	453	587	736	825
Valdez-Cordova	545	668	742	947	1128
Wrangell-Petersburg	397	585	711	906	995

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Aleutian West	447	506	567	711	796
Bristol Bay	541	624	701	975	1061
Fairbanks North Star	411	559	734	1009	1189
Juneau	726	838	1067	1420	1475
Ketchikan Gateway	533	652	873	1215	1279
Lake & Peninsula	417	675	759	947	1063
Nome	686	849	953	1327	1497
Northwest Arctic	825	929	1042	1451	1711
Sitka	574	682	765	1065	1257
Southeast Fairbanks	457	480	579	725	813
Wade Hampton	390	587	662	827	927
Yukon-Koyukuk	520	586	661	826	956

A R I Z O N A

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Flagstaff, AZ	428	464	602	807	969	Coconino
Las Vegas, NV-AZ MSA	497	590	702	977	1154	Mohave
Phoenix-Mesa, AZ MSA	422	512	642	893	1052	Maricopa, Pinal
Tucson, AZ MSA	383	460	611	850	1003	Pima
Yuma, AZ MSA	370	428	570	792	798	Yuma

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Apache	361	380	483	630	749
Gila	361	380	483	630	749
Greenlee	361	380	483	630	749
Navajo	361	380	483	630	749
Yavapai	384	400	534	745	820

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Cochise	361	380	483	630	749
Graham	361	380	483	630	749
La Paz	361	380	483	630	749
Santa Cruz	361	400	496	630	749

A R K A N S A S

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Fayetteville-Springdale-Rogers, AR MSA	307	386	507	685	709	Benton, Washington
Fort Smith, AR-OK MSA	304	308	405	541	568	Crawford, Sebastian
Jonesboro, AR MSA	311	338	398	548	579	Craighead
Little Rock-North Little Rock, AR MSA	378	419	498	689	805	Faulkner, Lonoke, Pulaski, Saline
Memphis, TN-AR-MS MSA	389	454	533	740	778	Crittenden

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 041599

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 3

A R K A N S A S continued

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Pine Bluff, AR MSA	289	343	451	569	738	Jefferson
Texarkana, TX-Texarkana, AR MSA	308	376	459	605	642	Miller

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Arkansas	260	282	361	493	535
Baxter	237	302	401	516	628
Bradley	237	282	361	478	535
Carroll	279	305	361	478	572
Clark	260	282	366	478	578
Cleburne	269	282	361	478	542
Columbia	237	282	361	478	535
Cross	246	312	361	485	573
Desha	237	282	361	478	535
Franklin	248	282	361	478	535
Garland	237	302	404	564	666
Greene	254	282	361	478	535
Hot Spring	237	282	361	478	535
Independence	249	289	361	478	535
Jackson	245	282	361	478	535
Lafayette	248	282	361	478	535
Lee	261	282	361	478	535
Little River	237	282	367	509	600
Madison	271	282	367	478	535
Mississippi	270	293	392	517	580
Montgomery	237	282	361	478	535
Newton	237	282	361	478	535
Perry	237	282	361	478	535
Pike	237	282	361	478	535
Polk	237	282	361	478	535
Prairie	237	282	361	478	535
St. Francis	237	288	361	488	575
Searcy	237	282	361	478	535
Sharp	237	282	361	478	535
Union	297	314	377	506	619
White	237	282	361	494	535
Yell	246	282	361	478	535

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Ashley	237	282	361	478	566
Boone	281	286	379	528	623
Calhoun	237	282	361	478	535
Chicot	237	282	361	478	535
Clay	237	282	361	478	535
Cleveland	237	282	361	478	535
Conway	237	293	392	489	549
Dallas	237	282	361	478	535
Drew	237	307	410	567	577
Fulton	245	282	361	478	535
Grant	246	293	361	478	540
Hempstead	237	282	361	478	535
Howard	237	282	361	478	535
Izard	237	282	361	478	535
Johnson	237	282	361	478	535
Lawrence	237	282	361	478	535
Lincoln	256	282	367	490	535
Logan	248	282	361	478	535
Marion	237	282	361	478	535
Monroe	241	282	361	478	535
Nevada	237	282	361	494	535
Ouachita	277	282	361	498	588
Phillips	237	282	361	478	535
Poinsett	237	282	361	478	535
Pope	237	310	392	544	627
Randolph	237	282	361	478	535
Scott	237	282	361	478	535
Sevier	259	282	361	478	535
Stone	237	282	361	478	535
Van Buren	237	282	361	478	591
Woodruff	237	282	361	478	535

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 4

C A L I F O R N I A

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Bakersfield, CA MSA	365	410	515	715	791	Kern
Chico-Paradise, CA MSA	334	429	571	783	936	Butte
Fresno, CA MSA	379	424	506	704	812	Fresno, Madera
Los Angeles-Long Beach, CA PMSA	505	605	766	1033	1233	Los Angeles
Merced, CA MSA	398	449	545	753	889	Merced
Modesto, CA MSA	441	474	579	807	951	Stanislaus
Oakland, CA PMSA	607	734	921	1263	1509	Alameda, Contra Costa
Orange County, CA PMSA	660	720	891	1240	1380	Orange
Redding, CA MSA	379	420	526	731	861	Shasta
Riverside-San Bernardino, CA PMSA	448	499	609	845	999	Riverside, San Bernardino
Sacramento, CA PMSA	440	496	621	861	1015	El Dorado, Placer, Sacramento
Salinas, CA MSA	536	627	756	1051	1103	Monterey
San Diego, CA MSA	532	608	761	1058	1248	San Diego
San Francisco, CA PMSA	764	989	1251	1716	1815	Marin, San Francisco, San Mateo
San Jose, CA PMSA	866	988	1221	1673	1879	Santa Clara
San Luis Obispo-Atascadero-Paso Robles, CA MSA	514	580	736	1022	1207	San Luis Obispo
Santa Barbara-Santa Maria-Lompoc, CA MSA	624	693	878	1223	1380	Santa Barbara
Santa Cruz-Watsonville, CA PMSA	642	764	1021	1419	1662	Santa Cruz
Santa Rosa, CA PMSA	603	684	886	1232	1454	Sonoma
Stockton-Lodi, CA MSA	413	467	600	834	984	San Joaquin
Vallejo-Fairfield-Napa, CA PMSA	580	659	804	1116	1317	Napa, Solano
Ventura, CA PMSA	557	641	811	1079	1256	Ventura
Visalia-Tulare-Porterville, CA MSA	370	393	513	715	816	Tulare
Yolo, CA PMSA	476	544	673	932	1102	Yolo
Yuba City, CA MSA	329	384	494	689	796	Sutter, Yuba

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Alpine	307	460	520	723	778
Calaveras	370	429	571	795	937
Del Norte	314	430	571	796	939
Humboldt	316	438	574	801	947
Inyo	317	429	550	722	778
Lake	345	439	586	739	961
Mariposa	331	421	541	709	836
Modoc	335	375	483	673	778
Nevada	384	525	699	972	1126
San Benito	460	541	677	944	1105
Siskiyou	321	375	483	673	778
Trinity	344	375	483	673	778

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Amador	423	466	622	866	965
Colusa	335	375	483	673	778
Glenn	307	375	483	673	778
Imperial	346	433	533	743	778
Kings	355	413	516	718	845
Lassen	375	380	494	673	778
Mendocino	424	511	627	873	879
Mono	468	561	746	1037	1226
Plumas	338	375	483	673	778
Sierra	307	411	506	703	830
Tehama	320	375	483	673	778
Tuolumne	339	463	617	859	1013

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 041599

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

C O L O R A D O

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Boulder-Longmont, CO PMSA	525	629	806	1123	1324	Boulder
Colorado Springs, CO MSA	443	476	634	884	1044	El Paso
Denver, CO PMSA	458	547	728	1011	1193	Adams, Arapahoe, Denver, Douglas, Jefferson
Fort Collins-Loveland, CO MSA	438	541	668	928	1096	Larimer
Grand Junction, CO MSA	403	419	524	706	840	Mesa
Greeley, CO PMSA	440	486	612	849	1004	Weld
Pueblo, CO MSA	425	440	550	740	883	Pueblo

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Alamosa	385	400	499	673	802
Baca	385	400	499	673	802
Chaffee	385	400	499	673	802
Clear Creek	385	449	508	707	833
Costilla	385	400	499	673	802
Custer	385	400	499	673	802
Dolores	385	400	499	673	802
Elbert	425	471	539	673	883
Garfield	447	479	605	756	990
Grand	457	461	584	731	885
Hinsdale	385	407	499	673	802
Jackson	385	400	499	673	802
Kit Carson	385	400	499	673	802
La Plata	503	556	733	1021	1205
Lincoln	385	400	499	673	802
Mineral	385	400	499	673	802
Montezuma	385	400	499	673	802
Morgan	385	400	499	673	802
Ouray	385	400	505	673	817
Phillips	385	400	499	673	802
Prowers	385	400	499	673	802
Rio Grande	385	400	499	673	802
Saguache	385	400	499	673	802
San Miguel	708	1023	1124	1404	1812
Summit	496	594	761	1059	1303
Washington	385	400	499	673	802

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Archuleta	460	504	596	804	956
Bent	385	400	499	673	802
Cheyenne	385	400	499	673	802
Conejos	385	400	499	673	802
Crowley	385	400	499	673	802
Delta	385	400	499	673	802
Eagle	518	564	753	1047	1234
Fremont	385	400	499	673	802
Gilpin	385	512	650	859	949
Gunnison	385	400	499	673	802
Huerfano	385	400	499	673	802
Kiowa	385	400	499	673	802
Lake	385	400	499	673	802
Las Animas	385	411	499	673	802
Logan	385	400	499	673	802
Moffat	385	400	499	673	802
Montrose	385	400	505	700	825
Otero	385	400	499	673	802
Park	385	426	555	770	876
Pitkin	577	790	1053	1388	1578
Rio Blanco	385	400	499	673	802
Routt	385	465	615	855	1007
San Juan	385	400	499	673	802
Sedgwick	385	400	499	673	802
Teller	385	456	608	845	853
Yuma	385	400	499	673	802

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 6

C O N N E C T I C U T

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Bridgeport, CT PMSA	462	601	724	905	1129	Fairfield county towns of Bridgeport town, Easton town Fairfield town, Monroe town, Shelton town Stratford town, Trumbull town New Haven county towns of Ansonia town, Beacon Falls town Derby town, Milford town, Oxford town, Seymour town
Danbury, CT PMSA	624	747	933	1231	1419	Fairfield county towns of Bethel town, Brookfield town Danbury town, New Fairfield town, Newtown town Redding town, Ridgefield town, Sherman town Litchfield county towns of Bridgewater town New Milford town, Roxbury town, Washington town
Hartford, CT PMSA	438	545	697	875	1062	Hartford county towns of Avon town, Berlin town Bloomfield town, Bristol town, Burlington town Canton town, East Granby town, East Hartford town East Windsor town, Enfield town, Farmington town Glastonbury town, Granby town, Hartford town Manchester town, Marlborough town, New Britain town Newington town, Plainville town, Rocky Hill town Simsbury town, Southington town, South Windsor town Suffield town, West Hartford town, Wethersfield town Windsor town, Windsor Locks town Litchfield county towns of Barkhamsted town Harwinton town, New Hartford town, Plymouth town Winchester town Middlesex county towns of Cromwell town, Durham town East Haddam town, East Hampton town, Haddam town Middlefield town, Middletown town, Portland town New London county towns of Colchester town, Lebanon town Tolland county towns of Andover town, Bolton town Columbia town, Coventry town, Ellington town Hebron town, Mansfield town, Somers town, Stafford town Tolland town, Vernon town, Willington town Windham county towns of Ashford town, Chaplin town Windham town
New Haven-Meriden, CT PMSA	533	654	809	1036	1200	Middlesex county towns of Clinton town, Killingworth town New Haven county towns of Bethany town, Branford town Cheshire town, East Haven town, Guilford town Hamden town, Madison town, Meriden town, New Haven town North Branford tow, North Haven town, Orange town Wallingford town, West Haven town, Woodbridge town
New London-Norwich, CT-RI MSA	495	599	729	912	1042	Middlesex county towns of Old Saybrook town New London county towns of Bozrah town, East Lyme town Franklin town, Griswold town, Groton town, Ledyard town Lisbon town, Montville town, New London town North Stonington t, Norwich town, Old Lyme town Preston town, Salem town, Sprague town, Stonington town Waterford town Windham county towns of Canterbury town, Plainfield town

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 7

C O N N E C T I C U T continued

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Stamford-Norwalk, CT PMSA	799	935	1141	1529	1689	Fairfield county towns of Darien town, Greenwich town New Canaan town, Norwalk town, Stamford town Weston town, Westport town, Wilton town
Waterbury, CT MSA	453	612	758	945	1059	Litchfield county towns of Bethlehem town, Thomaston town Watertown town, Woodbury town New Haven county towns of Middlebury town, Naugatuck town Prospect town, Southbury town, Waterbury town Wolcott town
Worcester, MA-CT	434	526	656	819	918	Windham county towns of Thompson town

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR	Towns within non metropolitan counties
Hartford	362	586	661	919	1083	Hartland town
Litchfield	421	574	765	955	1087	Canaan town, Colebrook town, Cornwall town, Goshen town Kent town, Litchfield town, Morris town, Norfolk town North Canaan town, Salisbury town, Sharon town Torrington town, Warren town
Middlesex	624	707	944	1313	1548	Chester town, Deep River town, Essex town Westbrook town
New London	529	647	735	949	1204	Lyme town, Voluntown town
Tolland	362	586	661	919	925	Union town
Windham	417	510	661	828	1039	Brooklyn town, Eastford town, Hampton town Killingly town, Pomfret town, Putnam town, Scotland town Sterling town, Woodstock town

D E L A W A R E

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Dover, DE MSA	490	542	618	801	911	Kent
Wilmington-Newark, DE-MD PMSA	446	589	687	932	1126	New Castle

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Sussex	429	456	582	765	816

D I S T O F C O L U M B I A

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Washington, DC-MD-VA	630	716	840	1145	1380	District of Columbia

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 8

F L O R I D A

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Daytona Beach, FL MSA	389	456	583	774	822	Flagler, Volusia
Fort Lauderdale, FL PMSA	486	572	708	985	1159	Broward
Fort Myers-Cape Coral, FL MSA	418	482	581	812	847	Lee
Fort Pierce-Port Lucie, FL MSA	465	510	661	859	926	Martin, St. Lucie
Fort Walton Beach, FL MSA	406	443	503	682	804	Okaloosa
Gainesville, FL MSA	406	443	539	738	872	Alachua
Jacksonville, FL MSA	424	475	572	756	841	Clay, Duval, Nassau, St. Johns
Lakeland-Winter Haven, FL MSA	389	426	482	597	652	Polk
Melbourne-Titusville-Palm Bay, FL MSA	389	455	569	762	888	Brevard
Miami, FL PMSA	455	571	712	978	1133	Dade
Naples, FL MSA	434	612	736	1024	1141	Collier
Ocala, FL MSA	406	443	503	661	775	Marion
Orlando, FL MSA	504	572	682	896	1093	Lake, Orange, Osceola, Seminole
Panama City, FL MSA	406	443	503	642	688	Bay
Pensacola, FL MSA	406	443	503	673	793	Escambia, Santa Rosa
Punta Gorda, FL MSA	406	466	620	860	1015	Charlotte
Sarasota-Bradenton, FL MSA	407	517	658	846	920	Manatee, Sarasota
Tallahassee, FL MSA	415	460	606	792	954	Gadsden, Leon
Tampa-St. Petersburg-Clearwater, FL MSA	408	486	602	800	968	Hernando, Hillsborough, Pasco, Pinellas
West Palm Beach-Boca Raton, FL MSA	498	581	719	955	1182	Palm Beach

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Baker	385	421	476	591	642
Calhoun	385	421	476	591	642
Columbia	385	421	476	591	642
Dixie	385	421	476	591	642
Gilchrist	385	421	476	591	642
Gulf	385	421	476	591	642
Hardee	385	421	476	591	642
Highlands	385	421	476	593	662
Indian River	385	481	619	774	866
Jefferson	385	421	476	591	642
Levy	385	421	476	591	642
Madison	385	421	476	591	642
Okeechobee	385	421	476	591	648
Sumter	385	421	476	591	642
Taylor	385	421	476	591	643
Wakulla	385	421	476	591	642
Washington	385	421	476	591	642

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Bradford	385	421	476	591	642
Citrus	385	421	476	591	642
Desoto	385	421	476	591	642
Franklin	385	421	476	591	642
Glades	385	421	476	591	642
Hamilton	385	421	476	591	642
Hendry	385	421	490	615	689
Holmes	385	421	476	591	642
Jackson	385	421	476	591	642
Lafayette	385	421	476	591	642
Liberty	385	421	476	591	642
Monroe	551	622	799	1101	1310
Putnam	385	421	476	591	642
Suwannee	385	421	476	591	642
Union	385	421	476	591	642
Walton	385	421	476	613	766

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 041599

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

G E O R G I A

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Albany, GA MSA	303	355	433	591	640	Dougherty, Lee
Athens, GA MSA	373	402	520	710	855	Clarke, Madison, Oconee
Atlanta, GA MSA	549	611	712	949	1148	Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta Dekalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett Henry, Newton, Paulding, Pickens, Rockdale, Spalding Walton
Augusta-Aiken, GA-SC MSA	359	429	506	687	813	Columbia, Mcduffie, Richmond
Chattanooga, TN-GA MSA	366	427	513	663	755	Catoosa, Dade, Walker
Columbus, GA-AL MSA	350	389	467	610	662	Chattahoochee, Harris, Muscogee
Macon, GA MSA	391	436	507	699	719	Bibb, Houston, Jones, Peach, Twiggs
Savannah, GA MSA	365	453	527	711	739	Bryan, Chatham, Effingham

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Appling	280	337	412	534	607
Bacon	280	337	412	534	607
Baldwin	280	358	437	559	611
Ben Hill	280	337	412	534	615
Bleckley	280	337	412	534	607
Brooks	280	337	412	534	607
Burke	280	337	412	534	607
Calhoun	280	337	412	534	607
Candler	280	337	412	534	607
Chattooga	280	337	412	534	607
Clinch	280	337	412	534	607
Colquitt	280	337	412	534	607
Crawford	280	337	412	534	607
Dawson	280	364	484	606	747
Dodge	280	337	412	534	607
Early	280	337	412	534	607
Elbert	280	337	412	534	607
Evans	280	337	412	534	607
Floyd	280	337	413	545	607
Gilmer	280	337	412	534	607
Glynn	390	437	494	663	813
Grady	285	337	412	534	607
Habersham	300	337	412	534	612
Hancock	280	337	412	534	607
Hart	280	337	412	534	607
Irwin	280	337	412	534	607
Jasper	280	337	417	566	607
Jefferson	280	337	412	534	615

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Atkinson	280	337	412	534	607
Baker	280	337	412	534	607
Banks	280	337	412	534	607
Berrien	280	337	412	534	607
Brantley	280	337	412	534	607
Bulloch	337	342	440	566	719
Butts	280	370	491	657	689
Camden	391	443	495	689	814
Charlton	280	337	412	534	607
Clay	280	337	412	534	607
Coffee	280	337	412	534	615
Cook	280	337	412	534	607
Crisp	283	337	412	534	607
Decatur	280	337	412	534	607
Dooly	280	337	412	534	607
Echols	280	337	412	534	607
Emanuel	280	337	412	534	607
Fannin	280	337	412	534	607
Franklin	280	337	412	534	607
Glascock	280	337	412	534	607
Gordon	332	337	420	542	692
Greene	280	337	412	534	607
Hall	296	450	529	662	739
Haralson	280	337	412	534	607
Heard	280	337	412	534	607
Jackson	311	337	423	534	696
Jeff Davis	280	337	412	534	607
Jenkins	280	337	412	534	607

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 10

G E O R G I A continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Johnson	280	337	412	534	607
Lanier	280	337	412	534	607
Liberty	348	388	442	614	619
Long	280	364	412	534	607
Lumpkin	280	377	424	567	696
Macon	280	337	412	534	607
Meriwether	280	337	412	534	607
Mitchell	280	337	412	534	607
Montgomery	280	337	412	534	607
Murray	280	337	412	534	607
Pierce	280	337	412	534	607
Polk	280	337	412	557	607
Putnam	280	337	412	534	615
Rabun	280	337	412	534	607
Schley	280	337	412	534	607
Seminole	280	337	412	534	607
Stewart	280	337	412	534	607
Talbot	280	337	412	534	607
Tattnall	280	337	412	534	607
Telfair	280	337	412	534	607
Thomas	280	347	412	534	607
Toombs	280	337	412	534	607
Treutlen	280	337	412	534	607
Turner	280	337	412	534	607
Upson	289	337	412	534	607
Warren	280	337	412	534	607
Wayne	289	337	412	534	607
Wheeler	280	337	412	534	607
Whitfield	280	367	442	564	665
Wilkes	280	337	412	534	607
Worth	280	337	412	534	607

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Lamar	280	346	412	534	653
Laurens	286	337	412	534	607
Lincoln	280	337	412	534	607
Lowndes	313	379	458	643	711
Mcintosh	280	337	412	534	607
Marion	280	337	412	534	607
Miller	280	337	412	534	607
Monroe	280	337	412	543	607
Morgan	280	337	427	534	607
Oglethorpe	280	337	412	534	607
Pike	325	352	446	621	625
Pulaski	280	337	412	534	607
Quitman	280	337	412	534	607
Randolph	280	337	412	534	607
Screven	280	337	412	534	607
Stephens	280	337	412	534	607
Sumter	280	342	412	534	607
Taliaferro	280	337	412	534	607
Taylor	280	337	412	534	607
Terrell	280	337	412	534	607
Tift	280	337	412	534	607
Towns	280	337	412	534	607
Troup	280	381	429	536	607
Union	280	337	430	539	607
Ware	309	347	412	534	641
Washington	280	337	412	534	607
Webster	280	337	412	534	607
White	280	337	412	534	621
Wilcox	280	337	412	534	607
Wilkinson	280	337	412	534	607

H A W A I I

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Honolulu, HI MSA	604	723	851	1150	1244	Honolulu

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 7

C O N N E C T I C U T continued

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Stamford-Norwalk, CT PMSA	799	935	1141	1529	1689	Fairfield county towns of Darien town, Greenwich town New Canaan town, Norwalk town, Stamford town Weston town, Westport town, Wilton town
Waterbury, CT MSA	453	612	758	945	1059	Litchfield county towns of Bethlehem town, Thomaston town Watertown town, Woodbury town New Haven county towns of Middlebury town, Naugatuck town Prospect town, Southbury town, Waterbury town Wolcott town
Worcester, MA-CT	434	526	656	819	918	Windham county towns of Thompson town

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR	Towns within non metropolitan counties
Hartford	362	586	661	919	1083	Hartland town
Litchfield	421	574	765	955	1087	Canaan town, Colebrook town, Cornwall town, Goshen town Kent town, Litchfield town, Morris town, Norfolk town North Canaan town, Salisbury town, Sharon town Torrington town, Warren town
Middlesex	624	707	944	1313	1548	Chester town, Deep River town, Essex town Westbrook town
New London	529	647	735	949	1204	Lyme town, Voluntown town
Tolland	362	586	661	919	925	Union town
Windham	417	510	661	828	1039	Brooklyn town, Eastford town, Hampton town Killingly town, Pomfret town, Putnam town, Scotland town Sterling town, Woodstock town

D E L A W A R E

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Dover, DE MSA	490	542	618	801	911	Kent
Wilmington-Newark, DE-MD PMSA	446	589	687	932	1126	New Castle

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Sussex	429	456	582	765	816

D I S T O F C O L U M B I A

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Washington, DC-MD-VA	630	716	840	1145	1380	District of Columbia

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 041599

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 12

I L L I N O I S continued

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Decatur, IL MSA	272	352	453	612	634	Macon
De Kalb County, IL	440	512	648	901	1044	Dekalb
Grundy County, IL	383	443	588	776	826	Grundy
Kankakee, IL PMSA	348	421	561	717	787	Kankakee
Kendall County, Il	531	605	729	1015	1020	Kendall
Peoria-Pekin, IL MSA	379	417	560	745	915	Peoria, Tazewell, Woodford
Rockford, IL MSA	363	465	566	712	830	Boone, Ogle, Winnebago
St. Louis, MO-IL MSA	323	393	510	664	734	Clinton, Jersey, Madison, Monroe, St. Clair
Springfield, IL MSA	313	388	517	688	783	Menard, Sangamon

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Adams	260	292	376	493	599	Alexander	260	292	376	493	554
Bond	260	292	376	493	554	Brown	260	292	376	493	554
Bureau	260	328	385	493	554	Calhoun	260	292	376	493	554
Carroll	260	292	376	493	554	Cass	261	292	376	493	554
Christian	280	292	378	495	554	Clark	260	292	376	493	554
Clay	260	292	376	493	554	Coles	275	327	435	578	683
Crawford	260	292	376	493	554	Cumberland	260	292	376	493	554
De Witt	264	292	376	497	554	Douglas	278	292	376	493	554
Edgar	260	292	376	493	554	Edwards	260	292	376	493	554
Effingham	260	301	376	493	554	Fayette	260	292	376	493	554
Ford	247	348	452	580	634	Franklin	260	292	376	493	554
Fulton	268	300	387	507	570	Gallatin	260	292	376	493	554
Greene	260	292	376	493	554	Hamilton	260	293	376	493	554
Hancock	260	292	376	493	554	Hardin	260	292	376	493	554
Henderson	260	292	376	493	554	Iroquois	260	292	376	493	554
Jackson	315	316	400	567	635	Jasper	260	294	376	493	554
Jefferson	261	306	383	522	554	Jo Daviess	288	311	376	493	554
Johnson	260	292	376	493	554	Knox	260	292	376	493	572
La Salle	315	370	493	666	747	Lawrence	260	292	376	493	554
Lee	290	298	399	498	560	Livingston	260	320	428	552	602
Logan	291	309	412	516	647	Mcdonough	260	297	376	493	593
Macoupin	260	292	376	493	554	Marion	265	292	376	493	554
Marshall	260	292	376	493	554	Mason	260	292	376	493	561
Massac	261	292	376	493	554	Mercer	260	292	376	493	554
Montgomery	260	292	376	493	554	Morgan	260	330	438	584	615
Moultrie	260	292	376	506	554	Perry	261	292	376	493	554
Piatt	260	316	411	561	576	Pike	260	292	376	493	554
Pope	260	292	376	493	554	Pulaski	260	292	376	493	554
Putnam	260	292	376	493	554	Randolph	260	292	376	493	554

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 041599

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 13

I L L I N O I S continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Richland	260	292	376	493	554
Schuyler	260	292	376	493	554
Shelby	260	292	376	493	554
Stephenson	275	314	398	497	558
Vermilion	260	332	414	518	580
Warren	275	292	376	493	554
Wayne	260	292	376	493	554
Whiteside	275	312	416	521	587

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Saline	260	292	376	493	554
Scott	260	292	376	493	554
Stark	260	292	376	493	554
Union	260	292	376	493	554
Wabash	260	292	376	493	585
Washington	260	311	415	520	675
White	260	292	376	493	554
Williamson	260	292	378	525	554

I N D I A N A

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Bloomington, IN MSA	371	480	639	888	1049	Monroe
Cincinnati, OH-KY-IN	316	406	544	729	787	Dearborn
Elkhart-Goshen, IN MSA	375	427	540	691	793	Elkhart
Evansville-Henderson, IN-KY MSA	321	382	496	620	694	Posey, Vanderburgh, Warrick
Fort Wayne, IN MSA	321	409	508	655	711	Adams, Allen, De Kalb, Huntington, Wells, Whitley
Gary, IN PMSA	389	511	638	801	895	Lake, Porter
Indianapolis, IN MSA	366	459	552	691	775	Boone, Hamilton, Hancock, Hendricks, Johnson, Madison Marion, Morgan, Shelby
Kokomo, IN MSA	345	408	532	684	745	Howard, Tipton
Lafayette, IN MSA	349	444	591	822	971	Clinton, Tippecanoe
Louisville, KY-IN MSA	318	408	501	691	729	Clark, Floyd, Harrison, Scott
Muncie, IN MSA	298	371	440	596	704	Delaware
Ohio County, IN	294	330	422	544	599	Ohio
South Bend, IN MSA	322	428	563	703	789	St. Joseph
Terre Haute, IN MSA	290	339	433	540	603	Clay, Vermillion, Vigo

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Bartholomew	399	429	518	647	851
Blackford	281	316	417	522	585
Carroll	281	316	405	521	573
Crawford	281	316	405	521	573
Decatur	281	343	438	567	617
Fayette	297	335	428	551	648
Franklin	281	316	405	521	641
Gibson	281	316	405	521	573
Greene	281	316	405	521	573
Jackson	345	361	446	590	634
Jay	281	316	405	521	573

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Benton	281	316	405	521	573
Brown	281	373	491	682	706
Cass	281	316	405	521	573
Daviess	281	316	405	521	573
Dubois	281	316	405	521	591
Fountain	281	316	405	521	573
Fulton	309	324	405	545	573
Grant	296	316	405	523	573
Henry	308	347	444	572	628
Jasper	281	341	405	521	573
Jefferson	281	316	405	521	573

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 041599

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 14

I N D I A N A continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Jennings	293	316	405	521	573
Kosciusko	281	372	449	582	629
La Porte	286	346	463	593	648
Marshall	333	338	449	565	629
Miami	281	316	405	521	573
Newton	293	316	405	521	573
Orange	281	316	405	521	573
Parke	281	316	405	521	599
Pike	281	316	405	521	573
Putnam	305	356	437	587	592
Ripley	281	316	405	529	600
Spencer	281	316	405	521	573
Steuben	344	388	464	580	648
Switzerland	281	316	405	521	573
Wabash	281	316	405	521	573
Washington	281	316	405	521	573
White	281	316	405	521	633

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Knox	286	316	410	521	574
Lagrange	286	330	420	547	636
Lawrence	281	316	405	525	573
Martin	281	316	405	521	573
Montgomery	328	345	430	546	604
Noble	324	331	411	530	587
Owen	281	316	405	521	600
Perry	281	316	405	521	573
Pulaski	281	316	405	521	573
Randolph	281	316	405	521	573
Rush	289	316	405	521	600
Starke	281	316	405	521	573
Sullivan	281	316	405	521	573
Union	281	316	405	521	573
Warren	281	316	405	521	573
Wayne	339	381	488	628	690

I O W A

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Cedar Rapids, IA MSA	275	389	500	696	747	Linn
Davenport-Moline-Rock Island, IA-IL MSA	282	390	483	624	676	Scott
Des Moines, IA MSA	358	452	558	723	760	Dallas, Polk, Warren
Dubuque, IA MSA	293	358	460	588	717	Dubuque
Iowa City, IA MSA	346	446	574	796	941	Johnson
Omaha, NE-IA MSA	338	463	585	767	860	Pottawattamie
Sioux City, IA-NE MSA	344	413	515	642	734	Woodbury
Waterloo-Cedar Falls, IA MSA	272	348	435	580	681	Black Hawk

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Adair	265	328	411	522	576
Allamakee	265	328	411	528	604
Audubon	265	328	411	522	576
Boone	265	348	411	528	625
Buchanan	279	328	411	522	576
Butler	282	328	411	522	576
Carroll	265	328	411	522	576
Cedar	265	332	411	522	576
Cherokee	265	328	411	522	576

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Adams	265	328	411	522	576
Appanoose	265	328	411	522	580
Benton	272	328	411	522	576
Bremer	265	328	411	522	612
Buena Vista	280	328	411	522	576
Calhoun	265	328	411	522	576
Cass	265	328	411	522	576
Cerro Gordo	265	347	430	573	601
Chickasaw	265	328	411	522	576

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 041599

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 15

I O W A continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Clarke	272	328	411	522	576
Clayton	265	328	411	522	576
Crawford	265	328	411	522	576
Decatur	265	328	411	522	576
Des Moines	265	338	435	545	608
Emmet	265	328	411	522	608
Floyd	288	328	411	522	576
Fremont	291	328	411	522	606
Grundy	265	328	411	522	592
Hamilton	303	343	416	522	583
Hardin	265	328	411	522	576
Henry	265	336	427	534	604
Humboldt	265	328	411	522	576
Iowa	265	328	411	522	576
Jasper	265	336	426	532	596
Jones	274	328	411	522	576
Kossuth	265	328	411	522	576
Louisa	265	328	411	522	576
Lyon	265	328	411	522	576
Mahaska	265	328	411	522	576
Marshall	292	361	453	575	635
Mitchell	265	328	411	522	576
Monroe	265	345	411	522	606
Muscatine	265	328	435	579	608
Osceola	265	328	411	522	576
Palo Alto	265	328	411	522	576
Pocahontas	265	328	411	522	576
Ringgold	265	328	411	522	576
Shelby	265	328	411	522	576
Story	345	419	495	684	784
Taylor	265	328	411	522	577
Van Buren	265	328	411	522	576
Washington	265	328	411	522	606
Webster	265	328	417	525	585
Winneshiek	265	328	411	522	576
Wright	265	328	411	522	576

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Clay	265	328	411	522	576
Clinton	265	328	417	522	584
Davis	265	328	411	522	576
Delaware	265	328	411	522	576
Dickinson	265	328	411	522	576
Fayette	265	328	411	522	576
Franklin	272	328	411	522	576
Greene	265	328	411	522	576
Guthrie	265	328	411	522	605
Hancock	265	328	411	522	576
Harrison	265	328	411	522	576
Howard	265	328	411	522	601
Ida	272	328	411	522	576
Jackson	265	328	414	522	580
Jefferson	265	335	446	581	733
Keokuk	265	328	411	522	576
Lee	265	328	424	531	595
Lucas	265	328	411	522	576
Madison	265	328	428	548	600
Marion	265	364	446	558	625
Mills	265	354	418	525	586
Monona	265	328	411	522	576
Montgomery	291	329	411	522	576
O'Brien	265	328	411	522	576
Page	265	328	411	522	576
Plymouth	265	328	430	537	601
Poweshiek	280	348	446	558	625
Sac	265	328	411	522	576
Sioux	265	328	411	522	576
Tama	265	328	411	522	576
Union	265	328	411	522	606
Wapello	265	328	415	522	581
Wayne	265	328	411	522	576
Winnebago	265	333	411	522	576
Worth	265	328	411	522	585

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 041599

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

K A N S A S

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Kansas City, MO-KS MSA	379	477	574	794	880	Johnson, Leavenworth, Miami, Wyandotte
Lawrence, KS MSA	356	426	547	761	876	Douglas
Topeka, KS MSA	334	384	500	676	762	Shawnee
Wichita, KS MSA	328	394	527	712	770	Butler, Harvey, Sedgwick

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Allen	270	307	393	507	564
Atchison	270	307	393	507	604
Barton	270	307	393	507	564
Brown	270	307	393	507	564
Chautauqua	270	307	393	507	564
Cheyenne	270	307	393	507	564
Clay	270	307	393	507	564
Coffey	279	307	393	507	589
Cowley	288	307	393	519	564
Decatur	270	307	393	507	564
Doniphan	270	307	393	507	564
Elk	270	307	393	507	564
Ellsworth	270	307	393	507	564
Ford	311	367	457	576	648
Geary	332	349	437	564	611
Graham	270	307	393	507	564
Gray	270	307	393	507	564
Greenwood	270	307	393	507	564
Harper	270	307	393	507	564
Hodgeman	270	307	393	507	564
Jefferson	270	307	400	531	564
Kearny	301	307	404	544	597
Kiowa	270	307	393	507	564
Lane	270	307	393	507	564
Linn	270	307	393	507	564
Lyon	270	307	393	507	601
Marion	270	307	393	507	564
Meade	270	307	393	507	564
Montgomery	270	307	393	507	564
Morton	270	329	393	507	564
Neosho	270	307	393	507	564
Norton	270	307	393	507	564
Osborne	270	307	393	507	565
Pawnee	270	307	393	507	564

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Anderson	270	307	393	507	564
Barber	270	307	393	507	564
Bourbon	270	307	393	507	564
Chase	270	307	393	507	564
Cherokee	270	307	393	507	564
Clark	270	307	393	507	564
Cloud	270	307	393	507	564
Comanche	270	307	393	507	564
Crawford	270	307	400	507	564
Dickinson	270	307	393	507	564
Edwards	270	307	393	507	564
Ellis	270	307	393	507	564
Finney	354	378	484	631	798
Franklin	304	319	411	526	641
Gove	270	307	393	507	564
Grant	280	355	407	557	607
Greeley	270	307	393	507	564
Hamilton	270	307	393	507	564
Haskell	270	314	393	507	564
Jackson	270	307	393	507	564
Jewell	270	307	393	507	564
Kingman	270	307	393	507	564
Labette	270	307	393	507	564
Lincoln	270	307	393	507	564
Logan	270	307	393	507	564
Mcpherson	272	307	393	507	564
Marshall	270	307	393	507	564
Mitchell	270	307	393	507	564
Morris	270	307	393	507	564
Nemaha	270	307	393	507	564
Ness	270	307	393	507	564
Osage	270	307	393	507	564
Ottawa	270	307	393	507	564
Phillips	270	307	393	507	564

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 041599

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

K A N S A S continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Pottawatomie	270	307	393	507	577
Rawlins	270	307	393	507	564
Republic	270	307	393	507	564
Riley	335	369	491	613	745
Rush	270	307	393	507	564
Saline	353	365	481	665	673
Seward	326	355	472	592	660
Sherman	270	807	393	507	564
Stafford	270	307	393	507	564
Stevens	270	308	393	507	580
Thomas	270	307	393	507	564
Wabaunsee	270	307	393	507	564
Washington	270	307	393	507	564
Wilson	270	307	393	507	564

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Pratt	270	307	393	517	564
Reno	270	307	393	507	612
Rice	270	307	393	507	564
Rooks	270	307	393	507	564
Russell	270	307	393	507	564
Scott	270	307	393	517	594
Sheridan	270	307	393	507	564
Smith	270	307	393	507	564
Stanton	270	307	393	507	564
Sumner	270	307	393	531	564
Trego	270	307	393	507	564
Wallace	270	307	393	507	564
Wichita	270	307	404	507	629
Woodson	270	307	393	507	564

K E N T U C K Y

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Cincinnati, OH-KY-IN	316	406	544	729	787	Boone, Campbell, Kenton
Clarksville-Hopkinsville, TN-KY MSA	339	380	446	608	625	Christian
Evansville-Henderson, IN-KY MSA	321	382	496	620	694	Henderson
Gallatin County, KY	264	360	440	552	721	Gallatin
Grant County, KY	263	313	414	578	684	Grant
Huntington-Ashland, WV-KY-OH MSA	304	357	440	561	618	Boyd, Carter, Greenup
Lexington, KY MSA	344	428	524	715	807	Bourbon, Clark, Fayette, Jessamine, Madison, Scott Woodford
Louisville, KY-IN MSA	318	408	501	691	729	Bullitt, Jefferson, Oldham
Owensboro, KY MSA	300	311	408	548	573	Daviess
Pendleton County, KY	265	307	409	514	574	Pendleton

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Adair	249	304	359	475	522
Anderson	274	290	376	469	527
Barren	249	301	359	464	522
Bell	249	290	362	464	522
Bracken	249	290	359	464	522
Breckinridge	249	290	359	464	522
Caldwell	249	290	359	464	522
Carlisle	249	290	359	464	522
Casey	249	290	359	464	522
Clinton	249	290	359	464	522

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Allen	249	290	359	464	522
Ballard	249	290	359	464	522
Bath	249	290	359	464	522
Boyle	296	300	400	501	561
Breathitt	249	290	359	464	522
Butler	249	290	359	464	522
Calloway	249	290	359	464	522
Carroll	249	290	359	464	522
Clay	249	290	359	464	522
Crittenden	249	290	359	464	522

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 041599

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 18

K E N T U C K Y continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Cumberland	249	290	359	464	522
Elliott	249	290	359	464	522
Fleming	249	290	359	464	522
Franklin	249	366	449	579	732
Garrard	249	290	359	464	522
Grayson	249	290	359	464	522
Hancock	249	290	359	468	555
Harlan	249	378	431	562	663
Hart	249	290	359	464	522
Hickman	249	290	359	464	522
Jackson	249	290	359	464	522
Knott	249	290	359	464	522
Larue	249	290	359	464	522
Lawrence	249	290	359	464	522
Leslie	249	290	359	464	522
Lewis	249	290	359	464	522
Livingston	287	290	387	538	542
Lyon	249	290	359	464	522
Mccreary	249	290	359	464	522
Magoffin	249	290	359	464	522
Marshall	249	296	359	464	558
Mason	249	290	359	464	522
Menifee	249	290	359	464	522
Metcalfe	249	290	359	464	522
Montgomery	249	290	359	464	522
Muhlenberg	249	290	359	464	522
Nicholas	249	290	359	464	522
Owen	249	290	359	464	535
Perry	279	290	374	467	524
Powell	249	290	359	464	522
Robertson	249	290	359	464	522
Rowan	249	290	359	464	542
Shelby	250	329	368	514	522
Spencer	249	296	359	464	522
Todd	249	290	359	464	522
Trimble	249	290	359	464	522
Warren	249	322	430	537	621
Wayne	249	290	359	464	522
Whitley	249	290	359	464	522

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Edmonson	249	290	359	464	522
Estill	249	290	359	464	522
Floyd	262	319	359	498	572
Fulton	249	290	359	464	522
Graves	249	290	359	464	522
Green	249	290	359	464	522
Hardin	309	318	397	535	634
Harrison	249	291	368	464	568
Henry	249	290	359	464	522
Hopkins	249	290	359	464	527
Johnson	249	290	359	464	522
Knox	249	344	441	552	678
Laurel	325	367	436	587	609
Lee	249	290	359	464	522
Letcher	249	290	359	464	522
Lincoln	249	290	359	464	522
Logan	249	290	359	473	522
Mccracken	282	303	379	485	623
Mclean	249	290	359	464	522
Marion	249	290	359	464	522
Martin	249	290	359	464	522
Meade	257	320	368	486	606
Mercer	249	290	359	473	522
Monroe	249	290	359	464	522
Morgan	249	290	359	464	522
Nelson	273	290	370	464	522
Ohio	249	290	359	464	522
Owsley	249	290	359	464	522
Pike	267	305	370	464	548
Pulaski	273	290	368	465	522
Rockcastle	249	290	359	464	522
Russell	249	290	359	464	522
Simpson	249	311	364	465	522
Taylor	300	355	397	532	601
Trigg	249	290	359	464	522
Union	249	290	359	464	522
Washington	249	294	359	464	522
Webster	249	290	359	464	522
Wolfe	249	290	359	464	522

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 041599

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 19

L O U I S I A N A

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Alexandria, LA MSA	280	350	439	608	618	Rapides
Baton Rouge, LA MSA	304	377	468	649	766	Ascension, East Baton Rouge, Livingston, West Baton Rouge
Houma, LA MSA	276	323	414	575	680	Lafourche, Terrebonne
Lafayette, LA MSA	293	337	401	552	653	Lafayette, Acadia, St. Landry, St. Martin
Lake Charles, LA MSA	376	437	554	726	910	Calcasieu
Monroe, LA MSA	303	339	452	609	633	Ouachita
New Orleans, LA	365	418	521	709	858	Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles St. John the Baptist, St. Tammany
St. James Parish, LA	275	312	415	517	580	St. James
Shreveport-Bossier City, LA MSA	341	388	487	651	799	Bossier, Caddo, Webster

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Allen	268	291	358	469	523	Assumption	293	315	373	469	523
Avoyelles	268	291	358	469	525	Beauregard	326	355	421	550	605
Bienville	268	291	358	475	562	Caldwell	268	291	358	469	523
Cameron	268	291	358	469	523	Catahoula	268	291	358	469	523
Claiborne	268	291	358	469	523	Concordia	268	291	358	469	523
De Soto	268	291	358	469	527	East Carroll	268	291	358	469	523
East Feliciana	268	291	358	469	523	Evangeline	268	291	358	469	523
Franklin	268	291	358	469	527	Grant	268	291	358	469	523
Iberia	283	295	366	469	523	Iberville	268	291	358	469	539
Jackson	268	291	358	469	523	Jefferson Davis	268	291	358	469	531
La Salle	268	291	358	469	527	Lincoln	315	317	395	542	650
Madison	268	291	358	469	523	Morehouse	268	291	358	469	523
Natchitoches	286	293	378	524	527	Pointe Coupee	268	291	358	469	568
Red River	268	291	358	469	527	Richland	268	291	358	469	527
Sabine	268	298	358	469	552	St. Helena	268	291	358	469	523
St. Mary	293	314	394	537	560	Tangipahoa	287	298	383	502	535
Tensas	268	291	358	469	523	Union	268	291	358	469	527
Vermilion	268	291	358	469	523	Vernon	307	342	390	505	596
Washington	268	291	358	469	523	West Carroll	268	291	358	469	523
West Feliciana	268	348	466	583	654	Winn	268	291	358	469	523

M A I N E

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Bangor, ME MSA	350	427	547	715	767	Penobscot county towns of Bangor city, Brewer city Eddington town, Glenburn town, Hampden town, Hermon town Holden town, Kenduskeag town, Milford town Old Town city, Orono town, Orrington town Penobscot Indian I, Veazie town

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 041599

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 20

M A I N E continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Lewiston-Auburn, ME MSA	322	388	499	625	709	Waldo county towns of Winterport town Androscoggin county towns of Auburn city, Greene town Lewiston city, Lisbon town, Mechanic Falls tow Poland town, Sabattus town, Turner town, Wales town
Portland, ME MSA	381	491	646	808	906	Cumberland county towns of Cape Elizabeth tow, Casco town Cumberland town, Falmouth town, Freeport town Gorham town, Gray town, North Yarmouth tow Portland city, Raymond town, Scarborough town South Portland cit, Standish town, Westbrook city Windham town, Yarmouth town York county towns of Buxton town, Hollis town Limington town, Old Orchard Beach
Portsmouth-Rochester, NH-ME PMSA	479	573	737	945	1159	York county towns of Berwick town, Eliot town Kittery town, South Berwick town, York town

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	Towns within non metropolitan counties
Androscoggin	321	397	527	658	737	Durham town, Leeds town, Livermore town Livermore Falls to, Minot town
Aroostook	321	377	483	615	708	
Cumberland	470	479	638	868	996	Baldwin town, Bridgton town, Brunswick town Harpswell town, Harrison town, Naples town New Gloucester tow, Pownal town, Sebago town
Franklin	328	377	483	615	708	
Hancock	346	424	525	661	734	
Kennebec	334	417	501	629	708	
Knox	321	414	537	716	754	
Lincoln	418	465	529	735	868	
Oxford	321	377	483	615	708	
Penobscot	321	377	483	615	708	Alton town, Argyle unorg., Bradford town, Bradley town Burlington town, Carmel town, Carroll plantation Charleston town, Chester town, Clifton town Corinna town, Corinth town, Dexter town, Dixmont town Drew plantation, East Central Penob, East Millinocket t Edinburg town, Enfield town, Etna town, Exeter town Garland town, Greenbush town, Greenfield town Howland town, Hudson town, Kingman unorg., Lagrange town Lakeville town, Lee town, Levant town, Lincoln town Lowell town, Mattawamkeag town, Maxfield town Medway town, Millinocket town, Mount Chase town Newburgh town, Newport town, North Penobscot un Passadumkeag town, Patten town, Plymouth town Prentiss plantatio, Seboeis plantation, Springfield town Stacyville town, Stetson town, Twombly unorg. Webster plantation, Whitney unorg., Winn town Woodville town

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 041599

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 21

M A I N E continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR	Towns within non metropolitan counties
Piscataquis	321	377	483	615	708	
Sagadahoc	452	517	638	849	1048	
Somerset	336	384	483	615	726	
Waldo	321	377	483	615	708	Belfast city, Belmont town, Brooks town, Burnham town Frankfort town, Freedom town, Islesboro town Jackson town, Knox town, Liberty town, Lincolnville town Monroe town, Montville town, Morrill town Northport town, Palermo town, Prospect town Searsmont town, Searsport town, Stockton Springs t Swanville town, Thorndike town, Troy town, Unity town Waldo town
Washington	321	377	483	615	708	
York	397	454	608	761	851	Acton town, Alfred town, Arundel town, Biddeford city Cornish town, Dayton town, Kennebunk town Kennebunkport town, Lebanon town, Limerick town Lyman town, Newfield town, North Berwick town Ogunquit town, Parsonsfield town, Saco city Sanford town, Shapleigh town, Waterboro town, Wells town

M A R Y L A N D

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Baltimore, MD	431	527	643	851	974	Anne Arundel, Baltimore, Carroll, Harford, Howard Queen Anne's, Baltimore city
Columbia, MD	570	766	892	1179	1473	Columbia
Cumberland, MD-WV MSA	337	405	501	662	756	Allegany
Hagerstown, MD PMSA	338	406	507	664	758	Washington
Washington, DC-MD-VA	630	716	840	1145	1380	Calvert, Charles, Frederick, Montgomery, Prince George's
Wilmington-Newark, DE-MD PMSA	446	589	687	932	1126	Cecil

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Caroline	369	398	497	652	741
Garrett	330	442	497	648	817
St. Mary's	503	598	689	961	1098
Talbot	436	462	616	772	1011
Worcester	330	398	498	692	741

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Dorchester	330	426	497	648	741
Kent	334	411	549	685	826
Somerset	393	441	497	690	816
Wicomico	371	429	554	703	775

M A S S A C H U S E T T S

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Barnstable-Yarmouth, MA MSA	434	582	776	971	1088	Barnstable county towns of Barnstable town, Brewster town Chatham town, Dennis town, Eastham town, Harwich town Mashpee town, Orleans town, Sandwich town, Yarmouth town

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 041599

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 22

M A S S A C H U S E T T S continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Boston, MA-NH PMSA	669	752	942	1177	1382	Bristol county towns of Berkley town, Dighton town Mansfield town, Norton town, Taunton city Essex county towns of Amesbury town, Beverly city Danvers town, Essex town, Gloucester city, Hamilton town Ipswich town, Lynn city, Lynnfield town, Manchester town Marblehead town, Middleton town, Nahant town Newbury town, Newburyport city, Peabody city Rockport town, Rowley town, Salem city, Salisbury town Saugus town, Swampscott town, Topsfield town Wenham town Middlesex county towns of Acton town, Arlington town Ashland town, Ayer town, Bedford town, Belmont town Boxborough town, Burlington town, Cambridge city Carlisle town, Concord town, Everett city Framingham town, Holliston town, Hopkinton town Hudson town, Lexington town, Lincoln town Littleton town, Malden city, Marlborough city Maynard town, Medford city, Melrose city, Natick town Newton city, North Reading town, Reading town Sherborn town, Shirley town, Somerville city Stoneham town, Stow town, Sudbury town, Townsend town Wakefield town, Waltham city, Watertown town Wayland town, Weston town, Wilmington town Winchester town, Woburn city Norfolk county towns of Bellingham town, Braintree town Brookline town, Canton town, Cohasset town, Dedham town Dover town, Foxborough town, Franklin town Holbrook town, Medfield town, Medway town, Millis town Milton town, Needham town, Norfolk town, Norwood town Plainville town, Quincy city, Randolph town, Sharon town Stoughton town, Walpole town, Wellesley town Westwood town, Weymouth town, Wrentham town Plymouth county towns of Carver town, Duxbury town Hanover town, Hingham town, Hull town, Kingston town Marshfield town, Norwell town, Pembroke town Plymouth town, Rockland town, Scituate town Wareham town Suffolk county towns of Boston city, Chelsea city Revere city, Winthrop town Worcester county towns of Berlin town, Blackstone town Bolton town, Harvard town, Hopedale town, Lancaster town Mendon town, Milford town, Millville town Southborough town, Upton town
Brockton, MA PMSA	447	589	722	898	1024	Bristol county towns of Easton town, Raynham town Norfolk county towns of Avon town Plymouth county towns of Abington town, Bridgewater town Brockton city, East Bridgewater t, Halifax town

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 041599

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 23

M A S S A C H U S E T T S continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
						Hanson town, Lakeville town, Middleborough town Plympton town, West Bridgewater t, Whitman town
Fitchburg-Leominster, MA MSA.....	350	491	638	820	891	Middlesex county towns of Ashby town Worcester county towns of Ashburnham town, Fitchburg city Gardner city, Leominster city, Lunenburg town Templeton town, Westminster town, Winchendon town
Lawrence, MA-NH PMSA.....	484	584	735	919	1130	Essex county towns of Andover town, Boxford town Georgetown town, Groveland town, Haverhill city Lawrence city, Merrimac town, Methuen town North Andover town, West Newbury town
Lowell, MA-NH PMSA.....	491	634	766	960	1073	Middlesex county towns of Billerica town, Chelmsford town Dracut town, Dunstable town, Groton town, Lowell city Pepperell town, Tewksbury town, Tyngsborough town Westford town
New Bedford, MA MSA.....	469	573	652	815	915	Bristol county towns of Acushnet town, Dartmouth town Fairhaven town, Freetown town, New Bedford city Plymouth county towns of Marion town, Mattapoisett town Rochester town
Pittsfield, MA MSA.....	323	458	564	708	877	Berkshire county towns of Adams town, Cheshire town Dalton town, Hinsdale town, Lanesborough town, Lee town Lenox town, Pittsfield city, Richmond town Stockbridge town
Providence-Fall River-Warwick, RI-MA PMSA.....	408	555	667	838	1032	Bristol county towns of Attleboro city, Fall River city North Attleborough, Rehoboth town, Seekonk town Somerset town, Swansea town, Westport town
Springfield, MA MSA.....	419	518	654	817	1005	Franklin county towns of Sunderland town Hampden county towns of Agawam town, Chicopee city East Longmeadow to, Hampden town, Holyoke city Longmeadow town, Ludlow town, Monson town Montgomery town, Palmer town, Russell town Southwick town, Springfield city, Westfield city West Springfield t, Wilbraham town Hampshire county towns of Amherst town, Belchertown town Easthampton town, Granby town, Hadley town Hatfield town, Huntington town, Northampton city Southampton town, South Hadley town, Ware town Williamsburg town
Worcester, MA-CT.....	434	526	656	819	918	Hampden county towns of Holland town Worcester county towns of Auburn town, Barre town Boylston town, Brookfield town, Charlton town Clinton town, Douglas town, Dudley town East Brookfield to, Grafton town, Holden town Leicester town, Millbury town, Northborough town Northbridge town, North Brookfield t, Oakham town Oxford town, Paxton town, Princeton town, Rutland town Shrewsbury town, Southbridge town, Spencer town Sterling town, Sturbridge town, Sutton town

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 041599

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 24

M A S S A C H U S E T T S continued

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
						Uxbridge town, Webster town, Westborough town West Boylston town, West Brookfield to, Worcester city

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR	Towns within non metropolitan counties
Barnstable	418	574	765	956	1071	Bourne town, Falmouth town, Provincetown town Truro town, Wellfleet town
Berkshire	381	463	546	749	897	Alford town, Becket town, Clarksburg town, Egremont town Florida town, Great Barrington t, Hancock town Monterey town, Mount Washington t, New Ashford town New Marlborough to, North Adams city, Otis town Peru town, Sandisfield town, Savoy town, Sheffield town Tyringham town, Washington town, West Stockbridge t Williamstown town, Windsor town
Dukes	566	575	766	957	1074	
Franklin	411	509	651	816	985	Ashfield town, Bernardston town, Buckland town Charlemont town, Colrain town, Conway town Deerfield town, Erving town, Gill town, Greenfield town Hawley town, Heath town, Leverett town, Leyden town Monroe town, Montague town, New Salem town Northfield town, Orange town, Rowe town, Shelburne town Shutesbury town, Warwick town, Wendell town Whately town
Hampden	415	565	754	1003	1237	Blandford town, Brimfield town, Chester town Granville town, Tolland town, Wales town
Hampshire	581	588	785	984	1101	Chesterfield town, Cummington town, Goshen town Middlefield town, Pelham town, Plainfield town Westhampton town, Worthington town
Nantucket	734	984	1312	1640	1836	
Worcester	462	482	642	804	899	Athol town, Hardwick town, Hubbardston town New Braintree town, Petersham town, Phillipston town Royalston town, Warren town

M I C H I G A N

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Ann Arbor, MI PMSA	480	581	717	940	1054	Lenawee, Livingston, Washtenaw
Benton Harbor, MI MSA	380	384	504	630	707	Berrien
Detroit, MI PMSA	396	538	650	813	911	Lapeer, Macomb, Monroe, Oakland, St. Clair, Wayne
Flint, MI PMSA	375	426	534	682	747	Genesee
Grand Rapids-Muskegon-Holland, MI MSA	397	464	566	710	794	Allegan, Kent, Muskegon, Ottawa
Jackson, MI MSA	299	402	509	636	713	Jackson
Kalamazoo-Battle Creek, MI MSA	353	426	537	673	751	Calhoun, Kalamazoo, Van Buren
Lansing-East Lansing, MI MSA	398	468	605	790	913	Clinton, Eaton, Ingham

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 041599

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 25

M I C H I G A N continued

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Saginaw-Bay City-Midland, MI MSA	347	383	509	636	713	Bay, Midland, Saginaw

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Alcona	290	331	419	545	621	Alger	290	331	419	545	621
Alpena	290	331	419	545	625	Antrim	290	348	419	545	621
Arenac	290	331	419	545	621	Baraga	290	331	419	545	621
Barry	290	358	476	597	668	Benzie	303	331	419	563	621
Branch	336	344	422	577	621	Cass	290	331	421	575	621
Charlevoix	353	357	452	614	636	Cheboygan	305	331	419	545	637
Chippewa	290	331	419	545	621	Clare	301	331	419	545	621
Crawford	317	331	428	585	621	Delta	290	331	419	545	621
Dickinson	290	357	440	550	621	Emmet	324	388	459	602	641
Gladwin	290	331	419	545	621	Gogebic	290	331	419	545	621
Grand Traverse	384	411	549	686	770	Gratiot	303	331	419	545	621
Hillsdale	290	331	419	545	621	Houghton	290	331	419	545	621
Huron	290	331	419	545	621	Ionia	356	360	451	562	632
Iosco	290	331	419	545	657	Iron	290	331	419	545	621
Isabella	324	346	463	625	759	Kalkaska	290	331	420	547	691
Keweenaw	290	331	419	545	621	Lake	293	331	419	545	621
Leelanau	393	425	497	650	816	Luce	290	331	419	545	621
Mackinac	290	331	419	545	621	Manistee	290	331	419	545	621
Marquette	290	331	419	545	621	Mason	290	331	419	545	621
Mecosta	290	331	419	567	673	Menominee	290	331	419	545	621
Missaukee	305	331	419	545	621	Montcalm	294	331	419	545	621
Montmorency	290	331	419	545	621	Newaygo	334	358	420	545	621
Oceana	309	331	419	545	621	Ogemaw	302	332	419	545	621
Ontonagon	290	331	419	545	621	Osceola	290	331	419	545	621
Oscoda	290	331	419	545	621	Otsego	297	360	454	631	731
Presque Isle	290	331	419	545	621	Roscommon	320	331	419	545	621
St. Joseph	290	338	419	547	621	Sanilac	290	341	419	547	621
Schoolcraft	290	331	419	545	621	Shiawassee	290	364	438	610	653
Tuscola	315	344	459	573	641	Wexford	290	335	434	569	673

M I N N E S O T A

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Duluth-Superior, MN-WI MSA	281	362	465	621	723	St. Louis
Fargo-Moorhead, ND-MN MSA	337	464	560	777	832	Clay
Grand Forks, ND-MN MSA	348	415	546	753	840	Polk

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 26

M I N N E S O T A continued

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
La Crosse, WI-MN MSA	285	367	467	625	757	Houston
Minneapolis-St. Paul, MN-WI MSA	416	535	684	925	1048	Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey Scott, Sherburne, Washington, Wright
Rochester, MN MSA	314	441	577	798	896	Olmsted
St. Cloud, MN MSA	326	421	498	629	802	Benton, Stearns

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Aitkin	270	350	466	584	652
Beltrami	266	341	456	597	638
Blue Earth	363	438	546	699	887
Carlton	266	324	411	515	589
Chippewa	266	324	411	515	589
Cook	315	324	423	578	602
Crow Wing	266	324	432	541	679
Douglas	266	324	411	515	589
Fillmore	266	324	411	515	589
Goodhue	307	395	527	672	738
Hubbard	272	324	411	515	589
Jackson	266	324	411	515	589
Kandiyohi	328	414	504	632	761
Koochiching	322	328	436	545	714
Lake	266	324	411	515	589
Le Sueur	266	324	411	515	635
Lyon	266	324	411	515	610
Mahnomen	266	324	411	515	589
Martin	266	324	411	515	589
Mille Lacs	283	324	412	574	676
Mower	266	324	411	515	589
Nicollet	334	357	475	630	666
Norman	266	324	411	515	589
Pennington	266	324	411	550	589
Pipestone	266	324	411	515	589
Red Lake	266	336	411	515	589
Renville	266	324	411	515	589
Rock	266	324	411	515	589
Sibley	266	324	411	515	589
Stevens	303	383	432	541	606
Todd	266	324	411	515	589
Wabasha	288	351	444	557	636
Waseca	347	381	483	606	693

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Becker	266	382	429	537	602
Big Stone	266	324	411	515	589
Brown	266	344	411	515	589
Cass	266	324	411	515	589
Clearwater	266	324	411	515	589
Cottonwood	266	324	411	515	589
Dodge	266	324	411	515	589
Faribault	266	324	411	515	589
Freeborn	266	324	419	552	591
Grant	266	324	411	515	589
Itasca	341	345	450	562	630
Kanabec	266	335	434	543	608
Kittson	266	324	411	515	589
Lac qui Parle	266	324	411	515	589
Lake of the Woods	266	324	411	515	589
Lincoln	266	324	411	515	589
Mcleod	316	407	543	674	757
Marshall	266	324	411	515	589
Meeker	317	373	473	594	678
Morrison	295	324	411	515	589
Murray	266	324	411	515	589
Nobles	266	324	411	515	589
Otter Tail	266	324	411	515	589
Pine	294	324	411	518	589
Pope	266	324	411	515	589
Redwood	266	324	411	515	589
Rice	315	431	575	717	803
Roseau	322	328	430	555	604
Steele	315	366	487	609	682
Swift	266	324	411	515	589
Traverse	266	324	411	515	589
Wadena	266	324	411	515	589
Watonwan	266	324	411	515	589

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 041599

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 27

M I N N E S O T A continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Wilkin	266	324	411	515	589
Yellow Medicine	266	324	411	515	589
Winona	310	404	512	640	717

M I S S I S S I P P I

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Biloxi-Gulfport-Pascagpula, MS MSA	357	419	482	672	792	Hancock, Harrison, Jackson
Hattiesburg, MS MSA	275	337	413	554	660	Forrest, Lamar
Jackson, MS MSA	363	414	507	674	711	Hinds, Madison, Rankin
Memphis, TN-AR-MS MSA	389	454	533	740	778	Desoto

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adams	248	294	366	468	597
Amite	248	294	364	468	527
Benton	248	294	364	468	527
Calhoun	248	294	364	468	527
Chickasaw	248	294	364	468	527
Claiborne	248	294	364	468	527
Clay	248	294	364	468	532
Copiah	248	294	364	468	527
Franklin	251	294	364	468	527
Greene	248	294	364	468	527
Holmes	248	294	364	468	527
Issaquena	260	358	475	595	666
Jasper	248	294	364	468	527
Jefferson Davis	248	294	364	468	527
Kemper	250	294	364	468	527
Lauderdale	248	320	402	522	564
Leake	248	294	364	468	527
Leflore	248	294	364	469	563
Lowndes	306	330	391	490	553
Marshall	248	294	364	468	535
Montgomery	248	294	364	468	527
Newton	248	294	364	468	527
Oktibbeha	304	317	387	538	635
Pearl River	260	294	364	470	527
Pike	252	294	364	468	527
Prentiss	251	294	364	468	527
Scott	248	294	364	468	527
Simpson	251	294	364	468	527
Alcorn	248	294	364	468	527
Attala	248	294	364	468	527
Bolivar	282	294	379	473	541
Carroll	248	294	364	468	527
Choctaw	248	294	364	468	527
Clarke	248	294	364	468	527
Coahoma	288	294	388	487	545
Covington	248	294	364	468	527
George	248	294	364	468	527
Grenada	248	295	364	497	527
Humphreys	248	294	364	468	527
Itawamba	248	294	364	468	527
Jefferson	248	294	364	468	527
Jones	248	294	364	468	527
Lafayette	251	344	458	574	642
Lawrence	248	294	364	468	527
Lee	310	334	402	503	564
Lincoln	248	294	364	468	527
Marion	248	294	364	468	527
Monroe	248	294	364	468	527
Neshoba	248	294	364	468	527
Noxubee	252	294	364	468	527
Panola	256	294	364	468	527
Perry	248	294	364	468	527
Pontotoc	248	294	364	468	527
Quitman	248	294	364	468	527
Sharkey	252	294	364	468	527
Smith	248	294	364	468	527

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 28

M I S S I S S I P P I continued

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Stone	248	294	364	468	527
Tallahatchie	248	294	364	468	527
Tippah	248	294	364	468	527
Tunica	248	294	364	468	527
Walthall	248	294	364	468	527
Washington	268	319	426	550	606
Webster	250	294	364	468	527
Winston	248	294	364	468	527
Yazoo	252	294	364	468	527

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Sunflower	274	298	364	468	559
Tate	248	335	387	485	637
Tishomingo	248	294	364	468	527
Union	248	294	364	468	527
Warren	248	324	404	558	669
Wayne	248	294	364	468	527
Wilkinson	248	294	364	468	527
Yalobusha	250	294	364	468	527

M I S S O U R I

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Columbia, MO MSA	262	369	481	668	787	Boone
Joplin, MO MSA	256	296	393	517	556	Jasper, Newton
Kansas City, MO-KS MSA	379	477	574	794	880	Cass, Clay, Clinton, Jackson, Lafayette, Platte, Ray
St. Joseph, MO MSA	246	298	398	502	558	Andrew, Buchanan
St. Louis, MO-IL MSA	323	393	510	664	734	Crawford-Sullivan (part), Franklin, Jefferson, Lincoln St. Charles, St. Louis, Warren, St. Louis city
Springfield, MO MSA	268	340	440	608	633	Christian, Greene, Webster

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adair	239	299	396	499	598
Audrain	255	275	354	478	553
Barton	239	275	354	460	528
Benton	269	275	366	460	528
Butler	239	275	354	460	528
Callaway	282	286	381	483	626
Cape Girardeau	246	303	402	536	657
Carter	239	275	354	460	528
Chariton	239	275	354	460	528
Cole	239	316	420	561	588
Crawford	262	316	355	468	528
Dallas	239	275	354	460	528
Dekalb	247	275	354	465	528
Douglas	239	275	354	460	528
Gasconade	239	275	354	460	528
Grundy	239	275	354	460	528
Henry	272	277	370	463	608
Holt	239	275	354	460	528
Howell	239	275	354	460	528

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Atchison	239	275	354	460	528
Barry	239	284	354	460	528
Bates	239	275	354	460	538
Bollinger	239	275	354	460	528
Caldwell	239	277	373	466	528
Camden	315	318	424	589	693
Carroll	239	275	354	460	528
Cedar	239	275	354	460	528
Clark	239	275	354	460	528
Cooper	239	275	354	460	528
Dade	239	275	354	460	528
Daviess	239	275	354	460	528
Dent	239	275	354	460	528
Dunklin	239	275	354	460	528
Gentry	239	275	354	460	528
Harrison	239	275	354	460	528
Hickory	239	275	354	460	528
Howard	239	275	354	460	530
Iron	239	275	354	460	528

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 29

M I S S O U R I continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Johnson	287	321	418	554	655
Laclede	239	275	354	463	528
Lewis	239	275	354	460	528
Livingston	239	275	355	460	528
Macon	239	275	354	460	528
Maries	239	275	354	460	528
Mercer	239	275	354	460	528
Mississippi	239	275	354	460	528
Monroe	239	275	354	460	528
Morgan	239	275	354	460	528
Nodaway	252	306	376	477	576
Osage	239	275	354	460	528
Pemiscot	239	275	354	460	528
Pettis	256	301	402	506	605
Pike	239	275	354	460	555
Pulaski	239	335	376	498	555
Ralls	239	275	354	460	528
Reynolds	239	275	354	460	528
St. Clair	239	275	354	460	528
St. Francois	262	329	417	523	686
Schuyler	239	275	354	460	528
Scott	287	289	387	522	601
Shelby	239	275	354	460	528
Stone	277	295	367	468	528
Taney	270	299	391	528	620
Vernon	239	275	354	471	528
Wayne	239	275	354	460	528
Wright	239	275	354	460	528

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Knox	239	275	354	460	528
Lawrence	253	282	354	460	528
Linn	239	275	354	460	528
Mcdonald	239	275	354	460	528
Madison	239	275	354	460	528
Marion	239	275	354	460	528
Miller	262	316	354	463	548
Moniteau	239	275	354	460	528
Montgomery	239	275	354	460	528
New Madrid	239	275	354	460	528
Oregon	239	275	354	460	528
Ozark	239	275	354	460	528
Perry	289	294	393	523	550
Phelps	247	297	380	516	560
Polk	239	276	354	460	553
Putnam	239	275	354	460	528
Randolph	239	275	354	460	528
Ripley	239	275	354	460	528
Ste. Genevieve	239	284	366	468	593
Saline	239	275	364	460	528
Scotland	239	275	354	460	528
Shannon	239	275	354	460	528
Stoddard	239	275	354	460	528
Sullivan	239	275	354	460	528
Texas	239	275	354	460	528
Washington	279	338	379	473	531
Worth	239	275	354	460	528

M O N T A N A

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Billings, MT MSA	328	381	510	685	831	Yellowstone
Great Falls, MT MSA	328	379	500	651	775	Cascade
Missoula County, MT PMSA	328	385	513	661	840	Missoula

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 041599

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 30

M O N T A N A continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Beaverhead	298	344	454	590	689
Blaine	298	344	454	590	689
Carbon	339	398	517	672	784
Chouteau	298	344	454	590	689
Daniels	298	365	454	590	689
Deer Lodge	298	344	454	590	689
Fergus	298	344	454	590	689
Gallatin	367	428	574	738	943
Glacier	298	344	454	590	689
Granite	298	344	454	590	689
Jefferson	314	344	454	590	689
Lake	324	344	454	590	689
Liberty	298	344	454	590	689
Mccone	298	363	454	590	689
Meagher	298	365	454	590	689
Musselshell	303	344	454	590	689
Petroleum	298	344	454	590	689
Pondera	298	364	454	590	689
Powell	303	344	454	590	689
Ravalli	298	344	454	590	689
Roosevelt	311	344	454	590	689
Sanders	298	344	454	590	689
Silver Bow	298	344	454	590	689
Sweet Grass	321	344	454	590	689
Toole	304	344	454	590	689
Valley	298	344	454	590	689
Wibaux	298	365	454	590	689

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Big Horn	298	344	454	590	689
Broadwater	298	344	454	590	735
Carter	298	365	454	590	689
Custer	298	344	454	590	689
Dawson	298	344	454	590	689
Fallon	298	344	454	590	689
Flathead	298	345	461	643	757
Garfield	298	344	454	590	689
Golden Valley	298	364	454	590	689
Hill	307	344	454	590	689
Judith Basin	298	365	454	590	689
Lewis and Clark	331	388	516	717	849
Lincoln	324	344	454	590	689
Madison	304	344	454	590	689
Mineral	298	344	454	590	704
Park	298	344	454	590	697
Phillips	298	344	454	590	689
Powder River	298	349	454	590	689
Prairie	298	344	454	590	689
Richland	298	372	454	590	689
Rosebud	298	344	454	590	689
Sheridan	306	344	454	590	689
Stillwater	304	344	454	590	689
Teton	298	344	454	590	689
Treasure	298	344	454	590	689
Wheatland	298	344	454	590	689

N E B R A S K A

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Lincoln, NE MSA	314	403	531	705	823	Lancaster
Omaha, NE-IA MSA	338	463	585	767	860	Cass, Douglas, Sarpy, Washington
Sioux City, IA-NE MSA	344	413	515	642	734	Dakota

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 041599

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

N E B R A S K A continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Adams	248	332	439	550	659
Arthur	238	307	391	500	569
Blaine	238	307	391	500	569
Box Butte	258	307	391	501	591
Brown	238	307	391	500	581
Burt	238	307	391	500	569
Cedar	238	307	391	500	569
Cherry	238	322	391	503	592
Clay	238	307	391	500	569
Cuming	238	323	391	500	569
Dawes	254	307	391	504	594
Deuel	238	307	391	500	569
Dodge	238	307	403	531	569
Fillmore	238	307	391	500	569
Frontier	267	307	391	500	569
Gage	238	308	398	507	569
Garfield	238	307	391	500	569
Grant	238	307	391	500	569
Hall	285	376	501	659	738
Harlan	238	307	391	501	569
Hitchcock	238	307	391	500	569
Hooker	238	321	391	501	569
Jefferson	238	307	391	500	569
Kearney	238	307	391	500	594
Keya Paha	238	307	391	500	569
Knox	238	318	391	500	569
Logan	238	307	391	500	595
Mcpherson	238	307	391	501	569
Merrick	238	307	391	500	569
Nance	238	307	391	500	569
Nuckolls	238	307	391	500	569
Pawnee	238	307	391	504	569
Phelps	266	307	391	501	594
Platte	238	307	391	546	569
Red Willow	238	307	391	500	579
Rock	238	314	391	500	569
Saunders	238	307	391	500	569
Seward	295	307	399	500	569
Sherman	238	309	391	500	595
Stanton	238	307	391	500	569

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Antelope	238	322	391	503	569
Banner	238	307	391	501	569
Boone	238	307	391	500	592
Boyd	238	320	391	500	569
Buffalo	256	371	465	581	702
Butler	238	307	391	500	569
Chase	238	323	391	500	596
Cheyenne	266	307	391	500	569
Colfax	259	319	391	500	569
Custer	266	309	391	500	591
Dawson	261	319	391	504	569
Dixon	265	307	391	500	569
Dundy	238	307	391	500	569
Franklin	238	307	391	505	569
Furnas	238	307	391	500	592
Garden	238	319	391	503	594
Gosper	238	307	391	500	576
Greeley	238	307	391	500	579
Hamilton	238	307	391	504	569
Hayes	238	321	391	500	592
Holt	238	307	391	500	569
Howard	238	307	391	500	569
Johnson	238	311	391	500	569
Keith	238	307	391	500	569
Kimball	238	307	391	501	594
Lincoln	244	319	391	500	569
Loup	238	307	391	500	593
Madison	244	321	424	549	669
Morrill	238	309	391	500	592
Nemaha	238	307	391	500	569
Otoe	238	307	391	500	595
Perkins	238	307	391	500	569
Pierce	238	307	391	500	569
Polk	238	307	391	500	569
Richardson	238	307	391	500	569
Saline	238	320	391	500	569
Scotts Bluff	242	318	403	500	592
Sheridan	238	307	391	500	570
Sioux	238	307	391	500	594
Thayer	238	322	391	500	569

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR.

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 32

N E B R A S K A continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Thomas	238	307	391	500	569
Valley	238	307	391	500	569
Webster	238	307	391	500	569
York	238	307	396	500	569
Thurston	238	307	391	500	569
Wayne	272	307	391	500	592
Wheeler	238	307	391	501	569

N E V A D A

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Las Vegas, NV-AZ MSA	497	590	702	977	1154	Clark, Nye
Reno, NV MSA	481	558	717	999	1180	Washoe

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Churchill	440	447	597	823	977
Elko	400	457	609	804	1001
Eureka	324	529	596	742	830
Lander	327	507	596	745	976
Lyon	388	464	596	829	977
Pershing	451	457	609	762	871
White Pine	325	448	596	804	845
Douglas	395	576	723	1003	1116
Esmeralda	424	529	596	743	833
Humboldt	477	500	603	791	846
Lincoln	325	489	596	746	834
Mineral	329	450	599	785	982
Storey	457	463	609	848	1001
Carson City	342	468	625	869	1026

N E W H A M P S H I R E

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Boston, MA-NH PMSA	669	752	942	1177	1382	Rockingham county towns of Seabrook town South Hampton town
Lawrence, MA-NH PMSA	484	584	735	919	1130	Rockingham county towns of Atkinson town, Chester town Danville town, Derry town, Fremont town, Hampstead town Kingston town, Newton town, Plaistow town, Raymond town Salem town, Sandown town, Windham town
Lowell, MA-NH PMSA	491	634	766	960	1073	Hillsborough county towns of Pelham town
Manchester, NH PMSA	395	563	703	879	985	Hillsborough county towns of Bedford town, Goffstown town Manchester city, Weare town Merrimack county towns of Allenstown town, Hooksett town Rockingham county towns of Auburn town, Candia town Londonderry town
Nashua, NH PMSA	465	648	804	1094	1302	Hillsborough county towns of Amherst town, Brookline town Greenville town, Hollis town, Hudson town Litchfield town, Mason town, Merrimack town Milford town, Mont Vernon town, Nashua city New Ipswich town, Wilton town
Portsmouth-Rochester, NH-ME PMSA	479	573	737	945	1159	Rockingham county towns of Brentwood town East Kingston town, Epping town, Exeter town Greenland town, Hampton town, Hampton Falls town

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

N E W H A M P S H I R E continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
						Kensington town, New Castle town, Newfields town Newington town, Newmarket town, North Hampton town Portsmouth city, Rye town, Stratham town Strafford county towns of Barrington town, Dover city Durham town, Farmington town, Lee town, Madbury town Milton town, Rochester city, Rollinsford town Somersworth city

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	Towns within non metropolitan counties
Belknap	431	498	655	885	1076	
Carroll	360	494	658	825	1029	
Cheshire	447	531	679	884	1048	
Coos	308	377	483	630	746	
Grafton	397	479	638	825	1042	
Hillsborough	423	529	705	932	1122	Antrim town, Bennington town, Deering town Francestown town, Greenfield town, Hancock town Hillsborough town, Lyndeborough town, New Boston town Peterborough town, Sharon town, Temple town Windsor town
Merrimack	445	532	663	850	949	Andover town, Boscawen town, Bow town, Bradford town Canterbury town, Chichester town, Concord city Danbury town, Dunbarton town, Epsom town, Franklin city Henniker town, Hill town, Hopkinton town, Loudon town Newbury town, New London town, Northfield town Pembroke town, Pittsfield town, Salisbury town Sutton town, Warner town, Webster town, Wilmot town
Rockingham	462	541	724	1004	1159	Deerfield town, Northwood town, Nottingham town
Strafford	409	555	740	928	1040	Middleton town, New Durham town, Strafford town
Sullivan	430	437	567	745	794	

N E W J E R S E Y

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Atlantic-Cape May, NJ PMSA	499	568	756	947	1082	Atlantic, Cape May
Bergen-Passaic, NJ PMSA	634	773	906	1207	1489	Bergen, Passaic
Jersey City, NJ PMSA	583	687	801	1018	1120	Hudson
Middlesex-Somerset-Hunterdon, NJ PMSA	678	743	927	1259	1454	Hunterdon, Middlesex, Somerset
Monmouth-Ocean, NJ PMSA	596	714	906	1204	1412	Monmouth, Ocean
Newark, NJ PMSA	550	702	846	1066	1347	Essex, Morris, Sussex, Union, Warren
Philadelphia, PA-NJ PMSA	486	597	738	923	1158	Burlington, Camden, Gloucester, Salem
Trenton, NJ PMSA	492	686	836	1132	1367	Mercer
Vineland-Millville-Bridgeton, NJ PMSA	482	586	707	881	991	Cumberland

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 34

N E W M E X I C O

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Albuquerque, NM MSA	393	468	585	807	952	Bernalillo, Sandoval, Valencia
Las Cruces, NM MSA	293	368	437	599	706	Dona Ana
Santa Fe, NM MSA	423	600	741	995	1126	Los Alamos, Santa Fe

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Catron	271	317	393	528	596
Cibola	282	308	393	528	596
Curry	271	315	412	528	596
Eddy	278	307	393	528	614
Guadalupe	271	307	393	528	600
Hidalgo	271	307	393	528	596
Lincoln	307	315	415	547	684
Mckinley	271	340	433	539	604
Otero	271	307	393	548	596
Rio Arriba	317	324	398	528	596
San Juan	306	328	409	568	673
Sierra	271	307	393	528	596
Taos	465	471	628	785	1034
Union	271	330	393	528	596

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Chaves	271	308	406	559	596
Colfax	271	315	393	528	596
Debaca	271	308	393	528	596
Grant	321	366	468	628	709
Harding	271	307	393	528	596
Lea	271	307	393	528	596
Luna	298	328	420	563	635
Mora	271	307	393	528	596
Quay	271	392	442	553	618
Roosevelt	271	307	393	528	596
San Miguel	300	307	405	528	596
Socorro	271	307	393	528	612
Torrance	297	321	393	528	596

N E W Y O R K

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Albany-Schenectady-Troy, NY MSA	399	491	604	758	847	Albany, Montgomery, Rensselaer, Saratoga, Schenectady Schoharie
Binghamton, NY MSA	358	402	501	637	714	Broome, Tioga
Buffalo-Niagara Falls, NY PMSA	356	423	510	637	714	Erie, Niagara
Dutchess County, NY PMSA	577	732	905	1176	1374	Dutchess
Elmira, NY MSA	358	402	493	624	744	Chemung
Glens Falls, NY MSA	358	466	568	711	795	Warren, Washington
Jamestown, NY MSA	358	402	483	624	714	Chautauqua
Nassau-Suffolk, NY PMSA	775	934	1139	1585	1698	Nassau, Suffolk
New York, NY PMSA	727	810	920	1150	1289	Bronx, Kings, New York, Putnam, Queens, Richmond Rockland
Westchester County, NY	698	910	1108	1440	1719	Westchester
Newburgh, NY-PA PMSA	462	600	734	931	1062	Orange
Rochester, NY MSA	385	501	609	781	853	Genesee, Livingston, Monroe, Ontario, Orleans, Wayne
Syracuse, NY MSA	383	462	572	730	810	Cayuga, Madison, Onondaga, Oswego
Utica-Rome, NY MSA	358	402	492	624	714	Herkimer, Oneida

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 35

N E W Y O R K continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Allegany	356	400	480	621	710
Chenango	379	400	480	621	710
Columbia	445	467	599	785	840
Delaware	356	400	480	621	763
Franklin	356	400	480	621	710
Greene	356	461	553	714	871
Jefferson	383	452	531	665	744
Otsego	356	421	484	625	794
Schuyler	385	410	487	678	799
Steuben	368	419	480	628	710
Tompkins	464	500	642	896	1056
Wyoming	356	400	480	621	710

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Cattaraugus	356	400	480	621	710
Clinton	356	400	517	646	724
Cortland	356	425	532	665	787
Essex	356	405	508	636	710
Fulton	356	400	480	621	710
Hamilton	356	428	492	621	710
Lewis	356	400	480	621	710
St. Lawrence	356	400	480	621	710
Seneca	380	408	493	637	710
Sullivan	461	517	630	871	883
Ulster	437	607	730	951	1197
Yates	356	400	480	621	710

N O R T H C A R O L I N A

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Asheville, NC MSA	343	415	541	705	760	Buncombe, Madison
Charlotte-Gastonia-Rock Hill, NC-SC MSA	510	575	648	854	1023	Cabarrus, Gaston, Lincoln, Mecklenburg, Rowan, Union
Fayetteville, NC MSA	376	427	479	663	788	Cumberland
Goldsboro, NC MSA	308	355	431	555	648	Wayne
Greensboro--Winston-Salem--High Point, NC MSA	407	464	553	762	775	Alamance, Davidson, Davie, Forsyth, Guilford, Randolph Stokes, Yadkin
Greenville, NC MSA	402	407	528	712	871	Pitt
Hickory-Morganton, NC MSA	388	423	491	619	734	Alexander, Burke, Caldwell, Catawba
Jacksonville, NC MSA	351	409	463	642	759	Onslow
Norfolk-Virginia Beach-Newport News, VA-NC MSA	436	491	580	809	951	Currituck
Raleigh-Durham-Chapel Hill, NC MSA	456	553	649	871	1027	Chatham, Durham, Franklin, Johnston, Orange, Wake
Rocky Mount, NC MSA	328	355	431	571	630	Edgecombe, Nash
Wilmington, NC MSA	450	494	605	828	987	Brunswick, New Hanover

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Alleghany	292	342	409	527	624
Ashe	292	337	409	527	598
Beaufort	292	337	409	527	598
Bladen	292	337	409	527	598
Carteret	331	362	442	614	683
Cherokee	292	337	409	527	598
Clay	292	337	409	527	598
Columbus	292	337	409	527	598
Dare	303	480	553	758	775
Gates	292	337	409	527	598

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Anson	292	337	409	527	598
Avery	326	367	447	560	626
Bertie	292	337	409	527	598
Camden	292	373	497	622	698
Caswell	292	337	409	527	598
Chowan	292	337	409	527	598
Cleveland	292	343	409	542	598
Craven	292	365	440	575	616
Duplin	292	337	409	527	598
Graham	292	337	409	527	598

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 36

N O R T H C A R O L I N A continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Granville	308	337	409	542	613
Halifax	292	337	409	527	598
Haywood	304	346	421	565	615
Hertford	292	337	409	527	598
Hyde	292	337	409	527	598
Jackson	292	337	409	572	748
Lee	292	373	442	572	620
Mcdowell	292	356	427	583	691
Martin	292	337	409	527	598
Montgomery	292	337	409	527	598
Northampton	292	337	409	527	598
Pasquotank	337	360	449	624	630
Perquimans	292	337	409	527	598
Polk	292	370	415	527	598
Robeson	292	344	409	527	598
Rutherford	295	337	409	527	598
Scotland	292	337	409	527	598
Surry	292	337	409	527	598
Transylvania	338	361	457	606	648
Vance	309	350	409	527	598
Washington	292	337	409	527	598
Wilkes	332	374	421	582	654
Yancey	292	343	409	527	617

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Greene	292	337	409	527	598
Harnett	330	381	462	598	675
Henderson	378	389	481	640	737
Hoke	292	337	409	527	598
Iredell	394	404	533	666	745
Jones	292	337	409	527	598
Lenoir	292	337	409	527	598
Macon	292	349	409	527	598
Mitchell	292	382	439	599	626
Moore	292	352	420	574	689
Pamlico	292	337	409	527	598
Pender	292	354	409	527	644
Person	292	337	439	572	670
Richmond	292	337	409	527	598
Rockingham	292	337	409	527	598
Sampson	292	337	409	527	598
Stanly	292	337	415	560	598
Swain	292	337	409	527	598
Tyrrell	292	337	409	527	598
Warren	292	337	409	527	598
Watauga	381	457	578	787	949
Wilson	305	337	414	527	598

N O R T H D A K O T A

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Bismarck, ND MSA	343	384	512	713	843	Burleigh, Morton
Fargo-Moorhead, ND-MN MSA	337	464	560	777	832	Cass
Grand Forks, ND-MN MSA	348	415	546	753	840	Grand Forks

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Adams	229	288	371	482	563
Benson	260	288	371	482	563
Bottineau	229	288	371	482	563
Burke	249	288	371	482	563
Dickey	249	288	371	482	563
Dunn	229	288	371	482	563
Emmons	229	288	371	482	563
Golden Valley	229	295	392	490	563

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Barnes	229	290	383	501	563
Billings	249	288	371	482	563
Bowman	229	288	371	482	563
Cavalier	229	296	394	491	606
Divide	229	288	371	482	563
Eddy	229	288	371	482	563
Foster	229	288	373	482	563
Grant	229	288	371	482	563

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 37

N O R T H D A K O T A continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Griggs	229	288	371	482	563
Kidder	229	288	371	482	563
Logan	229	288	371	482	563
Mcintosh	229	288	371	482	563
Mclean	243	288	371	482	563
Mountrail	253	288	371	482	563
Oliver	229	288	371	482	563
Pierce	229	288	371	497	563
Ransom	234	288	371	482	563
Richland	241	288	378	482	563
Sargent	229	288	371	482	563
Sioux	229	288	371	482	563
Stark	229	288	371	482	563
Stutsman	274	288	375	523	616
Traill	241	306	371	482	563
Ward	229	315	420	568	677
Williams	229	288	371	482	563

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Hettinger	229	288	371	482	563
Lamoure	249	288	371	482	563
Mchenry	229	288	371	482	563
Mckenzie	229	288	371	482	563
Mercer	229	288	371	482	563
Nelson	229	288	371	482	563
Pembina	229	288	371	489	581
Ramsey	236	315	420	526	687
Renville	265	288	371	485	573
Rolette	248	316	381	482	563
Sheridan	229	288	371	482	563
Slope	229	288	371	482	563
Steele	229	288	371	482	563
Towner	262	295	392	490	645
Walsh	305	326	405	507	567
Wells	244	288	371	482	563

O H I O

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Akron, OH PMSA	371	450	578	723	811	Portage, Summit
Brown County, OH	293	345	430	557	614	Brown
Canton-Massillon, OH MSA	288	375	478	598	672	Carroll, Stark
Cincinnati, OH-KY-IN	316	406	544	729	787	Clermont, Hamilton, Warren
Cleveland-Lorain-Elyria, OH PMSA	398	500	619	787	887	Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina
Columbus, OH MSA	393	465	597	758	871	Delaware, Fairfield, Franklin, Licking, Madison, Pickaway
Dayton-Springfield, OH MSA	384	430	549	709	795	Clark, Greene, Miami, Montgomery
Hamilton-Middletown, OH PMSA	318	453	580	725	812	Butler
Huntington-Ashland, WV-KY-OH MSA	304	357	440	561	618	Lawrence
Lima, OH MSA	288	345	454	579	635	Allen, Auglaize
Mansfield, OH MSA	288	345	439	548	614	Crawford, Richland
Parkersburg-Marietta, WV-OH MSA	306	367	420	545	591	Washington
Steubenville-Weirton, OH-WV MSA	288	339	425	542	605	Jefferson
Toledo, OH MSA	360	438	535	689	748	Fulton, Lucas, Wood
Wheeling, WV-OH MSA	314	344	425	542	605	Belmont
Youngstown-Warren, OH MSA	301	355	445	559	636	Columbiana, Mahoning, Trumbull

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 041599

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 38

O H I O continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Adams	279	331	412	526	589
Athens	330	373	438	574	705
Clinton	318	408	490	683	689
Darke	306	331	415	526	589
Erie	279	372	464	626	759
Gallia	279	331	412	526	589
Hancock	354	358	453	578	633
Harrison	279	331	412	526	589
Highland	279	331	412	526	589
Holmes	279	331	412	526	589
Jackson	279	331	412	526	589
Logan	327	332	428	576	600
Meigs	279	331	412	526	589
Monroe	279	331	412	526	589
Morrow	279	331	412	526	589
Noble	279	331	412	526	597
Paulding	279	331	412	526	589
Pike	293	349	433	555	619
Putnam	289	331	412	526	589
Sandusky	279	362	464	585	647
Seneca	280	331	412	530	589
Tuscarawas	279	331	432	541	606
Van Wert	279	335	412	526	589
Wayne	279	369	454	576	635
Wyandot	279	331	412	526	589

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Ashland	279	331	435	544	609
Champaign	279	340	442	552	618
Coshocton	279	331	412	526	589
Defiance	291	331	436	550	611
Fayette	303	331	412	526	589
Guernsey	279	331	412	526	589
Hardin	279	331	412	526	589
Henry	301	334	416	537	611
Hocking	279	331	412	526	589
Huron	323	352	438	578	615
Knox	328	361	463	598	661
Marion	279	331	412	526	589
Mercer	279	331	412	526	606
Morgan	279	336	412	526	589
Muskingum	279	331	412	526	589
Ottawa	279	412	474	645	689
Perry	279	331	412	526	589
Preble	286	339	422	541	604
Ross	323	337	412	526	589
Scioto	279	331	412	526	589
Shelby	279	340	454	566	635
Union	279	386	509	637	737
Vinton	279	331	412	526	589
Williams	296	331	412	526	589

O K L A H O M A

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Enid, OK MSA	297	301	399	555	635	Garfield
Fort Smith, AR-OK MSA	304	308	405	541	568	Sequoyah
Lawton, OK MSA	367	369	470	652	714	Comanche
Oklahoma City, OK MSA	332	362	469	652	729	Canadian, Cleveland, Logan, Mcclain, Oklahoma Pottawatomie
Tulsa, OK MSA	333	398	521	725	855	Creek, Osage, Rogers, Tulsa, Wagoner

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 041599

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 39

O K L A H O M A continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Adair	247	284	354	471	540
Atoka	247	284	354	471	540
Beckham	251	284	354	471	540
Bryan	247	284	354	471	540
Carter	247	286	357	497	540
Choctaw	247	284	354	471	540
Coal	247	284	354	471	540
Craig	247	284	354	483	572
Delaware	247	284	354	471	550
Ellis	247	284	354	471	540
Grady	271	284	367	499	602
Greer	247	284	354	471	540
Harper	247	284	354	471	540
Hughes	247	284	354	471	540
Jefferson	247	284	354	471	540
Kay	274	290	381	531	622
Kiowa	247	284	354	471	540
Le Flore	247	284	354	471	540
Love	247	284	358	471	540
Mcintosh	247	284	354	471	540
Marshall	247	284	354	471	540
Murray	247	284	354	471	540
Noble	247	284	354	471	540
Okfuskee	247	284	354	471	540
Ottawa	266	284	354	471	540
Payne	286	337	432	596	669
Pontotoc	247	284	354	471	540
Roger Mills	247	284	354	471	540
Stephens	251	284	354	471	562
Tillman	247	284	354	471	540
Washita	247	284	354	471	540
Woodward	247	284	354	471	540

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Alfalfa	247	284	354	471	540
Beaver	247	288	354	471	540
Blaine	247	284	354	471	540
Caddo	247	284	354	471	540
Cherokee	259	293	354	471	548
Cimarron	247	284	354	471	540
Cotton	247	284	354	471	540
Custer	247	284	363	505	583
Dewey	247	284	354	471	540
Garvin	247	284	354	471	544
Grant	247	284	354	471	540
Harmon	247	284	354	471	540
Haskell	247	284	354	471	540
Jackson	247	321	391	514	580
Johnston	247	284	354	471	540
Kingfisher	247	292	362	474	540
Latimer	247	284	354	471	540
Lincoln	265	284	354	471	540
Mccurtain	247	284	354	471	540
Major	247	297	354	491	540
Mayes	247	288	383	483	540
Muskogee	268	301	354	489	540
Nowata	247	284	354	471	540
Okmulgee	251	284	354	471	540
Pawnee	279	284	367	472	540
Pittsburg	247	284	354	471	540
Pushmataha	247	284	354	471	540
Seminole	247	284	354	471	540
Texas	247	294	354	472	540
Washington	247	339	413	548	640
Woods	247	284	354	471	540

O R E G O N

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Eugene-Springfield, OR MSA	336	461	600	838	968	Lane
Medford-Ashland, OR MSA	345	452	604	840	936	Jackson
Portland-Vancouver, OR-WA PMSA	463	569	702	976	1060	Clackamas, Columbia, Multnomah, Washington, Yamhill

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 40

O R E G O N continued

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Salem, OR PMSA	391	461	591	813	852	Marion, Polk

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Baker	313	371	481	662	738
Clatsop	361	428	560	764	858
Crook	313	371	481	662	738
Deschutes	387	444	595	828	958
Gilliam	313	395	481	662	738
Harney	313	371	481	662	738
Jefferson	313	371	481	662	738
Klamath	313	371	481	662	783
Lincoln	380	386	514	715	777
Malheur	313	371	481	662	738
Sherman	313	371	481	662	738
Umatilla	313	371	481	662	738
Wallowa	313	371	481	662	738
Wheeler	313	371	481	662	738

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Benton	374	485	615	925	983
Coos	313	382	507	706	738
Curry	313	426	565	724	890
Douglas	313	371	481	662	788
Grant	313	371	481	662	738
Hood River	368	414	562	732	865
Josephine	313	380	489	662	772
Lake	313	371	481	662	738
Linn	376	446	579	796	888
Morrow	313	371	481	662	738
Tillamook	313	371	481	662	738
Union	313	371	481	662	738
Wasco	381	472	528	719	808

P E N N S Y L V A N I A

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Allentown-Bethlehem-Easton, PA MSA	373	506	602	784	881	Carbon, Lehigh, Northampton
Altoona, PA MSA	285	362	434	566	633	Blair
Erie, PA MSA	289	377	444	573	641	Erie
Harrisburg-Lebanon-Carlisle, PA MSA	343	439	563	709	790	Cumberland, Dauphin, Lebanon, Perry
Johnstown, PA MSA	289	367	442	573	641	Cambria, Somerset
Lancaster, PA MSA	380	466	580	758	815	Lancaster
Newburgh, NY-PA PMSA	462	600	734	931	1062	Pike
Philadelphia, PA-NJ PMSA	486	597	738	923	1158	Bucks, Chester, Delaware, Montgomery, Philadelphia
Pittsburgh, PA PMSA	378	463	558	699	781	Allegheny, Beaver, Butler, Fayette, Washington Westmoreland
Reading, PA MSA	300	444	548	684	772	Berks
Scranton--Wilkes-Barre--Hazleton, PA MSA	289	404	484	604	730	Columbia, Lackawanna, Luzerne, Wyoming
Sharon, PA MSA	317	367	442	573	641	Mercer
State College, PA MSA	415	508	629	824	882	Centre
Williamsport, PA MSA	289	369	444	573	641	Lycoming
York, PA MSA	322	442	548	683	765	York

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 41

P E N N S Y L V A N I A continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Adams	283	381	505	655	829
Bedford	283	360	431	563	629
Cameron	283	360	431	563	629
Clearfield	283	360	431	563	629
Crawford	283	360	431	563	629
Forest	283	360	431	563	629
Fulton	283	360	431	563	629
Huntingdon	283	360	431	563	629
Jefferson	283	360	431	563	629
Lawrence	283	360	431	563	629
Mifflin	315	360	431	563	629
Montour	335	360	453	629	743
Potter	283	360	431	563	629
Snyder	341	360	432	563	629
Susquehanna	339	360	431	563	668
Union	342	454	567	709	792
Warren	283	360	431	563	629

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Armstrong	287	380	431	563	707
Bradford	287	364	444	581	636
Clarion	283	360	431	563	629
Clinton	283	360	431	563	629
Elk	283	360	431	563	629
Franklin	283	360	437	602	629
Greene	283	360	431	563	629
Indiana	325	362	431	563	629
Juniata	283	360	431	563	629
Mc Kean	283	362	431	563	629
Monroe	453	540	667	911	1018
Northumberland	299	378	462	614	683
Schuylkill	283	360	449	563	629
Sullivan	283	360	431	563	629
Tioga	283	360	431	563	629
Venango	283	360	431	563	629
Wayne	284	439	517	659	847

R H O D E I S L A N D

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
New London-Norwich, CT-RI MSA	495	599	729	912	1042	Washington county towns of Hopkinton town, Westerly town
Providence-Fall River-Warwick, RI-MA PMSA	408	555	667	838	1032	Bristol county towns of Barrington town, Bristol town Warren town Kent county towns of Coventry town, East Greenwich tow Warwick city, West Greenwich tow, West Warwick town Newport county towns of Jamestown town Little Compton tow, Tiverton town Providence county towns of Burrillville town Central Falls city, Cranston city, Cumberland town East Providence ci, Foster town, Glocester town Johnston town, Lincoln town, North Providence t North Smithfield t, Pawtucket city, Providence city Scituate town, Smithfield town, Woonsocket city Washington county towns of Charlestown town, Exeter town Narragansett town, North Kingstown to, Richmond town South Kingstown to

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R H O D E I S L A N D continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR	Towns within non metropolitan counties
Newport	558	650	835	1045	1169	Middletown town, Newport city, Portsmouth town
Washington	659	742	834	1076	1185	New Shoreham town

S O U T H C A R O L I N A

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Augusta-Aiken, GA-SC MSA	359	429	506	687	813	Aiken, Edgefield
Charleston-North Charleston, SC MSA	403	468	537	714	832	Berkeley, Charleston, Dorchester
Charlotte-Gastonia-Rock Hill, NC-SC MSA	510	575	648	854	1023	York
Columbia, SC MSA	432	476	547	723	832	Lexington, Richland
Florence, SC MSA	327	364	473	590	662	Florence
Greenville-Spartanburg-Anderson, SC MSA	388	470	530	668	786	Anderson, Cherokee, Greenville, Pickens, Spartanburg
Myrtle Beach, SC MSA	424	431	552	690	773	Horry
Sumter, SC MSA	346	383	435	595	707	Sumter

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Abbeville	287	335	407	523	598
Bamberg	287	335	407	523	598
Beaufort	410	503	579	723	810
Chester	287	335	407	523	598
Clarendon	287	335	407	523	598
Darlington	287	335	407	523	598
Fairfield	287	385	439	547	613
Greenwood	288	335	407	523	598
Jasper	287	335	407	523	598
Lancaster	301	336	407	523	598
Lee	287	335	407	523	598
Marion	287	335	407	523	598
Newberry	287	335	407	523	598
Orangeburg	287	335	407	523	598
Union	287	335	407	523	598

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Allendale	287	335	407	523	598
Barnwell	302	335	409	523	598
Calhoun	287	335	407	523	598
Chesterfield	287	335	407	523	598
Colleton	287	335	407	523	598
Dillon	287	335	407	523	598
Georgetown	287	365	410	523	623
Hampton	287	335	407	523	598
Kershaw	287	335	407	523	598
Laurens	287	335	407	523	598
Mccormick	287	335	407	523	637
Marlboro	287	335	407	523	598
Oconee	287	335	407	523	598
Saluda	287	335	407	523	598
Williamsburg	287	335	407	523	598

S O U T H D A K O T A

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Rapid City, SD MSA	355	423	563	766	926	Pennington
Sioux Falls, SD MSA	343	475	602	762	875	Lincoln, Minnehaha

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 041599

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 43

S O U T H D A K O T A continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Aurora	254	340	423	560	648
Bennett	254	337	423	560	648
Brookings	272	431	478	646	762
Brule	254	337	423	560	648
Butte	293	400	531	694	818
Charles Mix	254	337	423	560	648
Clay	254	337	423	560	695
Corson	254	337	423	560	648
Davison	266	337	423	567	648
Deuel	254	337	423	560	648
Douglas	282	337	423	560	648
Fall River	290	337	423	560	648
Grant	254	337	423	560	648
Haakon	254	345	423	560	648
Hand	254	337	423	560	648
Harding	254	345	423	560	648
Hutchinson	254	337	423	560	648
Jackson	254	342	423	560	648
Jones	254	337	423	560	648
Lake	254	342	423	560	648
Lyman	254	337	423	560	648
Mcpherson	254	337	423	560	648
Meade	357	403	537	703	830
Miner	254	342	423	560	648
Perkins	254	337	423	560	648
Roberts	254	337	423	560	648
Shannon	254	342	423	560	648
Stanley	254	345	423	560	648
Todd	280	337	423	560	648
Turner	254	337	423	560	648
Walworth	254	345	423	560	648
Ziebach	254	337	423	560	648

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Beadle	254	337	423	560	648
Bon Homme	282	337	423	560	648
Brown	254	337	423	560	648
Buffalo	254	337	423	560	654
Campbell	254	337	423	560	648
Clark	254	337	423	560	648
Codington	254	337	423	560	648
Custer	254	337	423	560	648
Day	284	337	423	560	648
Dewey	254	337	423	560	648
Edmunds	254	337	423	560	648
Faulk	254	337	446	560	648
Gregory	255	337	423	560	648
Hamlin	254	337	423	560	648
Hanson	258	353	470	591	661
Hughes	279	337	446	587	695
Hyde	254	343	423	560	648
Jerauld	254	340	423	560	648
Kingsbury	277	337	423	560	648
Lawrence	291	419	527	722	817
Mccook	254	337	423	560	648
Marshall	300	337	423	560	648
Mellette	303	342	423	560	648
Moody	254	337	423	560	648
Potter	254	337	423	560	648
Sanborn	254	337	423	560	648
Spink	276	337	430	560	648
Sully	254	337	423	560	648
Tripp	254	337	423	560	648
Union	267	337	423	560	648
Yankton	254	337	423	560	648

T E N N E S S E E

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Chattanooga, TN-GA MSA	366	427	513	663	755	Hamilton, Marion
Clarksville-Hopkinsville, TN-KY MSA	339	380	446	608	625	Montgomery
Jackson, TN MSA	263	347	465	643	647	Madison, Chester

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 041599

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 44

T E N N E S S E E continued

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Johnson City-Kingsport-Bristol, TN-VA MSA	305	364	450	584	692	Carter, Hawkins, Sullivan, Unicoi, Washington
Knoxville, TN MSA	305	375	471	628	754	Anderson, Blount, Knox, Loudon, Sevier, Union
Memphis, TN-AR-MS MSA	389	454	533	740	778	Fayette, Shelby, Tipton
Nashville, TN MSA	427	511	630	858	963	Cheatham, Davidson, Dickson, Robertson, Rutherford Sumner, Williamson, Wilson

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Bedford	238	306	374	471	524	Benton	256	292	352	463	519
Bledsoe	238	279	352	463	519	Bradley	238	300	400	542	658
Campbell	240	279	352	463	519	Cannon	238	279	352	463	519
Carroll	238	289	352	463	519	Claiborne	238	279	352	463	519
Clay	242	279	352	463	519	Cocke	238	279	352	463	519
Coffee	238	332	373	519	591	Crockett	238	279	352	463	519
Cumberland	251	279	365	509	519	Decatur	238	279	352	463	519
Dekalb	238	279	352	463	519	Dyer	297	301	401	502	626
Fentress	238	279	352	463	519	Franklin	249	279	352	484	569
Gibson	238	279	352	463	519	Giles	238	303	375	469	525
Grainger	242	279	352	463	519	Greene	238	279	352	463	519
Grundy	238	279	352	463	519	Hamblen	238	280	367	488	519
Hancock	238	279	352	463	519	Hardeman	238	279	352	463	519
Hardin	238	279	352	463	519	Haywood	250	290	387	484	542
Henderson	238	279	352	463	519	Henry	238	279	352	463	519
Hickman	281	285	378	498	529	Houston	238	279	352	463	519
Humphreys	238	290	352	463	519	Jackson	238	279	352	463	519
Jefferson	259	279	361	463	574	Johnson	238	279	352	463	519
Lake	238	279	352	463	519	Lauderdale	238	279	355	463	519
Lawrence	238	279	352	463	519	Lewis	238	279	352	463	519
Lincoln	238	279	356	463	519	Mcminn	238	279	352	465	519
Mcnairy	238	279	352	463	519	Macon	238	279	352	463	519
Marshall	280	305	397	502	558	Maury	341	348	463	580	647
Meigs	238	279	352	463	519	Monroe	238	279	352	463	519
Moore	238	279	352	463	519	Morgan	238	279	352	463	519
Obion	276	280	358	474	519	Overton	238	279	352	463	519
Perry	238	281	352	463	519	Pickett	238	279	352	463	519
Polk	238	279	352	463	519	Putnam	289	292	375	516	555
Rhea	238	297	352	468	519	Roane	256	279	352	473	569
Scott	238	279	352	463	519	Sequatchie	238	279	352	463	519
Smith	238	279	352	463	519	Stewart	238	279	352	463	519
Trousdale	238	292	388	487	638	Van Buren	238	279	352	463	519
Warren	264	279	360	463	519	Wayne	238	279	352	463	519

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 041599

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 45

T E N N E S S E E continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Weakley	257	279	352	463	519
White	242	279	352	463	519

T E X A S

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Abilene, TX MSA	334	372	480	647	786	Taylor
Amarillo, TX MSA	283	357	444	619	730	Potter, Randall
Austin-San Marcos, TX MSA	435	526	700	972	1149	Bastrop, Caldwell, Hays, Travis, Williamson
Beaumont-Port Arthur, TX MSA	322	390	475	629	666	Hardin, Jefferson, Orange
Brazoria, TX PMSA	458	511	638	889	1046	Brazoria
Brownsville-Harlingen-San Benito, TX MSA	339	427	533	667	833	Cameron
Bryan-College Station, TX MSA	377	438	554	772	911	Brazos
Corpus Christi, TX MSA	353	433	553	753	890	Nueces, San Patricio
Dallas, TX	508	584	749	1036	1225	Collin, Dallas, Denton, Ellis, Hunt, Kaufman, Rockwall
El Paso, TX MSA	398	446	528	731	867	El Paso
Fort Worth-Arlington, TX PMSA	434	472	612	854	1007	Hood, Johnson, Parker, Tarrant
Galveston-Texas City, TX PMSA	450	462	579	804	949	Galveston
Henderson County, TX	293	348	425	580	696	Henderson
Houston, TX PMSA	426	479	620	864	1018	Chambers, Fort Bend, Harris, Liberty, Montgomery, Waller
Killeen-Temple, TX MSA	397	413	523	727	799	Bell, Coryell
Laredo, TX MSA	321	370	486	607	683	Webb
Longview-Marshall, TX MSA	318	359	440	600	655	Gregg, Harrison, Upshur
Lubbock, TX MSA	305	386	500	696	771	Lubbock
Mc Allen-Edinburg-Mission, TX MSA	275	366	419	523	587	Hidalgo
Odessa-Midland, TX MSA	305	352	470	653	757	Ector, Midland
San Angelo, TX MSA	283	361	438	601	709	Tom Green
San Antonio, TX MSA	372	429	555	772	913	Bexar, Comal, Guadalupe, Wilson
Sherman-Denison, TX MSA	283	387	467	596	713	Grayson
Texarkana, TX-Texarkana, AR MSA	308	376	459	605	642	Bowie
Tyler, TX MSA	354	391	477	661	699	Smith
Victoria, TX MSA	350	354	447	620	699	Victoria
Waco, TX MSA	308	377	496	660	695	Mclennan
Wichita Falls, TX MSA	339	379	457	608	717	Archer, Wichita

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 041599

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 46

T E X A S continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Anderson	330	372	417	581	587
Angelina	300	348	392	544	641
Armstrong	275	318	415	521	587
Austin	275	318	383	525	587
Bandera	295	318	383	521	587
Bee	275	318	383	514	587
Borden	275	318	383	514	587
Brewster	275	318	383	518	620
Brooks	275	318	383	514	587
Burleson	275	318	402	544	663
Calhoun	294	318	383	530	627
Camp	372	377	471	590	659
Cass	275	318	383	514	587
Cherokee	307	319	390	514	587
Clay	275	324	383	514	598
Coke	275	318	383	514	587
Collingsworth	275	318	383	514	587
Comanche	275	318	383	514	587
Cooke	298	318	403	548	608
Crane	275	318	383	514	587
Crosby	275	318	383	514	587
Dallam	275	318	383	514	587
Deaf Smith	275	318	383	514	596
Dewitt	275	318	383	514	587
Dimmit	275	318	383	514	587
Duval	275	318	383	514	587
Edwards	275	318	383	514	587
Falls	275	318	383	514	587
Fayette	275	318	383	514	587
Floyd	275	318	383	514	587
Franklin	275	318	383	530	587
Frio	275	318	383	514	587
Garza	275	318	383	514	587
Glasscock	275	318	383	514	587
Gonzales	275	318	383	514	587
Grimes	275	318	383	518	611
Hall	275	318	383	514	587
Hansford	275	318	383	514	602
Hartley	275	318	383	514	587
Hemphill	275	354	396	553	587

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Andrews	275	318	383	514	587
Aransas	275	338	451	627	631
Atascosa	275	318	383	514	587
Bailey	275	318	383	514	587
Baylor	275	318	383	514	587
Blanco	275	318	405	565	595
Bosque	275	318	383	514	587
Briscoe	275	318	383	514	587
Brown	275	318	384	516	630
Burnet	275	318	391	543	635
Callahan	275	318	383	514	587
Carson	275	318	383	514	587
Castro	277	318	383	514	587
Childress	275	318	383	514	587
Cochran	275	318	383	514	587
Coleman	275	318	383	514	587
Colorado	275	318	383	514	587
Concho	275	318	383	514	587
Cottle	275	318	383	514	587
Crockett	275	318	383	514	587
Culberson	275	318	383	514	587
Dawson	275	318	383	514	587
Delta	275	329	383	514	587
Dickens	275	318	383	514	587
Donley	275	318	383	514	587
Eastland	275	318	383	514	587
Erath	285	323	417	540	587
Fannin	279	318	383	516	587
Fisher	275	318	383	514	587
Foard	275	318	383	514	587
Freestone	275	318	383	514	587
Gaines	281	318	383	514	587
Gillespie	275	346	449	617	629
Goliad	275	318	383	514	587
Gray	301	318	408	514	606
Hale	275	318	383	514	587
Hamilton	275	318	383	514	587
Hardeman	275	318	383	514	587
Haskell	275	318	383	514	587
Hill	275	318	383	514	587

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 041599

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING

T E X A S continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Hockley	281	328	383	519	587
Houston	275	318	383	514	587
Hudspeth	331	374	417	524	688
Irion	275	318	383	514	587
Jackson	275	319	383	514	587
Jeff Davis	275	318	383	514	587
Jim Wells	275	318	383	514	594
Karnes	275	318	383	514	587
Kenedy	275	318	383	514	587
Kerr	275	356	445	619	730
King	275	318	383	514	587
Kleberg	334	346	422	590	694
Lamar	275	341	401	561	663
Lampasas	275	318	383	521	615
Lavaca	275	318	383	514	587
Leon	275	353	395	514	651
Lipscomb	275	318	383	514	587
Llano	275	354	471	591	774
Lynn	275	318	383	514	587
Mcmullen	275	318	383	514	587
Marion	275	318	383	514	608
Mason	275	318	383	514	587
Maverick	275	318	383	514	587
Menard	275	318	383	514	587
Mills	275	318	383	514	587
Montague	275	318	383	514	587
Morris	275	318	383	514	587
Nacogdoches	290	350	454	567	670
Newton	275	318	383	514	587
Ochiltree	275	318	383	514	587
Palo Pinto	275	318	383	514	610
Parmer	275	318	383	514	587
Polk	307	335	390	525	637
Rains	275	356	431	597	602
Real	275	318	383	514	587
Reeves	275	318	383	514	587
Roberts	275	321	383	514	587
Runnels	275	318	383	514	587
Sabine	275	318	383	514	587
San Jacinto	288	325	383	514	600

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Hopkins	321	345	405	565	608
Howard	293	318	383	518	587
Hutchinson	275	318	396	553	653
Jack	275	318	383	514	587
Jasper	275	318	391	521	639
Jim Hogg	275	318	383	514	587
Jones	275	318	383	514	587
Kendall	275	401	451	627	741
Kent	275	318	383	514	587
Kimble	275	318	417	523	587
Kinney	275	318	383	514	587
Knox	275	318	383	514	587
Lamb	275	318	383	514	587
La Salle	275	318	383	514	587
Lee	312	350	393	549	616
Limestone	275	318	383	514	587
Live Oak	275	318	383	514	587
Loving	275	318	383	514	587
Mcculloch	283	318	383	514	587
Madison	275	327	383	514	604
Martin	275	318	383	514	587
Matagorda	318	347	431	597	602
Medina	275	318	383	514	587
Milam	275	318	383	514	587
Mitchell	275	318	383	514	587
Moore	275	323	383	514	596
Motley	275	318	383	514	587
Navarro	329	346	416	528	587
Nolan	283	318	383	514	587
Oldham	275	318	415	521	609
Panola	275	324	383	514	587
Pecos	275	318	383	518	611
Presidio	275	318	383	514	587
Reagan	350	356	473	594	777
Red River	275	354	396	514	587
Refugio	275	318	383	514	587
Robertson	275	364	406	514	587
Rusk	287	318	383	514	587
San Augustine	275	318	383	514	587
San Saba	275	318	383	514	587

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 48

T E X A S continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Schleicher	275	318	383	514	587
Shackelford	275	318	383	514	587
Sherman	275	318	383	514	587
Starr	275	318	383	514	587
Sterling	275	318	383	514	587
Sutton	275	318	383	514	587
Terrell	275	318	383	514	587
Throckmorton	275	318	383	514	587
Trinity	286	323	383	514	587
Upton	275	318	383	514	587
Val Verde	275	365	430	536	632
Walker	371	394	482	640	676
Washington	341	348	465	581	763
Wheeler	275	318	383	514	587
Willacy	275	318	383	514	587
Wise	275	321	385	537	587
Yoakum	275	362	445	556	730
Zapata	275	318	383	514	587

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Scurry	275	318	397	555	655
Shelby	275	318	383	514	587
Somervell	315	354	396	544	587
Stephens	275	318	383	514	587
Stonewall	275	318	383	514	587
Swisher	275	318	383	514	587
Terry	275	318	383	514	587
Titus	292	363	411	568	587
Tyler	275	318	409	514	674
Uvalde	275	318	383	514	587
Van Zandt	294	318	397	542	655
Ward	275	318	383	514	587
Wharton	275	318	383	514	587
Wilbarger	275	318	383	514	605
Winkler	275	318	383	514	587
Wood	275	318	396	553	653
Young	275	318	383	514	594
Zavala	275	318	383	514	587

U T A H

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Kane County, UT	312	383	479	642	773	Kane
Provo-Orem, UT MSA	431	455	563	780	923	Utah
Salt Lake City-Ogden, UT MSA	440	510	647	900	1055	Davis, Salt Lake, Weber

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Beaver	298	365	457	612	736
Cache	332	408	512	684	823
Daggett	324	443	588	738	826
Emery	298	365	457	612	736
Grand	298	365	457	612	736
Juab	298	365	457	612	736
Morgan	298	365	457	612	736
Rich	298	365	457	612	736
Sanpete	298	365	457	612	736
Summit	441	544	679	916	1114
Uintah	298	365	457	612	736
Washington	367	452	600	802	982

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Box Elder	332	368	461	617	744
Carbon	320	365	457	612	736
Duchesne	298	365	457	612	736
Garfield	298	365	457	612	736
Iron	304	414	516	645	758
Millard	298	365	457	612	736
Piute	298	365	457	612	736
San Juan	298	365	457	612	736
Sevier	302	365	457	612	736
Tooele	298	379	457	612	736
Wasatch	298	379	457	612	736
Wayne	298	365	457	612	736

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 49

V E R M O N T

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Components of FMR AREA within STATE
Burlington, VT MSA	427	523	697	950	1147	Chittenden county towns of Burlington city Charlotte town, Colchester town, Essex town Hinesburg town, Jericho town, Milton town, Richmond tow St. George town, Shelburne town, South Burlington c Williston town, Winooski city Franklin county towns of Fairfax town, Georgia town St. Albans city, St. Albans town, Swanton town Grand Isle county towns of Grand Isle town South Hero town

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	Towns within non metropolitan counties
Addison	421	508	591	824	924	
Bennington	374	471	606	770	897	
Caledonia	331	396	483	609	699	
Chittenden	387	625	705	979	1154	Bolton town, Buels gore, Huntington town, Underhill tow Westford town
Essex	324	390	483	609	699	
Franklin	348	394	483	613	705	Bakersfield town, Berkshire town, Enosburg town Fairfield town, Fletcher town, Franklin town Highgate town, Montgomery town, Richford town Sheldon town
Grand Isle	324	390	483	609	699	Alburg town, Isle La Motte town, North Hero town
Lamoille	336	467	557	763	875	
Orange	349	458	564	745	835	
Orleans	324	390	483	609	699	
Rutland	378	490	599	751	841	
Washington	362	449	606	758	850	
Windham	410	474	629	798	879	
Windsor	441	498	623	800	948	

V I R G I N I A

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Charlottesville, VA MSA	430	508	650	864	968	Albemarle, Fluvanna, Greene, Charlottesville city
Clarke County, VA	312	440	569	782	798	Clarke
Culpeper County, VA	384	561	652	862	1032	Culpeper
Danville, VA MSA	293	369	434	582	702	Pittsylvania, Danville city
Johnson City-Kingsport-Bristol, TN-VA MSA	305	364	450	584	692	Scott, Washington, Bristol city
King George County, VA	378	502	564	784	790	King George
Lynchburg, VA MSA	349	384	443	582	702	Amherst, Bedford, Campbell, Bedford city, Lynchburg city
Norfolk-Virginia Beach-Newport News, VA-NC MSA	436	491	580	809	951	Gloucester, Isle of Wight, James City, Mathews, York Chesapeake city, Hampton city, Newport News city Norfolk city, Poquoson city, Portsmouth city

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 50

V I R G I N I A continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Richmond-Petersburg, VA MSA	474	537	625	870	1026	Suffolk city, Virginia Beach city, Williamsburg city Charles City, Chesterfield, Dinwiddie, Goochland, Hanover Henrico, New Kent, Powhatan, Prince George Colonial Heights city, Hopewell city, Petersburg city Richmond city
Roanoke, VA MSA	295	369	479	615	766	Botetourt, Roanoke, Roanoke city, Salem city
Warren County, VA	305	418	557	730	912	Warren
Washington, DC-MD-VA	630	716	840	1145	1380	Arlington, Fairfax, Loudoun, Prince William, Spotsylvania Stafford, Alexandria city, Fairfax city Falls Church city, Fauquier, Fredericksburg city Manassas city, Manassas Park city

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR	NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Accomack	341	368	430	571	688	Alleghany	299	362	425	571	688
Amelia	287	362	425	571	688	Appomattox	287	362	425	571	688
Augusta	287	372	452	595	724	Bath	287	362	425	571	688
Bland	287	362	425	571	688	Brunswick	287	362	425	571	688
Buchanan	287	362	425	571	688	Buckingham	287	362	425	571	688
Caroline	407	412	551	731	771	Carroll	287	362	425	571	688
Charlotte	287	362	425	571	688	Craig	287	362	425	571	688
Cumberland	287	394	457	571	688	Dickenson	287	362	425	571	688
Essex	287	404	477	664	783	Floyd	287	362	425	571	688
Franklin	287	362	425	571	688	Frederick	390	450	541	741	887
Giles	287	362	425	571	688	Grayson	287	362	425	571	688
Greensville	287	372	425	571	688	Halifax	287	362	425	571	688
Henry	287	362	425	571	688	Highland	287	362	425	571	688
King and Queen	287	412	464	580	688	King William	287	394	441	571	688
Lancaster	359	403	455	606	738	Lee	287	362	425	571	688
Louisa	287	374	461	640	688	Lunenburg	287	362	425	571	688
Madison	288	428	482	604	790	Mecklenburg	287	362	425	571	688
Middlesex	287	364	425	571	688	Montgomery	295	388	456	633	749
Nelson	287	362	425	571	688	Northampton	287	362	425	571	688
Northumberland	287	362	425	571	688	Nottoway	287	362	425	571	688
Orange	319	433	580	807	947	Page	334	376	425	571	688
Patrick	287	362	425	571	688	Prince Edward	322	364	425	571	688
Pulaski	287	362	425	571	688	Rappahannock	291	472	531	737	869
Richmond	287	383	429	571	705	Rockbridge	287	362	425	571	688
Rockingham	287	398	503	690	809	Russell	287	362	425	571	688
Shenandoah	378	388	478	662	752	Smyth	287	362	425	571	688
Southampton	287	362	425	571	688	Surry	298	362	425	571	688
Sussex	287	362	425	571	688	Tazewell	287	362	425	571	688

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SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 51

V I R G I N I A continued

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Westmoreland	287	388	515	648	839
Wythe	300	362	425	571	688
Wise	287	362	425	571	688

W A S H I N G T O N

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Bellingham, WA MSA	397	515	686	947	1123	Whatcom
Bremerton, WA PMSA	434	501	649	877	1066	Kitsap
Olympia, WA PMSA	447	548	685	942	1111	Thurston
Portland-Vancouver, OR-WA PMSA	463	569	702	976	1060	Clark
Richland-Kennewick-Pasco, WA MSA	495	567	679	945	1109	Benton, Franklin
Seattle-Bellevue-Everett, WA PMSA	501	610	772	1071	1266	Island, King, Snohomish
Spokane, WA MSA	318	432	522	709	794	Spokane
Tacoma, WA PMSA	386	461	613	853	964	Pierce
Yakima, WA MSA	358	440	546	732	764	Yakima

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Adams	317	380	494	652	724
Chelan	317	380	494	652	724
Columbia	317	380	494	652	724
Douglas	371	392	494	652	724
Garfield	317	380	494	652	724
Grays Harbor	324	380	499	673	776
Kittitas	317	380	494	652	724
Lewis	317	380	494	652	724
Mason	360	446	549	722	776
Pacific	317	380	494	652	724
San Juan	392	535	713	940	1119
Skamania	317	380	494	652	724
Wahkiakum	317	380	494	652	724
Whitman	342	389	518	719	852
Asotin	317	380	494	652	724
Clallam	370	457	582	749	818
Cowlitz	356	398	513	712	724
Ferry	317	380	494	652	724
Grant	341	380	494	652	724
Jefferson	317	410	504	683	724
Klickitat	317	380	494	652	724
Lincoln	317	380	494	652	724
Okanogan	317	380	494	652	724
Pend Oreille	317	380	494	652	868
Skagit	432	528	623	778	870
Stevens	317	380	494	652	724
Walla Walla	317	380	494	661	781

W E S T V I R G I N I A

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Berkeley County, WV	410	438	516	644	724	Berkeley
Charleston, WV MSA	287	389	494	678	742	Kanawha, Putnam
Cumberland, MD-WV MSA	337	405	501	662	756	Mineral
Huntington-Ashland, WV-KY-OH MSA	304	357	440	561	618	Cabell, Wayne
Jefferson County, WV	415	459	569	740	838	Jefferson

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 041599

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 52

W E S T V I R G I N I A continued

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Parkersburg-Marietta, WV-OH MSA	306	367	420	545	591	Wood
Steubenville-Weirton, OH-WV MSA	288	339	425	542	605	Brooke, Hancock
Wheeling, WV-OH MSA	314	344	425	542	605	Marshall, Ohio

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Barbour	255	324	362	466	542
Braxton	255	311	362	466	542
Clay	255	311	362	466	542
Fayette	255	311	362	466	542
Grant	255	311	362	466	542
Hampshire	255	311	364	479	542
Harrison	280	345	398	496	596
Lewis	255	341	362	466	542
Logan	261	311	362	469	555
Marion	255	322	397	508	587
Mercer	255	311	362	466	542
Monongalia	321	355	432	596	704
Morgan	347	391	438	550	613
Pendleton	255	311	362	466	542
Pocahontas	255	311	362	466	542
Raleigh	294	347	404	520	609
Ritchie	255	311	362	466	542
Summers	255	311	362	466	542
Tucker	255	311	362	466	542
Upshur	255	311	364	466	542
Wetzel	288	311	391	488	616
Wyoming	255	311	362	466	542

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Boone	255	311	362	466	542
Calhoun	255	311	362	466	542
Doddridge	264	311	362	466	542
Gilmer	280	311	362	466	542
Greenbrier	255	352	375	468	542
Hardy	255	311	362	466	542
Jackson	255	319	362	495	542
Lincoln	255	311	362	466	542
Mcdowell	255	311	362	466	542
Mason	255	311	362	466	557
Mingo	255	311	362	466	549
Monroe	255	311	362	466	542
Nicholas	255	311	362	466	542
Pleasants	263	311	362	466	556
Preston	255	327	362	466	542
Randolph	255	311	362	466	542
Roane	255	311	362	466	542
Taylor	312	337	368	466	542
Tyler	255	311	381	477	542
Webster	255	311	362	466	542
Wirt	255	311	362	466	542

W I S C O N S I N

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Appleton-Oshkosh-Neenah, WI MSA	321	395	502	633	730	Calumet, Outagamie, Winnebago
Duluth-Superior, MN-WI MSA	281	362	465	621	723	Douglas
Eau Claire, WI MSA	346	377	494	634	714	Chippewa, Eau Claire
Green Bay, WI MSA	380	418	537	746	750	Brown
Janesville-Beloit, WI MSA	353	446	552	691	775	Rock
Kenosha, WI PMSA	391	485	595	819	921	Kenosha
La Crosse, WI-MN MSA	285	367	467	625	757	La Crosse
Madison, WI MSA	439	552	667	926	1092	Dane

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 041599

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 53

W I S C O N S I N continued

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Milwaukee-Waukesha, WI PMSA	377	493	619	776	867	Milwaukee, Ozaukee, Washington, Waukesha
Minneapolis-St. Paul, MN-WI MSA	416	535	684	925	1048	Pierce, St. Croix
Racine, WI PMSA	335	415	548	707	774	Racine
Sheboygan, WI MSA	306	394	481	601	746	Sheboygan
Wausau, WI MSA	376	389	486	663	735	Marathon

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Adams	276	322	410	523	590
Barron	276	322	410	523	590
Buffalo	276	322	410	523	590
Clark	276	322	410	523	590
Crawford	276	322	410	523	590
Door	276	342	424	546	662
Florence	276	322	410	523	590
Forest	276	322	410	523	590
Green	281	322	410	552	590
Iowa	286	322	410	539	590
Jackson	276	322	410	523	590
Juneau	282	322	410	523	590
Lafayette	281	322	410	523	590
Lincoln	276	322	410	523	590
Marinette	276	322	410	523	590
Menominee	276	322	410	523	590
Oconto	276	322	410	523	590
Pepin	276	322	410	523	590
Portage	336	355	460	574	710
Richland	276	322	410	523	590
Sauk	323	334	445	555	622
Shawano	281	322	410	523	590
Trempealeau	276	322	410	523	590
Vilas	276	322	410	523	590
Washburn	276	322	410	523	590
Waushara	276	322	410	523	590

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Ashland	301	334	410	523	590
Bayfield	276	322	410	523	590
Burnett	276	322	410	523	590
Columbia	276	328	431	565	634
Dodge	350	355	466	584	652
Dunn	276	322	421	563	695
Fond du Lac	320	434	514	699	721
Grant	280	322	410	523	590
Green Lake	276	322	410	523	590
Iron	276	322	410	523	590
Jefferson	276	366	475	614	671
Kewaunee	276	322	410	523	590
Langlade	276	322	410	523	590
Manitowoc	279	322	410	523	590
Marquette	276	322	410	523	590
Monroe	276	322	410	547	590
Oneida	276	323	410	527	632
Polk	276	322	417	523	590
Price	276	322	410	523	590
Rusk	276	322	410	523	590
Sawyer	276	322	410	523	590
Taylor	276	322	410	523	590
Vernon	276	322	410	523	590
Walworth	288	405	526	685	770
Waupaca	276	322	410	523	620
Wood	299	343	425	533	599

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 041599

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 54

W Y O M I N G

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Casper, WY MSA	322	374	477	654	773	Natrona
Cheyenne, WY MSA	364	456	609	778	945	Laramie

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Albany	308	386	515	715	845
Campbell	317	337	432	575	679
Converse	293	337	432	573	659
Fremont	293	337	432	573	659
Hot Springs	293	337	432	573	659
Lincoln	293	337	432	573	659
Park	293	337	432	573	666
Sheridan	293	337	432	573	666
Sweetwater	305	337	432	575	679
Uinta	307	337	432	574	694
Weston	293	337	432	573	659

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Big Horn	293	337	432	573	659
Carbon	293	337	432	573	659
Crook	293	337	432	573	659
Goshen	293	337	432	573	659
Johnson	293	337	432	573	659
Niobrara	293	337	432	573	659
Platte	293	337	432	573	659
Sublette	326	367	432	573	659
Teton	391	498	661	889	970
Washakie	293	337	432	573	659

P A C I F I C I S L A N D S

NONMETROPOLITAN COUNTIES	O BR	1 BR	2 BR	3 BR	4 BR
Pacific Islands	683	821	972	1218	1371

P U E R T O R I C O

METROPOLITAN FMR AREAS	O BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
Aguadilla, PR MSA	211	257	306	380	428	Aguada Municipio, Aguadilla Municipio, Moca Municipio
Arecibo, PR PMSA	228	277	325	408	459	Arecibo Municipio, Camuy Municipio, Hatillo Municipio
Caguas, PR PMSA	267	321	379	477	530	Caguas Municipio, Cayey Municipio, Cidra Municipio Gurabo Municipio, San Lorenzo Municipio
Mayaguez, PR MSA	251	306	363	451	508	Anasco Municipio, Cabo Rojo Municipio Hormigueros Municipio, Mayaguez Municipio Sabana Grande Municipio, San German Municipio
Ponce, PR MSA	249	305	359	449	504	Guayanilla Municipio, Juana Diaz Municipio Penuelas Municipio, Ponce Municipio, Villalba Municipio Yauco Municipio
San Juan-Bayamon, PR PMSA	335	409	483	604	678	Aguas Buenas Municipio, Barceloneta Municipio Bayamon Municipio, Canovanas Municipio Carolina Municipio, Catano Municipio, Ceiba Municipio Comerio Municipio, Corozal Municipio, Dorado Municipio Fajardo Municipio, Florida Municipio, Guaynabo Municipio Humacao Municipio, Juncos Municipio Las Piedras Municipio, Loiza Municipio Luquillo Municipio, Manati Municipio, Morovis Municipio

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 041599

SCHEDULE B - 40TH PERCENTILE FAIR MARKET RENTS FOR EXISTING HOUSING PAGE 55

P U E R T O R I C O continued

METROPOLITAN FMR AREAS	0 BR	1 BR	2 BR	3 BR	4 BR	Counties of FMR AREA within STATE
						Naguabo Municipio, Naranjito Municipio Rio Grande Municipio, San Juan Municipio Toa Alta Municipio, Toa Baja Municipio Trujillo Alto Municipio, Vega Alta Municipio Vega Baja Municipio, Yabucoa Municipio

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Adjuntas Municipio.....	200	247	289	365	404
Arroyo Municipio.....	200	247	289	365	404
Ciales Municipio.....	200	247	289	365	404
Culebra Municipio.....	200	247	289	365	404
Guayama Municipio.....	200	247	289	365	404
Jayuya Municipio.....	200	247	289	365	404
Lares Municipio.....	200	247	289	365	404
Maricao Municipio.....	200	247	289	365	404
Orocovis Municipio.....	200	247	289	365	404
Quebradillas Municipio..	200	247	289	365	404
Salinas Municipio.....	200	247	289	365	404
Santa Isabel Municipio..	200	247	289	365	404
Vieques Municipio.....	200	247	289	365	404

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
Aibonito Municipio.....	200	247	289	365	404
Barranquitas Municipio..	200	247	289	365	404
Coamo Municipio.....	200	247	289	365	404
Guanica Municipio.....	200	247	289	365	404
Isabela Municipio.....	200	247	289	365	404
Lajas Municipio.....	200	247	289	365	404
Las Marias Municipio....	200	247	289	365	404
Maunabo Municipio.....	200	247	289	365	404
Patillas Municipio.....	200	247	289	365	404
Rincon Municipio.....	200	247	289	365	404
San Sebastian Municipio.	200	247	289	365	404
Utuado Municipio.....	200	247	289	365	404

V I R G I N I S L A N D S

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
St. Croix.....	477	579	683	853	956

NONMETROPOLITAN COUNTIES	0 BR	1 BR	2 BR	3 BR	4 BR
St. Johns/St. Thomas....	613	743	875	1094	1225

Note: The FMRS for unit sizes larger than 4 BRs are calculated by adding 15% to the 4 BR FMR for each extra bedroom. For example, the FMR for a 5 BR unit is 1.15 times the 4BR FMR, and the FMR for a 6 BR unit is 1.30 times the 4 BR FMR. 041599

Schedule D: FY 2000 40th Percentile Fair Market Rents For Manufactured Home Spaces In The Section 8 Choice Housing Program

Area Name	Space Rent
California	
Los Angeles, CA	$383
Orange County, CA	$468
Riverside-San Bernardino, CA	$304
San Diego, CA	$423
San Jose, CA	$489
Vallejo-Fairfield-Napa, CA	$321
Mendocino County, CA	$246
Colorado	
Boulder-Longmont, CO	$344
Denver, CO	$327
Delaware	
Dover, DE	$176
Sussex County, DE	$121
Maryland	
Hagerstown, MD	$220
St. Mary's County, MD	$265
Minnesota	
Minneapolis-St. Paul, MN-WI	$275
Nevada	
Reno, NV	$289
New York	
Dutchess County, NY	$371
Jamestown, NY	$176
Newburgh, NY-PA	$349
Rochester, NY	$245
Utica-Rome, NY	$220
Tompkins County, NY	$205
Oregon	
Salem, OR	$236
Portland-Vancouver, OR-WA	$284
Benton County, OR	$209
Deschutes County, OR	$259
Linn County, OR	$189
Utah	
Provo-Orem, UT	$223
Vermont	
Washington County, VT	$211
West Virginia	
Berkeley County, WV	$143
Jefferson County, WV	$146
Morgan County, WV	$140

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federal register

Friday
May 7, 1999

Part VI

Department of Education

Hispanic-Serving Institutions Program; Notice

Department of Education

[CFDA No.: 84.031S]

Hispanic-Serving Institutions Program; Notice Inviting Applications for New Awards for Fiscal Year 1999

Purpose of Program

Provide grants and related assistance to eligible Hispanic-Serving institutions of higher education to enable them to improve their academic quality, institutional management, and fiscal stability and thereby increase their self-sufficiency and expand their capacity to serve Hispanic students and other low-income individuals.

Deadline for Transmittal of Applications: June 25, 1999.

Deadline for Intergovernmental Review: August 25, 1999.

Applications Available: May 10, 1999.

Available Funds: Approximately $16,000,000.

Estimated Range of Awards: $375,000 to $425,000 per year for development grants.

Estimated Average Size of Awards: $392,000 per year for development grants.

Estimated Number of Awards: 40 development grants.

Project Period: 60 months for development grants.

Note: The Department is not bound by any estimates in this notice.

Statutory Priorities: Under 34 CFR 75.105(c)(3) and Section 511(d) of the Higher Education Act, as amended (HEA), the Secretary gives an absolute preference to applications that contain satisfactory evidence that the Hispanic-Serving institution has entered into or will enter into a collaborative arrangement with at least one local educational agency or community-based organization to provide that agency or organization with assistance (from funds other than funds provided under Title V of the HEA) in reducing dropout rates for Hispanic students, improving rates of academic achievement for Hispanic students, and increasing the rates at which Hispanic secondary school graduates enroll in higher education. The Secretary will fund under this competition only applications that meet this priority.

As described under Section 514(b), the Secretary also gives an absolute preference to grants for cooperative arrangements that are geographically and economically sound or will benefit the applicant Hispanic-Serving institution. Only applications that meet this priority will be funded.

Special Funding Consideration: In tie-breaking situations described in 34 CFR 607.23 of the Strengthening Institutions Program regulations, the Secretary awards one additional point to an application from an institution that has an endowment fund for which the market value in 1996–1997, per full-time equivalent (FTE) student, was less than the average per FTE student at similar type institutions; and one additional point to an application from an institution that had expenditures for library materials in 1996–1997, per FTE student, that were less than the average per FTE student, at similar type institutions.

For the purpose of these funding considerations, an applicant must be able to demonstrate that the market value of its endowment fund per FTE student, or expenditures for library materials per FTE student, were less than the following approximated national averages for base year 1996–1997:

	Average Market Value of Endowment Fund, Per FTE	Average Library Expenditures for Materials, Per FTE
Two-year Public Institutions	$1,332	$45
Two-year Non-profit, Private Institutions	11,567	121
Four-year Public Institutions	2,829	165
Four-year Non-profit Private Institutions	42,579	254

If a tie still remains after applying the additional points, the Secretary determines that an institution will receive an award according to a combined ranking of two-year and four-year institutions. This ranking is established by combining library expenditures and endowment values per FTE student. The institutions with the lowest combined library expenditures per FTE student and endowment values per FTE student are ranked higher in strict numerical order.

Applicable Regulations: (a) The Department of Education General Administrative Regulations (EDGAR) in 34 CFR Parts 74, 75, 77, 79, 82, 85, and 86; and (b) the regulations for the Strengthening Institutions Program in 34 CFR Part 607, except those regulatory sections that have been superseded by the Higher Education Amendments of 1998 (Public Law 105–244).

Supplementary Information: The Higher Education Amendments of 1998 amended the Higher Education Act of 1965 (HEA) regarding the Hispanic-Serving Institutions Program in several respects. First, it moved the program Title V of the HEA. It made specific changes to the eligibility requirements for new grants and authorized uses of grant funds. Key statutory provisions that directly impact the program are:

a. As amended, section 504(a)(2) of the HEA provides that an institution that receives a five-year individual grant under Title V, is not eligible to receive an additional development grant until two years after the date on which the five-year grant terminates.

b. As amended, section 503(b) of the HEA authorizes the use of grant funds for the following activities: (1) Purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes. (2) Construction, maintenance, renovation, and improvement in classrooms, libraries, laboratories, and other instructional facilities, including the integration of computer technology into institutional facilities to create smart buildings.

(3) Support of faculty exchanges, faculty development and faculty fellowships to assist in attaining advanced degrees in the field of instruction of the faculty.

(4) Purchase of library books, periodicals, and other educational materials, including telecommunications program material.

(5) Tutoring, counseling, and student service programs designed to improve academic success.

(6) Funds management, administrative management, and acquisition of equipment for use in strengthening funds management.

(7) Joint use of facilities, such as laboratories and libraries.

(8) Establishing or improving a development office to strengthen or improve contributions from alumni and the private sector.

(9) Establishing or improving an endowment fund.

(10) Creating or improving facilities for Internet or other distance learning academic instruction capabilities, including purchase or rental of telecommunications technology equipment or services.

(11) Establishing or enhancing a teacher education program designed to qualify students to teach in public, elementary and secondary schools.

(12) Establishing community outreach programs that will encourage elementary and secondary school students to develop the academic skills and the interest to pursue postsecondary education.

(13) Expanding the number of Hispanic and other underrepresented graduate and professional students that

can be served by an institution by expanding courses and institutional resources.

(14) Other activities proposed in the application that contribute to carrying out the purposes of the program and are approved by the Secretary as part of the review and acceptance of the application.

As amended, section 503(c) (1) and (2) of the HEA provides that grantees under the Developing Hispanic-Serving Institutions Program may use up to 20 percent of grant funds to establish or increase an endowment fund. However, the grantee institution must provide matching funds from non-Federal sources in an amount equal to or greater than the grant funds used for the endowment fund.

For Further Information Contact or Applications: Carl Person, U.S. Department of Education, 400 Maryland Avenue, SW, the Portals Building Suite CY–80, Washington, D.C. 20202–5335. Telephone (202) 708–8839 or (202) 708–8816. The e-mail address for Mr. Person is Carl__Person@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–888–877–8339.

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Program Authority: 20 U.S.C. 1057.

Dated: May 3, 1999.

David A. Longanecker,

Assistant Secretary, Office of Postsecondary Education.

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LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with ''P L U S'' (Public Laws Update Service) on 202–523–6641. This list is also available online at http://www.nara.gov/fedreg.

The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at http://www.access.gpo.gov/nara/index.html. Some laws may not yet be available.

S. 531/P.L. 106–26

To authorize the President to award a gold medal on behalf of the Congress to Rosa Parks in recognition of her contributions to the Nation. (May 4, 1999; 113 Stat. 50)

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