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Contents

Federal Register

Vol. 63, No. 197

Tuesday, October 13, 1998

Separate Parts In This Issue

Reader Aids
Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

Rules and Regulations

Federal Register
Vol. 63, No. 197
Tuesday, October 13, 1998

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Parts 319 and 354

[Docket No. 98–087–2]

Solid Wood Packing Material From China

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of public meeting.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service is hosting, in addition to the public hearing in Washington, DC, two more public hearings to accept oral comments from the public on an interim rule that will amend the regulations for importing logs, lumber, and other unmanufactured wood articles by adding treatment and documentation requirements for solid wood packing material imported from China.

PLACES, DATES, AND TIMES OF MEETINGS: The first meeting will be held at the Jackson Federal Building, North and South Auditorium, 4th Floor, 915 Second Avenue, Seattle, WA. This meeting will begin at 9:00 a.m. local time and is scheduled to end at 5:00 p.m. local time, on Tuesday, November 3, 1998. Visitors must enter the Jackson Federal Building through the Second Avenue entrance.

The second meeting will be held at the Hyatt Regency Long Beach, Regency Ballroom ABC, 4th Floor, 200 South Pine Avenue, Long Beach, CA. This meeting will begin at 9:00 a.m. local time and is scheduled to end at 5:00 p.m. local time, on Thursday, November 5, 1998.

FOR FURTHER INFORMATION CONTACT: Mr. Ronald Campbell, Import Specialist, Phytosanitary Issues Management Team, PPQ, APHIS, 4700 River Road, Unit 140, Riverdale, MD 20737–1236, (301) 734–6799.

SUPPLEMENTARY INFORMATION: On September 18, 1998, the Animal and Plant Health Inspection Service (APHIS) published an interim rule in the **Federal Register** (63 FR 50100–50111, Docket No. 98–087–1) that will amend the regulations for importing logs, lumber, and other unmanufactured wood articles by adding treatment and documentation requirements for solid wood packing material imported from China. This change means that wooden pallets, crating, dunnage, and other wooden packing material imported into the United States from China will have to be heat treated, fumigated, or treated with preservatives prior to departure from China. This action will affect anyone who uses solid wood packing material in connection with exporting commodities from China to the United States. This action is necessary to control the risk that solid wood packing material from China could introduce dangerous plant pests, including forest pests, into the United States, a risk demonstrated by many recent incidents where exotic pests were detected in solid wood packing material from China. This interim rule is scheduled to become effective December 17, 1998.

In the preamble to the interim rule, we announced that there would be three public hearings on the interim rule—one in Washington, DC, on October 16, 1998, at the Jefferson Auditorium, U.S. Department of Agriculture, South Building, 14th Street and Independence Avenue, SW., and two others on the west coast, dates and locations to be announced. This notice announces the dates and locations for the public hearings on the west coast.

All three public hearings will provide interested persons a full opportunity to present their views regarding this interim rule. The public hearings will begin at 9:00 a.m. local time and are scheduled to end at 5:00 p.m. local time. However, the hearings may be terminated at any time after they begin if all persons desiring to speak have been heard. We ask that anyone who reads a statement provide two copies to the presiding officer at the hearing. If the number of speakers at the hearing warrants, the presiding officer may limit the time for each presentation so that everyone wishing to speak has the opportunity.

The purpose of the hearings is to give interested persons an opportunity for oral presentations of data, views, and arguments. Questions about the content of the interim rule may be part of the commenters' oral presentations. Neither the presiding officer nor any other representative of APHIS will respond to comments at the hearings. However, they will be able to answer questions to clarify or explain provisions of the interim rule.

Done in Washington, DC, this 6th day of October 1998.

Craig A. Reed,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 98–27369 Filed 10–9–98; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 906

[Docket No. FV98–906–1 FIR]

Oranges and Grapefruit Grown in Lower Rio Grande Valley in Texas; Decreased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (Department) is adopting, as a final rule, without change, the provisions of an interim final rule which decreased the assessment rate, from $0.125 to $0.11 per 7/10 bushel carton, established for the Texas Valley Citrus Committee (Committee) under Marketing Order No. 906 for the 1998–99 and subsequent fiscal periods. The Committee is responsible for local administration of the marketing order which regulates the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. Authorization to assess orange and grapefruit handlers enables the Committee to incur expenses that are reasonable and necessary to administer the program. The fiscal period began on August 1 and ends July 31. The assessment rate will remain in effect indefinitely unless modified, suspended, or terminated.

EFFECTIVE DATE: November 12, 1998.

FOR FURTHER INFORMATION CONTACT: Belinda G. Garza, McAllen Marketing

Field Office, Fruit and Vegetable Programs, AMS, USDA, 1313 E. Hackberry, McAllen, TX 78501; telephone: (956) 682–2833, Fax: (956) 682–5942; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 205–6632. Small businesses may request information on compliance with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 205–6632.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement and Order No. 906 (7 CFR part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, hereinafter referred to as the ''order.'' The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, orange and grapefruit handlers in the Lower Rio Grande Valley in Texas are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable oranges and grapefruit beginning August 1, 1998, and continue until amended, suspended, or terminated. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

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

This rule continues to decrease the assessment rate established for the Committee for the 1998–99 and subsequent fiscal periods from $0.125 per 7/10 bushel carton to $0.11 per 7/10 bushel carton handled.

The Texas orange and grapefruit marketing order provides authority for the Committee, with the approval of the Department, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Committee are producers and handlers of Texas oranges and grapefruit. They are familiar with the Committee's needs and with the costs for goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

For the 1996–97 and subsequent fiscal periods, the Committee recommended, and the Department approved, an assessment rate that would continue in effect from fiscal period to fiscal period unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the Committee or other information available to the Secretary.

The Committee met on June 10, 1998, and unanimously recommended 1998–99 expenditures of $1,172,950 and an assessment rate of $0.11 per 7/10 bushel carton of oranges and grapefruit handled. On August 18, 1998, the Committee met again and unanimously approved a $9,000 increase to the 1998–99 budget, which increased the total budget to $1,181,950. In comparison, last year's budgeted expenditures were $1,100,478. The assessment rate of $0.11 is $0.015 lower than the rate previously in effect. The Committee voted to lower its assessment rate and use more of the reserve to cover its expenses. The assessment rate decrease was necessary to bring expected assessment income closer to the amount necessary to administer the program for the 1998–99 fiscal period. At the previous rate, assessment income would have exceeded anticipated expenses by about $5,550, and the projected reserve on July 31, 1999, would have exceeded the level the Committee believes adequate to administer the program.

The major expenditures recommended by the Committee for the 1998–99 fiscal period include $768,700 for advertising and promotion and $179,000 for the Mexican Fruit Fly support program. Budgeted expenses for these items in 1997–98 were $712,000 and $170,000, respectively. Budget increases for 1998–99 (with the 1997–98 budgeted amounts in parentheses) include administrative at $68,313 ($64,548) and compliance at $73,369 ($71,112). A new budget item for 1998–99 includes funds totaling $14,000 for promotion program evaluation.

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by expected shipments of Texas oranges and grapefruit. Texas orange and grapefruit shipments for the year are estimated at 9.5 million cartons which should provide $1,045,000 in assessment income. Income derived from handler assessments, along with interest income and funds from the Committee's authorized reserve, will be adequate to cover budgeted expenses. Funds in the reserve (currently $270,000) will be kept within the maximum permitted by the order (approximately one fiscal periods' expenses; § 906.35).

The assessment rate will continue in effect indefinitely unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the Committee or other available information.

Although this assessment rate is effective for an indefinite period, the Committee will continue to meet prior to or during each fiscal period to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Committee meetings are available from the Committee or the Department. Committee meetings are open to the public and interested persons may express their views at these meetings. The Department will evaluate Committee recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking will be undertaken as necessary. The Committee's 1998–99 budget and those for subsequent fiscal periods will be reviewed, and, as appropriate, approved by the Department.

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

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

There are approximately 2,000 producers of oranges and grapefruit in the production area and 17 handlers subject to regulation under the marketing order. Small agricultural producers have been defined by the Small Business Administration (SBA) (13 CFR 121.601) as those having annual receipts less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $5,000,000. The majority of orange and grapefruit producers and handlers may be classified as small entities.

Last year, 4 of the handlers each shipped over 833,000 7/10 bushel cartons of oranges and grapefruit, which at an average free-on-board (f.o.b.) price of $6.00, generated approximately $5 million in gross sales. These handlers would be considered large businesses under SBA's definition, and the remaining 13 handlers would be considered small businesses. Of the approximately 2,000 producers within the production area, few have sufficient acreage to generate sales in excess of $500,000; therefore, a majority of producers of Texas oranges and grapefruit may be classified as small entities.

This rule continues to decrease the assessment rate established for the Committee and collected from handlers for the 1998–99 and subsequent fiscal periods from $0.125 to $0.11 per 7/10 bushel carton handled. The Committee unanimously recommended 1998–99 expenditures of $1,181,950 and an assessment rate of $0.11 per 7/10 bushel carton. The assessment rate of $0.11 is $0.015 lower than the 1997–98 rate. As mentioned earlier, the quantity of assessable oranges and grapefruit for the 1998–99 season is estimated at 9.5 million cartons. Income derived from handler assessments, along with interest income and funds from the Committee's authorized reserve, will be adequate to cover budgeted expenses.

The major expenditures recommended by the Committee for the 1998–99 fiscal period include $768,700 for advertising and promotion and $179,000 for the Mexican Fruit Fly support program. Budgeted expenses for these items in 1997–98 were $712,000 and $170,000, respectively. Budget increases for 1998–99 (with the 1997–98 budgeted amounts in parentheses) include administrative at $68,313 ($64,548), and compliance at $73,369 ($71,112). A new budget item for 1998–99 includes funds totaling $14,000 for promotion program evaluation.

Many producers are still recovering from the devastating freezes of 1983 and 1989 that virtually destroyed the Texas citrus industry. Most trees in the production area were planted within the past ten years and have not yet reached full maturity. As a result, yields are still somewhat low and profit to the producers is marginal. Also, a general oversupply of citrus from other domestic sources and foreign countries is depressing prices. To allow more of the revenue from sales to be retained by those paying assessments, the Committee recommended that the 1998–99 rate of assessment be reduced to $0.11 per 7/10 bushel carton. The reduction in the assessment rate will, however, cause the Committee to draw approximately $131,950 from reserves to meet the 1998–99 budget. At the end of the 1998–99 fiscal period, the reserve is expected to be $117,428. Interest income totaling $5,000 also will be used to cover program expenses in 1998–99.

The Committee reviewed and unanimously recommended 1998–99 expenditures of $1,172,950, which included increases in administrative costs, compliance, the advertising and promotion program, and the addition of funds to cover a promotion program evaluation. Budgeted expenses for the Mexican Fruit Fly program were left the same as last year. In a subsequent meeting on August 18, 1998, however, the Committee approved a $9,000 increase for the Mexican Fruit Fly program, which increased the total budget to $1,181,950. In arriving at the budget, the Committee considered information from various sources. A lower assessment rate was considered. The Committee, however, concluded that establishing a lower rate would require it to use too much of its reserve. Based on its estimate of anticipated 1998–99 shipments, the Committee concluded that an assessment rate of $0.11 per 7/10 bushel carton of oranges and grapefruit would generate the income necessary to administer the program with an appropriate reserve level. Funds in the reserve will be kept within the maximum permitted by the order (approximately one fiscal period's expenses; § 906.35).

A review of historical information and preliminary information pertaining to the upcoming fiscal period indicates that the f.o.b. price for the 1998–99 season could range between $4.50 and $9.00 per 7/10 bushel carton of oranges and grapefruit, depending upon the fruit variety, size, and quality. Therefore, the estimated assessment revenue for the 1998–99 fiscal period as a percentage of the total pack-out revenue could range between 2.4 and 1.2 percent.

This action continues to decrease the assessment obligation imposed on handlers. Assessments are applied uniformly on all handlers, and some of the costs may be passed on to producers. However, decreasing the assessment rate reduces the burden on handlers, and may reduce the burden on producers. In addition, the Committee's meeting was widely publicized throughout the Texas orange and grapefruit industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the June 10 and August 18, 1998, meetings were public meetings and all entities, both large and small, were able to express views on this issue.

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

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

An interim final rule concerning this action was published in the **Federal Register** on July 24, 1998 (63 FR 39697). Copies of that rule were also mailed or sent via facsimile to all Texas orange and grapefruit handlers. Finally, the interim final rule was made available through the Internet by the Office of the Federal Register. A 60-day comment period was provided for interested persons to respond to the interim final rule. The comment period ended on September 22, 1998, and no comments were received.

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 906

Marketing agreements, Grapefruit, Oranges, Reporting and recordkeeping requirements.

PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Accordingly, the interim final rule amending 7 CFR part 906 which was published at 63 FR 39697 on July 24, 1998, is adopted as a final rule without change.

Dated: October 6, 1998.

Robert C. Keeney,

Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 98–27311 Filed 10–9–98; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 966

[Docket No. FV98–966–2 IFR]

Tomatoes Grown in Florida; Partial Exemption From the Handling Regulation for Producer Field-Packed Tomatoes

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This rule changes the handling requirements currently prescribed under the Florida tomato marketing order. The marketing order regulates the handling of tomatoes grown in Florida and is administered locally by the Florida Tomato Committee (committee). This rule exempts shipments of producer field-packed tomatoes from the container net weight requirements and the requirement that all tomatoes must be packed at registered handler facilities. This rule will allow the industry to pack a higher colored, riper tomato to meet the demand of the expanding market for vine-ripe tomatoes. This will facilitate the movement of Florida tomatoes and should improve returns to producers.

DATES: Effective October 10, 1998; comments received by December 14, 1998 will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. Comments must be sent to the Docket Clerk, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; Fax: (202) 205–6632; or E-mail: moabdocket__clerk@usda.gov. All comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Christian D. Nissen, Southeast Marketing Field Office, F&V, AMS, USDA, P.O. Box 2276, Winter Haven, Florida 33883–2276; telephone: (941) 299–4770, Fax: (941) 299–5169; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, F&V, AMS, USDA, room 2522–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 690–3919, Fax: (202) 205–6632. Small businesses may request information on compliance with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone (202) 720–2491, Fax: (202) 205–6632.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 125 and Order No. 966 (7 CFR part 966), both as amended, regulating the handling of tomatoes grown in Florida, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

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

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

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

Under the order, tomatoes produced in the production area and shipped to fresh market channels outside the regulated area are required to meet grade, size, inspection, and container requirements. These requirements apply during the period October 10 through June 15 each year. Current requirements include a minimum grade of U.S. No. 2 and a minimum size of 2$^{9}/_{32}$ inches in diameter. Current pack and container requirements outline the types of information that needs to appear on a container, weight restrictions the packed containers must meet, and that the containers must be packed at a registered handler's facility.

Section 966.52 of the Florida tomato marketing order provides authority for the modification, suspension, and termination of regulations. It includes the authority to establish and modify pack and container requirements for tomatoes grown in the defined production area and handled under the order.

Section 966.323 specifies the handling regulations issued under the order. Section 966.323(a)(3)(i) requires that certain types of tomatoes packed by registered handlers be packed in containers of 10, 20, and 25 pounds designated net weights. The net weight can not be less than the designated weight or exceed the designated weight by more than two pounds. Section 966.323(a)(3)(ii) currently requires that certain types of tomatoes be packed by registered handlers in containers that are marked with the designated net weight and with the name and address of the registered handler, and that such containers must be packed at the registered handler's facilities.

This rule changes the handling regulations under the order. This rule defines producer field-packed tomatoes and will allow handlers to ship field-packed tomatoes exempt from the net weight requirements. This rule also exempts producer field-packed tomatoes from the requirement that all tomatoes be packed at a registered handler's facility. These tomatoes will still be subject to all other provisions of the handling regulation, including established grade, size, pack and inspection requirements. These tomatoes also would continue to be subject to assessments. The committee met September 11, 1998, and unanimously recommended this change.

In its discussion of this rule, the committee recognized that the market for red, ripe tomatoes or vine-ripes is continuing to grow. Place packed vine-ripe tomatoes are shipped from many foreign and domestic growing areas, and currently maintain a strong and growing

market share. Committee members stated that the popularity of the red, ripe tomato is evident in the increasing popularity of greenhouse and hydroponic tomatoes. These tomatoes tend to be marketed at a red, mature stage. Customer studies have shown that consumers prefer tomatoes that are of high color, and that are mature and ready to eat. According to a committee study, retailers believe that the vine-ripe tomato is the tomato of the future. The committee stated that this is the fastest growing market segment.

Currently, the majority of Florida tomatoes are shipped at the mature green stage. Vine-ripe tomatoes represent only about 12 percent of total fresh shipments (6,501,630 of 47,633,160 25-pound containers shipped during the 1997–98 season). In an effort to put the industry in a more advantageous position to take advantage of this growing market, and to improve returns to producers, the committee recommended changes to the order's rules and regulations. These changes were recommended to help facilitate the movement of more vine-ripe tomatoes from Florida. To accomplish this, the committee recommended changes to the regulations to define a producer field-packed tomato and provide exemptions for such tomatoes to facilitate their movement. Producer field-packed tomatoes are defined as tomatoes which at the time of inspection are No. 3 color or higher (according to color classification requirements in the U.S. tomato standards), that are picked and place packed in new containers in the field by a producer as defined in § 966.150 of the rules and regulations. The tomatoes are then transferred to the registered handler's facilities for final preparation for market and for inspection.

Most tomatoes from Florida are packed and shipped at the mature green stage. Shipments of mature green tomatoes represented approximately 88 percent of total fresh shipments during the 1997–98 season. Tomatoes are picked and packed at the mature green stage to facilitate handling. The vast majority of mature green tomatoes are packed using a mechanized process. The tomatoes are brought to the packing house where they are washed, run across sizing equipment, and then are packed in volume fill containers. At the mature green stage, the tomatoes are firm and are able to handle the packing process. This is an efficient process that facilitates packing in volume.

However, when trying to pack a tomato that is more ripe and mature, the process used to pack mature greens is not as effective. This is because as the tomato begins to ripen it begins to soften. Tomatoes of No. 3 color and above cannot handle the rigors of the mechanized handling process. This packing process bruises and damages more mature tomatoes, increasing the volume of culls and those that fail inspection for grade.

To provide a better way to handle mature tomatoes, and to provide for a greater volume of such tomatoes from Florida, the committee recommended developing a producer field-packed tomato. To facilitate the handling of this tomato the committee recommended that it be exempt from two parts of the handling regulations. This rule exempts producer field-packed tomatoes from the requirement that tomatoes be packed at a registered handler's facility, and the designated net weight requirements.

Section 966.323 (a)(3)(ii) specifies in part that all tomatoes are to be packed at a registered handler's facilities. This rule exempts producer field-packed tomatoes from this requirement. By providing this exemption, the number of times the tomato is handled is reduced. Mature green tomatoes can withstand the multiple handling involved in its process, a more mature tomato cannot. Under this exemption, the producer field-packed tomato would only be handled once, when it was picked and packed in the field. It will not be subjected to the rigors of a mechanical process. Under this process, the tomatoes will be sized, cleaned, and packed by hand. This process of picking and packing in the field will make it substantially easier to pack a tomato of higher color and maturity. As per the requirement for all packed tomatoes for shipment outside the regulated area, new boxes must be used. The tomatoes are delivered to a registered handler for final preparation for market. The tomatoes will be inspected for grade, size, and proper pack after delivery to the registered handler.

This rule also exempts producer field-packed tomatoes from the net weight requirements specified in the rules and regulations. Section 966.323(a)(3)(i) currently requires that certain types of tomatoes packed by registered handlers be packed in containers of 10, 20, and 25 pounds designated net weights. The net weight can not be less than the designated weight or exceed the designated weight by more than two pounds.

By definition, producer field-packed tomatoes will be place packed in the field. Place packing a container requires a fixed number of tomatoes to fill the container. In place packing, the tomatoes are packed in layers, with the fill determined by the size of the tomato, dimensions of the container, and the way the tomatoes are positioned in the box. To facilitate this type of pack, most handlers use plastic cells, cardboard partitions, or trays to position the tomatoes. The majority of place packed tomatoes are sold by count per container rather than by weight.

Most tomatoes shipped in Florida are shipped at the mature green stage, and are packed in volume fill containers. When volume fill containers are packed, the tomatoes are placed by hand or machine into the container until the required net weight is reached. Mature green tomatoes are not as susceptible to bruising and other damage during packing and transport as are producer field-packed tomatoes. If volume fill was used to pack producer field-packed tomatoes, serious product bruising would result which would detract from the appearance and marketability of these tomatoes.

However, place packing does not lend itself well to meeting a required net weight. The tomatoes have to be properly sized and placed to fit snugly in the container. During the harvesting season, the weight of equal size tomatoes may vary dramatically. When tomatoes are place packed, the handler cannot add extra tomatoes when the container weight is light. Because the tomatoes are packed in layers, when a layer is complete there are no spaces for additional tomatoes. Similarly, when the tomatoes are heavy, the handler cannot remove a tomato to meet a weight requirement. Buyers expect a full pack with no spaces, and a missing tomato could result in a loose pack which could allow shifting or bruising during transport and would be a marketing problem. To overcome this problem, the committee recommended that shipments of producer field-packed tomatoes as defined herein, be exempt from the container net weight requirements of the rules and regulations.

The committee is focusing on ways to continue to be competitive, develop new markets, and increase grower returns. The committee believes this change will provide the industry with more flexibility and additional marketing opportunities.

The committee believes that producer field-packed tomatoes will increase the volume of vine-ripe tomatoes available from Florida. This has been a market that has been expanding and not traditionally served by much volume from the Florida tomato industry. The committee also believes that this change will allow producers to harvest tomatoes that might otherwise have been left in the field. There is also an

indication that handlers will be willing to pay a higher price for producer field-packed tomatoes. The committee believes that the higher prices combined with additional tomato sales should increase returns to producers.

There are other changes made by this rule. Currently, yellow meated tomatoes, specialty packed red ripe tomatoes, single layer and two layer place packed tomatoes, and now producer field-packed tomatoes as well, are exempt from the container net weight requirement in § 966.323(a)(3)(i). In its discussion, the committee said that § 966.323(a)(3)(ii) states that each container or lid shall be marked to indicate the designated net weight. They said that in the past, there had been some confusion as to how this applies to those tomatoes exempt from net weight. The committee voted unanimously to exempt those tomatoes exempt from net weight from the requirement that net weight appear on the container or lid to rectify this problem. This rule makes this change. Finally, the first sentence of § 966.323(d)(1) is changed to delete unnecessary language.

Section 8(e) of the Act requires that whenever grade, size, quality or maturity requirements are in effect for certain commodities under a domestic marketing order, including tomatoes, imports of that commodity must meet the same or comparable requirements. However, the Act does not authorize the imposition of container requirements on imports, when such requirements are in effect under a domestic marketing order. Therefore, no change is necessary in the tomato import regulations as a result of this action.

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

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

There are approximately 65 handlers of Florida tomatoes who are subject to regulation under the order and approximately 75 tomato producers in the regulated area. Small agricultural service firms, which includes handlers, have been defined by the Small Business Administration (SBA) as those having annual receipts of less than $5,000,000, and small agricultural producers are defined as those having annual receipts of less than $500,000 (13 CFR 121.601).

Based on the industry and committee data for the 1997-98 season, the average annual f.o.b. price for fresh Florida tomatoes during the 1997–98 season was around $9.11 per 25 pound equivalent, and total fresh shipments for the 1997–98 season are estimated at 47.6 million 25 pound equivalent cartons of tomatoes. Committee data indicates that approximately 20 percent of the Florida handlers handle 80 percent of the total volume shipped outside the regulated area. Based on this information, the shipment information for the 1997–98 season, and the 1997–98 season average price, the majority of handlers would be classified as small entities as defined by the SBA. The majority of producers of Florida tomatoes also may be classified as small entities.

Under § 966.52 of the Florida tomato marketing order, the committee, among other things, has authority to establish and modify pack and container requirements for tomatoes grown in the defined production area and handled under the order. This rule defines a producer field-packed tomato and provides exemptions for such tomato from the net weight requirements and the requirements that tomatoes be packed at a registered handler's facilities. This rule will allow for the place packing of ripe tomatoes in the field. Vine ripe tomatoes represent only about 12 percent of total fresh shipments (6,501,630 of 47,633,160 25-pound containers shipped during the 1997–98 season).

The committee recommended this change to improve the marketing of Florida tomatoes and follow the trend of increased demand for red, mature tomatoes. This trend is in response to a strong consumer demand for such tomatoes. This rule will allow the industry to pack a higher colored, riper tomato to meet the demand of the expanding market for these vine-ripe tomatoes. This will facilitate the movement of Florida tomatoes and should improve returns to producers.

Producer field-packed tomatoes are defined as tomatoes which at the time of inspection are No. 3 color or higher (according to color classification requirements in the U.S. tomato standards), that are picked and place packed in new containers in the field by a producer as defined in § 966.150 of the rules and regulations. The tomatoes are then transferred to the registered handler's facilities for final preparation for market and for inspection.

This rule will have a positive impact on affected entities. The changes were recommended to provide additional flexibility in the packing of tomatoes of higher color and maturity.

Providing an exemption for producer field-packed tomatoes from the requirement that tomatoes be packed at a registered handler's facilities, reduces the number of times the tomato is handled. It also facilitates the packing of producer field-packed tomatoes free from the mechanized process of grading and sizing used for mature green tomatoes. Tomatoes of No. 3 color and above cannot handle the rigors of the mechanized handling process. This packing process bruises and damages more mature tomatoes, increasing the volume of culls and those that fail inspection for grade. By providing this exemption, the producer field-packed tomato would only be handled once, when it was picked and packed in the field. This will make it substantially easier to pack a tomato of higher color and maturity.

The exemption from the net weight requirements will allow the producer field-packed tomatoes to be place packed. It is very difficult to pack to a specified weight when place packing containers. Place packing a container requires a fixed number of tomatoes to fill the container. In place packing, the tomatoes are packed in layers, with the fill determined by the size of the tomato, dimensions of the container, and the way the tomatoes are positioned in the box. The majority of place packed tomatoes are sold by count per container rather than by weight. However, the place pack method of packaging does not lend itself well when packing to meet a required net weight.

During the harvesting season, the weight of equal size tomatoes may vary dramatically. If the producer field-packed tomatoes are light in weight, handlers cannot add extra tomatoes to meet net weight because the pack is full, or if the tomatoes are heavier than normal, removing a tomato to meet net weight would mean leaving an empty space. Buyers expect a full pack with no spaces, and a missing tomato could result in a loose pack which could allow shifting or bruising during transport and would be a marketing problem. To overcome this problem, the committee recommended that shipments of producer field-packed tomatoes as defined herein, be exempt from the container net weight requirements of the rules and regulations.

In an effort to put the industry in a more advantageous position to take

advantage of this growing market, and to improve returns to producers, the committee recommended these changes. According to committee funded research, retailers consider vine-ripe tomatoes to be the tomato type of the future. This has been a market that has been expanding and it is a market where the Florida tomato industry has room to grow and expand its market share. The committee believes that producer field-packed tomato will increase the volume of vine-ripe tomatoes available from Florida. The committee also believes that it will allow producers to harvest tomatoes that might otherwise have been left in the field. There is also an indication that handlers will be willing to pay a higher price for producer field-packed tomatoes. The committee believes that the higher prices combined with additional tomato sales should increase returns to producers.

There are some additional costs associated with packing in the field. Picking, grading, and sizing by hand is more time consuming and costly than by machine. However, there are indications that producer field-packed tomatoes will command a higher price. Also, the regulated industry is not required to use this exemption. Therefore, the additional costs are voluntary.

These changes are intended to provide additional flexibility for all those covered under the order. The opportunities and benefits of this rule are expected to be equally available to all tomato handlers and growers regardless of their size of operation. This action will have a beneficial impact on producers and handlers since it will allow tomato handlers to make additional supplies of tomatoes available to meet consumer needs consistent with crop and market conditions.

This rule will not impose any additional reporting or recordkeeping requirements on either small or large tomato handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sectors. In addition, the Department has not identified any relevant Federal rules that duplicate, overlap or conflict with this rule.

Further, the committee's meeting was widely publicized throughout the tomato industry and all interested persons were invited to attend the meeting and participate in committee deliberations. Like all committee meetings, the September 11, 1998, meeting was a public meeting and all entities, both large and small, were able to express their views on this issue. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

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

This rule invites comments on a change to the handling requirements currently prescribed under the Florida tomato marketing order. Any comments received will be considered prior to finalization of this rule.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) This change is a relaxation of current requirements; (2) the Florida tomato season begins October 10; (3) the committee unanimously recommended these changes at a public meeting and interested parties had an opportunity to provide input; and (4) this rule provides a 60-day comment period and any comments received will be considered prior to finalization of this rule.

List of Subjects in 7 CFR Part 966

Marketing agreements, Reporting and recordkeeping requirements, Tomatoes.

For the reasons set forth in the preamble, 7 CFR part 966 is amended as follows:

PART 966—TOMATOES GROWN IN FLORIDA

1. The authority citation for 7 CFR part 966 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Section 966.323 is amended by revising paragraph (d)(1) and the first sentence in paragraph (g) to read as follows:

§ 966.323 Handling regulations

* * * * *

(d) *Exemption.* (1) *For types.* The following types of tomatoes are exempt from these regulations: Elongated types commonly referred to as pear shaped or paste tomatoes and including but not limited to San Marzano, Red Top, and Roma varieties; cerasiform type tomatoes commonly referred to as cherry tomatoes; hydroponic tomatoes; and greenhouse tomatoes. Specialty packed red ripe tomatoes, yellow meated tomatoes, and single layer and two layer place packed tomatoes are exempt from the container net weight requirements specified in paragraph (a)(3)(i) of this section, and the requirement that each container or lid shall be marked to indicate the designated net weight as specified in paragraph (a)(3)(ii) of this section, but must meet the other requirements of this section. Producer field-packed tomatoes are also exempt from the container net weight requirements specified in paragraph (a)(3)(i) of this section, the requirement that each container or lid shall be marked to indicate the designated net weight as specified in paragraph (a)(3)(ii) of this section, and the requirement that all containers must be packed at the registered handler's facilities as specified in paragraph (a)(3)(ii) of this section, but must meet the other requirements of this section.

* * * * *

(g) *Definitions. Hydroponic tomatoes* means tomatoes grown in solution without soil; *greenhouse tomatoes* means tomatoes grown indoors; *specialty packed red ripe tomatoes* means tomatoes which at the time of inspection are #5 or #6 color (according to color classification requirements in the U.S. tomato standards) with their calyx ends and stems attached and cell packed in a single layer container; and *producer field-packed tomatoes* means tomatoes which at the time of inspection are #3 color or higher (according to color classification requirements in the U.S. tomato standards), that are picked and place packed in new containers in the field by a producer as defined in § 966.150 and transferred to a registered handler's facilities for final preparation for market. * * *

Dated: October 8, 1998.

Robert C. Keeney,

Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 98–27518 Filed 10–9–98; 8:45 am]

BILLING CODE 3410–02–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

RIN 3150–AF84

Minor Revision of Design Basis Accident Dose Limits for Independent Spent Fuel Storage and Monitored Retrievable Storage Installations

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations governing the dose limits and the dose calculational methodology used in design basis accident analyses for Independent Spent Fuel Storage Installations (ISFSIs) and Monitored Retrievable Storage Installations (MRS). This final rule amends ISFSI and MRS design basis accident dose limits to conform to the dose calculational methodology currently used in the regulations that specify standards for protection against radiation and make a minor change to match the Environmental Protection Agency's (EPA) regulations. This action will ensure that limits for design basis accidents at ISFSI and MRS installations are consistent with the dose methodology specified in NRC radiation protection regulations, and will allow licensees the flexibility provided by that dose methodology when performing design basis accident analyses.

EFFECTIVE DATE: November 12, 1998.

FOR FURTHER INFORMATION CONTACT: Naiem S. Tanious, Office of Nuclear Material Safety and Safeguards, U.S Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–6103, E-mail: INTERNET:NST@nrc.gov

SUPPLEMENTARY INFORMATION:

Background

Paragraph (b) of § 72.106 establishes the dose limit for a design basis accident at an independent spent fuel storage installation (ISFSI) or a monitored retrievable storage installation (MRS). The dose limit in § 72.106(b) is based on the dose calculational methodology contained in International Commission on Radiological Protection Publication Number 2 (ICRP–2, 1959). The ICRP–2 methodology was subsequently revised in ICRP Publication Number 26 (ICRP–26, 1977), and was incorporated into 10 CFR part 20 when part 20 was revised in 1991.

The calculational methodology in the revised part 20 no longer quantifies dose in terms of whole body dose and individual organ dose. Instead, the dose is quantified as a risk equivalent dose. In this manner, the doses absorbed by the whole body and the individual organs can be summed to a single quantity relating to risk.

Under the part 20 calculational methodology, *deep-dose equivalent* (H_d), which applies to the external whole-body exposure, is defined in 10 CFR 20.1003 as the dose equivalent at a tissue depth of 1 cm (1000 mg/cm^2). The committed dose equivalent (CDE)($H_{T,50}$) is defined in 10 CFR 20.1003 to mean the dose equivalent to organs or tissues of reference (T) that will be received from an intake of radioactive material by an individual during the 50-year period following the intake. The *committed effective dose equivalent* (CEDE) ($H_{E,50}$) is defined in 10 CFR 20.1003 as the sum of the products of the weighting factors applicable to each of the body organs or tissues that are irradiated and the committed dose equivalent to these organs or tissues ($H_{E,50} = \Sigma W_T H_{T,50}$). The *total effective dose equivalent* (TEDE) is the sum of the deep-dose equivalent (for external exposure) and the committed effective dose equivalent (for internal exposures).

The ICRP–26 methodology was not incorporated into part 72 at the time part 20 was revised. Part 72 contains two regulations setting dose limits: § 72.104, which sets dose limits during normal operations and anticipated occurrences; and § 72.106, which sets dose limits for design basis accidents.

The main objective of this final rule is to revise § 72.106(b) to incorporate the part 20 methodology. A second objective of the rule is to make a minor word change to § 72.104(a) to match the language used by EPA in 40 CFR 191.03(a).

On March 19, 1998 (63 FR 13372), the NRC published the notice of proposed rulemaking that would amend ISFSI and MRS design basis accident dose limits to conform to the dose calculational methodology currently used in 10 CFR part 20, and to make a minor change to § 72.104(a) to match EPA's regulation in 40 CFR 191.03(a). The public comment period expired May 4, 1998.

Discussion

At present, § 72.106, Controlled area of an ISFSI or MRS in part provides:

(b) Any individual located on or beyond the nearest boundary of the controlled area shall not receive a dose greater than 5 rem to the whole body or any organ from any design basis accident. The minimum distance from the spent fuel or high-level radioactive waste handling and storage facilities to the nearest boundary of the controlled area shall be at least 100 meters.

This 0.05 Sv (5 rem) limit to the whole body or any organ is amended in the final rule to conform with the part 20 dose calculational methodology. The amended limit becomes the more limiting of the TEDE of 0.05 Sv (5 rem), or the sum of the deep dose equivalent and the committed dose equivalent to any individual organ or tissue (other than the lens of the eye) of 0.5 Sv (50 rem). The amendment also includes a separate dose limit for the lens of the eye of 0.15 Sv (15 rem); and for the skin or any extremity, a shallow dose equivalent of 0.5 Sv (50 rem). The use of separate dose limits for the lens of the eye, skin, and extremities will conform with the dose calculational methodology used in part 20 and will ensure that no observable effects (e.g., induction of cataracts in the lens of the eye) will occur as a result of any accidental radiation exposure.

This final rule makes § 72.106 consistent with part 20 dose calculational methodology. This rule also provides part 72 licensees flexibility when performing design basis accident analyses because they would be able to use organ weighting factors to calculate the dose to the maximally exposed organ. In addition, part 72 licensees will no longer need to comply with one calculational methodology for their radiation protection programs (i.e., the revised part 20 methodology) and another methodology for their design basis accident analyses.

This final rule does not revise § 72.104(a) to incorporate ICRP–26 methodology because doing so would render this regulation incompatible with the EPA's regulation at 40 CFR 191.03(a) which is applicable to ISFSI and MRS licensees. However, 40 CFR 191.03(a) phrases the standard in terms of dose limits to the whole body and any critical organ; whereas, § 72.104(a) phrases the standard in terms of dose limits to the whole body and any organ. This final rule makes § 72.104(a) more consistent with 40 CFR 191.03(a) by inserting the word critical before the word organ. The critical organ (listed in Table 1 of ICRP–2) associated with an intake of radioactive material is considered to be that organ of the body whose damage by the radiation results in the greatest damage to the body.

This final rule adopts the term ''Lens dose equivalent'' in § 72.106 which replaces the term ''Eye dose equivalent''. This new term was added to part 20 in an NRC final rule published on July 23, 1998 (63 FR 39477).

Public Comments on the Proposed Rule

The NRC received two public comments: one from the Nuclear Energy Institute (NEI), an organization that represents the nuclear energy industry, and the other from TSW Enterprises, a private company. Both commenters supported the proposed rule. NEI, while expressing disappointment that NRC was not amending § 72.104(a) because this would create incompatibility with EPA's regulation, urged the NRC to

proceed with the revisions as proposed. TSW Enterprises also supported the proposed rule and suggested that in § 72.104(a) the radiation exposure limits be expressed in metric units as well as English units in accord with the Commission's policy on the use of metric units (61 FR 31169). The Commission agrees with this suggestion and this change is made in the final rule.

Criminal Penalties

For purposes of section 223 of the Atomic Energy Act (AEA), the Commission is issuing the final rule under one or more of sections 161b, 161: or 161o of the AEA. Willful violations of the rule will be subject to criminal enforcement.

Environmental Impact: Categorical Exclusion

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

Paperwork Reduction Act Statement

This final 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 number 3150–0132.

Public Protection Notification

If 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

To determine whether the amendments to 10 CFR part 72 are appropriate, the NRC staff considered the following two alternatives:

1. *The No-Action Alternative.* This alternative is not acceptable to the NRC for the following reasons. Section 72.106(b) would continue to be inconsistent with part 20. Part 72 licensees would demonstrate compliance with the dose limits in part 20 using the 1977 dose calculational methodology of ICRP–26 for their radiation protection programs as required by §§ 72.24(e) and 72.44(d). However, part 72 licensees would continue to use the 1959 dose calculational methodology of ICRP–2 in addressing radiation dose from a design basis accident as required in § 72.106(b). Thus, licensees would not be able to take advantage of the flexibility provided by the dose calculational methodology used in part 20 when performing design basis accident analyses. Therefore, this alternative was not pursued.

2. *Amendments of 10 CFR part 72.* In this option, the staff considered preparing a proposed rule to amend the dose limiting design objective in § 72.106(b) to 5 rem TEDE. This is consistent with the intent of the existing § 72.106(b), and updates the dose calculational methodology to that which is used for demonstration of compliance with part 20. Updating the dose calculational methodology also would increase the organ dose limit, CDE, from 5 rem to 50 rem; allow for the use of risk-based weighting factors for each organ or tissue to determine the 50-year CEDE; and provide licensees with additional flexibility in conducting and submitting design basis accident analyses to demonstrate compliance with the requirements in § 72.106(b).

In addition to the increased flexibility provided to licensees, they would no longer need to comply with one calculational methodology for their radiation protection programs (i.e., the revised part 20 methodology) and another methodology for their design basis accident analyses.

Moreover, design basis accident analyses for ISFSIs and MRS installations would use the same dose calculational methodology as design basis accident analyses for a geologic repository operations area (§ 60.136(b)). This alternative was chosen by the NRC.

This constitutes the regulatory analysis for this final rule. As discussed above, this rule does not impose any new requirements. Therefore, there will be no additional cost burden to part 72 licensees or the Federal Government.

Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission certifies that this rule will not have a significant economic impact upon a substantial number of small entities. The final rule will provide licensees with additional flexibility in conducting and submitting design basis accident analyses to demonstrate compliance with the requirements in § 72.106(b). In addition, the licensees would no longer need to comply with one calculational methodology for their radiation protection programs (i.e., the revised part 20 methodology) and another methodology for their design basis accident analyses.

The final rule will not impose any additional obligations on entities that may fall within the definition of ''small entities'' as set forth in section 601(3) of the Regulatory Flexibility Act; or within the definition of ''small business'' as found in section 3 of the Small Business Act, 15 U.S.C. 632; or within the size standards adopted by the NRC on April 11, 1995 (60 FR 18344).

Small Business Regulatory Enforcement Fairness Act

In accordance with the Small Business Regulatory Enforcement Fairness Act of 1996, the NRC has determined that this action is not a ''major rule'' and has verified this determination with the Office of Information and Regulatory Affairs, Office of Management and Budget.

Backfit Analysis

The NRC has determined that the backfit rule, § 72.62, does not apply to this final rule, and a backfit analysis is not required, because these amendments do not involve any provisions that would impose backfits as defined in § 72.62(a). This final rule does not constitute a backfit under § 72.62, because it does not require a change to existing structures, systems, components, procedures, or organization. Further, the rule will not result in a more stringent outcome than the existing rule, and therefore, current licensees who are in compliance with the existing rule will not be required to make any changes or take any action. New applicants and license renewal applications will be able to take advantage of some additional flexibility in the dose calculations that is afforded by this rule.

Agreement State Implementation Issues

Under the ''Policy Statement on Adequacy and Compatibility of Agreement State Programs'' approved by the Commission on June 30, 1997, (62 FR 46517), this rule is classified as a compatibility Category ''NRC.'' This rule is not required for compatibility and addresses areas of exclusive NRC authority. This area of regulations cannot be relinquished to Agreement States pursuant to the Atomic Energy Act and, as such, States should not adopt this regulation.

List of Subjects in 10 CFR Part 72

Criminal penalties, Manpower training programs, Nuclear materials, Occupational safety and health, Reporting and recordkeeping requirements, Security measures, Spent fuel.

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 Commission is adopting the following amendments to 10 CFR part 72.

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

1. 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).

Section 72.44(g) also issued under secs. 142(b) and 148(c), (d), Pub. L. 100–203, 101 Stat. 1330–232, 1330–236 (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. 97–425, 96 Stat. 2230 (42 U.S.C. 10154). Section 72.96(d) also issued under sec. 145(g), Pub. L. 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).

2. In § 72.104, the introductory text of paragraph (a) is revised to read as follows:

§ 72.104 Criteria for radioactive materials in effluents and direct radiation from an ISFSI or MRS.

(a) During normal operations and anticipated occurrences, the annual dose equivalent to any real individual who is located beyond the controlled area must not exceed 0.25 mSv (25 mrem) to the whole body, 0.75 mSv (75 mrem) to the thyroid and 0.25 mSv (25 mrem) to any other critical organ as a result of exposure to:

* * * * *

3. In § 72.106, paragraph (b) is revised to read as follows:

§ 72.106 Controlled area of an ISFSI or MRS.

* * * * *

(b) Any individual located on or beyond the nearest boundary of the controlled area may not receive from any design basis accident the more limiting of a total effective dose equivalent of 0.05 Sv (5 rem), or the sum of the deep-dose equivalent and the committed dose equivalent to any individual organ or tissue (other than the lens of the eye) of 0.5 Sv (50 rem). The lens dose equivalent shall not exceed 0.15 Sv (15 rem) and the shallow dose equivalent to skin or to any extremity shall not exceed 0.5 Sv (50 rem). The minimum distance from the spent fuel or high-level radioactive waste handling and storage facilities to the nearest boundary of the controlled area must be at least 100 meters.

* * * * *

Dated at Rockville, Maryland, this 24th day of 1998.

For the Nuclear Regulatory Commission.

L. Joseph Callan,

Executive Director for Operations.

[FR Doc. 98–27349 Filed 10–9–98; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–CE–32–AD; Amendment 39–10822; AD 98–21–13]

RIN 2120–AA64

Airworthiness Directives; British Aerospace Jetstream Model 3101 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain British Aerospace Jetstream Model 3101 airplanes. This AD requires replacing the elevator trim servo motor with a new motor of improved design; and inspecting the cable tension and electrical operation of the elevator and trim tab for proper operation, and making any necessary adjustments. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for the United Kingdom. The actions specified by this AD are intended to prevent the elevator trim servo motor drive gear assembly from remaining engaged when the autopilot is disengaged, which could result in the pilot having to manually overpower the elevator trim control and possibly lose directional control of the airplane during critical phases of flight.

DATES: Effective November 20, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 20, 1998.

ADDRESSES: Service information that applies to this AD may be obtained from British Aerospace Regional Aircraft, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland; telephone: (01292) 479888; facsimile: (01292) 479703. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–CE–32–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. S.M. Nagarajan, Aerospace Engineer, FAA, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone: (816) 426–6932; facsimile: (816) 426–2169.

SUPPLEMENTARY INFORMATION:

Events Leading to the Issuance of This AD

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain British Aerospace Jetstream Model 3101 airplanes was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on June 17, 1998 (63 FR 33018). The NPRM proposed to require replacing the elevator trim servo motor with one of improved design; and inspecting the cable tension and electrical operation of the elevator and trim tab for proper operation, and making any necessary adjustments. Accomplishment of the proposed actions as specified in the NPRM would be in accordance with Jetstream Service Bulletin 22–A–JA 860413, ORIGINAL ISSUE: April 16, 1986, and British Aerospace Alert Service Bulletin Jetstream 22–A–JA 851231, ORIGINAL ISSUE: April 9, 1986.

The NPRM was the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for the United Kingdom.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the

proposed rule or the FAA's determination of the cost to the public.

The FAA's Determination

After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD and will not add any additional burden upon the public than was already proposed.

Cost Impact

The FAA estimates that 25 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 6 workhours per airplane to accomplish this action, and that the average labor rate is approximately $60 an hour. The manufacturer will provide parts at no cost to the owner/operator. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be $9,000, or $360 per airplane.

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 copy of the final 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, 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:

98–21–13 British Aerospace: Amendment 39–10822; Docket No. 98–CE–32–AD.

Applicability: Jetstream Model 3101 airplanes, certificated in any category, with the following serial numbers, that are equipped with an autopilot:

Serial Numbers

601, 603, 604, 606, 607, 609, 610, 612, 614, 616, 620, 621, 622, 626, 629, 634, 637, 641, 645, 648, 649, 655, 665, 686, 690

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 (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 within the next 100 hours time-in-service (TIS) after the effective date of this AD, unless already accomplished.

To prevent the elevator trim servo motor drive gear assembly from remaining engaged when the autopilot is disengaged, which could result in the pilot having to manually overpower the elevator trim control, and possibly lose directional control of the airplane during critical phases of flight, accomplish the following:

(a) Replace the elevator trim servo motor with a new elevator trim servo motor of improved design at fuselage station (F.S.) 421, aft of the rear bulkhead, in accordance with the ACCOMPLISHMENT INSTRUCTIONS section in Jetstream Service Bulletin 22–A–JA 860413, ORIGINAL ISSUE: April 16, 1986.

(b) Inspect the cable tension, system friction, and electric trim manual override and make any necessary adjustments in accordance with the ACCOMPLISHMENT INSTRUCTIONS section in British Aerospace Alert Service Bulletin Jetstream 22–A–JA 851231, ORIGINAL ISSUE: April 9, 1986.

(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.

(d) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, Aircraft Certification Service, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

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

(e) Questions or technical information related to British Aerospace Alert Service Bulletin Jetstream 22–A–JA 851231, ORIGINAL ISSUE: April 9, 1986, and Jetstream Service Bulletin 22–A–JA 860413, ORIGINAL ISSUE: April 16, 1986, should be directed to British Aerospace Regional Aircraft, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland; telephone: (01292) 479888; facsimile: (01292) 479703. This service information may be examined at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(f) The replacement, inspections, and possible adjustments required by this AD shall be done in accordance with British Aerospace Alert Service Bulletin Jetstream 22–A–JA 851231, ORIGINAL ISSUE: April 9, 1986, and Jetstream Service Bulletin 22–A–JA 860413, ORIGINAL ISSUE: April 16, 1986. 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 British Aerospace Regional Aircraft, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland. 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.

Note 3: The subject of this AD is addressed in British Aerospace Alert Service Bulletin Jetstream 22–A–JA 851231, ORIGINAL ISSUE: April 9, 1986, and Jetstream Service Bulletin 22–A–JA 860413, ORIGINAL ISSUE: April 16, 1996. These service bulletins are classified as mandatory by the United Kingdom Civil Aviation Authority (CAA).

(g) This amendment becomes effective on November 20, 1998.

Issued in Kansas City, Missouri, on September 30, 1998.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–26970 Filed 10–9–98; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–CE–33–AD; Amendment 39–10823; AD 98–21–14]

RIN 2120–AA64

Airworthiness Directives; British Aerospace Jetstream Model 3101 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 British Aerospace Jetstream Model 3101 airplanes. This AD requires modifying the airplane's navigational system by shortening and re-clipping the cable looms to the No. 1 and No. 2 vertical gyroscopes, installing a warning label adjacent to the gyroscopes, and performing an operational check on the system. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for the United Kingdom. The actions specified by this AD are intended to prevent a cross connection in the No. 1 and No. 2 vertical gyroscopes, which could result in navigational errors during flight.

DATES: Effective November 2, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 2, 1998.

Comments for inclusion in the Rules Docket must be received on or before November 1, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket 98–CE–33–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Service information that applies to this AD may be obtained from British Aerospace Regional Aircraft, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland; telephone: (01292) 479888; facsimile: (01292) 479703. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket 98–CE–33–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. S.M. Nagarajan, Aerospace Engineer, FAA, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone: (816) 426–6932; facsimile: (816) 426–2169.

SUPPLEMENTARY INFORMATION:

Discussion

The Civil Airworthiness Authority (CAA), which is the airworthiness authority for the United Kingdom, notified the FAA that an unsafe condition may exist on certain British Aerospace Jetstream Model 3101 airplanes. The CAA reports that the navigational system in these airplanes could malfunction with a cross connection of the No. 1 and No. 2 vertical gyroscopes.

This condition, if not corrected, could result in navigational errors during flight.

Relevant Service Information

British Aerospace has issued Jetstream Service Bulletin (SB) 34–JA 891143, dated March 2, 1990, which specifies procedures for modifying the navigation system by shortening and re-clipping the cable looms of the No. 1 and No. 2 vertical gyroscopes, installing a warning label, part number (P/N) JA–891143–K1, next to the vertical gyroscopes, and performing an operational check to assure the gyroscopes are operating correctly.

The FAA's Determination

This airplane model is manufactured in the United Kingdom 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 CAA has kept the FAA informed of the situation described above.

The FAA has examined the findings of the CAA; reviewed all available information, including the service information referenced above; and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of the Provisions of This AD

Since an unsafe condition has been identified that is likely to exist or develop in other Jetstream Model 3101 airplanes of the same type design, this AD requires modifying the navigation system by shortening and re-clipping the cable looms on the No. 1 and No. 2 vertical gyroscopes, installing a warning label adjacent to the vertical gyroscopes, and performing an operational check to assure correct operation of the vertical gyroscopes. The actions are to be done in accordance with the instructions in British Aerospace Jetstream SB 34–JA 891143, dated March 2, 1990.

Cost Impact

None of the Jetstream Model 3101 airplanes affected by this action are on the U.S. Register. All airplanes included in the applicability of this rule currently are operated by non-U.S. operators under foreign registry; therefore, they are not directly affected by this AD action. However, the FAA considers this rule necessary to ensure that the unsafe condition is addressed in the event that any of these subject airplanes are imported and placed on the U.S. Register.

Should an affected airplane be imported and placed on the U.S. Register, accomplishment of the required modification would take approximately 8 workhours at an average labor charge of $60 per workhour. Based on these figures, the total cost impact of this AD would be $480 per airplane that would become registered in the United States.

The Effective Date of This AD

Since this AD action does not affect any airplane that is currently on the U.S. register, it has no adverse economic impact and imposes no additional burden on any person. Therefore, notice and public procedures hereon are unnecessary and the amendment may be made effective in less than 30 days after publication in the **Federal Register**.

Comments Invited

Although this action is in the form of a final rule and was not preceded by notice and opportunity for public 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 shall 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 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. 98–CE–33–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.

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 copy of the draft regulatory evaluation prepared for this action has been placed 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, 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:

98–21–14 British Aerospace: Amendment 39–10823; Docket No. 98–CE–33–AD.

Applicability: Jetstream Model 3101 airplanes, serial numbers 703, 705, and 707, 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 (e) 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 prior to further flight after the effective date of this AD, unless already accomplished.

To prevent a cross connection in the No. 1 and No. 2 vertical gyroscopes, which could result in navigational errors during flight, accomplish the following:

(a) Modify the navigation system by shortening and re-clipping the cable looms on the No. 1 and No. 2 vertical gyroscope in accordance with the Accomplishment Instructions section of Jetstream Service Bulletin No. 34–JA 891143, dated March 2, 1990.

(b) Install a warning label, part number JA–891143–K1 or an FAA-approved equivalent part number, adjacent to the No. 1 and No. 2 vertical gyroscope in accordance with the Accomplishment Instructions section of Jetstream Service Bulletin No. 34–JA 891143, dated March 2, 1990.

(c) Perform an operational check of the No. 1 and No. 2 vertical gyroscope in accordance with the Accomplishment Instructions section of Jetstream Service Bulletin No. 34–JA 891143, dated March 2, 1990. If the vertical gyroscopes do not operate correctly, prior to further flight, correct any discrepancies in accordance with the Accomplishment Instructions section of Jetstream Service Bulletin No. 34–JA 891143, dated March 2, 1990.

(d) 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.

(e) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, Aircraft Certification Service, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

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

(f) Questions or technical information related to British Aerospace Jetstream SB 34–JA 891143, dated March 2, 1990, should be directed to British Aerospace Regional Aircraft, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland; telephone: (01292) 479888; facsimile: (01292) 479703. This service information may be examined at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(g) The modification and operational check required by this AD shall be done in accordance with British Aerospace Jetstream Service Bulletin 34–JA 891143, dated March 2, 1990. 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 British Aerospace Regional Aircraft, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland. 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.

Note 3: The subject of this AD is addressed in British Aerospace Jetstream SB 34–JA 891143, dated March 2, 1990. This service bulletin is classified as mandatory by the United Kingdom Civil Aviation Authority (CAA).

(h) This amendment becomes effective on November 2, 1998.

Issued in Kansas City, Missouri, on September 30, 1998.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–26969 Filed 10–9–98; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–CE–58–AD; Amendment 39–10824; AD 98–21–15]

RIN 2120–AA64

Airworthiness Directives; SOCATA—Groupe AEROSPATIALE Model TBM 700 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that

applies to certain SOCATA—Groupe AEROSPATIALE (SOCATA) Model TBM 700 airplanes. This AD requires modifying the oxygen generators. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for France. The actions specified by this AD are intended to prevent failure of the oxygen generators caused by misalignment of the firing pin, which could result in crew incapacitation and loss of the airplane.

DATES: Effective November 20, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 20, 1998.

ADDRESSES: Service information that applies to this AD may be obtained from SOCATA Groupe AEROSPATIALE, Customer Support, Aerodrome Tarbes-Ossun-Lourdes, BP 930—F65009 Tarbes Cedex, France; telephone: (33) 5.62.41.76.52; facsimile: (33) 5.62.41.76.54; or the Product Support Manager, SOCATA—Groupe AEROSPATIALE, North Perry Airport, 7501 Pembroke Road, Pembroke Pines, Florida 33023; telephone: (954) 894-1160; facsimile: (954) 964–4191. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98-CE–58-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. Karl Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 1201 Walnut Street, suite 900, Kansas City, Missouri 64106; telephone: (816) 426–6934; facsimile: (816) 426–2169.

SUPPLEMENTARY INFORMATION:

Events Leading to the Issuance of This AD

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain SOCATA TBM 700 airplanes was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on July 16, 1998 (63 FR 38351). The NPRM proposed to require modifying the oxygen generator by replacing the firing pin and adding a washer. This modification should ensure that the firing pin stays aligned and strikes the oxygen generator in the correct manner. Accomplishment of the proposed action as specified in the NPRM would be in accordance with SOCATA Mandatory Service Bulletin No. 70–046–35, dated May 1998.

The NPRM was the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for France.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

The FAA's Determination

After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD and will not add any additional burden upon the public than was already proposed.

Cost Impact

The FAA estimates that 60 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 2 workhours per airplane to accomplish this action, and that the average labor rate is approximately $60 an hour. Parts are available at minimal costs. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be $7,200, or $120 per airplane.

Differences Between the French AD, the Service Bulletin, and this AD

French AD No. T98–195(A), dated June 3, 1998, and SOCATA Mandatory Service Bulletin No. 70–046–35, dated May 1998, both specify modifying the oxygen generator at the next scheduled maintenance inspection. The foreign AD and the service information differ in that the DGAC mandates that this action be accomplished on airplanes of French registry no later than August 31, 1998, and the service bulletin specifies that the action be accomplished no later than 3 months from the date of the service bulletin. This AD will require the modification be accomplished within 45 days after the effective date of the AD.

The modification required by this AD does not differ from the DGAC AD or the SOCATA service bulletin.

Compliance Time of This AD

The compliance time of this AD is presented in calendar time instead of hours time-in-service (TIS). The FAA has determined that a calendar time compliance is the most desirable method because the unsafe condition described by this AD occurs regardless of the hours time-in-service. The oxygen generator failure could occur on any flight where it may be relied upon to provide the crew and passengers with oxygen. To ensure that the above-referenced condition is corrected on all of the affected airplanes within a reasonable period of time without inadvertently grounding any airplanes, the FAA is utilizing a compliance time based upon calendar time instead of hours TIS.

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 copy of the final 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, 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:

98–21–15 SOCATA—Groupe Aerospatiale: Amendment 39-10824; Docket No. 98–CE–58–AD.

Applicability: Model TBM 700 airplanes, serial numbers 1 through 125, 127, 128, and 130 through 133, 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 within 45 days after the effective date of this AD, unless already accomplished.

To prevent failure of the oxygen generators caused by misalignment of the firing pin, which could result in crew incapacitation and loss of the airplane, accomplish the following:

(a) Modify the oxygen generator by replacing the firing pin and adding a washer in accordance with the Accomplishment Instructions section of SOCATA Mandatory Service Bulletin No. 70–046–35, dated May 1998.

(b) 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.

(c) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, FAA, 1201 Walnut, Suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

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

(d) Questions or technical information related to SOCATA Mandatory Service Bulletin No. 70–046–35, dated May 1998, should be directed to SOCATA Groupe AEROSPATIALE, Customer Support, Aerodrome Tarbes-Ossun-Lourdes, BP 930—F65009 Tarbes Cedex, France; telephone: (33) 5.62.41.76.52; facsimile: (33) 5.62.41.76.54; or the Product Support Manager, SOCATA—Groupe AEROSPATIALE, North Perry Airport, 7501 Pembroke Road, Pembroke Pines, Florida 33023; telephone: (954) 894–1160; facsimile: (954) 964–4191. This service information may be examined at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(e) The modification required by this AD shall be done in accordance with SOCATA Mandatory Service Bulletin No. 70–046–35, dated May 1998. 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 SOCATA Groupe AEROSPATIALE, Customer Support, Aerodrome Tarbes-Ossun-Lourdes, BP 930—F65009 Tarbes Cedex, France, or the Product Support Manager, SOCATA—Groupe AEROSPATIALE, North Perry Airport, 7501 Pembroke Road, Pembroke Pines, Florida 33023. 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.

Note 3: The subject of this AD is addressed in French AD No. T98–195(A), dated June 3, 1998.

(f) This amendment becomes effective on November 20, 1998.

Issued in Kansas City, Missouri, on September 30, 1998.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–26968 Filed 10–9–98; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–190–AD; Amendment 39–10828; AD 98–21–19]

RIN 2120–AA64

Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain Saab Model SAAB 2000 series airplanes, that currently requires deactivation of certain floormat heaters in the cabin area. In addition, that AD provides for optional terminating action for that deactivation. This amendment removes the optional terminating action of the existing AD and adds airplanes to the applicability of the existing AD. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent short circuiting between the flight attendant's floormat heater and the floor panel, which could cause overheating of the floormat heater and lead to smoke or fire in the airplane cabin.

DATES: Effective November 17, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 17, 1998.

The incorporation by reference of certain publications, as listed in the regulations, was approved previously by the Director of the Federal Register as of October 30, 1997.

ADDRESSES: The service information referenced in this AD may be obtained from Saab Aircraft AB, SAAB Aircraft Product Support, S–581.88, Linkoping, Sweden. 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: 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: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 97–20–06, amendment 39–10144 (62 FR 50250, September 25, 1997), which is applicable to certain Saab Model SAAB 2000 series airplanes, was published in the **Federal Register** on August 10, 1998 (63 FR 42598). The action currently requires deactivation of certain floormat heaters in the cabin area. In addition, that AD provides for optional terminating action for that deactivation. This action proposed to remove the optional terminating action and to add airplanes to the applicability of the existing AD.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

There are approximately 3 airplanes of U.S. registry that will be affected by this AD.

The deactivation that is currently required by AD 97–20–06, and retained in this AD, takes approximately 1 work hour per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the deactivation currently required by AD 97–20–06 on U.S. operators is estimated to be $180, or $60 per airplane.

The cost impact figure discussed above is 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 removing amendment 39–10144 (62 FR 50250, September 25, 1997), and by adding a new airworthiness directive (AD), amendment 39–10828, to read as follows:

98–21–19 Saab Aircraft AB: Amendment 39–10828. Docket 98–NM–190–AD. Supersedes AD 97–20–06, Amendment 39–10144.

Applicability: Model SAAB 2000 series airplanes, serial numbers –004 through –064 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)(1) 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 short circuiting between the flight attendant's floormat heater and the floor panel, which could cause overheating of the floormat heater and lead to smoke or fire in the airplane cabin, accomplish the following:

Restatement of the Requirements of AD 97–20–06

(a) For airplanes having serial numbers –004 through –039 inclusive, on which Saab Modification No. 5780, as specified in Saab Service Bulletin 2000–53–020, Revision 02, dated October 18, 1996, has not been accomplished: Within 14 days after October 30, 1997 (the effective date of AD 97–20–06, amendment 39–10144), deactivate the flight attendant's floormat heater by either disconnecting electrical cable HW71–20 between the floormat heater and the floor panel, or by removing fuse 17HW (1) on panel 306VU, in accordance with Saab Service Bulletin 2000–A25–022, Revision 01, dated January 23, 1996, or Saab Alert Service Bulletin 2000–A25–080, Revision 01, dated April 3, 1998.

New Requirements of this AD

(b) For airplanes other than those identified in paragraph (a) of this AD: Within 14 days after the effective date of this AD, deactivate the flight attendant's floormat heater by either disconnecting electrical cable HW71–20 between the floormat heater and the floor panel, or by removing fuse 17HW (1) on panel 306VU, in accordance with Saab Service Bulletin 2000–A25–022, Revision 01, dated January 23, 1996, or Saab Alert Service Bulletin 2000–A25–080, Revision 01, dated April 3, 1998.

(c)(1) 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, 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.

(c)(2) Alternative methods of compliance relating to the deactivation, approved previously in accordance with AD 97–20–06, amendment 39–10144, are approved as alternative methods of compliance with paragraph (a) of this AD.

(c)(3) Alternative methods of compliance relating to the optional terminating action of AD 97–20–06, amendment 39–10144, approved previously in accordance with that AD, are not considered to be approved as alternative methods of compliance with this AD.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Manager, International Branch, ANM–116.

(d) 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.

(e) The deactivation shall be done in accordance with Saab Service Bulletin 2000–A25–022, Revision 01, dated January 23, 1996, or Saab Alert Service Bulletin 2000–A25–080, Revision 01, dated April 3, 1998.

(1) The incorporation by reference of Saab Alert Service Bulletin 2000–A25–080, Revision 01, dated April 3, 1998, is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(2) The incorporation by reference of Saab Service Bulletin 2000–A25–022, Revision 01, dated January 23, 1996, was approved previously by the Director of the Federal Register as of October 30, 1997 (62 FR 50250, September 25, 1997).

(3) Copies may be obtained from Saab Aircraft AB, SAAB Aircraft Product Support, S–581.88, Linköping, Sweden. 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.

Note 3: The subject of this AD is addressed in Swedish airworthiness directive 1–124, dated March 30, 1998.

(f) This amendment becomes effective on November 17, 1998.

Issued in Renton, Washington, on October 1, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–26965 Filed 10–9–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–185–AD; Amendment 39–10826; AD 98–21–17]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747 Series Airplanes Equipped with Pratt & Whitney Model JT9D–70 Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain Boeing Model 747 series airplanes, that currently requires repetitive inspections to detect fatigue cracking of the spring beams on the outboard struts; replacement of cracked spring beams with new or serviceable spring beams; and follow-on actions. That action also provides an optional terminating action for the repetitive inspections. This amendment removes that optional terminating action, and requires a new terminating action. This amendment is prompted by the development of an improved process for manufacturing titanium spring beams that will eliminate the embedded porosity flaws in the existing spring beams from which fatigue cracking can originate. The actions specified by this AD are intended to prevent fatigue cracking of the spring beam, which could result in loss of an outboard strut.

DATES: Effective November 17, 1998.

The incorporation by reference of Boeing Alert Service Bulletin 747–54A2171, Revision 1, dated June 27, 1996; and Boeing Service Bulletin 747–54–2177, dated June 27, 1996; as listed in the regulations; is approved by the Director of the Federal Register as of November 17, 1998.

The incorporation by reference of Boeing Alert Service Bulletin 747–54A2171, dated October 31, 1994, was approved previously by the Director of the Federal Register as of December 22, 1994 (59 FR 63003, December 7, 1994).

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: Tamara L. Anderson, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2771; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 94–25–01, amendment 39–9085 (59 FR 63003, December 7, 1994), which is applicable to certain Boeing Model 747 series airplanes, was published in the **Federal Register** on July 7, 1998 (63 FR 36628). The action continues to require repetitive inspections to detect fatigue cracking of the spring beams on the outboard struts; replacement of cracked spring beams with new or serviceable spring beams; and follow-on actions. The action also proposed to remove the previously optional terminating action, and require a new terminating action.

Comments

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

The commenter supports the proposed rule.

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 as proposed.

Cost Impact

There are approximately 7 airplanes of the affected design in the worldwide fleet. The FAA estimates that 5 airplanes of U.S. registry will be affected by this AD.

The inspections that are currently required by AD 94–25–01, and retained in this AD, take approximately 40 work hours per airplane, per inspection cycle, to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the currently required inspections on U.S. operators is estimated to be $12,000, or $2,400 per airplane, per inspection cycle.

The new replacement required by this AD will take approximately 376 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Required parts will cost approximately $105,000 per airplane. Based on these figures, the cost impact of the replacement required by this AD on U.S. operators is estimated to be $637,800, or $127,560 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 removing amendment 39–9085 (59 FR 63003, December 7, 1994), and by adding a new airworthiness directive (AD), amendment 39–10826, to read as follows:

98–21–17 Boeing: Amendment 39–10826. Docket 97–NM–185–AD. Supersedes AD 94–25–01, Amendment 39–9085.

Applicability: Model 747 series airplanes, line numbers 202 through 396 inclusive, equipped with Pratt & Whitney Model JT9D–70 engines; 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 (f) 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 fatigue cracking of the spring beam, which could result in loss of an outboard strut, accomplish the following:

(a) Prior to the accumulation of 10,000 total flight cycles, or within 30 days after December 22, 1994 (the effective date of AD 94–25–01), whichever occurs later, perform a detailed visual inspection to detect fatigue cracking of the spring beams on the outboard struts, in accordance with Boeing Alert Service Bulletin 747–54A2171, dated October 31, 1994, or Revision 1, dated June 27, 1996. (Remove the gap covers and fairing access panels to perform this inspection.)

(1) If no cracking is detected, repeat the visual inspection thereafter at intervals not to exceed 300 flight cycles until the requirements of paragraph (d) of this AD have been accomplished.

(2) If any cracking is detected, prior to further flight, accomplish the replacement actions specified in paragraph (d) of this AD.

Note 2: Accomplishment of the optional terminating action specified in paragraph (b) of AD 94–25–01 does not constitute terminating action for the requirements of this AD.

(b) For airplanes that have accomplished terminating action in accordance with paragraph (b) of AD 94–25–01: Within 1,000 flight cycles after accomplishment of the terminating action specified by AD 94–25–01, or within 90 days after the effective date of this AD, whichever occurs later, perform a detailed visual inspection to detect fatigue cracking of the spring beams on the outboard struts, in accordance with Boeing Alert Service Bulletin 747–54A2171, dated October 31, 1994, or Revision 1, dated June 27, 1996.

(1) If no cracking is detected, repeat the detailed visual inspection thereafter at intervals not to exceed 300 flight cycles until the requirements of paragraph (d) of this AD have been accomplished.

(2) If any cracking is detected, prior to further flight, accomplish the replacement actions specified in paragraph (d) of this AD.

(c) For airplanes that have accomplished installation of the Boeing-inspected spare titanium spring beams in accordance with Boeing Service Bulletin 747–54A2171, Revision 1, dated June 27, 1996: Within 3,000 flight cycles after accomplishment of the installation of the spare spring beams, or within 90 days after the effective date of this AD, whichever occurs later, perform a detailed visual inspection to detect fatigue cracking of the spring beams on the outboard struts, in accordance with Boeing Alert Service Bulletin 747–54A2171, dated October 31, 1994, or Revision 1, dated June 27, 1996.

(1) If no cracking is detected, repeat the detailed visual inspection thereafter at intervals not to exceed 300 flight cycles until the requirements of paragraph (d) of this AD have been accomplished.

(2) If any cracking is detected, prior to further flight, accomplish the replacement actions specified in paragraph (d) of this AD.

(d) For all airplanes: Prior to the accumulation of 10,000 total flight cycles, or within 18 months after the effective date of this AD, whichever occurs later, replace the spring beams on the outboard struts with new, improved spring beams, in accordance with Boeing Service Bulletin 747–54–2177, dated June 27, 1996. Accomplishment of this replacement constitutes terminating action for the repetitive inspection requirements of this AD.

(e) As of the effective date of this AD, no person shall install a spring beam assembly, part numbers 65B89175–5, –6, –9, –10, –13, –14, –19, and –20, on any airplane.

(f) 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 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(g) 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.

(h) The actions shall be done in accordance with Boeing Alert Service Bulletin 747–54A2171, dated October 31, 1994, or Boeing Alert Service Bulletin 747–54A2171, Revision 1, dated June 27, 1996; and Boeing Service Bulletin 747–54–2177, dated June 27, 1996.

(1) The incorporation by reference of Boeing Alert Service Bulletin 747–54A2171, Revision 1, dated June 27, 1996, and Boeing Service Bulletin 747–54–2177, dated June 27, 1996, is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(2) The incorporation by reference of Boeing Alert Service Bulletin 747–54A2171, dated October 31, 1994, was approved previously by the Director of the Federal Register as of December 22, 1994 (59 FR 63003, December 7, 1994).

(3) 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.

(i) This amendment becomes effective on Novmeber 17, 1998.

Issued in Renton, Washington, on October 1, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–26966 Filed 10–9–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–59–AD; Amendment 39–10827; AD 98–21–18]

RIN 2120–AA64

Airworthiness Directives; Dornier Model 328–100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Dornier Model 328–100 series airplanes that requires replacement of the de-icing system timer with a new, improved timer. This amendment is prompted by reports of possible overheating and debonding of the propeller blade due to a failure of the de-icing system timer and a dormant short circuit in the propeller de-icer system. The actions specified by this AD are intended to prevent such overheating and debonding of the propeller blade, which could result in reduced controllability of the airplane.

DATES: Effective November 17, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 17, 1998.

ADDRESSES: The service information referenced in this AD may be obtained from Fairchild Dornier, Dornier Luftfahrt GmbH, P.O. Box 1103, D–82230 Wessling, Germany. 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: 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: 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 Dornier Model 328–100 series airplanes was published in the **Federal Register** on March 30, 1998 (63 FR 15105). That action proposed to require replacement of the de-icing system timer with a new, improved timer.

Explanation of Changes Made to This Final Rule

Since the issuance of that Notice of Proposed Rulemaking (NPRM), the FAA has determined that the descriptions of what prompted the AD, and of the unsafe condition, in the proposed rule require clarification. Those descriptions are revised to read ''possible overheating and debonding of the propeller blade due to a failure of the de-icing system timer and a dormant short circuit in the propeller de-icer system. Such overheating and debonding of the propeller blade could result in reduced controllability of the airplane.''

The FAA also has determined that a more accurate description of the unsafe condition of the propeller blade addressed by this AD is to use the descriptor ''debonding,'' rather than ''disbonding'' (as used in the proposed rule) and has revised the final rule accordingly.

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

One commenter, the airframe manufacturer, states that all airplanes in the fleet have incorporated the A–5639–3 propeller timer/monitor, and includes copies of records to verify the installations. Therefore, the manufacturer considers that there is no necessity for the issuance of an AD.

The FAA does not concur with the manufacturer's position that there is no necessity to issue an AD to address the identified unsafe condition. The FAA does acknowledge that the fleet may currently be in compliance with the requirements of this AD (installation of the A–5639–3 propeller timer). However, the propeller vendor, Hartzell, has advised the FAA that the locations of approximately 40 of the A–5639–2 timers cannot be accounted for. Therefore, this AD must be issued to ensure that the addressed unsafe condition addressed by this final rule is not reintroduced by an inadvertent reinstallation of an A–5639–2 timer/monitor.

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

The FAA estimates that 25 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required replacement, and that the average labor rate is $60 per work hour. Required parts will be furnished by the manufacturer at no cost to the operators. Based on these figures, the cost impact of this AD on U.S. operators is estimated to be $1,500, 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 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:

98–21–18 Dornier Luftfahrt GMBH: Amendment 39–10827. Docket 98–NM–59–AD.

Applicability: Model 328–100 airplanes, serial numbers 3005 through 3039 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 possible overheating and debonding of the propeller blade due to a failure of the de-icing system timer and a dormant short circuit in the propeller de-icer system, which could result in reduced controllability of the airplane, accomplish the following:

(a) Within 8 months after the effective date of this AD, replace the de-icing system timer with a new improved timer in accordance with Dornier Service Bulletin SB–328–30–164, dated April 30, 1996.

(b) As of the effective date of this AD, no person shall install a de-icing system timer having part number A–5639–2 or 4E2947–2, on any airplane.

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

(d) 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.

(e) The replacement shall be done in accordance with Dornier Service Bulletin SB–328–30–164, dated April 30, 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 FAIRCHILD DORNIER, DORNIER Luftfahrt GmbH, P.O. Box 1103, D–82230 Wessling, Germany. 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 November 17, 1998.

Issued in Renton, Washington, on October 1, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–26967 Filed 10–9–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 29357; Amdt. No. 1893]

RIN 2120–AA65

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference-approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Area Office which originated the SIAP.

For Purchase—Individual SIAP copies may be obtained from: 1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Donald P. Pate, Flight Procedure Standards Branch (AMCAFS–420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125) telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Forms 8260–3, 8260–4, and 8260–5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (NFDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPS). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44

FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Navigation (air).

Issued in Washington, DC on October 2, 1998.

Richard O. Gordon,

Acting Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120, 44701; and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [AMENDED]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

* * * *Effective November 5, 1998*

Pompano Beach, FL, Pompano Beach Airpark, LOC RWY 14, Amdt 1
Greensboro, GA, Greene County Regional, LOC RWY 24, Amdt 1
Minneapolis, MN, Minneapolis-St Paul Intl (Wold-Chamberlain), ILS RWY 22, Amdt 6
State College, PA, University Park, ILS RWY 24, Amdt 8

* * * *Effective December 3, 1998*

Anchorage, AK, Anchorage Intl, ILS RWY 14, Amdt 1
Mekoryuk, AK, Mekoryuk, NDB RWY 23, Amdt 2
Mekoryuk, AK, Mekoryuk, NDB/DME OR GPS–A, Amdt 3
Monterey, CA, Monterey Peninsula, GPS RWY 10L, Amdt 1
Monterey, CA, Monterey Peninsula, GPS RWY 10R, Amdt 1
Monterey, CA, Monterey Peninsula, GPS RWY 28L, Amdt 1
San Diego (El Cajon), CA, Gillespie Field, LOC–D, Amdt 10
Pine Mountain, GA, Callaway Gardens—Harris County, VOR or GPS–A, Amdt 4
Pine Mountain, GA, Callaway Gardens—Harris County, NDB or GPS RWY 9, Amdt 8
Red Oak, IA, Red Oak Muni, VOR/DME–A, Amdt 5
Red Oak, IA, Red Oak Muni, NDB RWY 17, Amdt 8
Red Oak, IA, Red Oak Muni, GPS RWY 5, Orig
Red Oak, IA, Red Oak Muni, GPS RWY 17, Orig
Topeka, KS, Philip Billard Muni, LOC BC RWY 31, Amdt 19
Blue Earth, MN, Blue Earth Muni, NDB OR GPS RWY 34, Amdt 1
Rush City, MN, Rush City Rgnl, NDB RWY 34, Orig
Manchester, NH, Manchester, VOR RWY 17, Orig–A, CANCELLED
Woodbine, NJ, Woodbine Muni, GPS RWY 1, Orig
Bennington, VT, William H. Morse State, GPS RWY 13, Orig

[FR Doc. 98–27364 Filed 10–9–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 29358; Amdt. No. 1894]

RIN 2120–AA65

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference-approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination—1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which affected airport is located; or

3. The Flight Inspection Area Office which originated the SIAP.

For Purchase—Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Donald P. Pate, Flight Procedure Standards Branch (AMCAFS–420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd. Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082 Oklahoma City, OK. 73125) telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description on each SIAP is contained in the appropriate FAA Form 8260 and the National Flight Data Center (FDC)/Permanent (P) Notices to Airmen (NOTAM) which are incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation's Regulations (FAR). Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction of charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form

documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes SIAPs. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained in the content of the following FDC/P NOTAM for each SIAP. The SIAP information in some previously designated FDC/Temporary (FDC/T) NOTAMs is of such duration as to be permanent. With conversion to FDC/P NOTAMs, the respective FDC/T NOTAMs have been canceled.

The FDC/P NOTAMs for the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPS). In developing these chart changes to SIAPs by FDC/P NOTAMs, the TERPS criteria were applied to only these specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Further, the SIAPs contained in this amendment are based on the criteria contained in the TERPS. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Navigation (Air).

Issued in Washington, DC on October 2, 1998.

Richard O. Gordon,

Acting Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 is revised to read as follows:

Authority: 49 U.S.C. 40103, 40113, 40120, 44701; 49 U.S.C. 106(g); and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [AMENDED]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

* * * *Effective Upon Publication*

FDC Date	State	City	Airport	FDC No.	SIAP
09/16/98 ...	IL	Belleville	Scott AFB/Midamerica	FDC 8/6603	GPS RWY 14R, ORIG...
09/16/98 ...	IL	Belleville	Scott AFB/Midamerica	FDC 8/6615	ILS RWY 14R, ORIG–B...
09/16/98 ...	NC	Wilmington	Wilmington Intl	FDC 8/6621	ILS RWY 35 AMDT 20A...
09/16/98 ...	NC	Wilmington	Wilmington Intl	FDC 8/6622	LOC BC RWY 17 AMDT 6A...
09/16/98 ...	NC	Wilmington	Wilmington Intl	FDC 8/6623	NDB OR GPS RWY 35 AMDT 16B...
09/16/98 ...	NC	Wilmington	Wilmington Intl	FDC 8/6624	RADAR–1 AMDT 6A...
09/21/98 ...	MN	Minneapolis	Crystal	FDC 8/6722	GPS RWY 13L, ORIG–A...
09/23/98 ...	FL	Pensacola	Pensacola Regional	FDC 8/6760	NDB OR GPS RWY 17, ORIG–A...
09/24/98 ...	FL	Pensacola	Pensacola Regional	FDC 8/6783	ILS RWY 17, AMDT 13D...
09/24/98 ...	FL	Pensacola	Pensacola Regional	FDC 8/6784	NDB OR GPS RWY 35, AMDT 16...
09/25/98 ...	FL	Jacksonville	Jacksonville Intl	FDC 8/6811	NDB RWY 13 ORIG–A...
09/25/98 ...	MS	Columbus-West Point-Starkville	Golden Triangle Regional	FDC 8/6817	VOR OR GPS–D, AMDT 5...
09/25/98 ...	MS	Columbus-West Point-Starkville	Golden Triangle Regional	FDC 8/6818	ILS RWY 18, AMDT 6A...

FDC Date	State	City	Airport	FDC No.	SIAP
09/25/98 ...	MS	Columbus-West Point-Starkville	Golden Triangle Regional	FDC 8/6827	VOR/DME OR GPS–E, AMDT 5...
09/28/98 ...	RI	Providence	Theodore Francis Green State	FDC 8/6858	ILS RWY 5, AMDT 16, ILS RWY 5 (CAT II), AMDT 16...
09/28/98 ...	RI	Providence	Theodore Francis Green State	FDC 8/6862	VOR RWY 5, AMDT 13...
09/28/98 ...	RI	Providence	Theodore Francis Green State	FDC 8/6864	NDB RWY 5, AMDT 15...
09/28/98 ...	RI	Providence	Theodore Francis Green State	FDC 8/6866	VOR/DME or GPS RWY 23, AMDT 6A...
09/29/98 ...	MI	Alma	Gratiot Community	FDC 8/6906	SDF RWY 9, AMDT 7...
09/29/98 ...	MS	Gulfport	Gulfport-Biloxi Regional	FDC 8/6883	NDB RWY 14, AMDT 11...
09/29/98 ...	MS	Gulfport	Gulfport-Biloxi Regional	FDC 8/6885	VOR RWY 14, AMDT 21...
09/29/98 ...	MS	Gulfport	Gulfport-Biloxi Regional	FDC 8/6886	VOR/DME OR TACAN OR GPS RWY 32, AMDT 2...
09/29/98 ...	MS	Gulfport	Gulfport-Biloxi Regional	FDC 8/6887	VOR/DME OR TACAN OR GPS RWY 14, AMDT 2...
09/29/98 ...	MS	Gulfport	Gulfport-Biloxi Regional	FDC 8/6888	ILS RWY 32, AMDT 3...
09/29/98 ...	MS	Gulfport	Gulfport-Biloxi Regional	FDC 8/6889	ILS RWY 14, AMDT 13...
09/29/98 ...	MS	Gulfport	Gulfport-Biloxi Regional	FDC 8/6892	VOR RWY 32, AMDT 20...
09/29/98 ...	SC	Loris	Twin City	FDC 8/6899	VOR/DME–A, AMDT 2...

[FR Doc. 98–27362 Filed 10–9–98; 8:45 am]
BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 586

Federal Republic of Yugoslavia (Serbia and Montenegro) Kosovo Sanctions Regulations

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule.

SUMMARY: The Office of Foreign Assets Control of the U.S. Department of the Treasury is issuing the Federal Republic of Yugoslavia (Serbia and Montenegro) Kosovo Sanctions Regulations to implement Executive Order 13088 of June 9, 1998, ''Blocking Property of the Governments of the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Serbia, and the Republic of Montenegro, and Prohibiting New Investment in the Republic of Serbia in Response to the Situation in Kosovo.''

EFFECTIVE DATE: October 13, 1998.

FOR FURTHER INFORMATION CONTACT: Steven I. Pinter, Chief of Licensing, tel.: 202/622–2480, or William B. Hoffman, Chief Counsel, tel.: 202/622–2410, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220.

SUPPLEMENTARY INFORMATION:

Electronic Availability

This document is available as an electronic file on *The Federal Bulletin Board* the day of publication in the **Federal Register**. By modem, dial 202/512–1387 and type ''/GO FAC,'' or call 202/512–1530 for disk or paper copies. This file is available for downloading without charge in ASCII and Adobe Acrobat® readable (*.PDF) formats. For Internet access, the address for use with the World Wide Web (Home Page), Telnet, or FTP protocol is: fedbbs.access.gpo.gov. The document is also accessible for downloading in ASCII format without charge from Treasury's Electronic Library (''TEL'') in the ''Research Mall'' of the FedWorld bulletin board. By modem, dial 703/321–3339, and select self–expanding file ''T11FR00.EXE'' in TEL. For Internet access, use one of the following protocols: Telnet = fedworld.gov (192.239.93.3); World Wide Web (Home Page) = http://www.fedworld.gov; FTP = ftp.fedworld.gov (192.239.92.205). Additional information concerning the programs of the Office of Foreign Assets Control is available for downloading from the Office's Internet Home Page: http://www.treas.gov/ofac, or in fax form through the Office's 24–hour fax–on–demand service: call 202/622–0077 using a fax machine, fax modem, or (within the United States) a touch–tone telephone.

Background

On June 9, 1998, the President issued Executive Order 13088 (the ''Order''), effective at 12:01 a.m. EDT on June 10, 1998, declaring a national emergency to deal with the threat posed to the national security and foreign policy of the United States by the actions and policies of the Governments of the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Serbia with respect to Kosovo, invoking the authority, inter alia, of the International Emergency Economic Powers Act (50 U.S.C. 1701–1706). The Order authorizes the Secretary of the Treasury, in consultation with the Secretary of State, to take such actions,

including the promulgation of rules and regulations, as may be necessary to carry out the purposes of the Order. In implementation of the Order, the Treasury Department is issuing the Federal Republic of Yugoslavia (Serbia and Montenegro) Kosovo Sanctions Regulations, 31 CFR part 586 (the ''Regulations'').

Section 586.201 of the Regulations implements sections 1 and 2 of the Order, blocking all property and interests in property of the Governments of the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Serbia, and the Republic of Montenegro that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of United States persons, including their overseas branches. In keeping with the Order, this section also specifies that the blocking of property and property interests includes the prohibition of financial transactions with, including trade financing for, the Governments of the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Serbia, and the Republic of Montenegro by United States persons. Section 586.201 also encompasses the exemption contained in section 2 of the Order, which excludes from blocking financial transactions, including trade financing, by United States persons within the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro) if (a) conducted exclusively through the domestic banking system within the Federal Republic of Yugoslavia (Serbia and Montenegro) in local currency (dinars), or (b) conducted using bank notes or barter. This exemption is further described in § 586.408 and expanded by the general license contained in § 586.513.

Section 7 of the Order provides that special consideration shall be given to the circumstances of the Government of the Republic of Montenegro and persons located in and organized under the laws of that Republic in the implementation of the Order. On June 18, 1998, OFAC issued General License No. 1, authorizing all transactions by U.S. persons involving property or interests in property of the Government of the Republic of Montenegro, except as provided pursuant to the Federal Republic of Yugoslavia (Serbia and Montenegro) and Bosnian Serb–Controlled Areas of the Republic of Bosnia and Herzegovina Sanctions Regulations, 31 CFR part 585. This general license is implemented in § 586.516 of the Regulations.

Section 586.204 of the Regulations implements section 3 of the Order and prohibits all new investment in the territory of the Republic of Serbia by U.S. persons, and the approval or other facilitation by U.S. persons of other persons' new investment in the territory of the Republic of Serbia. The term ''new investment,'' defined in section 5(c) of the Order and § 586.312 of the Regulations, means (i) the acquisition of debt or equity interests in, (ii) a commitment or contribution of funds or other assets to, or (iii) a loan or other extension of credit to, a public or private undertaking, entity, or project, other than donations of funds for purely humanitarian purposes to charitable organizations.

Section 586.205 of the Regulations implements section 4 of the Order and prohibits any transaction by a U.S. person that evades or avoids, or that has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in the Order.

Transactions otherwise prohibited under this part but found to be consistent with U.S. policy may be authorized by a general license contained in subpart E or by a specific license issued pursuant to the procedures described in subpart D of part 501 of 31 CFR chapter V. Penalties for violations of the Regulations are described in subpart G of the Regulations.

Since the Regulations involve a foreign affairs function, the provisions of Executive Order 12866 and the Administrative Procedure Act (5 U.S.C. 553) (the ''APA'') requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act (5 U.S.C. 601–612) does not apply.

Paperwork Reduction Act

As authorized in the APA, the Regulations are being issued without prior notice and public comment procedure. Collections of information related to the Regulations are contained in 31 CFR part 501 (the ''Reporting and Procedures Regulations''). Pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), those collections of information have been approved by OMB under control number 1505–0164. An adjustment to the approved burden hours to reflect the additional burden imposed in administering the Regulations has been filed with OMB. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number.

List of Subjects in 31 CFR Part 586

Administrative practice and procedure, Banks, banking, Blocking of assets, Federal Republic of Yugoslavia (Serbia & Montenegro), Investments, Kosovo, Montenegro, Penalties, New investment, Reporting and recordkeeping requirements, Serbia.

For the reasons set forth in the preamble, 31 CFR part 586 is added to read as follows:

PART 586—FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA & MONTENEGRO) KOSOVO SANCTIONS REGULATIONS

Subpart A—Relation of This Part to Other Laws and Regulations

Sec.

Subpart B—Prohibitions

Subpart C—General Definitions

Subpart D—Interpretations

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601–1641, 1701–1706; E.O. 13088, 63 FR 32109 (June 12, 1998).

Subpart A—Relation of This Part to Other Laws and Regulations

§ 586.101 Relation of this part to other laws and regulations.

(a) This part is separate from, and independent of, the other parts of this chapter with the exception of part 501 of this chapter, the recordkeeping and reporting requirements and license application and other procedures of which apply to this part. Actions pursuant to part 501 of this chapter with respect to the prohibitions of this part are considered actions pursuant to this part. Differing foreign policy and national security contexts may result in differing interpretations of similar language among the parts of this chapter. No license or authorization contained in or issued pursuant to those other parts authorizes any transaction prohibited by this part. No license or authorization contained in or issued pursuant to any other provision of law or regulation authorizes any transaction prohibited by this part.

(b) No license or authorization contained in or issued pursuant to this part relieves the involved parties from complying with any other applicable laws or regulations.

Subpart B—Prohibitions

§ 586.201 Prohibited transactions involving blocked property.

(a) Except as authorized by regulations, orders, directives, rulings, instructions, licenses, or otherwise, no property or interests in property of the Governments of the FRY (S&M), the Republic of Serbia, and the Republic of Montenegro, that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of U.S. persons, including their overseas branches, may be transferred, paid, exported, withdrawn or otherwise dealt in.

(b) The blocking of property and property interests in paragraph (a) of this section includes the prohibition of financial transactions with, including trade financing for, the Governments of the FRY (S&M), the Republic of Serbia, and the Republic of Montenegro by United States persons.

(c) Nothing in this section shall prohibit financial transactions, including trade financing, by United States persons within the territory of the FRY (S&M) if conducted exclusively through the domestic banking system within the FRY (S&M) in local currency (dinars), or conducted using bank notes or barter.

Note to paragraph (c) of § 586.201: See §§ 586.408 and 586.513.

(d) Unless otherwise authorized by this part or by a specific license expressly referring to this section, the transfer (including the transfer on the books of any issuer or agent thereof), disposition, transportation, importation, exportation, or withdrawal of, or the endorsement or guaranty of signatures on, or otherwise dealing in any security (or evidence thereof) registered or inscribed in the name of the Governments of the FRY (S&M), the Republic of Serbia, and the Republic of Montenegro, and held within the possession or control of a U.S. person is prohibited, irrespective of the fact that at any time (either prior to, on, or subsequent to the effective date) the registered or inscribed owner thereof may have, or appears to have, assigned, transferred, or otherwise disposed of any such security.

(e) When a transaction results in the blocking of funds at a financial institution pursuant to this section and a party to the transaction believes the funds have been blocked due to mistaken identity, that party may seek to have such funds unblocked pursuant to the administrative procedures set forth in § 501.806 of this chapter.

Note to § 586.201: On June 18, 1998, the Office of Foreign Assets Control issued General License No. 1, now contained in § 586.516, authorizing all transactions by U.S. persons involving property or interests in property of the Government of the Republic of Montenegro, except with respect to property that continues to be blocked pursuant to the Federal Republic of Yugoslavia (Serbia and Montenegro) and Bosnian Serb–Controlled Areas of the Republic of Bosnia and Herzegovina Sanctions Regulations, 31 CFR part 585 (see § 585.525). In addition, as set forth in § 586.502 (d), any transaction authorized with respect to the Government of the FRY (S&M) pursuant to this part is also authorized with respect to the Governments of the Republic of Serbia and the Republic of Montenegro, unless otherwise specified.

§ 586.202 Effect of transfers violating the provisions of this part.

(a) Any transfer after the effective date which is in violation of any provision of this part or of any regulation, order, directive, ruling, instruction, license, or other authorization issued pursuant to this part and involves any property or interest in property blocked pursuant to § 586.201 is null and void and shall not be the basis for the assertion or recognition of any interest in or right, remedy, power or privilege with respect to such property or property interests.

(b) No transfer before the effective date shall be the basis for the assertion or recognition of any right, remedy,

power, or privilege with respect to, or interest in, any property or interest in property blocked pursuant to § 586.201, unless the person with whom such property is held or maintained, prior to such date, had written notice of the transfer or by any written evidence had recognized such transfer.

(c) Unless otherwise provided, an appropriate license or other authorization issued by or pursuant to the direction or authorization of the Director of the Office of Foreign Assets Control before, during, or after a transfer shall validate such transfer or render it enforceable to the same extent that it would be valid or enforceable but for the provisions of the International Emergency Economic Powers Act, this part, and any regulation, order, directive, ruling, instruction, or license issued pursuant to this part.

(d) Transfers of property which otherwise would be null and void or unenforceable by virtue of the provisions of this section shall not be deemed to be null and void or unenforceable as to any person with whom such property was held or maintained (and as to such person only) in cases in which such person is able to establish to the satisfaction of the Director of the Office of Foreign Assets Control each of the following:

(1) Such transfer did not represent a willful violation of the provisions of this part by the person with whom such property was held or maintained;

(2) The person with whom such property was held or maintained did not have reasonable cause to know or suspect, in view of all the facts and circumstances known or available to such person, that such transfer required a license or authorization by or pursuant to this part and was not so licensed or authorized, or if a license or authorization did purport to cover the transfer, that such license or authorization had been obtained by misrepresentation of a third party or the withholding of material facts or was otherwise fraudulently obtained; and

(3) The person with whom such property was held or maintained filed with the Office of Foreign Assets Control a report setting forth in full the circumstances relating to such transfer promptly upon discovery that:

(i) Such transfer was in violation of the provisions of this part or any regulation, ruling, instruction, license, or other direction or authorization issued pursuant to this part; or

(ii) Such transfer was not licensed or authorized by the Director of the Office of Foreign Assets Control; or

(iii) If a license did purport to cover the transfer, such license had been obtained by misrepresentation of a third party or the withholding of material facts or was otherwise fraudulently obtained.

Note to paragraph (d) of § 586.202: The filing of a report in accordance with the provisions of paragraph (d)(3) of this section shall not be deemed evidence that the terms of paragraphs (d)(1) and (2) of this section have been satisfied.

(e) Unless licensed or authorized pursuant to this part, any attachment, judgment, decree, lien, execution, garnishment, or other judicial process is null and void with respect to any property or interest in property blocked pursuant to § 586.201.

§ 586.203 Holding of funds in interest–bearing accounts; investment and reinvestment.

(a) Except as provided in paragraph (c) or (d) of this section, or as otherwise directed by the Office of Foreign Assets Control, any U.S. person holding funds, such as currency, bank deposits, or liquidated financial obligations, subject to § 586.201 shall hold or place such funds in a blocked interest–bearing account located in the United States.

(b)(1) For purposes of this section, the term *blocked interest–bearing account* means a blocked account:

(i) In a federally–insured U.S. bank, thrift institution, or credit union, provided the funds are earning interest at rates which are commercially reasonable; or

(ii) With a broker or dealer registered with the Securities and Exchange Commission under the Securities Exchange Act of 1934, provided the funds are invested in a money market fund or in U.S. Treasury bills.

(2) For purposes of this section, a rate is commercially reasonable if it is the rate currently offered to other depositors on deposits or instruments of comparable size and maturity.

(3) Funds held or placed in a blocked account pursuant to this paragraph (b) may not be invested in instruments the maturity of which exceeds 180 days. If interest is credited to a separate blocked account or sub–account, the name of the account party on each account must be the same.

(c) Blocked funds held in instruments the maturity of which exceeds 180 days at the time the funds become subject to § 586.201 may continue to be held until maturity in the original instrument, provided any interest, earnings, or other proceeds derived therefrom are paid into a blocked interest–bearing account in accordance with paragraph (b) or (d) of this section.

(d) Blocked funds held in accounts or instruments outside the United States at the time the funds become subject to § 586.201 may continue to be held in the same type of accounts or instruments, provided the funds earn interest at rates which are commercially reasonable.

(e) This section does not create an affirmative obligation for the holder of blocked tangible property, such as chattels or real estate, or of other blocked property, such as debt or equity securities, to sell or liquidate such property at the time the property becomes subject to § 586.201. However, the Office of Foreign Assets Control may issue licenses permitting or directing such sales in appropriate cases.

(f) Funds subject to this section may not be held, invested, or reinvested in a manner which provides immediate financial or economic benefit or access to persons whose property or interests in property are blocked pursuant to § 586.201, nor may their holder cooperate in or facilitate the pledging or other attempted use as collateral of blocked funds or other assets.

§ 586.204 Prohibited new investment within Serbia.

Except as otherwise provided in regulations, orders, directives, or licenses that may hereafter be issued pursuant to this order, all new investment in the territory of the Republic of Serbia by United States persons, and the approval or other facilitation by United States persons of other persons' new investment in the territory of the Republic of Serbia, are prohibited.

§ 586.205 Evasions; attempts; conspiracies.

Any transaction by any United States person or within the United States that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in this part is prohibited. Any conspiracy formed for the purpose of engaging in a transaction prohibited by this part is prohibited.

§ 586.206 Exempt transactions.

(a) *Personal communications.* The prohibitions contained in this part do not apply to any postal, telegraphic, telephonic, or other personal communication, which does not involve the transfer of anything of value.

(b) *Information and informational materials.* (1) The importation from any country and the exportation to any country of information or informational materials as defined in § 586.309, whether commercial or otherwise, regardless of format or medium of transmission, are exempt from the prohibitions and regulations of this part.

(2) This section does not authorize transactions related to information and

informational materials not fully created and in existence at the date of the transactions, or to the substantive or artistic alteration or enhancement of informational materials, or to the provision of marketing and business consulting services. Such prohibited transactions include, but are not limited to, payment of advances for information and informational materials not yet created and completed (with the exception of prepaid subscriptions for widely circulated magazines and other periodical publications), provision of services to market, produce or co–produce, create or assist in the creation of information and informational materials, and payment of royalties to persons whose property or interests in property are blocked pursuant to § 586.201 with respect to income received for enhancements or alterations made by U.S. persons to information or informational materials imported from persons whose property and property interests are blocked pursuant to § 586.201.

(3) This section does not exempt or authorize transactions incident to the exportation of software subject to the Export Administration Regulations, 15 CFR parts 730–774, or to the exportation of goods, technology or software, or to the sale or leasing of telecommunications transmission facilities (such as satellite links or dedicated lines) for use in the transmission of any data. The exportation of such items or services and the sale or leasing of such facilities to a person whose property and interests in property are blocked pursuant to § 586.201 is prohibited.

(c) *Travel.* The prohibitions contained in this part do not apply to transactions ordinarily incident to travel to or from any country, including exportation or importation of accompanied baggage for personal use, maintenance within any country including payment of living expenses and acquisition of goods or services for personal use, and arrangement or facilitation of such travel including non–scheduled air, sea, or land voyages.

(d) *Journalistic activity.* The prohibitions contained in this part do not apply to transactions in the FRY (S&M) for journalistic activity by persons regularly employed in such capacity by a news–gathering organization.

(e) *Humanitarian donations.* The prohibitions of this part do not apply to donations by U.S. persons of articles, such as food, clothing, and medicine, intended to be used to relieve human suffering.

Subpart C—General Definitions

§ 586.301 Blocked account; blocked property.

The terms *blocked account* and *blocked property* shall mean any account or property subject to the prohibition in § 586.201 held in the name of a person whose property is blocked pursuant to § 586.201 or in which such person has an interest, and with respect to which payments, transfers, exportations, withdrawals, or other dealings may not be made or effected except pursuant to an authorization or license from the Office of Foreign Assets Control.

§ 586.302 Effective date.

The term *effective date* refers to the effective date of the applicable prohibitions and directives contained in this part which is 12:01 a.m. EDT, June 10, 1998.

§ 586.303 Entity.

The term *entity means* a partnership, association, trust, joint venture, corporation, or other organization.

§ 586.304 Federal Republic of Yugoslavia (Serbia & Montenegro); FRY (S&M).

The term *Federal Republic of Yugoslavia (Serbia & Montenegro)* or *FRY (S&M)* means the territory of the Republics of Serbia and Montenegro.

§ 586.305 General license.

The term *general license* means any license or authorization the terms of which are set forth in this part.

§ 586.306 Government of the Federal Republic of Yugoslavia (Serbia and Montenegro).

The term *Government of the Federal Republic of Yugoslavia (Serbia and Montenegro)* means the government of the FRY (S&M), its agencies, instrumentalities, and controlled entities, including all financial institutions and state–owned and socially–owned entities organized or located in the FRY (S&M) as of June 9, 1998, any successors to such entities, and their respective subsidiaries and branches, wherever located, and any persons acting or purporting to act for or on behalf of any of the foregoing.

Note to § 586.306: Please refer to the appendices at the end of this chapter for listings of persons determined to fall within this definition who have been designated pursuant to this part. Section 501.807 of this chapter sets forth the procedures to be followed by persons seeking administrative reconsideration of their designations, or who wish to assert that the circumstances resulting in designation are no longer applicable.

§ 586.307 Government of the Republic of Montenegro.

The term *Government of the Republic of Montenegro* means the government of the Republic of Montenegro, including any subdivisions thereof or local governments therein, its agencies, instrumentalities and controlled entities, including all financial institutions and state–owned and socially–owned entities organized or located in the Republic of Montenegro as of June 9, 1998, any successors to such entities, and their respective subsidiaries and branches, wherever located, and any persons acting or purporting to act for or on behalf of any of the foregoing.

Note to § 586.307: Section 586.516 authorizes all transactions by U.S. persons involving property or interests in property of the Government of the Republic of Montenegro, unless such property remains blocked pursuant to the Federal Republic of Yugoslavia (Serbia and Montenegro) and Bosnian Serb–Controlled Areas of the Republic of Bosnia and Herzegovina Sanctions Regulations, 31 CFR part 585 (see § 585.525).

§ 586.308 Government of the Republic of Serbia.

The term *Government of the Republic of Serbia* means the government of the Republic of Serbia, including any subdivisions thereof or local governments therein, its agencies, instrumentalities, and controlled entities, including all financial institutions and state–owned and socially–owned entities organized or located in the Republic of Serbia as of June 9, 1998, any successors to such entities, and their respective subsidiaries and branches, wherever located, and any persons acting or purporting to act for or on behalf of any of the foregoing.

Note to § 586.308: Please refer to the appendices at the end of this chapter for listings of persons determined to fall within this definition who have been designated pursuant to this part. Section 501.807 of this chapter sets forth the procedures to be followed by persons seeking administrative reconsideration of their designations, or who wish to assert that the circumstances resulting in designation are no longer applicable.

§ 586.309 Information and informational materials.

(a)(1) For purposes of this part, the term *information and informational materials* means publications, films, posters, phonograph records, photographs, microfilms, microfiche, tapes, compact disks, CD ROMs, artworks, and news wire feeds, and other information and informational materials.

(2) To be considered informational materials, artworks must be classified under chapter heading 9701, 9702, or 9703 of the Harmonized Tariff Schedule of the United States.

(b) The term *information and informational materials* with respect to U.S. exports does not include items:

(1) That were, as of April 30, 1994, or that thereafter become, controlled for export pursuant to section 5 of the Export Administration Act of 1979, 50 U.S.C. App. 2401–2420 (the ''EAA''), or section 6 of the EAA to the extent that such controls promote nonproliferation or antiterrorism policies of the United States.

(2) With respect to which acts are prohibited by 18 U.S.C. chapter 37.

§ 586.310 Interest.

Except as otherwise provided in this part, the term *interest* when used with respect to property (*e.g., an interest in property*) means an interest of any nature whatsoever, direct or indirect.

§ 586.311 License.

Except as otherwise specified, the term *license* means any license or authorization contained in or issued pursuant to this part.

§ 586.312 New investment.

The term *new investment* means the acquisition of debt or equity interests in, a commitment or contribution of funds or other assets to, or a loan or other extension of credit to, a public or private undertaking, entity, or project, including the Government of the Republic of Serbia, other than donations of funds to charitable organizations for purely humanitarian purposes.

§ 586.313 Person.

The term *person* means an individual or entity.

§ 586.314 Property; property interest.

The terms *property* and *property interest* include, but are not limited to, money, checks, drafts, bullion, bank deposits, savings accounts, debts, indebtedness, obligations, notes, guarantees, debentures, stocks, bonds, coupons, any other financial instruments, bankers acceptances, mortgages, pledges, liens or other rights in the nature of security, warehouse receipts, bills of lading, trust receipts, bills of sale, any other evidences of title, ownership or indebtedness, letters of credit and any documents relating to any rights or obligations thereunder, powers of attorney, goods, wares, merchandise, chattels, stocks on hand, ships, goods on ships, real estate mortgages, deeds of trust, vendors' sales agreements, land contracts, leaseholds, ground rents, real estate and any other interest therein, options, negotiable instruments, trade acceptances, royalties, book accounts, accounts payable, judgments, patents, trademarks or copyrights, insurance policies, safe deposit boxes and their contents, annuities, pooling agreements, services of any nature whatsoever, contracts of any nature whatsoever, and any other property, real, personal, or mixed, tangible or intangible, or interest or interests therein, present, future or contingent.

§ 586.315 Specific license.

The term *specific license* means any license or authorization not set forth in this part but issued pursuant to this part.

§ 586.316 Transfer.

The term *transfer* means any actual or purported act or transaction, whether or not evidenced by writing, and whether or not done or performed within the United States, the purpose, intent, or effect of which is to create, surrender, release, convey, transfer, or alter, directly or indirectly, any right, remedy, power, privilege, or interest with respect to any property and, without limitation upon the foregoing, shall include the making, execution, or delivery of any assignment, power, conveyance, check, declaration, deed, deed of trust, power of attorney, power of appointment, bill of sale, mortgage, receipt, agreement, contract, certificate, gift, sale, affidavit, or statement; the making of any payment; the setting off of any obligation or credit; the appointment of any agent, trustee, or fiduciary; the creation or transfer of any lien; the issuance, docketing, filing, or levy of or under any judgment, decree, attachment, injunction, execution, or other judicial or administrative process or order, or the service of any garnishment; the acquisition of any interest of any nature whatsoever by reason of a judgment or decree of any foreign country; the fulfillment of any condition; the exercise of any power of appointment, power of attorney, or other power; or the acquisition, disposition, transportation, importation, exportation, or withdrawal of any security.

§ 586.317 U.S. financial institution.

The term *U.S. financial institution* means any U.S. entity (including foreign branches) that is engaged in the business of accepting deposits, making, granting, transferring, holding, or brokering loans or credits, or purchasing or selling foreign exchange, securities, commodity futures or options, or procuring purchasers and sellers thereof, as principal or agent; including, but not limited to, depository institutions, banks, savings banks, trust companies, securities brokers and dealers, commodity futures and options brokers and dealers, forward contract and foreign exchange merchants, securities and commodities exchanges, clearing corporations, investment companies, employee benefit plans, and U.S. holding companies, U.S. affiliates, or U.S. subsidiaries of any of the foregoing. This term includes those branches, offices and agencies of foreign financial institutions which are located in the United States, but not such institutions' foreign branches, offices, or agencies.

§ 586.318 United States.

The term *United States* means the United States, its territories and possessions, and all areas under the jurisdiction or authority thereof.

§ 586.319 United States person; U.S. person.

The term *United States person* or *U.S. person* means any U.S. citizen, permanent resident alien, entity organized under the laws of the United States (including foreign branches), or any person in the United States.

Subpart D—Interpretations

§ 586.401 Reference to amended sections.

Except as otherwise specified, reference to any section of this part or to any regulation, ruling, order, instruction, direction, or license issued pursuant to this part refers to the same as currently amended.

§ 586.402 Effect of amendment.

Any amendment, modification, or revocation of any section of this part or of any order, regulation, ruling, instruction, or license issued by or under the direction of the Director of the Office of Foreign Assets Control does not, unless otherwise specifically provided, affect any act done or omitted to be done, or any civil or criminal suit or proceeding commenced or pending prior to such amendment, modification, or revocation. All penalties, forfeitures, and liabilities under any such order, regulation, ruling, instruction, or license continue and may be enforced as if such amendment, modification, or revocation had not been made.

§ 586.403 Termination and acquisition of an interest in blocked property.

(a) Whenever a transaction licensed or authorized by or pursuant to this part results in the transfer of property (including any property interest) away

from a person whose property or interests in property are blocked pursuant to § 586.201, such property shall no longer be deemed to be property blocked pursuant to § 586.201, unless there exists in the property another interest that is blocked pursuant to § 586.201 or any other part of this chapter, the transfer of which has not been effected pursuant to license or other authorization.

(b) Unless otherwise specifically provided in a license or authorization issued pursuant to this part, if property (including any property interest) is transferred or attempted to be transferred to a person whose property or interests in property are blocked pursuant to § 586.201, such property shall be deemed to be property in which that person has an interest and therefore blocked.

§ 586.404 Setoffs prohibited.

A setoff against blocked property (including a blocked account), whether by a U.S. bank or other U.S. person, is a prohibited transfer under § 586.201 if effected after the effective date.

§ 586.405 Transactions incidental to a licensed transaction.

Any transaction ordinarily incident to a licensed transaction and necessary to give effect thereto is also authorized, except an unlicensed transaction by a person whose property or interests in property are blocked pursuant to § 586.201, or involving an unlicensed debit to a blocked account or transfer of blocked property not explicitly authorized within the terms of the license.

§ 586.406 Provision of services.

(a) Except as provided in § 586.201(c) or as otherwise authorized, the prohibitions contained in § 586.201 apply to services performed by U.S. persons, wherever located:

(1) On behalf of, or for the benefit of, a person whose property or interests in property are blocked pursuant to § 586.201; or

(2) With respect to property interests of a person whose property or interests in property are blocked pursuant to § 586.201.

(b) *Example:* U.S. persons may not, without specific authorization from the Office of Foreign Assets Control, represent an individual or entity with respect to contract negotiations, contract performance, commercial arbitration, or other business dealings with persons whose property or interests in property are blocked pursuant to § 586.201. See § 586.509 on licensing policy with regard to the provision of certain legal services.

§ 586.407 Offshore transactions.

(a) The prohibitions contained in § 586.201 apply to transactions by any U.S. person in a location outside the United States with respect to property in which the U.S. person knows, or has reason to know, that a person whose property and interests in property are blocked pursuant to § 586.201 has or has had an interest since the effective date.

(b) Prohibited transactions include, but are not limited to, importation into or exportation from locations outside the United States of, or purchasing, selling, financing, swapping, insuring, transporting, lifting, storing, incorporating, transforming, brokering, or otherwise dealing in, within such locations, goods, technology or services in which the U.S. person knows, or has reason to know, that a person whose property and interests in property are blocked pursuant to § 586.201 has or has had an interest since the effective date.

(c) *Examples:* (1) A U.S. person may not, within the United States or abroad, purchase, sell, finance, insure, transport, act as a broker for the sale or transport of, or otherwise deal in, furniture, shoes or other goods manufactured by a state or socially–owned entity organized or located in the FRY (S&M).

(2) A U.S. person may not, within the United States or abroad, conduct transactions of any nature whatsoever with an entity that the U.S. person knows or has reason to know is a state or socially–owned entity within the territory of the FRY (S&M), or which benefits or supports the business of such an entity, unless the entity is licensed by the Office of Foreign Assets Control to conduct such transactions with U.S. persons or the transaction is generally licensed in, or exempted from the prohibitions of, this part.

Note to § 586.407: See § 586.513 with regard to the authorization of certain trade–related transactions.

§ 586.408 Exempt financial transactions within the territory of the FRY (S&M); prohibition on establishment of new offices in Serbia.

(a) Section 586.201(c) exempts financial transactions, including trade financing, from the prohibitions contained in § 586.201 by U.S. persons physically located within the territory of the FRY (S&M), where those transactions are conducted exclusively through the domestic banking system within the FRY (S&M) in local currency (dinars), or using bank notes or barter. A U.S. entity must have a permanent establishment, such as a branch or representative office, within the territory of the FRY (S&M) to be considered physically located there for purposes of this paragraph (a).

(b) The prohibition on new investment within Serbia contained in § 586.204, as defined in § 586.312, precludes the establishment after the effective date of a new representative or branch office or joint venture or other entity within the territory of the Republic of Serbia, because such activity would necessarily involve a commitment or contribution of funds or other assets to a public or private undertaking, entity, or project within Serbia. See § 586.513 concerning the authorization of certain trade–related transactions conducted using bank notes or barter by U.S. persons located outside of the territory of the FRY (S&M).

Note to § 586.408: All transactions with respect to property in which the Government of the Republic of Montenegro has an interest are authorized pursuant to § 586.516. Therefore, all financial transactions by U.S. persons within the territory of the Republic of Montenegro are authorized, unless the transaction involves property in which another interest exists that is blocked pursuant to § 586.201 or any other part of this chapter. See § 586.403.

§ 586.409 Approval or other facilitation of other persons' investment in the territory of the Republic of Serbia.

(a) The prohibition contained in § 586.204 against approval or other facilitation by U.S. persons of other persons' investment in the territory of the Republic of Serbia bars any action by a U.S. person that assists or supports other persons' activity that would constitute prohibited new investment under that section if engaged in by a U.S. person. Such approval or other facilitation with respect to persons whose property or interests in property are blocked pursuant to § 586.201 also constitutes a violation of that section. See the definition of the term *new investment* in § 586.312.

(b) *Examples:* (1) A U.S. person is prohibited from brokering, financing, guaranteeing, or approving the purchase by any other person, including a foreign affiliate, of shares, including an equity interest, in a publicly or privately held undertaking, entity or project located in the territory of the Republic of Serbia, except as provided in § 586.514.

(2) The sale to a non–U.S. person of a U.S. person's equity or income interest in an entity in the territory of the Republic of Serbia constitutes facilitation of that other person's investment in Serbia, and would otherwise be prohibited but for the authorization contained in § 586.514.

(3) A U.S. national or permanent resident alien employed by a foreign person may not participate in any

decision–making role in an activity by the foreign person that includes investment in the territory of the Republic of Serbia.

§ 586.410 Transfer of funds to the benefit of certain persons in the territory of the FRY (S&M).

Section 586.201 does not prohibit U.S. financial institutions that are not blocked, including their foreign branches, from transferring funds to accounts in financial institutions for the benefit of individuals, non–governmental organizations and other persons located in the territory of the FRY (S&M) whose property and interests in property are not blocked pursuant to that section, provided that such transactions do not result in the transfer of funds to or for the benefit of persons whose property or interests in property are blocked pursuant to § 586.201.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

§ 586.501 General and specific licensing procedures.

For provisions relating to licensing procedures, see subpart C of part 501 of this chapter. Licensing actions pursuant to part 501 of this chapter with respect to the prohibitions of this part are considered actions pursuant to this part.

§ 586.502 Effect of license or authorization.

(a) No license or other authorization contained in this part, or otherwise issued by or under the direction of the Director of the Office of Foreign Assets Control pursuant to this part, authorizes or validates any transaction effected prior to the issuance of the license, unless specifically so provided in such license or authorization.

(b) No regulation, ruling, instruction, or license authorizes any transaction prohibited under this part unless the regulation, ruling, instruction, or license is issued by the Office of Foreign Assets Control and specifically refers to this part. No regulation, ruling, instruction, or license referring to this part authorizes any transaction prohibited by any provision of this chapter unless the regulation, ruling, instruction or license specifically refers to such provision.

(c) Any regulation, ruling, instruction, or license authorizing any transaction otherwise prohibited under this part has the effect of removing a prohibition or prohibitions contained in this part from the transaction, but only to the extent specifically stated by its terms. Unless the regulation, ruling, instruction, or license otherwise specifies, such an authorization does not create any right, duty, obligation, claim, or interest in, or with respect to, any property which would not otherwise exist under ordinary principles of law.

Note to paragraph (c) of § 586.502: The general license in § 586.516 authorizing transactions with respect to property in which the Government of the Republic of Montenegro has an interest removes such property and interests in property from the phrase ''property and interests in property blocked pursuant to § 586.201'' for purposes of this part.

(d) Any general license or statement of licensing policy contained in this part authorizing transactions with respect to the Government of the FRY (S&M) shall, unless otherwise stated, also authorize analogous transactions with respect to the Governments or territories of the Republic of Serbia and the Republic of Montenegro.

§ 586.503 Exclusion from licenses and authorizations.

The Director of the Office of Foreign Assets Control reserves the right to exclude any person, property, or transaction from the operation of any license, or from the privileges therein conferred, or to restrict the applicability thereof with respect to particular persons, property, transactions, or classes thereof. Such action is binding upon all persons receiving actual or constructive notice of such exclusion or restriction.

§ 586.504 Payments and transfers to blocked accounts in U.S. financial institutions.

Any payment of funds or transfer of credit in which any person whose property and interests in property are blocked pursuant to § 586.201 has any interest, that comes within the possession or control of a U.S. financial institution, must be blocked in an account on the books of that financial institution. A transfer of funds or credit by a U.S. financial institution between blocked accounts in its branches or offices is authorized, provided that no transfer is made from an account within the United States to an account held outside the United States, and further provided that a transfer from a blocked account may only be made to another blocked account held in the same name.

Note to § 586.504: Please refer to § 501.603 of this chapter for mandatory reporting requirements regarding financial transfers. See also § 586.203 concerning the obligation to hold blocked funds in interest–bearing accounts.

§ 586.505 Payment of obligations to U.S. persons authorized.

(a) The transfer of funds after the effective date by, through, or to any U.S. financial institution or other U.S. person not blocked pursuant to this chapter solely for the purpose of payment of obligations to U.S. persons of persons whose property or interests in property are blocked pursuant to § 586.201 is authorized, provided that the obligation arose prior to the effective date or is otherwise authorized pursuant to statute or the provisions of this part, and the payment requires no debit to a blocked account. Property is not blocked by virtue of being transferred or received pursuant to this section.

(b) A person receiving payment under this section may distribute all or part of that payment to any person, provided that any such payment to a person whose property or interests in property are blocked pursuant to § 586.201 must be to a blocked account in a U.S. financial institution.

Note to § 586.505: Please refer to § 501.603 of this chapter for mandatory reporting requirements regarding financial transfers. See also § 586.203 concerning the obligation to hold blocked funds in interest–bearing accounts.

§ 586.506 Investment and reinvestment of certain funds.

U.S. financial institutions are authorized to invest and reinvest assets blocked pursuant to § 586.201, subject to the following conditions:

(a) The assets representing such investments and reinvestments are credited to a blocked account or subaccount which is held in the same name at the same U.S. financial institution, or within the possession or control of a U.S. person, but in no case may funds be transferred outside the United States for this purpose; and

(b) The proceeds of such investments and reinvestments are not credited to a blocked account or subaccount under any name or designation which differs from the name or designation of the specific blocked account or subaccount in which such funds or securities were held; and

(c) No immediate financial or economic benefit accrues (*e.g.*, through pledging or other use) to any person whose property or interests in property are blocked pursuant to § 586.201.

§ 586.507 Completion of certain transactions related to bankers acceptances authorized.

Persons other than those whose property or interests in property are blocked pursuant to § 586.201 are authorized to buy, sell, and satisfy obligations with respect to bankers acceptances, and to pay under deferred payment undertakings, involving a property interest blocked pursuant to § 586.201, as long as the bankers

acceptances were created or the deferred payment undertakings were incurred prior to the effective date.

§ 586.508 Entries in certain accounts for normal service charges authorized.

(a) U.S. financial institutions are hereby authorized to debit any blocked account with such U.S. financial institution in payment or reimbursement for normal service charges owed to such U.S. financial institution by the owner of such blocked account.

(b) As used in this section, the term *normal service charge* shall include charges in payment or reimbursement for interest due; cable, telegraph, or telephone charges; postage costs; custody fees; small adjustment charges to correct bookkeeping errors; and, but not by way of limitation, minimum balance charges, notary and protest fees, and charges for reference books, photocopies, credit reports, transcripts of statements, registered mail, insurance, stationery and supplies, and other similar items.

§ 586.509 Provision of certain legal services authorized.

(a) The provision to or on behalf of a person whose property or interests in property are blocked pursuant to § 586.201 of the legal services set forth in paragraph (b) of this section is authorized, provided that all receipt of payment therefor must be specifically licensed.

(b) Specific licenses may be issued, on a case–by–case basis, authorizing receipt, from unblocked sources, of payment of professional fees and reimbursement of incurred expenses for the following legal services by U.S. persons to a person whose property or interests in property are blocked pursuant to § 586.201:

(1) Provision of legal advice and counseling on the requirements of and compliance with the laws of any jurisdiction within the United States, provided that such advice and counseling is not provided to facilitate transactions that would violate any of the prohibitions contained in this part;

(2) Representation of a person whose property or interests in property are blocked pursuant to § 586.201 when named as a defendant in or otherwise made a party to domestic U.S. legal, arbitration, or administrative proceedings;

(3) Initiation of domestic U.S. legal, arbitration, or administrative proceedings in defense of property interests subject to U.S. jurisdiction of a person whose property or interests in property are blocked pursuant to § 586.201;

(4) Representation of a person whose property and interests in property are blocked pursuant to § 586.201 before any federal or state agency with respect to the imposition, administration, or enforcement of U.S. sanctions against such person; and

(5) Provision of legal services in any other context in which prevailing U.S. law requires access to legal counsel at public expense.

(c) The provision of any other legal services to a person whose property or interests in property are blocked pursuant to § 586.201, not otherwise authorized in or exempted by this part, requires the issuance of a specific license.

(d) Entry into a settlement agreement affecting property or interests in property of a person whose property or interests in property are blocked pursuant to § 586.201 or the enforcement of any lien, judgment, arbitral award, decree, or other order through execution, garnishment or other judicial process purporting to transfer or otherwise alter or affect a property interest of such person is prohibited unless specifically licensed in accordance with § 586.202(e).

§ 586.510 Transactions related to telecommunications authorized.

All transactions with respect to the receipt and transmission of telecommunications involving the FRY (S&M) are authorized. This section does not authorize the provision to any person whose property or interests in property are blocked pursuant to § 586.201 of telecommunications equipment or technology, nor the sale or leasing of telecommunications transmission facilities (such as satellite links or dedicated lines).

§ 586.511 Transactions related to mail authorized.

All transactions by U.S. persons, including payment and transfers to common carriers, incident to the receipt or transmission of mail between the United States and the FRY (S&M) are authorized, provided that mail is limited to personal communications not involving a transfer of anything of value.

§ 586.512 Certain transactions related to patents, trademarks and copyrights authorized.

(a) All of the following transactions in connection with patent, trademark, copyright or other intellectual property protection in the United States or the FRY (S&M) are authorized:

(1) The filing and prosecution of any application to obtain a patent, trademark, copyright or other form of intellectual property protection;

(2) The receipt of a patent, trademark, copyright or other form of intellectual property protection;

(3) The renewal or maintenance of a patent, trademark, copyright or other form of intellectual property protection; and

(4) The filing and prosecution of opposition or infringement proceedings with respect to a patent, trademark, copyright or other form of intellectual property protection, or the entrance of a defense to any such proceedings.

(b) This section authorizes the payment of fees currently due to the United States Government, or of the reasonable and customary fees and charges currently due to attorneys or representatives within the United States, in connection with the transactions authorized in paragraph (a) of this section. Payment effected pursuant to the terms of this paragraph (b) may not be made from a blocked account.

(c) This section authorizes the payment of fees currently due to the Government of the FRY (S&M), or of the reasonable and customary fees and charges currently due to attorneys or representatives within the territory of the FRY (S&M), in connection with the transactions authorized in paragraph (a) of this section.

(d) Nothing in this section affects obligations under any other provision of law.

§ 586.513 Certain transactions with respect to trade with blocked persons authorized.

(a) U.S. persons may trade in goods in which a person whose property and interests in property are blocked pursuant to § 586.201 has an interest, provided that the payment for the goods is made in bank notes and coins of any currency or by barter. Any open account credit terms may not exceed 30 days. Transactions relating to services incident to this trade in goods, including payment for shipping and insurance to non–blocked entities, are authorized.

(b) *Example:* A U.S. company located outside of Serbia may ship goods to Serbia in exchange for bank notes and coins or under a barter arrangement in exchange for Serbian goods, exchanged directly with the U.S. company or assigned to a third company in satisfaction of an obligation owed that party by the U.S. company. Except as provided in §586.408 or otherwise specifically authorized, however, the U.S. company may not establish or use an account at a financial institution

within the territory of the Republic of Serbia in connection with any trade transaction described in this section.

§ 586.514 Divestiture of U.S. person's equity investment in the territory of the Republic of Serbia.

Notwithstanding the prohibition in § 586.204 against the facilitation by a U.S. person of other persons' new investment in the territory of the Republic of Serbia, all transactions related to the divestiture or transfer to a non–U.S. person, other than a person whose property or property interests are blocked pursuant to § 586.201 or this chapter, of a U.S. person's investment in the Republic of Serbia are authorized.

§ 586.515 Payments for services rendered by the Government of the FRY (S&M) to aircraft authorized; aircraft and maritime safety.

(a) Payments to the Government of the FRY (S&M) of charges for services rendered by that Government in connection with the overflight of the territory of the FRY (S&M) or emergency landing in the FRY (S&M) by aircraft are authorized.

(b) Specific licenses may be issued on a case–by–case basis for the exportation and reexportation of goods, services, and technology to insure the safety of civil aviation and safe operation of U.S.–origin commercial passenger aircraft, and to ensure the safety of ocean–going maritime traffic in international waters.

§ 586.516 Transactions with respect to property in which the Government of the Republic of Montenegro has an interest authorized.

All transactions by U.S. persons involving property or interests in property in which the Government of the Republic of Montenegro has an interest are authorized, except with respect to property blocked pursuant to the Federal Republic of Yugoslavia (Serbia and Montenegro) and Bosnian Serb–Controlled Areas of the Republic of Bosnia and Herzegovina Sanctions Regulations, 31 CFR part 585 (see § 585.525). Property and interests in property of the Government of Montenegro shall not be considered ''property and interests in property blocked pursuant to § 586.201'' for purposes of this part. This authorization does not apply, however, to property in which the Government of Montenegro has an interest but in which there also exists an interest of another person whose property or interests in property are blocked pursuant to § 586.201 or any other part of this chapter.

Subpart F—Reports

§ 586.601 Records and reports.

For provisions relating to records and reports, see subpart C of part 501 of this chapter.

Subpart G—Penalties

§ 586.701 Penalties.

(a) Attention is directed to section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) (the ''Act''), which is applicable to violations of the provisions of any license, ruling, regulation, order, direction or instruction issued by or pursuant to the direction or authorization of the Secretary of the Treasury pursuant to this part or otherwise under the Act. Section 206 of the Act, as adjusted by the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101–410, as amended, 28 U.S.C. 2461 note), provides that:

(1) A civil penalty not to exceed $11,000 per violation may be imposed on any person who violates any license, order, or regulation issued under the Act;

(2) Whoever willfully violates any license, order, or regulation issued under the Act shall, upon conviction, be fined not more than $50,000, or, if a natural person, may be imprisoned for not more than 10 years, or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both.

(b) The criminal penalties provided in the Act are subject to increase pursuant to 18 U.S.C. 3571.

(c) Attention is also directed to 18 U.S.C. 1001, which provides that whoever, in any matter within the jurisdiction of any department or agency of the United States, knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statement or representation or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined under title 18, United States Code, or imprisoned not more than five years, or both.

(d) Violations of this part may also be subject to relevant provisions of other applicable laws.

§ 586.702 Prepenalty notice.

(a) *When required.* If the Director of the Office of Foreign Assets Control has reasonable cause to believe that there has occurred a violation of any provision of this part or a violation of the provisions of any license, ruling, regulation, order, direction or instruction issued by or pursuant to the direction or authorization of the Secretary of the Treasury pursuant to this part or otherwise under the International Emergency Economic Powers Act, and the Director determines that further proceedings are warranted, he shall issue to the person concerned a notice of his intent to impose a monetary penalty. The prepenalty notice shall be issued whether or not another agency has taken any action with respect to this matter.

(b) *Contents*—(1) *Facts of violation.* The prepenalty notice shall describe the violation, specify the laws and regulations allegedly violated, and state the amount of the proposed monetary penalty.

(2) *Right to respond.* The prepenalty notice also shall inform the respondent of respondent's right to make a written presentation within 30 days of mailing of the notice as to why a monetary penalty should not be imposed, or, if imposed, why it should be in a lesser amount than proposed.

§ 586.703 Response to prepenalty notice; informal settlement.

(a) *Deadline for response.* The respondent shall have 30 days from the date of mailing of the prepenalty notice to make a written response to the Director of the Office of Foreign Assets Control.

(b) *Form and contents of response.* The written response need not be in any particular form, but shall contain information sufficient to indicate that it is in response to the prepenalty notice. It should contain responses to the allegations in the prepenalty notice and set forth the reasons why the respondent believes the penalty should not be imposed or, if imposed, why it should be in a lesser amount than proposed.

(c) *Informal settlement.* In addition or as an alternative to a written response to a prepenalty notice pursuant to this section, the respondent or respondent's representative may contact the Office of Foreign Assets Control as advised in the prepenalty notice to propose the settlement of allegations contained in the prepenalty notice and related matters. In the event of settlement at the prepenalty stage, the claim proposed in the prepenalty notice will be withdrawn, the respondent is not required to take a written position on allegations contained in the prepenalty notice, and the Office of Foreign Assets Control will make no final determination as to whether a violation occurred. The amount accepted in settlement of allegations in a prepenalty

notice may vary from the civil penalty that might finally be imposed in the event of a formal determination of violation. In the event no settlement is reached, the 30–day period specified in paragraph (a) of this section for written response to the prepenalty notice remains in effect unless additional time is granted by the Office of Foreign Assets Control.

§ 586.704 Penalty imposition or withdrawal.

(a) *No violation.* If, after considering any response to the prepenalty notice and any relevant facts, the Director of the Office of Foreign Assets Control determines that there was no violation by the respondent named in the prepenalty notice, the Director promptly shall notify the respondent in writing of that determination and that no monetary penalty will be imposed.

(b) *Violation.* If, after considering any response to the prepenalty notice, the Director of the Office of Foreign Assets Control determines that there was a violation by the respondent named in the prepenalty notice, the Director promptly shall issue a written notice of the imposition of the monetary penalty to the respondent.

(1) The penalty notice shall inform the respondent that payment of the assessed penalty must be made within 30 days of the mailing of the penalty notice.

(2) The penalty notice shall inform the respondent of the requirement to furnish the respondent's taxpayer identification number pursuant to 31 U.S.C. 7701 and that such number will be used for purposes of collection and reporting on any delinquent penalty amount in the event of a failure to pay the penalty imposed.

§ 586.705 Administrative collection; referral to United States Department of Justice.

In the event that the respondent does not pay the penalty imposed pursuant to this part or make payment arrangements acceptable to the Director of the Office of Foreign Assets Control within 30 days of the mailing of the written notice of the imposition of the penalty, the matter may be referred for administrative collection measures by the Department of the Treasury or to the United States Department of Justice for appropriate action to recover the penalty in a civil suit in a Federal district court.

Subpart H—Procedures

§ 586.801 Procedures.

For license application procedures and procedures relating to amendments, modifications, or revocations of licenses; administrative decisions; rulemaking; and requests for documents pursuant to the Freedom of Information and Privacy Acts (5 U.S.C. 552 and 552a), see subpart D of part 501 of this chapter.

§ 586.802 Delegation by the Secretary of the Treasury.

Any action which the Secretary of the Treasury is authorized to take pursuant to Executive Order 13088 (63 FR 32109, June 12, 1998), and any further Executive orders relating to the national emergency declared in Executive Order 13088, may be taken by the Director of the Office of Foreign Assets Control, or by any other person to whom the Secretary of the Treasury has delegated authority so to act.

Subpart I—Paperwork Reduction Act

§ 586.901 Paperwork Reduction Act notice.

For approval by OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. 3507) of information collections relating to recordkeeping and reporting requirements, to licensing procedures (including those pursuant to statements of licensing policy), and to other procedures, see § 501.901 of this chapter. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

Dated: September 18, 1998.

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

Approved: September 29, 1998.

Elisabeth A. Bresee,

Assistant Secretary (Enforcement), Department of the Treasury.

[FR Doc. 98–27339 Filed 10–7–98; 4:34 pm]

BILLING CODE 4810–25–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MN52–01–7277a; MN53–01–7278a; FRL–6162–1]

Approval and Promulgation of Implementation Plans; Minnesota

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving revisions to Minnesota's State Implementation Plan (SIP) for sulfur dioxide (SO_2) in Air Quality Control Region (AQCR) 131. The EPA's action is based upon a revision request submitted by the State of Minnesota on April 24, 1997, which amends two State Administrative Orders for two Northern States Power facilities: Inver Hills and Riverside. The Orders are included as part of Minnesota's approved SIP to attain and maintain the National Ambient Air Quality Standard for sulfur dioxide.

DATES: This rule is effective on December 14, 1998 unless the Agency receives relevant adverse comments by November 12, 1998. Should the Agency receive such comments, it will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Written comments should be sent to: Carlton T. Nash, Chief, Regulation Development Section, Air Programs Branch, (AR–18J), EPA, 77 West Jackson Boulevard, Chicago, Illinois 60604. Copies of the documents relevant to this action are available for public inspection during normal business hours at the following location: United States Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (Please telephone Victoria Hayden at (312) 886–4023 before visiting the Region 5 Office.)

FOR FURTHER INFORMATION CONTACT: Victoria Hayden, Regulation Development Section (AR–18J), Air Programs Branch, Air and Radiation Division, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, Telephone Number (312) 886-4023.

SUPPLEMENTARY INFORMATION:

I. Background

On April 14, 1994, and September 9, 1994, EPA approved SIP revisions for SO_2 for much of the Minneapolis-Saint Paul area. The regulatory portion of these revisions consisted of administrative orders limiting emissions from affected facilities. On June 13, 1995, EPA approved amendments to the previously approved administrative orders addressing SO_2. On April 24, 1997, Minnesota submitted additional changes to the amendments for the administrative orders for two Northern States Power facilities: Inver Hills and Riverside. For the Inver Hills Generating Facility the administrative order was amended to increase the boilers heat input, decrease their emission limits, increase the amount of fuel oil usage, but decrease the sulfur content. The administrative order for the Riverside Station was revised similarly to increase

the heat input, decrease their emission limits, and to also add 40 CFR part 75 to their continuous emissions monitoring requirements.

II. Submittal Summary

The State submittal dated April 24, 1997, consisted of revisions to the Minnesota SO_2 SIP in the form of amendments to two administrative orders, along with technical support information, for the following two Northern States Power facilities: Inver Hills and Riverside. The following discusses the principal revisions made by the State and submitted to EPA.

For Northern States Power—Riverside Facility

(1) The annual emission limit of SO_2 from emission points 1 and 2 has been revised from 1.08 to 1.00 pounds per million British Thermal Units (lbs/MMBtu) per emission point on a 3-hour average.

(2) Changes were made to remove the use of the wording ''Exhibit 5'' and to replace it with and add ''40 CFR part 75'' to their continuous emissions monitoring requirements (CEMs).

(3) The section in the administrative order discussing the operation and maintenance of the CEMs was revised to add exemptions from the 90 percent monitoring uptime requirements.

(4) The Minnesota rule reference within the Notification of Monitoring Equipment Breakdown section was changed to Minn. R. 7019.100, subpart 4, which requires a company to notify the Minnesota Pollution Control Agency Commissioner of any breakdown or malfunction lasting greater than eight hours.

(5) Maximum heat input was increased from 792 MMBtu/hr to 852 MMBtu/hr for Emissions Points 1 and 2.

For Northern States Power—Inver Hills Facility

(1) Emission point 7 was removed and the annual emission limit of SO_2 from emission points 1 through 6 was decreased from 1.1 to 0.67 lb/MMBtu each on an instantaneous basis.

(2) For emission points 1 through 6 the use of natural gas was added as a fuel type and the maximum heat input was changed to 870 x 10^6 British Thermal Unit per hour (Btu/hr) for fuel oil and 920 x 10^6 Btu/hr for natural gas.

(3) The amount of fuel oil usage increased from 8.75 to 9.41 million gallons of fuel oil per month based on a monthly 12-month rolling average. However, the maximum sulfur content of fuel oil burned was decreased 1.0 to 0.67 percent by weight in gas turbines 1 through 6.

(4) Other minor language changes were made to clarify the sampling and analyzing method for determining fuel oil sulfur content and heating value.

III. EPA Final Rulemaking Action

The EPA is approving amendments to two administrative orders as requested by the State. These amendments were adopted and effective at the State on November 26, 1996. Specifically for sulfur dioxide, the EPA is approving amendments to the administrative orders for two Northern States Power facilities: Inver Hills and Riverside. These changes do not affect the facilities' ability to meet the NAAQS for SO_2.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should relevant adverse comments be filed. This rule will be effective December 14, 1998, without further notice unless the Agency receives relevant adverse comments by November 12, 1998.

If the EPA receives such comments, then EPA will publish a notice withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on the proposed rule. Only parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective on December 14, 1998 and no further action will be taken on the proposed rule.

IV. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

B. Executive Order 12875

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected state, local, and tribal governments, the nature of their concerns, copies of written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires EPA to develop an effective process permitting elected officials and other representatives of state, local, and tribal governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.'' Today's rule does not create a mandate on state, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

C. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.'' Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

D. Regulatory Flexibility Act

Redesignation of an area to attainment under section 107(d)(3)(E) of the CAA does not impose any new requirements on small entities. Redesignation is an action that affects the status of a geographical area and does not impose any regulatory requirements on sources. To the extent that the area must adopt new regulations, based on its attainment status, EPA will review the effect of those actions on small entities at the time the State submits those regulations.

The Administrator certifies that the approval of the redesignation request will not affect a substantial number of small entities.

E. Unfunded Mandates

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

F. Submission to Congress and the Comptroller General

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

G. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be ''economically significant'' as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to E.O. 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

H. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 14, 1998. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such an action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).) EPA encourages interested parties to comment in response to the proposed redesignation rather than petition for judicial review, unless the objection arises after the comment period allowed for in the proposal.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Reporting and recordkeeping.

Dated: September 3, 1998.

Gail Ginsburg,

Acting Regional Administrator, Region 1.

40 CFR part 52, is amended as follows:

PART 52—[AMENDED]

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

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

Subpart Y—Minnesota

2. Section 52.1220 is amended by adding paragraph c(46) to read as follows:

§ 52.1220 Identification of plan.

* * * * *

(c) * * *

(46) On April 24, 1997, the State of Minnesota submitted Administrative Order amendments for sulfur dioxide for two Northern States Power facilities: Inver Hills and Riverside.

(i) Incorporation by reference.

(A) Amendment Two, dated and effective November 26, 1996, to administrative order approved in paragraph (c)(30) of this section for Northern States Power-Riverside Station.

(B) Amendment Three, dated and effective November 26, 1996, to administrative order and amendments approved in paragraphs (c)(35) and (c)(41), respectively, of this section for Northern States Power-Inver Hills Station.

[FR Doc. 98–26897 Filed 10–9–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300740; FRL–6036–7]

RIN 2070–AB78

Dimethomorph [(E,Z) 4-[3-(4-chlorophenyl)-3-(3,4-dimethoxyphenyl)-1-oxo-2-propenyl]morpholine]; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a tolerance for residues of the fungicide dimethomorph [(*E,Z*) 4-[3-(4-chlorophenyl)-3-(3,4-dimethoxyphenyl)-1-oxo-2-propenyl]morpholine] in or on potatoes. American Cyanamid Company requested this tolerance under the Federal Food, Drug and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act of 1996 (Pub. L. 104-170).

DATES: This regulation is effective October 13, 1998. Objections and requests for hearings must be received by EPA on or before December 14, 1998.

ADDRESSES: Written objections and hearing requests, identified by the docket control number, [OPP–300740], must be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing requests shall be labeled ''Tolerance Petition Fees'' and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests filed with the Hearing Clerk identified by the docket control number, [OPP–300740], must also be submitted to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring a copy of objections and hearing requests to Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA.

A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov.

Copies of objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

Copies of objections and hearing requests will also be accepted on disks in WordPerfect 5.1/6.1 file format or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket control number [OPP–300740]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic copies of objections and hearing requests on this rule may be filed online at many Federal Depository Libraries.

FOR FURTHER INFORMATION CONTACT: By mail: Mary L. Waller, Product Manager 21, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Room 265, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703) 308–9354, e-mail: waller.mary@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 26, 1997 (62 FR 14418)(FRL–5594–7), EPA issued a notice pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(e) announcing the filing of a pesticide petition (PP 7F4816) for tolerance by American Cyanamid Company, Agricultural Products Division, P.O. Box 400, Princeton, NJ 08543–0400. This notice included a summary of the petition prepared by American Cyanamid Company. There were no comments received in response to the notice of filing.

The petition requested that 40 CFR 180.493 be amended by establishing a tolerance for residues of the fungicide dimethomorph [(*E,Z*) 4-[3-(4-chlorophenyl)-3-(3,4-dimethoxyphenyl)-1-oxo-2-propenyl]morpholine], in or on potatoes at 0.05 parts per million (ppm).

I. Risk Assessment and Statutory Findings

Section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. For further discussion of the regulatory requirements of section 408 and a complete description of the risk assessment process, see the Final Rule on Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997) (FRL–5754–7).

II. Aggregate Risk Assessment and Determination of Safety

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of dimethomorph and to make a determination on aggregate exposure, consistent with section 408(b)(2), for a tolerance for residues of dimethomorph on potatoes at 0.05 ppm. EPA's assessment of the dietary exposures and risks associated with establishing the tolerance follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The nature of the toxic effects caused by dimethomorph are discussed below.

1. *Acute toxicity.* Technical dimethomorph is relatively non-toxic when administered acutely to laboratory animals (Toxicity Category III for Rat Acute Oral, Acute Dermal, Acute Inhalation, Primary Eye Irritation (conjunctival irritation clearing in 4 days); Toxicity Category IV for Mice Acute Oral, *Z*-isomer Rat Acute Oral, *E*-isomer Rat Acute Oral, Acute Dermal, Primary Eye Irritation (grade I irritation clearing in 48 hours), Primary Skin Irritation (grade I irritation at abraded skin sites only, clearing by day 2); Dermal Sensitization - not a sensitizer).

2. *Subchronic toxicity*- i. *A 90-day feeding - rat.* Technical grade dimethomorph (98.7% a.i.) was administered in the diet to groups of 10 male and 10 female Charles River CD Sprague-Dawley rats at concentrations of 0, 40, 200, or 1,000 ppm (0, 2.9, 14.2, or 73 mg/kg/day for male rats, and 0, 3.2, 15.8, or 82 mg/kg/day for female rats, respectively) for 13 weeks, 4 days. A Lowest Observed Adverse Effect Level (LOAEL) was not established because the highest dose tested produced no biologically significant effects. The No Observed Adverse Effect Level (NOAEL) is >1,000 ppm (73 mg/kg/day for males, and 82 mg/kg/day for females).

ii. *A 90-day feeding-dog.* Dimethomorph (technical, 96.6% a.i.) was administered to four male and four female Beagle dogs/dose group in the diet at concentrations of 0, 150, 450, or 1,350 ppm (equivalent to doses of 0, 5, 15 or 43 mg/kg/day for males, and 0, 6, 15 or 44 mg/kg/day for females) for 13 weeks. Prostate fibrosis occurred in all four of the high-dose males but not in any other male. Clinical signs were limited to intermittent incidences of salivation, lip-licking, tremors, and subdued behavior; these signs were more prevalent in the 150 and 1,350 ppm groups but were not considered of toxicologic significance. The critical toxic effect appeared to be a significant decrease in the mean absolute and relative prostate weights of the high-dose (1,350 ppm) male dogs relative to untreated controls. Therefore, based upon a decrease in the absolute and relative weights of the prostate and possible threshold liver effects(increased alkaline phosphatase activity at weeks 6 and 13), the LOAEL is 1,350 ppm (43 mg/kg/day). The NOAEL is 450 ppm (15 mg/kg/day).

3. *Chronic toxicity*— i. *In rats.* The LOAEL for systemic toxicity was 750 ppm (57.7 mg/kg/day) for female rats based on decreased body weight and significant increase in the incidence of ''ground glass'' foci in the liver and 2,000 ppm (99.9 mg/kg/day) for male rats based on decreased body weight and increased incidence of arteritis. The corresponding NOAEL's are 200 ppm (11.9 mg/kg/day) for females, and 750 ppm (36.2 mg/kg/day) for males.

ii. *In dogs.* At 1,350 ppm, ALK phosphatase activity was increased throughout the study in both sexes (245% males. 310% females). The LOAEL for systemic toxicity is 1,350 ppm, based on decreased prostate weight in males. The NOAEL was 450 ppm.

4. *Carcinogenicity*— i. *In rats.* The test material had no significant effect on the development of neoplasms in male or female rats at the doses tested. Dimethomorph was tested at adequate doses based on significant decreases in body weight (17% and 13%) and body weight gains (27% and 14%) in females and males, respectively, in the high dose groups. The LOAEL for systemic

toxicity was 2,000 ppm in males and 750 ppm in females. The NOAEL's were 750 ppm (33.9 mg/kg/day) for males and 200 ppm (11.3 mg/kg/day) for females.

ii. *In mice*. There were no treatment related increases in the incidence of any neoplastic lesions. The chemical was adequately tested based on decreased body weight gain (17% and 22% less than control in males and females, respectively, at 1,000 mg/kg/day). The NOAEL for systemic toxicity was 100 mg/kg/day.

5. *Developmental toxicity*— i. *In rats*. Maternal LOAEL = 160 mg/kg/day, based on decreased mean body weight on gestation days 10-15; decreased body weight gain on gestation days 10-15, decreased food consumption days 6-15; Maternal NOAEL = 60 mg/kg/day; Developmental LOAEL = 160 mg/kg/day based on increased resorptions; Developmental NOAEL = 60 mg/kg/day.

ii. *In rabbits*. Maternal LOAEL = 650 mg/kg/day, based on decreased body weights and body weight gain. Maternal NOAEL = 300 mg/kg/day. No developmental toxicity was observed in this study. Developmental NOAEL = 650 mg/kg/day.

6. *Two-generation reproduction study in rats*. Parental toxicity LOAEL = 1,000 ppm, based on decreased body weights and body weight gain; Parental NOAEL = 300 ppm (20.8 mg/kg/day for males; 24 mg/kg/day for females); Developmental Toxicity LOAEL = 1,000 ppm based on delayed incisor eruption at day 10 postpartum; Developmental Toxicity NOAEL = 300 ppm; Reproductive Toxicity NOAEL = 1,000 ppm (69 mg/kg/day for males; 79.3 mg/kg/day for females).

7. *Mutagenicity*. The studies indicate that dimethomorph did not cause gene mutations in *Salmonella* or *E. Coli* bacterial strains, as well as in mammalian gene mutation studies. It was negative for structural chromosomal aberrations in the mouse micronucleus assay at up to 5,000 mg/kg after oral treatment, and up to 200 mg/kg when administered i.p. However, dimethomorph gave positive responses when tested in CH lung and in human lymphocytes. It was negative in the cell transformation assay in Syrian hamster embryo cells with and without activation at up to cytotoxic levels.

8. *Dermal penetration*. Radio-labeled ^{14}C-dimethomorph (97.6%; labeled in the chlorophenyl ring) was administered dermally to 4 male SD rats/group in water for 8 hours at doses of 7.73 (2.5% w/v aqueous suspension) or 79.62(25% w/v aqueous suspension)mg/kg. Dermal absorption was 0.05%, 0.07% and 0.27% of the administered dose from rats 4, 8, and 24 hours after dermal treatment at 7.73 mg/kg, and 0.02%, 0.16% and 0.12% of the dose at 79.62 mg/kg. Six days after treatment the percent total absorption of the dose in the 7.73 and 79.62 mg/kg was 4.76 and 1.20 percent respectively. Mean percent recovery of the ^{14}C for dose levels of 7.73 and 79.62 mg/kg was 104.1% and 92.1%, respectively.

9. *Neurotoxicity*. There are no acute, subchronic, or developmental neurotoxicity studies available in the data base for dimethomorph. However, in none of the subchronic, chronic, developmental, or reproduction studies was there any indication that the nervous system was affected by administration of dimethomorph. No evidence of neurotoxicity was observed in the available data base.

10. *General metabolism*. Rat Oral administration of dimethomorph (10 mg/kg single dose; 10 mg/kg 14-day repeated dose; 10 mg/kg 7-day repeated dose; 500 mg/kg single dose) results in rapid excretion into the urine and feces of rats. For all treatment protocols, most (80-90%) of the radiolabel administered was excreted in the feces. A considerably smaller amount (6-16%) was excreted in the urine and only minimal levels (0.1-0.4%) were detected in the organs and tissues. Rapid absorption may be inferred by the rapid excretion of metabolites in the urine and bile. Saturation of absorption following single high doses (500 mg/kg) was indicated by large amounts (≈50%) of radioactivity in the feces being associated with parent compound. For low- or high-dose treatment, urinary excretion in female rats tended to be greater (up to 2-fold in low-dose rats) than that of male rats. Retention of dimethomorph or ^{14}C-dimethomorph-derived radioactivity was generally ≤ 1% for most tissues although the liver exhibited slightly higher levels (1.4%) and higher levels in the gastrointestinal tract organswas due to radioactivity in the lumenal contents. Urinary metabolites resulted from demethylation of the dimethoxyphenyl ring and oxidation of the morpholine ring. Biliary excretion exhibited first-order kinetics with a low-dose (10 mg/kg) half-life of approximately 3 hours and a high-dose (500 mg/kg) half-life of 11 hours for males and about 6 hours for females. Biliary metabolites accounted for most of the fecal excretion following low-dose treatment. The major biliary metabolites were glucuronides of one and possibly two of the compounds produced by demethylation of the dimethoxyphenyl ring. The report provided a proposed metabolic pathway for dimethomorph.

B. Toxicological Endpoints

1. *Acute toxicity*. EPA did not select a dose and endpoint for an acute dietary risk assessment due to the lack of toxicological effects attributable to a single exposure (dose) in either the rat or the rabbit developmental toxicity studies. Therefore an acute RfD was not calculated.

2. *Short- and intermediate-term toxicity*. EPA established NOAELs of 60 mg/kg/day and 15 mg/kg/day to be used in risk assessments for workers for short- and intermediate-term dermal and inhalation exposures, respectively. The NOAEL for short-term exposure is based on the maternal NOAEL established in the rat developmental toxicity study and the NOAEL for intermediate-term exposure is based on the NOAEL established in the 90-day dog feeding study. As the exposures are by dermal and inhalation routes and these are oral studies, a dermal absorption factor of 5 percent, derived from the dermal absorption study, is included in the risk assessment. Inhalation absorption is assumed to be 100%.

3. *Chronic toxicity*. EPA selected a NOAEL of 11 mg/kg/day established in the chronic oncogenicity feeding study in the rat. This NOAEL was nearly identical to that established in the rat chronic feeding study. The LOAEL was 46.3 mg/kg/day based on decreased body weight and liver lesions in female rats. A 100 fold safety factor was applied (10 for inter-species extrapolation, and 10 for intra-species variation). Thus, the chronic RfD was calculated to be 0.1 mg/kg/day. The EPA FQPA Safety Factor Committee determined that, for chronic dietary risk assessment, the 10x factor to account for enhanced sensitivity to infants and children (as required by FQPA) should be removed. Neither a chronic dermal nor inhalation endpoint were identified as the current use pattern does not indicate a concern for long term exposure.

4. *Carcinogenicity*. There was no increased incidence of neoplasms in the rat chronic or carcinogenicity studies or in the mouse carcinogenicity study. EPA determined that the chemical had been tested at adequate dosage in the rat study, as demonstrated by the high incidence of arteritis in males, and the pronounced decrease in body weight in females at the mid- and high-dose levels. EPA also determined that the high dose tested (1,000 mg/kg/day) in the mouse study was the maximum dose required by the test guidelines for a dietary oncogenicity study. Therefore,

EPA classified dimethomorph as ''not likely'' to be a human carcinogen.

C. Exposures and Risks

1. *From food and feed uses.* Time-limited tolerances are established for residues of dimethomorph in or on cantaloupes, cucumbers, tomatoes, squash and watermelons at 1.0 ppm, potatoes at 0.05 ppm, tomato paste at 6.0 ppm and tomato puree at 2.0 ppm in connection with use of the pesticide under section 18 emergency exemptions granted by EPA. Risk assessments were conducted by EPA to assess dietary exposures from dimethomorph as follows:

i. *Acute exposure and risk.* Acute dietary risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a one day or single exposure. An acute dietary exposure assessment is not required because no acute toxicological effects endpoints were identified for dimethomorph due to the lack of toxicological effects attributable to a single exposure (dose) in either the rat or the rabbit developmental toxicity studies.

ii. *Chronic exposure and risk.* EPA's Dietary Exposure Evaluation Model (DEEM89) was used for conducting a chronic dietary (food only) exposure analysis (risk assessment). The analysis evaluates individual food consumption, as reported by respondents in the USDA 1989-1992 Nationwide Food Consumption Survey, and accumulates exposure to the chemical for each commodity. In conducting this chronic dietary (food) risk assessment, EPA made very conservative assumptions: that all commodities having dimethomorph tolerances will contain residues of dimethomorph and those residues will be at the level of the tolerance. These assumptions result in an overestimate of human dietary exposure. All section 18 tolerances (cantaloupes, watermelons, cucumbers, squash, tomatoes) are included in this dietary risk assessment.

Using the assumptions and data parameters described above, the DEEM89 exposure analysis results in a theoretical maximum residue contribution (TMRC) (exposure) that is equivalent to the following percentages of the chronic RfD:

Population Subgroup	TMRC $_{food}$ (mg/kg/day)	Percent RfD
U.S. Population (48 states)	0.0018	1.8
Nursing Infants (<1 year old)	0.00054	0.5
Non-Nursing Infants (<1 year old)	0.0021	2.1
Children (1-6 years old)	0.0039	3.9
Children (7-12 years old)	0.0027	2.7
Females (13-19 yrs/not preg. or nursing)	0.0020	2.0
Males (13-19 years)	0.0019	1.9
U.S. Population - Summer Season	0.0021	2.1
Northeast Region	0.0021	2.1
Hispanics	0.0020	2.0
Non-Hispanic other than black or white	0.0021	2.1

EPA does not consider the chronic dietary risk to exceed the Agency's level of concern.

2. *From drinking water.* There is no established Maximum Contaminant Level for dimethomorph in drinking water. No health advisory levels have been established for residues of dimethomorph in drinking water. The predicted dimethomorph surface and ground water concentrations are well below EPA's drinking water level of concern (DWLOC). EPA used the SCI-GROW (Screening Concentration In Ground Water) Model to estimate the Estimated Environmental Concentration (EEC) of dimethomorph residues in ground water. The reported EEC for dimethomorph residues using SCI-GROW is 0.26 ppb. EPA used GENEEC (Generic Estimated Environmental Concentration) Model to estimate acute and chronic EECs of dimethomorph residues in surface water. The GENEEC model estimated that, with the present use pattern, surface water concentrations of dimethomorph ranged from a peak of 28 ppb to a 56 day concentration of 24 ppb. EPA's level of concern for chronic exposure to residues of dimethomorph range from 960 ppb for children 1-6 years old to 3,400 ppb for the U.S. population and males 13 years and older. Therefore, exposure from water is below EPA's level of concern for all of the populations examined.

i. *Acute exposure and risk.* Because no acute dietary endpoint was determined, an acute water and dietary exposure risk assessment is not required.

ii. *Chronic exposure and risk.* EPA conducts the drinking water risk assessment by using the worst case scenario of EEC found from either ground or surface water. The EEC reported for dimethomorph residues in ground water using SCI-GROW is 0.26 ppb. This is much less than the surface water EECs (24.4 ppb for 56-days) generated using GENEEC. Therefore, only the surface water EECs were used in conducting the aggregate dietary (food + water) risk assessment. Based on the chronic dietary (food) exposure and using default body weights and water consumption figures, chronic drinking water levels of concern (DWLOC) for drinking water were calculated. To calculate the chronic DWLOC, the chronic dietary food exposure (from DEEM analysis) was subtracted from the chronic RfD. DWLOCs were then calculated using the default body weights and drinking water consumption figures. EPA's surface drinking water levels of concern from chronic exposure to dimethomorph using modeling data are 3,400 ppb for the U.S. Population and males 13 years and older, 2,900 ppb for females 13 years and older, and 960 ppb for children (1-6 years of age). These levels are all greater than the GENEEC concentration level (24.4 ppm for 56-days). Therefore, EPA does not expect exposure to dimethomorph in drinking water to be above our level of concern.

3. *From non-dietary exposure.* There are no registered or proposed residential uses for dimethomorph. Therefore, residential or inhalation exposures were not evaluated in the risk assessment. A risk assessment was evaluated for occupational risk to workers who could be exposed to dimethomorph through simultaneous dermal and inhalation exposure. Agricultural workers evaluated in this analysis include: ground mixer/loaders, ground applicators, aerial mixer/loaders and aerial applicators. The dermal and inhalation short-term margin of exposure (MOE) ranged from 1,200 for aerial mixer/loaders using the wettable

powder (WP) to 190,000 for aerial applicators. The intermediate-term MOEs range from 290 for aerial mixer/loaders using WP to 47,000 for aerial applicators. Exposure from post-application of dimethomorph resulted in MOEs ranging from 23,000 for short-term to 5,800 for intermediate-term. None of these MOEs exceed HED's level of concern (i.e., acceptable MOE > 100) for occupationally exposed workers. Therefore, these workers are unlikely to experience adverse health effects under the conditions evaluated.

4. *Cumulative exposure to substances with common mechanism of toxicity*. Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA does not have, at this time, available data to determine whether dimethomorph has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, dimethomorph does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that dimethomorph has a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the Final Rule for Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997).

D. Aggregate Risks and Determination of Safety for U.S. Population

1. *Acute risk*. An acute aggregate risk assessment is not required because no acute dietary endpoint was determined.

2. *Chronic risk*. EPA concludes that the chronic exposure to dimethomorph from food will utilize 1.8% of the RfD for the U.S. population, 2.0% for females (13+ not pregnant or nursing), 1.9% for males 13 years and older, and 3.9% for children ages 1 through 6 years of age. The surface drinking water levels of concern from chronic exposure to dimethomorph using modeling data are 3,400 ppb for the U.S. Population and males 13 years and older, 2,900 ppb for females 13 years and older and 960 ppb for children (1-6 years of age). These levels are all greater than the GENEEC chronic concentration level (24.4 ppb for 56 days) and the SCI-GROW ground water level of 0.26 ppb. There are no registered residential uses of dimethomorph. EPA generally has no concern for exposures below 100% of the RfD because the RfD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. Despite the potential for exposure to dimethomorph in drinking water, EPA does not expect the aggregate exposure to exceed 100% of the RfD. Therefore, EPA concludes that there is reasonable certainty that no harm will result to either adults or children from chronic aggregate exposure to dimethomorph residues.

3. *Short- and intermediate-term risk*. Short- and intermediate-term aggregate exposure takes into account chronic dietary food and water (considered to be a background exposure level) plus indoor and outdoor residential exposure. Although short- and intermediate-term endpoints were identified, there are no residential uses for dimethomorph. Therefore, an aggregate risk assessment is not required for short- and intermediate-term endpoints.

4. *Aggregate cancer risk for U.S. population*. Dimethomorph was classified as ''not likely'' to be a human carcinogen). Therefore, a carcinogenic aggregate risk assessment is not required.

5. *Determination of safety*. Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result from aggregate exposure to dimethomorph residues.

E. Aggregate Risks and Determination of Safety for Infants and Children

1. *Safety factor for infants and children*— i. *In general*. In assessing the potential for additional sensitivity of infants and children to residues of dimethomorph, EPA considered data from developmental toxicity studies in the rat and rabbit and a two-generation reproduction study in the rat. The developmental toxicity studies are designed to evaluate adverse effects on the developing organism resulting from maternal pesticide exposure during gestation. Reproduction studies provide information relating to effects from exposure to the pesticide on the reproductive capability of mating animals and data on systemic toxicity. The toxicology data on dimethomorph provides no indication of enhanced sensitivity of infants and children based on the results from developmental studies conducted with rats and rabbits as well as a two-generation reproduction study conducted with rats. In neither the rat developmental toxicity study nor in the 2-generation study were any toxic effects observed at doses lower than in the parents. No developmental toxicity was demonstrated in the rabbit developmental toxicity study.

FFDCA of section 408 provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for pre-and post-natal toxicity and the completeness of the database unless EPA determines that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a margin of exposure (MOE) analysis or through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans. EPA believes that reliable data support using the standard uncertainty factor (usually 100 for combined inter- and intra-species variability)) and not the additional tenfold MOE/uncertainty factor when EPA has a complete data base under existing guidelines and when the severity of the effect in infants or children or the potency or unusual toxic properties of a compound do not raise concerns regarding the adequacy of the standard MOE/safety factor.

ii. *Pre- and post-natal sensitivity*. The data provided no evidence of special sensitivity of rats or rabbits to in utero and/or postnatal exposure to dimethomorph. In the prenatal developmental study in rats, an increased incidence of post implantation loss, considered by EPA to be minimal, was observed in the presence of maternal toxicity. In the developmental toxicity in rabbits, no evidence of developmental toxicity was seen, even at the highest dose tested. In the two-generation study in rats, effects in the offspring were observed only at dose levels that produced parental toxicity. There is no evidence that dimethomorph is a neurotoxic chemical. EPA determined that the 10x factor to account for enhanced sensitivity of infants and children be removed.

iii. *Conclusion*. There is a complete toxicity database for dimethomorph and exposure data is complete or is estimated based on data that reasonably accounts for potential exposures.

2. *Acute risk*. An acute aggregate risk assessment is not required because no acute dietary endpoints were identified for dimethomorph.

3. *Chronic risk*. Using the exposure assumptions described above, EPA has concluded that aggregate exposure to dimethomorph from food will utilize 4% of the RfD for infants and children.

EPA generally has no concern for exposures below 100% of the RfD because the RfD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. Despite the potential for exposure to dimethomorph in drinking water, EPA does not expect the aggregate exposure to exceed 100% of the RfD.

4. *Short- or intermediate-term risk.* Although short- and intermediate-term endpoints were identified, there are no residential uses for dimethomorph. Therefore, an aggregate risk assessment is not required for short- and intermediate-term endpoints.

5. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to dimethomorph residues.

III. Other Considerations

A. Metabolism In Plants and Animals

The nature of the residue in plants and in animals are adequately understood. The major residue of regulatory concern is the parent dimethomorph compound. Tolerances on animal commodities are not required in conjunction with this use. There is no need for additional poultry metabolism data at this time since no uses are pending on poultry feed items.

B. Analytical Enforcement Methodology

An adequate method is available for enforcement of the proposed tolerances. Method FAMS 002-04 (High Performance Liquid Chromatography (HPLC), Ultraviolet (UV) detection) is adequate for determining residues of dimethomorph per se in/on potatoes. A confirmatory method is also available (FAM 022-03).

The method may be requested from: Calvin Furlow, PIRIB, IRSD (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm 101FF, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703–305–5229).

C. Magnitude of Residues

EPA has concluded that residue data submitted in support of the tolerance for imported potatoes indicate that a tolerance level of 0.05 ppm is an adequate level for domestic potatoes. In addition, domestic field trial data supported the tolerance level of 0.05 ppm on potatoes and indicated that dimethomorph residues do not pose an adverse health risk to humans under the use conditions. Therefore, EPA has no objection to the establishment of a tolerance of 0.05 ppm for residues of the fungicide dimethomorph in/on potatoes under 40 CFR 180.493.

D. International Residue Limits

There are no Canadian, Mexican, or Codex MRLs established for dimethomorph for the commodities associated with this request: consequently, a discussion of international harmonization is not relevant.

E. Rotational Crop Restrictions

EPA concluded it is permissible to rotate to leafy vegetables and root crops after a 120-day plant back interval. Rotation to potatoes will be permitted at any time. For crops other than potatoes, leafy vegetables, and root crops, a 1-year plant back interval will be required.

IV. Conclusion

Therefore, the tolerance is established for residues of dimethomorph [(*E,Z*) 4-[3-(4-chlorophenyl)-3-(3,4-dimethoxyphenyl)-1-oxo-2-propenyl]morpholine] in potatoes at 0.05 ppm.

V. Objections and Hearing Requests

The new FFDCA section 408(g) provides essentially the same process for persons to ''object'' to a tolerance regulation issued by EPA under new section 408(e) and (l)(6) as was provided in the old section 408 and in section 409. However, the period for filing objections is 60 days, rather than 30 days. EPA currently has procedural regulations which govern the submission of objections and hearing requests. These regulations will require some modification to reflect the new law. However, until those modifications can be made, EPA will continue to use those procedural regulations with appropriate adjustments to reflect the new law.

Any person may, by December 14, 1998, file written objections to any aspect of this regulation and may also request a hearing on those objections. Objections and hearing requests must be filed with the Hearing Clerk, at the address given above (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issues on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the requestor (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

VI. Public Record and Electronic Submissions

EPA has established a record for this rulemaking under docket control number [OPP–300740] (including any comments and data submitted electronically). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 119 of the Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA.

Electronic comments may be sent directly to EPA at:

opp-docket@epamail.epa.gov.

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer any copies of objections and hearing requests received electronically into printed, paper form as they are

received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the Virginia address in ''ADDRESSES'' at the beginning of this document.

VII. Regulatory Assessment Requirements

A. Certain Acts and Executive Orders

This final rule establishes a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4). Nor does it require any prior consultation as specified by Executive Order 12875, entitled *Enhancing the Intergovernmental Partnership* (58 FR 58093, October 28, 1993), or special considerations as required by Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994), or require OMB review in accordance with Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997).

In addition, since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. Nevertheless, the Agency has previously assessed whether establishing tolerances, exemptions from tolerances, raising tolerance levels or expanding exemptions might adversely impact small entities and concluded, as a generic matter, that there is no adverse economic impact. The factual basis for the Agency's generic certification for tolerance actions published on May 4, 1981 (46 FR 24950) and was provided to the Chief Counsel for Advocacy of the Small Business Administration.

B. Executive Order 12875

Under Executive Order 12875, entitled *Enhancing the Intergovernmental Partnership* (58 FR 58093, October 28, 1993), EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to OMB a description of the extent of EPA's prior consultation with representatives of affected State, local, and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local, and tribal governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.''

Today's rule does not create an unfunded Federal mandate on State, local, or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

C. Executive Order 13084

Under Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19,1998), EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide to OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

VIII. Submission to Congress and the Comptroller General

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

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: September 30, 1998.

Marcia E. Mulkey,

Director, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. In section 180.493, by revising paragraph (a) to read as follows:

§ 180.493 Dimethomorph [(E,Z) 4-[3-(4-chlorophenyl)-3-(3,4-dimethoxyphenyl)-1-oxo-2-propenyl]morpholine]; tolerances for residues.

(a) *General.* A tolerance is established for the residues of the fungicide dimethomorph [(*E,Z*) 4-[3-(4-chlorophenyl)-3-(3,4-dimethoxyphenyl)-1-oxo-2-propenyl]morpholine] in or on the following commodity:

Commodity	Parts per million
Potatoes	0.05

* * * * *

[FR Doc. 98–27396 Filed 10–9–98; 8:45 am]
BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300720; FRL–6030–3]

RIN 2070–AB78

Hexythiazox; Pesticide Tolerances for Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a time-limited tolerance for combined residues of hexythiazox (trans-5-(4-chlorophenyl)-*N*-cyclohexyl-4-methyl-2-oxothiazolidine-3-carboxamide) and its metabolite containing (4-chlorophenyl)-4-methyl-2-oxo-3-thiazolidine moiety in or on dates, hops, and strawberries. This action is in response to EPA's granting of emergency exemptions under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act authorizing use of the pesticide on dates and strawberries in California, and on hops in Idaho, Oregon and Washington. This regulation establishes a maximum permissible level for residues of hexythiazox in these food commodities pursuant to section 408(l)(6) of the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996. These tolerances will expire and be revoked on September 15, 2000.

DATES: This regulation is effective October 13, 1998. Objections and requests for hearings must be received by EPA on or before December 14, 1998.

ADDRESSES: Written objections and hearing requests, identified by the docket control number, [OPP–300720], must be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing requests shall be labeled ''Tolerance Petition Fees'' and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests filed with the Hearing Clerk identified by the docket control number, [OPP–300720], must also be submitted to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring a copy of objections and hearing requests to Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA.

A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov.

Copies of objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in WordPerfect 5.1/6.1 file format or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket control number [OPP–300720]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic copies of objections and hearing requests on this rule may be filed online at many Federal Depository Libraries.

FOR FURTHER INFORMATION CONTACT: By mail: David Deegan, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703) 308–9358, e-mail: deegan.dave@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA, on its own initiative, pursuant to sections 408(e) and (l)(6) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(e) and (l)(6), is establishing a tolerance for combined residues of the insecticide hexythiazox in or on hops at 2.0 ppm, dates at 0.1 ppm, strawberries at 3.0 parts per million (ppm). These tolerances will expire and be revoked on September 15, 2000. EPA will publish a document in the **Federal Register** to remove the revoked tolerance from the Code of Federal Regulations.

I. Background and Statutory Authority

The Food Quality Protection Act of 1996 (FQPA) (Pub. L. 104–170) was signed into law August 3, 1996. FQPA amends both the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 301 *et seq*., and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136 *et seq*. The FQPA amendments went into effect immediately. Among other things, FQPA amends FFDCA to bring all EPA pesticide tolerance-setting activities under a new section 408 with a new safety standard and new procedures. These activities are described below and discussed in greater detail in the final rule establishing the time-limited tolerance associated with the emergency exemption for use of propiconazole on sorghum (61 FR 58135, November 13, 1996)(FRL–5572–9).

New section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

Section 18 of FIFRA authorizes EPA to exempt any Federal or State agency from any provision of FIFRA, if EPA determines that ''emergency conditions exist which require such exemption.'' This provision was not amended by FQPA. EPA has established regulations governing such emergency exemptions in 40 CFR part 166.

Section 408(l)(6) of the FFDCA requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under section 18 of FIFRA. Such tolerances can be established without providing notice or period for public comment.

Because decisions on section 18-related tolerances must proceed before EPA reaches closure on several policy issues relating to interpretation and implementation of the FQPA, EPA does not intend for its actions on such tolerances to set binding precedents for the application of section 408 and the new safety standard to other tolerances and exemptions.

II. Emergency Exemption for Hexythiazox on Dates, Hops, and Strawberries and FFDCA Tolerances

The state of California has petitioned EPA to allow the emergency use of hexythiazox on both strawberries and

dates, to control various mite species. The states of Idaho, Oregon, and Washington petitioned EPA to allow the emergency use of hexythiazox on hops to control mites. EPA reviewed these requests, and concluded that emergency conditions either did exist, or were likely to occur, in each state for their subject requests. Therefore, EPA has authorized under FIFRA section 18 the use of hexythiazox on dates, hops, and strawberries for control of mites in California, Idaho, Oregon and Washington.

As part of its assessment of these emergency exemptions, EPA assessed the potential risks presented by residues of hexythiazox in or on dates, hops, and strawberries. In doing so, EPA considered the safety standard in FFDCA section 408(b)(2), and EPA decided that the necessary tolerances under FFDCA section 408(l)(6) would be consistent with the safety standard and with FIFRA section 18. Consistent with the need to move quickly on the emergency exemptions in order to address urgent non-routine situations, and to ensure that the resulting food is safe and lawful, EPA is issuing these tolerances without notice and opportunity for public comment under section 408(e), as provided in section 408(l)(6). Although these tolerances will expire and be revoked on September 15, 2000, under FFDCA section 408(l)(5), residues of the pesticide not in excess of the amounts specified in the tolerance remaining in or on dates, hops, and strawberries after that date will not be unlawful, provided the pesticide is applied in a manner that was lawful under FIFRA, and the residues do not exceed a level that was authorized by this tolerance at the time of that application. EPA will take action to revoke this tolerance earlier if any experience with, scientific data on, or other relevant information on this pesticide indicate that the residues are not safe.

Because these tolerances are being approved under emergency conditions EPA has not made any decisions about whether hexythiazox meets EPA's registration requirements for use on dates, hops, and strawberries or whether a permanent tolerance for this use would be appropriate. Under these circumstances, EPA does not believe that these tolerances serve as a basis for registration of hexythiazox by a State for special local needs under FIFRA section 24(c). Nor does this tolerance serve as the basis for any State other than California, Idaho, Oregon, and Washington to use this pesticide on these crops under section 18 of FIFRA without following all provisions of EPA's regulations implementing section 18 as identified in 40 CFR part 166. For additional information regarding the emergency exemption for hexythiazox, contact the Agency's Registration Division at the address provided above.

III. Aggregate Risk Assessment and Determination of Safety

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. For further discussion of the regulatory requirements of section 408 and a complete description of the risk assessment process, see the Final Rule on Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997)(FRL–5754–7) .

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of these actions. EPA has sufficient data to assess the hazards of hexythiazox and to make a determination on aggregate exposure, consistent with section 408(b)(2), for a time-limited tolerance for combined residues of hexythiazox (trans-5-(4-chlorophenyl)-*N*-cyclohexyl-4-methyl-2-oxothiazolidine-3-carboxamide) and its metabolite containing (4-chlorophenyl)-4-methyl-2-oxo-3-thiazolidine moiety on hops at 2.0 ppm, dates at 0.1 ppm, and strawberries at 3.0 ppm. EPA's assessment of the dietary exposures and risks associated with establishing the tolerance follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The nature of the toxic effects caused by hexythiazox are discussed below.

1. *Acute toxicity*. No appropriate endpoint attributable to a single exposure (dose) was identified from oral toxicity studies including the developmental rat and rabbit studies.

2. *Short - and intermediate - term toxicity.* For Margin of Exposure (MOE) calculations, there are no dermal toxicity studies available. No maternal or developmental toxicity was seen in rats (2,160 milligrams/kilogram/day (mg/kg/day) or in rabbits (1,080 mg/kg/day). For inhalation risk, there were no inhalation toxicity studies available. Therefore, EPA has determined that this combined (dermal and inhalation) risk assessment was not required. The default value of 100% is being used for dermal penetration in the absence of data.

3. *Chronic toxicity*. EPA has established the Reference Dose (RfD) for hexythiazox at 0.025 mg/kg/day. This RfD is based on a 1-year feeding study in dogs with a no observed adverse effect level (NOAEL) of 2.5 mg/kg/day and an uncertainty factor of 100. The lowest observe effect level (LOEL) of 12.5 mg/kg/day was based on hypertrophy of the adrenal cortex both sexes.

4. *Carcinogenicity*. Hexythiazox has been classified as a Group C chemical (possible human carcinogen), based on an increased incidence of female mouse liver tumors. For this chemical, EPA uses the $Q1^*$ approach. The $Q1^*$ was calculated to be 2.2×10^{-2} mg/kg/day.

B. Exposures and Risks

1. *From food and feed uses.* Tolerances have been established (40 CFR 180.448) for the combined residues of hexythiazox (trans-5-(4-chlorophenyl)-*N*-cyclohexyl-4-methyl-2-oxothiazolidine-3-carboxamide) and its metabolite containing (4-chlorophenyl)-4-methyl-2-oxo-3-thiazolidine moiety, in or on apples (0.02 ppm) and pears (0.30 ppm). In addition, the following time-limited tolerances have been established related to previous section 18 exemptions that were granted in 1997: cottonseed, undelinted (0.1 ppm, exp. date 10/1/99), cotton gin by-products (2.0 ppm, exp. date 10/1/99), and strawberries (3.0 ppm, exp. date 7/1/98) (63 FR 17099, April 8, 1998) (FRL–5779–2). Risk assessments were conducted by EPA to assess dietary exposures and risks from hexythiazox as follows:

i. *Acute exposure and risk.* Acute dietary risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure. Because no appropriate endpoint attributable to a single exposure (dose) was identified from oral toxicity studies, including the developmental rat and rabbit studies, EPA has determined that there is a reasonable certainty of no harm resulting from risk of acute exposure to hexythiazox.

ii. *Chronic exposure and risk.* In conducting this chronic dietary risk assessment, EPA has made conservative assumptions -- 100% of dates and hops, and all other commodities having hexythiazox tolerances will contain hexythiazox residues, and those residues will be at the level of the tolerance -- which results in an overestimation of human dietary

exposure. This assessment assumes that all commodities are 100% crop treated with the exception of pears, which are 4% crop treated. Thus, in making a safety determination for this tolerance, EPA is taking into account this partially refined exposure assessment.

The existing hexythiazox tolerances (published, pending, and including the necessary section 18 tolerance(s)) result in an Anticipated Residue Contribution (ARC) that is equivalent to the following percentages of the RfD:

Population Subgroup	ARC (mg/kg/day)	%RfD
U.S. Population (48 States).	0.000129	<1%
Nursing Infants (<1 year old).	0.000111	<1%
Non-Nursing Infants (<1 year old).	0.000228	<1%
Children (1-6 years old).	0.000230	<1%
Children (7-12 years old).	0.000161	<1%

The subgroups listed above are: (1) the U.S. population (48 states); and (2) those for infants and children. No other population subgroups utilized a greater percentage of the RfD than did the U.S. population (48 states).

Cancer risk. Using a Q1* of 0.0222 $(mg/kg/day)^{-1}$ and the partially refined exposure estimates described above, the cancer risk estimate for the U.S. population is $5.5x10^{-7}$. The contribution of hexythiazox exposure resulting from these section 18 uses has been amortized for 5 years for the purposes of this section 18 only. In addition, exposure resulting from section 18's currently in effect for cotton and strawberries has been amortized for 6 years for the purposes of this section 18 only. (Note: EPA assumes a duration of 5 years for new section 18's. For repeat 18's, the number of years that previous section 18's have been granted is added to 5 years.) This cancer risk estimate is less than the Agency's level of concern. It is normally not the Agency's policy to amortize exposure data for risk calculations when establishing tolerances. However, because tolerance level residues and percent crop treated estimates were used for this action, the Agency believes that the cancer risk is overestimated.

2. *From drinking water.* Based on information available to EPA, hexythiazox is relatively persistent and not mobile. There are no established Maximum Contaminant Levels for residues of hexythiazox in drinking water. No health advisory levels for hexythiazox in drinking water have been established.

Based on the chronic dietary (food) exposure estimates, chronic drinking water levels of concern (DWLOC) for hexythiazox were calculated. EPA has used drinking water exposure numbers based on generic expected environmental concentration (GENEEC) and SCIGROW modeling using the application rate of 0.187 lb a.i./A. For surface water, the chronic (average 56 day) value is 0.28 µg/L (0.28 ppb). The groundwater screening concentration is 0.00147 µg/L (1.47 ppt).

It is current EPA policy that the following subpopulations be addressed when calculating DWLOC: U.S. Population (48 States), any other adult populations whose %RfD is greater than that of the U.S. population, Males (13+ years old), Females (13+ years old), and all infants/children. In the dietary risk evaluation system (DRES) report these last three subpopulations are further broken down into various subgroups. The subgroups which are listed are those which have the highest food exposure of all the subgroups in each subpopulation.

3. *Cancer risk.* The cancer risk estimate (food only) of 5.5×10^{-7} does not exceed EPA's level of concern. In EPA's best scientific judgment, considering the conservative nature of the GENEEC surface water number of 0.28 µg/L, there is not expected to be concern for residues of hexythiazox in drinking water if actual monitoring data were available.

4. *From non-dietary exposure.* Hexythiazox is not currently registered for use on any residential non-food sites.

5. *Cumulative exposure to substances with common mechanism of toxicity.* Hexythiazox is a member of the thiazolidinone class of pesticides. There are no other members of this class of pesticides.

Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

The Agency believes that ''available information'' in this context might include not only toxicity, chemistry, and exposure data, but also scientific policies and methodologies for understanding common mechanisms of toxicity and conducting cumulative risk assessments. For most pesticides, although the Agency has some information in its files that may turn out to be helpful in eventually determining whether a pesticide shares a common mechanism of toxicity with any other substances, EPA does not at this time have the methodologies to resolve the complex scientific issues concerning common mechanism of toxicity in a meaningful way. EPA has begun a pilot process to study this issue further through the examination of particular classes of pesticides. The Agency hopes that the results of this pilot process will increase the Agency's scientific understanding of this question such that EPA will be able to develop and apply scientific principles for better determining which chemicals have a common mechanism of toxicity and evaluating the cumulative effects of such chemicals. The Agency anticipates, however, that even as its understanding of the science of common mechanisms increases, decisions on specific classes of chemicals will be heavily dependent on chemical-specific data, much of which may not be presently available.

Although at present the Agency does not know how to apply the information in its files concerning common mechanism issues to most risk assessments, there are pesticides as to which the common mechanism issues can be resolved. These pesticides include pesticides that are toxicologically dissimilar to existing chemical substances (in which case the Agency can conclude that it is unlikely that a pesticide shares a common mechanism of activity with other substances) and pesticides that produce a common toxic metabolite (in which case common mechanism of activity will be assumed).

EPA does not have, at this time, available data to determine whether hexythiazox has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, hexythiazox does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that hexythiazox has a common mechanism of toxicity with other substances. For more information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the Final Rule for Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997).

C. Aggregate Risks and Determination of Safety for U.S. Population

1. *Chronic risk.* Using the ARC exposure assumptions described above, EPA has concluded that aggregate exposure to hexythiazox from food will utilize <1% of the RfD for the U.S. population. The major identifiable subgroup with the highest aggregate exposure is discussed below. EPA generally has no concern for exposures below 100% of the RfD because the RfD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. Despite the potential for exposure to hexythiazox in drinking water and from non-dietary, non-occupational exposure, EPA does not expect the aggregate exposure to exceed 100% of the RfD.

Based on risk estimates for food, EPA calculated a drinking water level of concern (DWLOC) of 870 µg/L. Drinking water numbers are based on GENEEC and SCIGROW modeling. For surface water, the chronic (average 56 day) value is 0.28 µg/L (0.28 ppb). The groundwater screening concentration is 0.00147 µg/L (1.47 ppt). These values are substantially lower than the DWLOCs calculated by EPA. There are no registered residential uses for hexythiazox. Therefore the aggregate risk for food + water + residential use does not exceed EPA's level of concern.

2. *Aggregate cancer risk for U.S. population*. The cancer risk estimate (food only) of 5.5 x 10^{-7} does not exceed EPA's level of concern. In addition, in EPA's best scientific judgment, considering the conservative nature of the GENEEC surface water number of 0.28 µg/L, there is not expected to be concern for residues of hexythiazox in drinking water if actual monitoring data were available. Furthermore, the GENEEC surface water number is lower than the 0.71 µg/L DWLOC calculated for cancer.

3. *Determination of safety*. Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result from aggregate exposure to hexythiazox residues.

4. *Endocrine disrupter effects.* EPA is required to develop a screening program to determine whether certain substances (including all pesticides and inerts) ''may have an effect in humans that is similar to an effect produced by a naturally occurring estrogen, or such other endocrine effect...'' The Agency is currently working with interested stakeholders, including other government agencies, public interest groups, industry and research scientists in developing a screening and testing program and a priority setting scheme to implement this program. Congress has allowed 3 years from the passage of FQPA (August 3, 1999) to implement this program. At that time, EPA may require further testing of this active ingredient and end use products for endocrine disrupter effects.

D. Aggregate Risks and Determination of Safety for Infants and Children

1. *Safety factor for infants and children*— i. *In general.* In assessing the potential for additional sensitivity of infants and children to residues of hexythiazox, EPA considered data from developmental toxicity studies in the rat and rabbit and a 2-generation reproduction study in the rat. The developmental toxicity studies are designed to evaluate adverse effects on the developing organism resulting from maternal pesticide exposure during gestation. Reproduction studies provide information relating to effects from exposure to the pesticide on the reproductive capability of mating animals and data on systemic toxicity.

FFDCA section 408 provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for pre-and post-natal toxicity and the completeness of the database unless EPA determines that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a margin of exposure (MOE) analysis or through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans. EPA believes that reliable data support using the standard MOE and uncertainty factor (usually 100 for combined inter- and intra-species variability)) and not the additional tenfold MOE/uncertainty factor when EPA has a complete data base under existing guidelines and when the severity of the effect in infants or children or the potency or unusual toxic properties of a compound do not raise concerns regarding the adequacy of the standard MOE/safety factor.

ii. *Developmental toxicity studies.* In a developmental toxicity study, 24 pregnant rats received NA-73 in gum arabic by gavage at dose levels of 0, 240, 720 or 2,160 mg/kg/day from GD 7-17. Maternal LOEL was 720 mg/kg/day (increased ovarian wts.). The maternal NOAEL was 240 mg/kg/day. The developmental LOEL was 720 mg/kg/day (reduced ossification). The developmental NOAEL was 240 mg/kg/day.

iii. In a developmental toxicity study in rabbits, pregnant NZW rabbits (12-14/dose) received NA-73 at dose levels of 0, 120, 360 or 1,080 mg/kg/day from GD 6 to 18. No maternal or developmental toxicity was noted at 1,080 mg/kg/day (NOAEL at the Limit dose).

iv. *Reproductive toxicity study.* In a reproductive toxicity study, Fisher rats (20-30/dose group) were fed NA-73 in the diet at doses of 0, 60, 400 or 2,400 ppm (0, 5, 33 or 200 mg/kg/day) for 2-generations. No reproductive toxicity was noted. The systemic LOEL was 2,400 ppm or 200 mg/kg/day (decreased body wt. gain, food consumption and food efficiency as well as increased liver, kidney and ovarian wts.). No histopathological changes were noted in the ovary. The reproductive NOAEL was 400 ppm (35 mg/kg/day). The reproductive LOEL was 2,400 ppm (decreased pup body weight during lactation, delay in hair growth and eye opening).

v. *Pre- and post-natal sensitivity.* The pre- and post-natal toxicology data base for hexythiazox is complete with respect to current toxicological data requirements. The results of these studies indicate that infants and children are not more sensitive to exposure, based on the results of the rat and rabbit developmental toxicity studies as well as the 2-generation reproductive toxicity study in rats. Therefore, the 10X safety factor to account for increased sensitivity of infants and children has been removed by EPA for this chemical.

vi. *Conclusion*. There is a complete toxicity database for hexythiazox and exposure data is complete or is estimated based on data that reasonably accounts for potential exposures.

2. *Chronic risk.* Using the exposure assumptions described above, EPA has concluded that aggregate exposure to hexythiazox from food will utilize <1% of the RfD for infants and children. EPA generally has no concern for exposures below 100% of the RfD because the RfD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. Despite the potential for exposure to hexythiazox in drinking water and from non-dietary, non-occupational exposure, EPA does not expect the aggregate exposure to exceed 100% of the RfD.

3. *Determination of safety*. Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to hexythiazox residues.

IV. Other Considerations

A. Metabolism In Plants and Animals

For the purpose of this section 18 request, the nature of the residue in plants is adequately understood. The residue of concern is hexythiazox and its metabolites containing the (4-chlorophenyl)-4-methyl-2-oxo-3-thiazolidine moiety as specified in 40 CFR 180.448.

B. Analytical Enforcement Methodology

Adequate methods to enforce the tolerance expression have been submitted for publication in PAM II. The approved method is designated as AMR 985-87 which has been used in a variety of commodities. The method involves separation by high performance liquid chromotography (HPLC) followed by ultraviolet (UV) detection at 225 nm. This method is available in PP 5F3254 and by request from U.S. EPA, OPP/IRSD/PIRIB (7502C), 401 M St., SW., Washington, DC 20460.

C. Magnitude of Residues

Residues of hexythiazox and its regulated metabolites are not expected to exceed 0.1 ppm in/on dates, 2.0 ppm in/on hops, or 3.0 ppm in/on strawberries as a result of this section 18 use. Secondary residues are not expected in animal commodities as no feed items are associated with these section 18 uses.

D. International Residue Limits

There are no CODEX, Canadian, or Mexican Maximum Residue Limits (MRL) for hexythiazox on either dates or hops. Thus, harmonization is not an issue for this section 18.

E. Rotational Crop Restrictions

Dates and hops are not routinely rotated to other crops. Nor are strawberries grown in southern California. Therefore, rotational crop restrictions are not applicable.

V. Conclusion

Therefore, the tolerance is established for combined residues of hexythiazox (trans-5-(4-chlorophenyl)-*N*-cyclohexyl-4-methyl-2-oxothiazolidine-3-carboxamide) and its metabolite containing (4-chlorophenyl)-4-methyl-2-oxo-3-thiazolidine moiety in/on hops at 2.0 ppm, dates at 0.1 ppm, strawberries at 3.0 ppm.

VI. Objections and Hearing Requests

The new FFDCA section 408(g) provides essentially the same process for persons to ''object'' to a tolerance regulation issued by EPA under new section 408(e) and (l)(6) as was provided in the old section 408 and in section 409. However, the period for filing objections is 60 days, rather than 30 days. EPA currently has procedural regulations which govern the submission of objections and hearing requests. These regulations will require some modification to reflect the new law. However, until those modifications can be made, EPA will continue to use those procedural regulations with appropriate adjustments to reflect the new law.

Any person may, by December 14, 1998, file written objections to any aspect of this regulation and may also request a hearing on those objections. Objections and hearing requests must be filed with the Hearing Clerk, at the address given above (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issues on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the requestor (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

VII. Public Record and Electronic Submissions

EPA has established a record for this rulemaking under docket control number [OPP–300720] (including any comments and data submitted electronically). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 119 of the Public Information and Records Integrity Branch, Information Resources and Services Division (7502C) Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments may be sent directly to EPA at:

opp-docket@epamail.epa.gov.

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer any copies of objections and hearing requests received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the Virginia address in ''ADDRESSES'' at the beginning of this document.

VIII. Regulatory Assessment Requirements

A. Certain Acts and Executive Orders

This final rule establishes a tolerance under FFDCA section 408 (l)(6). The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4). Nor does it require any prior consultation as specified by Executive Order 12875, entitled *Enhancing the Intergovernmental Partnership* (58 FR 58093, October 28, 1993), or special considerations as required by Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in*

Minority Populations and Low-Income Populations (59 FR 7629, February 16, 1994), or require OMB review in accordance with Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997).

In addition, since tolerances and exemptions that are established under FFDCA section 408 (l)(6), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. Nevertheless, the Agency has previously assessed whether establishing tolerances, exemptions from tolerances, raising tolerance levels or expanding exemptions might adversely impact small entities and concluded, as a generic matter, that there is no adverse economic impact. The factual basis for the Agency's generic certification for tolerance acations published on May 4, 1981 (46 FR 24950), and was provided to the Chief Counsel for Advocacy of the Small Business Administration.

B. Executive Order 12875

Under Executive Order 12875, entitled *Enhancing the Intergovernmental Partnership* (58 FR 58093, October 28, 1993), EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to OMB a description of the extent of EPA's prior consultation with representatives of affected State, local, and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local, and tribal governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.''

Today's rule does not create an unfunded Federal mandate on State, local, or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

C. Executive Order 13084

Under Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19,1998), EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide to OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

IX. Submission to Congress and the Comptroller General

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

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: October 1, 1998.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180–[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. Section 180.448 is amended by adding alphabetically to the table in paragraph (b) entries for ''dates,'' and ''hops,'' and by revising the entry for ''strawberries'' to read as follows:

§ 180.448 Hexythiazox; tolerances for residues

* * * * *

(b) * * *

Commodity	Parts per million	Expiration/Revocation Date
* * *	* *	
Dates	0.1	9/15/00
Hops	2.0	9/15/00
Strawberries	3.0	9/15/00

* * * * *

[FR Doc. 98–27397 Filed 10–9–98; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97–242; RM–9192]

Radio Broadcasting Services; Eastland, Baird, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Cowboy Broadcasting LLC substitutes Channel 236C3 for Channel 236A; reallots Channel 236C3 from Eastland to Baird, Texas, as the community's first local aural service, and modifies petitioner's license for Station KVMX(FM) to specify Baird as its community of license. See 62 FR 66324 (December 18, 1997). Channel 263C3 can be allotted to Baird, Texas, in compliance with the Commission's minimum distance separation requirements with a site restriction of 0.3 kilometers (0.2 miles) north to

accommodate petitioner's desired transmitter site. The coordinates for Channel 263C3 at Baird, Texas, are 32–23–45 North Latitude and 99–23–44 West Longitude. With this action, this proceeding is terminated.

EFFECTIVE DATE: Effective November 16, 1998.

FOR FURTHER INFORMATION CONTACT: Victoria M. McCauley, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 97–242, adopted September 23, 1998, and released October 2, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC 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 contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by removing Channel 236A at Eastland and adding Channel 236C3 at Baird.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 98–27354 Filed 10–9–98; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 96–255; RM–8960 and RM–9044]

Radio Broadcasting Services; Laramie and Rock River, WY

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In response to the *Notice of Proposed Rule Making* in this proceeding, 61 FR 67765 (December 24, 1996), this document allots Channel 254A to Laramie, Wyoming, (at reference coordinates 41–18–42 and 105–35–06) to provide an additional local radio service and as a means of resolving the mutual exclusivity between two applicants for Channel 244A at Laramie. This document also allots Channel 240A to Rock River, Wyoming (at reference coordinates 41–44–24 and 105–58–24), as its first local aural transmission service. The window period for filing applications for Channel 240A at Rock River, Wyoming, will not be opened at this time. Instead, the issue of opening a filing window for this allotment will be addressed by the Commission in a subsequent order. This document terminates the proceeding.

EFFECTIVE DATE: November 16, 1998.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 96–255, adopted September 23, 1998, and released October 2, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC'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 Service, Inc., (202) 857–3800, located at 1231 20th Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

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

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Wyoming is amended by adding Channel 254A at Laramie, Wyoming, and Channel 240A at Rock River, Wyoming.

Federal Communciations Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 98–27353 Filed 10–9–98; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 268

[FRA Docket No. FRA–98–4545]

RIN 2130–AB29

Magnetic Levitation Transportation Technology Deployment Program

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

ACTION: Interim final rule with request for comments.

SUMMARY: The Transportation Equity Act for the 21st Century (TEA 21) adds a new section 322 to title 23 of the United States Code. Section 322 provides a total of $55 million for Fiscal Years 1999 through 2001 for transportation systems employing magnetic levitation (''Maglev''). Section 322 requires FRA to establish project selection criteria, to solicit applications for funding, to select one or more projects to receive financial assistance for preconstruction planning activities and, after completion of such activities, to select one of the projects to receive financial assistance for final design, engineering, and construction activities. Section 322 authorizes—but does not appropriate—additional Federal funds of $950 million for final design and construction of the most promising project. Section 322 provides that the portion of the project not covered by the funds provided under section 322 may be covered by any non-Federal funding sources—including private (debt and/or equity), State, local, regional, and other public or public/private entities—as well as by Federally-provided Surface Transportation Program, and Congestion Mitigation and Air Quality Improvement Program funds, and from other forms of financial assistance under TEA 21, such as loans and loan guarantees.

This Interim Final Rule creates a new part to title 49 of the Code of Federal Regulations which establishes the regulations governing financial assistance under section 322, including the project selection criteria, and solicits applications for Maglev planning grants.

DATES: (1) This Interim Final Rule is effective October 13, 1998.

(2) Written comments concerning this rule must be filed on or before November 12, 1998.

(3) Applications for financial assistance for preconstruction planning must be received by December 31, 1998.

ADDRESSES: Written comments should refer to the docket number of this notice

and be submitted in duplicate to: DOT Central Docket Management Facility located in room PL–401 at the Plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC 20590. All docket material will be available for inspection at this address and on the Internet at http://dms.dot.gov. Docket hours at the Nassif Building are Monday–Friday, 10 a.m. to 5 p.m., excluding Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped envelope or postcard.

Applications for preconstruction planning financial assistance must be submitted to FRA in accordance with the provisions of this Interim Final Rule.

FOR FURTHER INFORMATION CONTACT: Neil E. Moyer, Chief—Program Development Division, FRA, 400 Seventh Street, SW., Washington, DC 20590 (telephone 202–493–6365; E-mail address: *Neil.Moyer@fra.dot.gov),* or Gareth Rosenau, Attorney, Office of Chief Counsel, FRA, 400 Seventh Street, S.W., Mailstop 10, Washington, D.C. 20590 (telephone 202–493–6054; E-mail address: Gareth.Rosenau@fra.dot.gov).

SUPPLEMENTARY INFORMATION:

Electronic Access

Internet users can access all comments received by the U.S. DOT Dockets, Room PL–401, by using the universal resource locator (URL): http://dms.dot.gov. It is available 24 hours each day, 365 days each year. Please follow the instructions online for more information and help.

An electronic copy of this document may be downloaded using a modem and suitable communication software from the Government Printing Office Electronic Bulletin Board Service at (202) 512–1661. Internet users may reach the **Federal Register**'s home page at: http://www.nara.gov/fedreg and the Government Printing Office's database at: http://www.access.gpo.gov/nara.

What Is Maglev?

This background information covers high-speed Maglev (240 mph) and does not necessarily apply to the low-speed variations on this technology, which are covered by a separate program under 23 U.S.C. 322(i).

Maglev is an advanced transport technology in which magnetic forces lift, propel, and guide a vehicle over a specially designed guideway. Utilizing state-of-the art electric power and control systems, this configuration reduces the need for many mechanical parts, thereby minimizing resistance and permitting excellent acceleration, with cruising speeds on the order of 240 mph or more. This high performance would enable Maglev to provide air-competitive trip times at longer trip distances than other high-speed ground transportation (HSGT) options. Germany has a Maglev technology ready for commercial use and planned for application in the Berlin-Hamburg corridor; Japan has a technologically different system under test. In the more than three decades since passage of the HSGT Act of 1965, a number of Maglev system concepts have undergone varying degrees of research and development in the United States, under private or governmental auspices. There are no Maglev systems currently operating in commercial transportation service.

Maglev Deployment Program Under 23 U.S.C. 322

Multi-Stage Competition

Section 1218(a) of TEA 21, Pub. L.105–178, adds a new section 322 to title 23 of the United States Code. Section 322 authorizes the funding for the design, construction, and deployment of one full-scale revenue-service Maglev system, to be sponsored by a State or group of States in a private/public partnership. Section 322 bases the selection of the system to be deployed on a multi-stage competition. Initially FRA is to establish selection criteria and to solicit applications, within 180 days after the enactment of TEA 21 (which would be by December 6, 1998), for financial assistance for preconstruction planning activities. FRA may select one or more projects of those submitted to receive funding for such activities. After the completion of the preconstruction planning activities, FRA will select one of the projects to receive financial assistance for final design, engineering, and construction activities. Any decision to proceed with possible construction of the project selected after the preconstruction planning phase of the program will be contingent upon the receipt of appropriations, and upon completion of appropriate environmental documentation. The section 322 program, which is described in greater detail below, will be referred to as the ''Maglev Deployment Program.''

This Interim Final Rule establishes the regulations governing financial assistance under the Maglev Deployment Program, including the project selection criteria, and solicits applications for Maglev planning grants.

Federal Funding of the Maglev Deployment Program

Section 322 provides two types of funding from the Highway Trust Fund for the Maglev Deployment Program; for purposes of this Interim Final Rule, these funds are referred to as ''Federal Maglev Funds.'' First, $55 million has been made available as contract authority for Fiscal Years 1999 through 2001; this would be used to fund the competition in all its phases and could also be used for final design, engineering, and construction activities of the selected project. Of the $55 million, the Congress has made available up to $15 million for Fiscal Year 1999, up to $15 million for Fiscal Year 2000, and $25 million for Fiscal Year 2001. Second, $950 million has been authorized to be appropriated for Fiscal Years 2000 through 2003. No guarantee exists that the Executive Branch will request, or that Congress will appropriate, the $950 million (or any portion of that amount) to build a Maglev project. Of the $950 million, $200 million is authorized to be appropriated for each of Fiscal Years 2000 and 2001, $250 million for Fiscal Year 2002, and $300 million for Fiscal Year 2003.

Section 322 also provides that the portion of the project not covered by Federal Maglev Funds may be supported by any non-Federal funding sources—including private (debt and/or equity), State, local, regional, and other public or public/private entities—as well as by Federally-provided Surface Transportation Program (''STP'') (23 U.S.C. 133), and Congestion Mitigation and Air Quality Improvement Program (''CMAQ'') (23 U.S.C. 149) funds, and by other forms of financial assistance provided under title 23, or under TEA 21, such as loans and loan guarantees.

Standards a Maglev Project Must Meet To Be Eligible for Financial Assistance

Section 322 provides that in order to be eligible to receive financial assistance, a Maglev project shall:

(1) Involve a segment or segments of a high-speed ground transportation corridor that exhibit partnership potential;

(2) Require an amount of Federal funds for project financing that will not exceed the sum of Federal Maglev Funds, and the amounts made available by States under STP and CMAQ;

(3) Result in an operating transportation facility that provides a revenue producing service;

(4) Be undertaken through a public and private partnership, with at least ⅓ of full project costs paid using non-

Federal funds—funds provided under STP and CMAQ qualify as non-Federal fund for purposes of the ⅓ match requirement;

(5) Satisfy applicable statewide and metropolitan planning requirements;

(6) Be approved by FRA based on an application submitted by a State or authority designated by 1 or more States;

(7) To the extent that non-United States Maglev technology is used within the United States, be carried out as a technology transfer project; and

(8) Be carried out using materials at least 70 percent of which are manufactured in the United States.

The Interim Final Rule explains these requirements in more detail.

FRA recognizes that applicants for preconstruction planning assistance will not have detailed information with respect to these requirements, and that the purpose of the preconstruction planning assistance is to develop much of this information with respect to a particular Maglev project. The preconstruction planning application requirements of the Interim Final Rule are designed to elicit whatever information an applicant may have pertaining to these requirements and to secure a commitment from the applicant that the applicant fully intends to comply with these requirements if the project is selected as the project to receive financing for final design, engineering, and construction activities.

Maglev Project Selection Criteria

Section 322 requires the agency to establish criteria for selecting which eligible projects will receive financial assistance. The criteria are required to include the extent to which—

(1) A project is nationally significant, including the extent to which the project will demonstrate the feasibility of deployment of Maglev technology throughout the United States;

(2) Timely implementation of the project will reduce congestion in other modes of transportation and reduce the need for additional highway or airport construction;

(3) States, regions, and localities financially contribute to the project; implementation of the project will create new jobs in traditional and emerging industries;

(4) The project will augment Maglev networks identified as having partnership potential;

(5) Financial assistance will foster public and private partnerships for infrastructure development and attract private debt or equity investment;

(6) Financial assistance would foster the timely implementation of a project; and

(7) Life-cycle costs in design and engineering are considered and enhanced.

The Interim Final Rule establishes the criteria FRA will use in selecting projects to receive funding; these criteria are an elaboration of the list of requirements contained in section 322.

FRA recognizes that applicants for preconstruction planning assistance may not have detailed information with respect to each of these criteria, and that the purpose of the preconstruction planning assistance is to develop much of this information with respect to a particular Maglev project. The preconstruction planning application requirements of the Interim Final Rule are designed to elicit whatever information an applicant may have pertaining to these criteria. As previously noted, FRA will select one of the various Maglev projects that receives preconstruction planning grants to receive financing for final design, engineering, and construction activities. The project selected must meet all of the project eligibility standards contained in this Interim Final Rule. If more than one project meets these standards, FRA will evaluate and compare the eligible projects according to the project selection criteria.

Eligible Project Costs

Section 322 provides that the following project costs are eligible to be paid with Federal Maglev Funds made available under section 322: preconstruction planning activities and the capital cost of the fixed guideway infrastructure of a Maglev project, including land, piers, guideways, propulsion equipment and other components attached to guideways, power distribution facilities (including substations), control and communications facilities, access roads, and storage, repair and maintenance facilities. The costs of stations, vehicles, and equipment are not eligible project costs.

Preconstruction planning activities that are eligible to be funded under section 322 include:

(1) Preparation of such feasibility studies, major investment studies, and environmental impact statements and assessments as are required under State law;

(2) Pricing of the final design, engineering, and construction activities proposed to be assisted; and

(3) Such other activities as are necessary to provide FRA with sufficient information to evaluate whether a project should receive financial assistance for final design, engineering, and construction activities.

Construction Contracts Must Comply With the Davis Bacon Act

Section 322 requires that the ''Prevailing Wages'' requirement of the Davis Bacon Act (40 U.S.C. 276a—276a–5) applies to construction contracts under the Maglev Deployment Program.

FRA's Outreach Efforts Regarding the Maglev Deployment Program

FRA is conducting an extensive outreach program to inform the public of the availability of funding of new and expanded programs under TEA 21, including the Maglev Deployment Program. Based on discussions to date, FRA believes that fewer than 10 States are likely to apply for financial assistance under the Maglev Deployment Program.

Initial Outreach Session

On July 23, 1998, FRA, in cooperation with the High Speed Ground Transportation Association and Amtrak, held an all day meeting to explain the TEA 21 rail-related programs to representatives of constituent interest groups at Union Station, Washington D.C. Included was a session on the Maglev Deployment Program. In conjunction with this meeting FRA made available to all participants a loose leaf notebook with information regarding each of the new programs. The Maglev information included an earlier draft of the substance of this rule, in the form of guidelines for applicants for planning grants, a ''fact sheet'' on the program, and the statutory language behind it. The guidelines were also published on FRA's internet web page. Part of the Maglev session included a question and answer period involving a number of interested persons attending the meeting. Attendance was about 65.

''Piggybacking'' on Other DOT Outreach Meetings

Other DOT components are having similar outreach meetings on parts of TEA 21 of particular interest to them; examples are an early Federal Highway Administration-sponsored meeting with representatives of most State DOTs in Dallas, and a recent Federal Transit Administration-sponsored meeting in Harrisburg. FRA has been represented at these meetings and has briefly described the Maglev Deployment Program.

Three Other Outreach Sessions

FRA has scheduled two other meetings similar to the Union Station meeting described above. They will

each have similar Maglev components, including publication of the Interim Final Rule. The first will be held in Los Angeles on October 23. Another, session is planned to be held in New Orleans. In October, 1998, FRA also plans to schedule at least one meeting specifically addressing the Maglev Deployment Program and inviting the general public as well as States known to have a particular interest and which are likely to apply for financial assistance. This session will include a focused question and answer period intended to clarify for all concerned any issues associated with the Interim Final Rule.

Why FRA Is Issuing an Interim Final Rule

This document is published as an Interim Final Rule, without prior notice and opportunity for comment. Because this regulation relates to a grant program, the requirements of the Administrative Procedure Act (APA), 5 U.S.C. 553, are not applicable. Moreover, even if the notice and comment provisions of the APA did apply, the agency believes that there is good cause for finding that providing notice and comment in connection with this rulemaking action is impracticable, unnecessary, and contrary to the public interest.

FRA's decision to proceed with an Interim Final Rule in this proceeding rather than a notice of proposed rulemaking was guided by several considerations. First, the enabling legislation requires the Secretary to solicit applications from States or authorities designated by one or more States within 180 days after the date of enactment of TEA 21 (June 9, 1998). This time constraint simply did not provide sufficient time for FRA to frame an approach to implementing the program, develop proposed implementing regulations, consult with interested groups, and publish draft and final regulations by December 6, 1998 (180 days after enactment). The development of appropriate implementing procedures was further complicated by Congressional consideration of TEA 21 technical corrections legislation that was ultimately adopted on July 22, 1998 (Pub. L. 105–206). The technical corrections legislation contained modifications to a number of TEA 21 programs, including the Maglev Deployment Program. FRA's decision to proceed with an Interim Final Rule was also bolstered by an extensive outreach conducted with the interested Maglev and state transportation communities. States officials and others with an interest in Maglev development had an opportunity to receive briefings from agency officials and to review and comment on FRA's proposed approach to the application and award processes before FRA completed this Interim Final Rule.

In addition, States need the information contained in this Interim Final Rule immediately in order to determine what type of Maglev projects qualify for preconstruction planning assistance, to gather supporting information, and to begin to prepare applications immediately upon this Interim Final Rule's publication in the **Federal Register**. For all of these reasons, pursuant to 5 U.S.C. 808 (Pub. L. 104–121) (The Congressional review provisions of the Small Business Regulatory Enforcement Fairness Act), the agency also, for good cause, finds that notice and public procedure are impracticable, unnecessary, and contrary to the public interest, and, therefore, this Interim Final Rule can be made effective upon publication.

As an Interim Final Rule, this regulation is fully in effect and binding upon its effective date. No further regulatory action by the agency is necessary to make the rule effective. However, in order to benefit from comments which interested parties and the public may have, the agency is requesting that comments be submitted to the docket for this rule. All comments submitted in response to this Interim Final Rule, will be considered by the agency. Following the close of the comment period, the agency will publish a document responding to the comments and, if appropriate, the agency will amend the provisions of this Interim Final Rule.

Section-by-Section Analysis

Subpart A—Overview

Section 268.1 Definitions

The terms used in this part are defined; many of these definitions are taken from 23 U.S.C. 322.

Section 268.3 Different Phases of the Maglev Deployment Program

This section identifies the five different phases of this program, and FRA's projected timetable for implementing these phases. In Phase I, States will submit applications, and FRA will select projects for preconstruction planning assistance. In Phase II, financial assistance recipients will prepare and submit to FRA project descriptions and supporting preconstruction planning reports and environmental documentation (environmental assessment (EA)). After completion of the EA, each financial assistance recipient will initiate activities aimed at preparing a site-specific draft environmental impact statement (''EIS''). In Phase III, FRA will select the one project which could ultimately be constructed, subject to appropriation of funds to cover such construction. Each recipient of financial assistance will be expected to continue to work on the site-specific draft EIS in Phase III. In Phase IV, the financial assistance recipient selected in Phase III will undertake final design and engineering work for the selected project together with completing the site-specific final EIS. Detailed agreements for the construction and operation of the project would be negotiated. The other planning grant recipients may also elect to continue their work on preparing a site-specific draft EIS and bring it to completion. In Phase V, the sponsoring State or State designated authority would oversee the efforts of the public/private partnership formed to progress the selected project, to complete the detailed engineering designs, finance, construct, equip, and operate the project in revenue service.

Section 268.5 Funding Sources for the Maglev Deployment Program

This section identifies the amounts of funding available under 23 U.S.C. 322 (referred to as ''Federal Maglev Funds'') to support the program. It also identifies other potential Federal funding sources. These various funding sources were outlined earlier in this document.

Section 268.7 Federal/State Share and Restrictions on the Uses of Federal Maglev Funds

This section contains the various restrictions imposed on the use of Federal Maglev Funds. First, Federal Maglev Funds may only be used for ''eligible project cost.'' Eligible project costs include preconstruction planning activities and the capital costs of fixed guideway infrastructure of a Maglev project. Eligible project costs do not include costs incurred for Maglev stations, vehicles, and equipment; these non-eligible project costs would be part of the full project cost.

Second, the Federal share of full project costs shall be not more than ⅔, with the remaining ⅓ paid by the applicant using non-Federal funds. For purposes of this cost sharing arrangement, funds made available to the applicant under STP and CMAQ count as non-Federal funds. Federal funds made available to the applicant under title 23 and TEA 21 can be used to pay full project cost. To ensure that the cost sharing requirements are met,

all preconstruction planning grants will require States or designated authorities to provide a match of at least ⅓ from non-Federal funds.

Third, Federal Maglev funds provided under a preconstruction planning grant may be used only for Phase II activities, and for completion of a site-specific draft EIS; see § 268.3;

Finally, the ''prevailing wages'' requirement of the Davis Bacon Act (40 U.S.C. 276a—276a–5) applies to any construction contracts under the Maglev Deployment Program.

Subpart B—Procedures For Financial Assistance

Section 268.9 Eligible Participants

Any State, or any authority designated by one or more State(s) to carry out the preconstruction planning activities under the Maglev Deployment Program, is eligible to participate in the Maglev Deployment Program.

Section 268.11 Project Eligibility Standards

This section identifies the standards which projects must meet to be eligible for funding under the Maglev Deployment Program. See the earlier discussion of project eligibility standards; there FRA set out the eight project eligibility standards contained in 23 U.S.C. 322. FRA recognizes that applicants for preconstruction planning assistance will not have detailed information with respect to the eight standards, and that the purpose of the preconstruction planning assistance is to develop much of this information with respect to a particular Maglev project. The preconstruction planning application requirements of the Interim Final Rule are designed to elicit whatever information an applicant may have pertaining to these requirements and to secure a commitment from the applicant that the applicant fully intends to comply with these requirements if the project is selected as the project to receive financing for final design, engineering, and construction activities.

FRA has described section 322 standards in more detail for purposes of eligibility for final design, engineering, and construction financing. These standards, and the reference to corresponding citation in section 322, are as follows:

Purpose and Significance of the Project. (1) The project description shall point to a Maglev facility and daily operation the primary purpose of which is the conduct of a revenue-producing passenger transportation service between distinct points, rather than a service solely for the passengers' riding pleasure. (*subsection 322(d)(3), ''result in an operating transportation facility that provides a revenue producing service.''*)

(2) The project description shall incorporate scheduled operation at a top speed of not less than 240 mph. (*subsection 322(a)(3), definition of Maglev as ''capable of safe use by the public at a speed in excess of 240 mph.''*)

Benefits for the American Economy. The project description shall include a certification as to (1) and (2) below and, as appropriate, a technology acquisition/transfer plan which describes the strategy for their accomplishment.

(1) Processes will be established that will enable an American-owned and -sited firm (or firms) to gain, in the course of the project, the capability to participate in the design, manufacture, and installation of the facilities and vehicles needed for a Maglev operation, if the owner of the selected version of Maglev technology is not an American owned and -sited firm (thus meeting the technology transfer requirement of Section 322). *(subsection 322(d)(7))*

(2) The 70 percent U.S. content provision of Section 322 *(subsection 322(d)(8))* will be carried out.

Partnership Potential. The project shall exhibit partnership potential by satisfying all three items (1), (2), and (3) below.

(1) A private/public partnership must be in place that is ready, willing, and able to finance, construct, operate, and maintain the project; and

(2) The private/public partnership either owns the version of Maglev technology proposed to be implemented in the project, or has an agreement with the owner which affords full cooperation to the partnership in progressing the project, including implementation of the technology acquisition/transfer plan if applicable; and

(3) The recipient of a preconstruction planning grant or the FRA has developed and endorsed a projection of system capital costs, demand, revenues, operating expenses, and total costs and benefits, that—

(A) Covers either the entire corridor in which the Maglev project is involved (''Corridor''), or the project considered independently;

(B) Demonstrates that private enterprise would be able to run the Corridor or the project—once built and paid for—as a completely self-sustaining entity, in which revenues will cover operating expenses and continuing investment needs; and

(C) Shows total benefits equal to or exceeding total costs. *(subsection 322(d)(1), ''involve a segment or segments of a high-speed * * * transportation corridor that exhibit partnership potential.'' Under subsection 322(a)(4), Definitions, ''partnership potential'' is given the definition it received in the FRA report, High-Speed Ground Transportation for America, September 1997. This portion of the Interim Final Rule applies FRA's definition of ''partnership potential'' to the availability of funds for planning a Maglev program.)*

Funding Limits and Sources. The project description shall include a financing plan that demonstrates project completion with Federal Maglev Funds not in excess of the remaining funds from the total of $1,005 million authorized in Section 322, and funds made available to the recipient under STP and CMAQ. At least ⅓ of Full Project Costs must come from non-Federal funds; funds made available to the recipient under STP and CMAQ qualify as non-Federal funds for purposes of this cost-sharing requirement. Federal funds made available under title 23 and TEA 21 may be used to pay for full project costs. *(subsections 322(b), (d)(2) and (4), and (h)(3) and (4))*

Project Management. The State, the technology owner, and all other relevant project partners must include in the Project Description an agreed upon—

(1) *Management plan* that defines the partnership, responsibilities, and procedures for accomplishing the project;

(2) *Project schedule* that shows how timely implementation of the project will be accomplished, including, to the extent possible, a construction plan and schedule; and

(3) *Financial plan* that shows how funds will flow, in accordance with the other project eligibility standards. *(FRA considers effective project management, making use of the minimal tools specified in this provision, as essential to the fulfillment of, and therefore implicit in, the other project eligibility standards as called for in section 322.)*

Planning/Environmental Process. (1) *Assessment of environmental consequences of the proposed project.* Recipients of preconstruction planning grants shall prepare EAs and site-specific draft EISs.

EAs shall include information to support the grantee's decision to pursue the proposed project. The grantee shall develop the information and discuss the environmental consequences of the proposed technology and route in

sufficient detail for the preparation of appropriate documentation by FRA to support selection of one project. This shall include the identification of potential positive and negative environmental effects resulting from the technology (e.g. energy consumption compared to other transportation options), generic noise emissions at various distances from the centerline of the guideway, changes in electromagnetic field levels at various distances from the centerline of the guideway, as well as environmental screening of the proposed route (e.g., identification of land use; identification of endangered species possibly present and location of their critical habitat; identification of navigable waterways, wetlands and other sensitive water resources; and identification of the location of parks, wildlife refuges, historic and archaeological sites of National, State or local significance and other sites protected by Section 4(f) of the Department of Transportation Act.). The latter information and analysis shall be submitted four months in advance of the remainder of the project description.

Site-specific draft EISs will consist of all work necessary to support selection of a preferred alignment within the proposed corridor discussed in the EA. *(subsection 322(d)(5))*

(2) The project description must also include letters of endorsement of project implementation from all the State departments of transportation involved, and from all Metropolitan Planning Organizations for metropolitan areas that would be served by the project.

Section 268.13 Deadline for Submission of Applications for Preconstruction Planning Assistance

Applications for preconstruction planning assistance shall be submitted to the FRA Administrator by December 31, 1998. The section identifies the address to which the applications must be sent.

Section 268.15 Form and Contents of Applications for Preconstruction Planning Assistance

This section identifies the information that must be contained in each application.

Section 268.17 Project Selection Criteria

This section identifies the project selection criteria that FRA will apply in selecting projects for financing under the Maglev Deployment Program. These criteria are based on the seven factors contained in 23 U.S.C. 322, and discussed earlier in this document. These criteria, and the reference to corresponding citation in section 322, are as follows.

Purpose and Significance of the Project. (1) The degree to which the project description demonstrates attractiveness to travelers, as measured in passengers and passenger-miles. (subsection 322(e)(1))

(2) The extent to which implementation of the project will reduce congestion, and attendant delay costs, in other modes of transportation; will reduce emissions and/or energy consumption; or will reduce the rate of growth in needs for additional highway or airport construction. Measures for this criterion will include but not be limited to the present value of congestion reduction, pollution reduction, and/or facility cost-avoidance benefits. *(subsection 322(e)(2))*

(3) The degree to which the project will demonstrate the variety of operating conditions which are to be expected in the United States. *(subsection 322(e)(1))*

(4) The degree to which the project will augment a Maglev corridor or network that has been identified, by any State, group of States, or the FRA, as having partnership potential. *(subsection 322(e)(5))*

Timely Implementation. The speed with which the project can realistically be brought into full revenue service, based on the project description and on the current and projected development status of the Maglev technology selected by the applicant for the project. *(The text of section 322 twice explicitly assumes ''timely implementation of the project'' (in subsections 322(e)(2) and (7)), and the stringent deadlines established in subsections 322(c) and (f)(1), together with the five-year authorization schedule in subsection 322(h)(1), reinforce the clear Congressional intent that the project shall be implemented in a timely manner.)*

Benefits for the American Economy. The extent to which the project is expected to create new jobs in traditional and emerging industries in the United States. (subsection 3322(e)(4))

Partnership Potential. The degree to which the project description demonstrates partnership potential for the corridor in which it is involved, and/or for the project independently. *(subsection 322(e)(2), (3), (5), (6), and (8))*

Funding Limits and Sources. (1) The extent and proportion to which States, regions, and localities commit to financially contributing to the project, both in terms of their own locally-raised, entirely non-Federal funds, and in terms of commitments of scarce Federal resources from non-Federal Maglev funds *(subsection 322(e)(3))*; and

(2) The extent and proportion to which the private sector contributes financially to the project. (*subsection 322(e)(6)*)

FRA did not set forth criteria dealing with project management and planning dealing with the environmental process. Commenters are requested to address whether criteria in these two or additional areas are needed and, if so, to provide detailed suggestions as to how such criteria should be worded.

Section 268.19 Evaluation of Applications for Preconstruction Planning Assistance

This section identifies the criteria to be used by FRA in evaluating the applications. FRA will evaluate the applications for their completeness and responsiveness to the requirements listed in § 268.15 (form and content of application). The project eligibility standards (§ 268.11) and project evaluation criteria (§ 268.17) will guide the FRA's review of the project descriptions produced under the planning grants. Although subject to revision, the information in § 268.11 and § 268.17 should assist the States in completing their applications in the competition for planning grants, since the project descriptions will need to respond to the standards and criteria. In evaluating the applications for planning grants FRA will consider how consistent the applicant's project is to the standards and criteria and the application's likelihood of leading to a project that meets all the standards and criteria.

Section 268.21 Selection of one Maglev Project for Final Design, Engineering and Construction Funding

This section is a brief description of the process FRA will follow in selecting the one successful applicant for a construction assistance from among the recipients of planning grants. That one project must meet each and every project eligibility standard contained in § 268.11(b). If more than one project meets all these standards, then the FRA will evaluate and compare the eligible projects according to the set of project selection criteria contained in § 268.17. In reviewing competing projects under the project eligibility standards and project selection criteria, the FRA will exercise particular vigilance regarding the following elements of the preconstruction planning process, although not to the exclusion of others:

(1) The credibility of the demand and revenue forecasts, cost estimates, and benefit/cost comparisons; and

(2) The credibility of the financial plan.

Regulatory Analyses and Notices

E.O. 12866 and DOT Regulatory Policies and Procedures

The agency has evaluated this Interim Final Rule in accordance with existing regulatory policies and procedures and has concluded that it is a nonsignificant regulatory action under E.O. 12866, and a nonsignificant rule under section 5(a)(4) of the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). The Interim Final Rule is not a significant regulatory action under E.O. 12866 because it will not have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; will not create a serious inconsistency with an action planned or underway by another Federal agency; will not materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; and will not raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles of the Executive Order. The Interim Final Rule implements the preconstruction planning portion of a Congressionally mandated program to provide financial assistance to state and local governments in developing and implementing a transportation project involving magnetic levitation. At this time, the sum of $55 million dollars is available to implement the program and an authorization for future appropriations totaling $950 million is in place. However, as noted earlier, the availability of these additional funds is contingent on an appropriation by the Congress.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires a review of rules to assess their impact on small entities. FRA certifies that this rule will not have a significant impact on a substantial number of small entities. Eligible applicants for the Maglev Deployment Program are limited by the enabling statute (23 U.S.C. 322(d)) to States or authorities designated by one or more States. The program implemented by the Interim Final Rule has the potential to benefit some small entities who may be able to participate as consultants to States or designated authorities in the preconstruction planning activities, final design, engineering and construction activities for Maglev deployment.

Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) addresses the collection of information by the Federal government from individuals, small businesses and State and local government and seeks to minimize the burdens such information collection requirements might impose. A collection of information includes requiring answers to identical questions posed to, or identical reporting or record-keeping requirements imposed on, ten or more persons, other than agencies, instrumentalities or employees of the United States. This Interim Final Rule contains information and reporting requirements that would apply to States, groups of States or designated authorities that file applications for Federal funding for preconstruction planning activities, and to grant recipients who would conduct final design, engineering and construction activities in support of Maglev deployment. Based on FRA's long experience in Maglev development in the United States extending back to the early 1970's, including preparation and issuance of the 1997 report ''High Speed Ground Transportation for America,'' the statutory limit on the types of entities that may apply for funding (States, groups of States, and State designated authorities), the rigorous requirements for developing a viable project, and the substantial financial and resource commitment that will be required of applicants, and the information FRA has received through its outreach efforts, the FRA has concluded that fewer than 10 applications for preconstruction planning funds are likely to be received by the FRA from qualified applicants. However, if, as a result of this Interim Final Rule, FRA becomes aware that there are information collection requirements, FRA will submit an information collection package to OMB for approval at that time.

Environmental Impact

FRA has evaluated these regulations in accordance with its procedures for ensuring full consideration of the potential environmental impacts of FRA actions, as required by the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and related directives. FRA has concluded that the issuance of this Interim Final Rule, which establishes a process for receiving applications for planning activities associated with the Maglev Deployment Program, does not have a potential impact on the environment and does not constitute a major Federal action requiring an environmental assessment or environmental impact statement. The Interim Final Rule includes requirements for the preparation of environmental assessments of proposed Maglev projects by successful applicants during the preconstruction planning stage and additional environmental reviews will be undertaken under the auspices of the FRA before one Maglev project is selected for final design and construction funding.

Federalism Implications

This Interim Final Rule has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and FRA has determined that it does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. The Maglev Deployment Program provides states with the opportunity to explore the development of a new transportation technology in a working partnership with the Federal Government.

List of Subjects in 49 CFR Part 268

Grant programs-transportation, High speed ground transportation, Maglev, Magnetic levitation.

The Rule

In consideration of the foregoing, FRA adds new part 268 to Title 49 of the Code of Federal Regulations as set forth below:

PART 268—MAGNETIC LEVITATION TRANSPORTATION TECHNOLOGY DEPLOYMENT PROGRAM

Subpart A—Overview

Subpart B—Procedures For Financial Assistance

Authority: 49 U.S.C. 322, 23 U.S.C. 322; 49 CFR 1.49.

Subpart A—Overview

§ 268.1 Definitions.

As used in this part—

CMAQ means Congestion Mitigation and Air Quality Improvement Program (23 U.S.C. 149).

Environmental assessment (''EA'') means the environmental assessment in support of the project description and containing the information listed in § 268.11(b)(6)(i).

Environmental impact statement (''EIS'') means the environmental impact statement which is required pursuant to §§ 268.3 and § 268.11(b)(6)(i).

Eligible project costs means the costs of preconstruction planning activities and the capital cost of the fixed guideway infrastructure of a Maglev project, including land, piers, guideways, propulsion equipment and other components attached to guideways, power distribution facilities (including substations), control and communications facilities, access roads, and storage, repair, and maintenance facilities, but eligible project costs do not include the cost of stations, vehicles, and equipment.

Federal Maglev Funds means such funds as are provided under the authority of 23 U.S.C. 322 to pay for Eligible Project Costs.

Full project costs means the total capital costs of a Maglev project, including Eligible Project Costs and the costs of stations, vehicles, and equipment.

Phase means one of the five different phases of the Maglev Deployment Program; these phases are described in § 268.3.

Maglev means transportation systems employing magnetic levitation that would be capable of safe use by the public at a speed in excess of 240 miles per hour.

Maglev deployment program means the program authorized by 23 U.S.C. 322.

Partnership potential means the usage of the term in the commercial feasibility study of high-speed ground transportation (*High Speed Ground Transportation for America*) mandated under section 1036 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1978). Under that usage any corridor exhibiting *Partnership Potential* must at least meet the following two conditions:

(1) Private enterprise must be able to run on the corridor—once built and paid for—as a completely self-sustaining entity; and

(2) The total benefits of a Maglev corridor must equal or exceed its total costs.

STP means the Surface Transportation Program (23 U.S.C. 133).

TEA 21 means the Transportation Equity Act for the 21st Century (Pub. L. 105–178).

§ 268.3 Different phases of the Maglev Deployment Program.

(a) The Maglev Deployment Program includes five phases, as described in paragraphs (b) through (f) of this section. The current projected timing for implementing these phases is indicated to assist applicants in planning their projects. All dates beyond the first date (the deadline for the submission of preconstruction planning applications) are for planning purposes only and are subject to change—including possible acceleration of deadlines—based on the progress of the Maglev Deployment Program; grantees will be notified accordingly.

(b) *Phase I—Competition for Planning Grants (Early October 1998–March 31, 1999)*—(1) *Description.* In Phase I, States will apply for funds for preconstruction planning activities. As required by § 268.13, applications must be filed with FRA by December 31, 1998. FRA will select one or more projects to receive preconstruction planning financial assistance awarded under this part to perform Phase II of the Maglev Deployment Program.

(2) *Timing of Major Milestones.*

(i) December 31, 1998—Planning grant applications due.

(ii) February 28, 1999—FRA selects grantees for planning grants.

(iii) March 31, 1999—FRA awards planning grants for the conduct of activities listed in Phase II.

(c) *Phase II—Project Description Development (April 1, 1999–March 31, 2000)*—(1) *Description.* In Phase II, each grant recipients will prepare and submit to FRA a project description and supporting preconstruction planning reports and an EA. Supporting reports may include demand and revenue analyses, project specification, cost estimates, scheduling, financial studies, and other information in support of the project description. FRA will use this information in reaching a decision on which project to select for final engineering and construction financing. In addition, after completion of the EA, each grant recipient will initiate activities aimed at preparing a site-specific draft EIS. FRA will initiate documentation of environmental factors considered in the project selection process.

(2) *Timing of Major Milestones.*

(i) November 30, 1999—Deadline for submission of appropriate EA needed by FRA for the selection of one project under Phase III.

(ii) March 30, 2000—Deadline for submission of project descriptions and any related supporting reports needed by FRA for project selection.

(d) *Phase III—Project Selection Process (April 1, 2000)—July 31, 2000)*—(1) *Description.* FRA will evaluate the information provided by the grant recipients under Phase II and will select one project for final design, engineering, and construction funding. Recipients of assistance will progress work on site-specific EISs.

(2) *Timing of Major Milestones.* July 31, 2000—FRA selects the project.

(e) *Phase IV—Project Development and Completion of Site-specific EIS (August 1, 2000—July 31, 2001)*—(1) *Description.* The financial assistance recipient selected in Phase III will undertake final design and engineering work for the selected project together with completing the site-specific final EIS. Detailed agreements for the construction and operation of the project would be negotiated. The other grant recipients may also elect to complete the site-specific draft EISs initiated during Phase II.

(2) *Timing of Major Milestones.* July 31, 2001—Final Record of Decision on site-specific EIS, confirming the project design.

(f) *Phase V—Completion of Detailed Engineering & Construction (August 1, 2001 and beyond).*—(1) *Description.* In Phase V, the sponsoring State or State designated authority would oversee the efforts of the public/private partnership formed to progress the selected project, to complete the detailed engineering designs, finance, construct, equip, and operate the project in revenue service. Construction would likely be contingent on the appropriation of federal funds.

§ 268.5 Federal funding sources for the Maglev Deployment Program.

(a) *Federal Maglev Funds.* Section 322 of Title 23 provides for the following funds for the Maglev Deployment Program:

(1) *Contract authority.* Fifty-five million has been made available for the Maglev Deployment Program as contract authority from the Highway Trust Fund for Fiscal Years 1999 through 2001; this would be used to fund the competition in all its phases and could also be used for final design, engineering, and construction activities of the selected

project. Of the $55 million, the Congress has made available up to $15 million for Fiscal Year 1999, up to $15 million for Fiscal Year 2000, and $25 million for Fiscal Year 2001.

(2) *Authorization for appropriations.* Nine hundred fifty million, also from the Highway Trust Fund, has been authorized to be appropriated for the Maglev Deployment Program for Fiscal Years 2000 through 2003. Of the $950 million, $200 million is authorized to be appropriated for each of Fiscal Years 2000 and 2001, $250 million for Fiscal Year 2002, and $300 million for Fiscal Year 2003. Any decision to proceed with possible Federal funding of the construction of a Maglev system will be contingent upon the receipt of appropriations, and upon completion of appropriate environmental documentation.

(b) *Other Federal funds.* Section 322 of Title 23 provides that the portion of the Maglev project not covered by Federal Maglev Funds may be covered by any non-Federal funding sources—including private (debt and/or equity), State, local, regional, and other public or public/private entities—as well as by Federally-provided STP and CMAQ funds, and by other forms of financial assistance made available under title 23 and TEA 21, such as loans and loan guarantees.

§ 268.7 Federal/State share and restrictions on the uses of Federal Maglev Funds.

(a) *Federal share.* The Federal share of Full Projects Costs shall be not more than ⅔, with the remaining ⅓ paid by the grant recipient using non-Federal funds. Funds made available under STP and CMAQ are considered non-Federal funds for purposes of the matching requirement.

(b) *Restrictions on the uses of Federal Maglev Funds.* (1) Federal Maglev Funds may be applied only to Eligible Project Costs;

(2) Federal Maglev funds provided under a preconstruction planning grant may be used only for Phase II activities, and for completion of site-specific draft EIS; see § 268.3;

(3) Federal Maglev Funds may be used to pay for only ⅔ of preconstruction planning costs; grant recipients are required to pay the remaining ⅓ of the costs with non-Federal funds; and

(4) The ''prevailing wages'' requirement of the Davis Bacon Act (40 U.S.C. 276a–276a–5) applies to any construction contracts under the Maglev Deployment Program.

Subpart B—Procedures for Financial Assistance

§ 268.9 Eligible participants.

Any State, or any authority designated by one or more State(s) to carry out the preconstruction planning activities under the Maglev Deployment Program is eligible to participate in the Maglev Deployment Program.

§ 268.11 Project eligibility standards.

(a) *Project eligibility standards for preconstruction planning financing.* (1) As required by 23 U.S.C. 322(d)(4), in order to be eligible to receive financial assistance, a Maglev project shall:

(i) Involve a segment or segments of a high-speed ground transportation corridor that exhibit Partnership Potential;

(ii) Require an amount of Federal funds for project financing that will not exceed the sum of Federal Maglev Funds, and the amounts made available by States under STP and CMAQ;

(iii) Result in an operating transportation facility that provides a revenue producing service;

(iv) Be undertaken through a public and private partnership, with at least ⅓ of Full Project Costs paid using non-Federal funds;

(v) Satisfy applicable statewide and metropolitan planning requirements;

(vi) Be approved by FRA based on an application submitted by a State or authority designated by 1 or more States;

(vii) To the extent that non-United States Maglev technology is used within the United States, be carried out as a technology transfer project; and

(viii) Be carried out using materials at least 70 percent of which are manufactured in the United States.

(2) FRA recognizes that applicants for preconstruction planning grants will not have detailed information with respect to some of the requirements of paragraph (a)(1) of this section, and that the purpose of a preconstruction planning grant is to develop much of this information with respect to a particular Maglev project. As required by § 268.15, an applicant will need to provide whatever information it has with respect to each of the requirements of paragraph (a)(1) of this section together with a certification that the applicant fully intends to comply with the requirements of paragraph (a) of this section should its project be selected by FRA for final design, engineering and construction financing.

(b) *Project eligibility standards for final design, engineering, and construction financing.* FRA will select the most promising Maglev project for final design, engineering, and construction financing. To be eligible to be considered, the project must meet each of the following requirements; these requirements restate the requirements in paragraph (a)(1) of this section, but with more detail and in a different order:

(1) *Purpose and Significance of the Project.* (i) The project description shall point to a Maglev facility and daily operation the primary purpose of which is the conduct of a revenue-producing passenger transportation service between distinct points, rather than a service solely for the passengers' riding pleasure.

(ii) The project description shall incorporate scheduled operation at a top speed of not less than 240 mph.

(2) *Benefits for the American Economy.* The project description shall include a certification as to paragraph (b)(2)(i) and (ii) of this section and, as appropriate, a technology acquisition/transfer plan which describes the strategy for their accomplishment.

(i) Processes will be established that will enable an American-owned and -sited firm (or firms) to gain, in the course of the project, the capability to participate in the design, manufacture, and installation of the facilities and vehicles needed for a Maglev operation, if the owner of the selected version of Maglev technology is not an American-owned and—sited firm (thus meeting the technology transfer requirement of 23 U.S.C. 322).

(ii) The 70 percent U.S. content requirement content of 23 U.S.C. 322 will be carried out.

(3) *Partnership Potential.* The project shall exhibit Partnership Potential by satisfying the following:

(i) A private/public partnership must be in place that is ready, willing, and able to finance, construct, operate, and maintain the project;

(ii) The private/public partnership either owns the version of Maglev technology proposed to be implemented in the project, or has an agreement with the owner which affords full cooperation to the partnership in progressing the project, including implementation of the technology acquisition/transfer plan if applicable; and

(iii) The recipient of a preconstruction planning grant or the FRA has developed and endorsed a projection of system capital costs, demand, revenues, operating expenses, and total costs and benefits, that:

(A) Covers either the entire corridor in which the Maglev project is involved (''Corridor''), or the project considered independently;

(B) Demonstrates that private enterprise would be able to run the Corridor or the project—once built and paid for—as a completely self-sustaining entity, in which revenues will cover operating expenses and continuing investment needs; and

(C) Shows total benefits equal to or exceeding total costs.

(4) *Funding Limits and Sources.* The project description shall include a financing plan that demonstrates project completion with the $950 million in Federal Maglev Funds, funds remaining unobligated from the $55 million in contract authority, and the funds made available under STP and CMAQ. The project that is selected will be eligible for other forms of financial assistance provided under title 23 and TEA 21, including loans, loan guarantees, and lines of credit. However, at least ⅓ of Full Project Costs must come from non-Federal Funds.

(5) *Project Management.* The State, the technology owner, and all other relevant project partners must include in the project description, an agreed upon—

(i) *Management plan* that defines the partnership, responsibilities, and procedures for accomplishing the project;

(ii) *Project schedule* that shows how timely implementation of the project will be accomplished, including, to the extent possible, a construction plan and schedule; and

(iii) *Financial plan* that shows how funds will flow, in accordance with the other requirements of this subsection.

(6) *Planning/Environmental Process.* (i) *Assessment of environmental consequences of the proposed project.* Recipients of preconstruction planning grants shall conduct an EA in support of the project description; and will prepare a site-specific EIS for the project. The EA shall include information to support the grantee's decision to pursue the proposed project. The grantee shall develop the information and discuss the environmental consequences of the proposed technology and route in sufficient detail for the preparation of appropriate documentation by FRA to support selection of one project. This shall include: the identification of potential positive and negative environmental effects resulting from the technology (e.g. energy consumption compared to other transportation options); generic noise emissions at various distances from the centerline of the guideway; changes in electromagnetic field levels at various distances from the centerline of the guideway; and environmental screening of the proposed route (e.g., identification of land use; identification of endangered species possibly present and location of their critical habitat; identification of navigable waterways, wetlands and other sensitive water resources; and identification of the location of parks, wildlife refuges, historic and archaeological sites of National, State or local significance and other sites protected by Section 4(f) of the Department of Transportation Act.). The latter information and analysis shall be submitted four months in advance of the remainder of the project description. The above list is illustrative only. Grantees will be expected to review proposed work statements with FRA at pre-application meetings or through some other means to develop the final scope of this environmental review.

(ii) The project description must also include letters of endorsement of project implementation from all the State departments of transportation involved, and from all Metropolitan Planning Organizations for metropolitan areas that would be served by the project.

§ 268.13 Deadline for submission of applications for preconstruction planning assistance.

Completed application packages shall be returned to FRA by December 31, 1998. Applications shall be submitted to: Honorable Jolene M. Molitoris, Administrator, Federal Railroad Administration, ATTN: Maglev Project, RDV–11, 400 Seventh Street, SW, Stop 20,Washington, DC 20590.

§ 268.15 Form and contents of applications for preconstruction planning assistance.

States, groups of States, or designated authorities that have Maglev projects are invited to submit applications in Phase I of the Maglev Deployment Program, the competition for preconstruction planning grants. The applications shall contain:

(a) (1) If submitted by a State: Name, address, responsible party, telephone, fax number, and e-mail address of the State agency submitting the application; or

(2) If submitted by a designated authority: Name, address, responsible party, telephone, fax number, and e-mail address of the designated authority and of the State agency or agencies on whose behalf the designated authority is submitting the application, together with letters from the State(s) evidencing all such designations;

(b) A description of the project concept, identifying its likely location, market area, length, and the transportation service that it would perform, and a preliminary estimate of the time that would be required—if funds are made available—to bring the project to the start of construction and then to the initiation of full revenue service. At its option, the Applicant may include any reports already completed on the project as well as any additional descriptive material that would assist the FRA in evaluating the application;

(c) Whatever information the Applicant has to demonstrate that the project meets the project eligibility standards in § 268.11(a), and the project selection criteria in § 268.17, together with a certification that the Applicant fully intends to comply with the requirements in § 268.11 should its project be selected by FRA for final design, engineering and construction financing.

(d) A statement of work for the preconstruction planning activities to be accomplished under the planning grant. The statement shall describe the work to be performed, including but not necessarily limited to:

(1) Preconstruction planning work as is needed to develop a Maglev project, and project description that will satisfy the project eligibility standards in § 268.11(b), and the project selection criteria in § 268.17; and

(2) Preparation of EAs, as described in § 268.11(b)(6)(i);

(e) Management plan, schedule, and financial plan for accomplishing the preconstruction planning work under the planning grant;

(f) Letters supporting the application from the heads of all State departments of transportation involved, as well as from responsible officials of the Metropolitan Planning Organizations of all metropolitan areas to be served by the proposed project;

(g) A certification from the State, or from the authority designated by one or more States, that the ⅓ matching funds required for work under the planning grant are, or will be, available by the time the grants are announced. The source(s) of the matching must be shown in the financial plan under paragraph (e) of this section; and

(h) If the applicant has made a definitive choice of the particular Maglev technology proposed to be included, a description of that technology and the degree to which it has been produced and tested should be submitted. Further, if the applicant has identified organizations that would form members of the team that would implement the project, the names of those organizations and the persons representing them should also be submitted.

§ 268.17 Project selection criteria.

Except as qualified by § 268.19, the following criteria will govern FRA's selection of projects to receive funding under the Maglev Deployment Program.

(a) *Purpose and Significance of the Project.* (1) The degree to which the project description demonstrates attractiveness to travelers, as measured in passengers and passenger-miles.

(2) The extent to which implementation of the project will reduce congestion, and attendant delay costs, in other modes of transportation; will reduce emissions and/or energy consumption; or will reduce the rate of growth in needs for additional highway or airport construction. Measures for this criterion will include but not be limited to the present value of congestion reduction, pollution reduction, and/or facility cost-avoidance benefits.

(3) The degree to which the project will demonstrate the variety of operating conditions which are to be expected in the United States.

(4) The degree to which the project will augment a Maglev corridor or network that has been identified, by any State, group of States, or the FRA, as having Partnership Potential.

(b) *Timely Implementation.* The speed with which the project can realistically be brought into full revenue service, based on the project description and on the current and projected development status of the Maglev technology selected by the applicant for the project.

(c) *Benefits for the American Economy.* The extent to which the project is expected to create new jobs in traditional and emerging industries in the United States.

(d) *Partnership Potential.* The degree to which the project description demonstrates Partnership Potential for the corridor in which it is involved, and/or for the project independently.

(e) *Funding Limits and Sources.* FRA recognizes that applicants for preconstruction planning assistance may not have detailed information with respect to each of these criteria, and that the purpose of the preconstruction planning assistance is to develop much of this information with respect to a particular Maglev project. The preconstruction planning application requirements of the Interim Final Rule are designed to elicit whatever information an applicant may have pertaining to these criteria.

(1) The extent and proportion to which States, regions, and localities commit to financially contributing to the project, both in terms of their own locally-raised, entirely non-Federal funds, and in terms of commitments of scarce Federal resources from non-Maglev funds; and

(2) The extent and proportion to which the private sector contributes financially to the project.

268.19 Evaluation of applications for preconstruction planning assistance.

The FRA will evaluate the applications for their completeness and responsiveness to the requirements listed in § 268.15. In addition, applicants are advised that the Maglev Deployment Program contains a number of project eligibility standards (minimum threshold standards) and project evaluation criteria that will guide the FRA's review of the project descriptions produced under the Planning Grants. The FRA's implementation of these standards and criteria appears in § 268.11 and § 268.17, respectively. Although subject to revision, the information in § 268.11 and § 268.17 should assist the States in completing their applications in the competition for planning grants, since the project descriptions will need to respond to the standards and criteria. In evaluating the applications for planning grants, FRA will consider how consistent the applicant's project is to the standards and criteria, and the application's likelihood of leading to a project that meets all the standards and criteria.

§ 268.21 Selection of one Maglev project for final design, engineering and construction funding.

(a) Only one project will be selected in Phase III of the Maglev Deployment Program and be eligible for any Federal construction funds that the Congress chooses to make available. That one project must meet each and every project eligibility standard contained in § 268.11(b). If more than one project meets all these standards, then the FRA will evaluate and compare the eligible projects according to the set of project selection criteria contained in § 268.17.

(b) In reviewing competing projects under the project eligibility standards and project selection criteria, the FRA will exercise particular vigilance regarding the following elements of the preconstruction planning process, although not to the exclusion of others:

(1) The credibility of the demand and revenue forecasts, cost estimates, and benefit/cost comparisons; and

(2) The credibility of the financial plan.

(c) FRA intends to make periodic reviews of the processes and products of grant recipients. Such reviews may include, at the FRA's option, reviews at key milestones in the preparation of project descriptions.

Issued in Washington, DC on October 2, 1998.

Jolene M. Molitoris,

Federal Railroad Administrator.

[FR Doc. 98–27245 Filed 10–9–98; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 980112009–8196–02; I.D. 110697B]

RIN 0648–AK36

Fisheries of the Exclusive Economic Zone Off Alaska; Revisions to Recordkeeping and Reporting Requirements; Correction

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

ACTION: Final rule; correction.

SUMMARY: This document contains corrections to the final rule pertaining to recordkeeping and reporting requirements published in the **Federal Register** on September 4, 1998.

DATES: This action becomes effective October 5, 1998.

FOR FURTHER INFORMATION CONTACT: Patsy A. Bearden, 907–586–7228.

SUPPLEMENTARY INFORMATION:

Background

A final rule was published in the **Federal Register** on September 4, 1998, implementing revisions to recordkeeping and reporting requirements for the Alaska groundfish fisheries (63 FR 47348). As published, errors are present in the September 4, 1998, edition of the **Federal Register**. NMFS is correcting these errors and is making no substantive change to the document in this action. The corrections are as follows:

Corrections

1. On page 47355, in the first column, last paragraph, in the seventh line, ''§ 679.5(l)(2)(v):'' is corrected to read ''§ 679.5(l)(2)(vi):''.

§ 679.20 [Corrected]

2. On page 47367, in the second column, § 679.20(g)(3), in the last line, ''paragraph (g):'' is corrected to read ''paragraph (g).''

3. On page 47368, in the second column, amendatory instruction 12 is corrected to read as follows: ''In

§ 679.42, paragraphs (c)(1)(iv) and (c)(2) are revised to read as follows:''; and in the third column, paragraphs (c)(2)(i) and (ii) are corrected to read as follows:

§ 679.42 Limitations on use of QS and IFQ.

* * * * *

(c) * * *

(2) * * *

(i) *Sablefish product.* [Reserved]

(ii) [Reserved]

* * * * *

§ 679.42 [Corrected]

4. On page 47368, in the third column, § 679.42(c)(2) introductory text, the last sentence is corrected to read as follows: ''An IFQ account will be debited as indicated in Table 3 to this part.''

Table 1 to Part 679 [Corrected]

5. On page 47369, Table 1 to part 679 is correctly revised to read as follows:

Billing Code 3510–22–F

BILLING CODE 3510-22-C

Table 1 to Part 679 -- Product Codes

Fish Product Code/Description
03. Bled only. Throat, or isthmus, slit to allow blood to drain.
04. Gutted, head on. Belly slit and viscera removed.
05. Gutted, head off. IFQ Pacific halibut only.
06. Head and gutted, with roe.
07. Headed and gutted, Western cut. Head removed just in front of the collar bone, and viscera removed.
08. Headed and gutted, Eastern cut. Head removed just behind the collar bone, and viscera removed.
10. Headed and gutted, tail removed. Head removed usually in front of collar bone, and viscera and tail removed.
11. Kirimi. Head removed either in front or behind the collar bone, viscera removed, and tail removed by cuts perpendicular to the spine, resulting in a steak.
12. Salted and split. Head removed, belly slit, viscera removed, fillets cut from head to tail but remaining attached near tail. Product salted.
13. Wings. On skates, side fins are cut off next to body.
14. Roe. Eggs, either loose or in sacs, or skeins.
15. Pectoral girdle. Collar bone and associated bones, cartilage and flesh.
16. Heads. Heads only, regardless where severed from body.
17. Cheeks. Muscles on sides of head.
18. Chins. Lower jaw (mandible), muscles, and flesh.
19. Belly. Flesh in region of pelvic and pectoral fins and behind head.
20. Fillets with skin and ribs. Meat and skin with ribs attached, from sides of body behind head and in front of tail.
21. Fillets with skin, no ribs. Meat and skin with ribs removed, from sides of body behind head and in front of tail.
22. Fillets with ribs and no skin. Meat with ribs with skin removed, from sides of body behind head and in front of tail.
23. Fillets, skinless/boneless. Meat with both skin and ribs removed, from sides of body behind head and in front of tail.
24. Deep-skin fillet. Meat with skin, adjacent meat with silver lining, and ribs removed from sides of body behind head and in front of tail, resulting in thin fillets.
30. Surimi. Paste from fish flesh and additives.
31. Minced. Ground flesh.
32. Fish meal. Meal from whole fish or fish parts; includes bone meal.
33. Fish oil. Rendered oil from whole fish or fish parts.
34. Milt. (in sacs, or testes).
35. Stomachs. Includes all internal organs.
36. Octopus/squid mantles. Flesh after removal of viscera and arms.
37. Butterfly, no backbone. Head removed, belly slit, viscera and most of backbone removed; fillets attached.
39. Bones (if meal, report as 32).
54. Gutted, head on, with ice and slime. Belly slit and viscera removed. IFQ Pacific halibut and sablefish only.
55. Gutted, head off, with ice and slime. IFQ Pacific halibut only.
57. Headed and gutted, Western cut, with ice and slime. IFQ sablefish only.
58. Headed and gutted, Eastern cut, with ice and slime. IFQ sablefish only.
86. Donated prohibited species. Pacific salmon or Pacific halibut, otherwise required to be discarded, that is donated to charity under a NMFS-authorized program.
97. Other retained product
WHOLE FISH CODES
When using the following codes, log round weights and not product weights, even if the whole fish is not used.
01. Whole fish/food fish.
02. Whole fish/bait. Processed for bait. Sold
41. Whole fish/destined for offsite fish meal production.
51. Whole fish/food fish with ice and slime. IFQ sablefish only.
92. Whole fish/onboard bait. Whole fish used as bait on board vessel. Not sold.
95. Whole fish/personal use, consumption. Fish or fish products eaten on board or taken off the vessel for personal use. Not sold or utilized as bait
DISCARD PRODUCT CODES
96. Previously discarded fish (decomposed) taken with trawl gear in current fishing efforts. Discarded.
98. Discard, at sea. Whole groundfish and prohibited species discarded by catcher vessels, Catcher/Processors, Motherships, or Buying Stations delivering to Motherships.
99. Discard, onshore. Discard after delivery and before processing by Shoreside Processors and Buying Stations delivering to Shoreside Processors and in-plant discard of whole groundfish and prohibited species during processing.
PRODUCT DESIGNATION (see 679.2)
A Ancillary.
P Primary.
R Reprocessed or rehandled.

Table 3 to Part 679 [Corrected]

6. On pages 47372, 47373, and 47374, in Table 3 to part 679, in the table heading on all three pages, insert an asterisk (*) after ''Product Recovery Rates'' and insert two asterisks (**) after ''conversion rates.''

Table 3 to Part 679 [Corrected]

7. On page 47374, in Table 3 to part 679, footnotes should be added to read: ''*To obtain round weight of groundfish, divide the product weight of groundfish by the product recovery rate that corresponds to the product code. **To obtain IFQ sablefish product, divide the scale weight actually measured at the time of landing by the product recovery rate that corresponds to the product code reported in the IFQ landing report. To obtain IFQ halibut product, multiply the scale weight actually measured at the time of landing by the conversion factor that corresponds to the product code reported in the IFQ landing report.''

Table 10 to Part 679 [Corrected]

8. On page 47376, Table 10 to part 679, make the following corrections:

a. In the table heading, remove the word ''Current''.

b. In the third from the last column, move the column heading ''Aggregate'' and center it over the next-to-the-last column, heading, ''Forage fish''.

Figure 12 to Part 679 [Corrected]

9. On page 47384, Figure 12 to part 679, is correctly added to read as follows:

Billing Code 3510–22–F

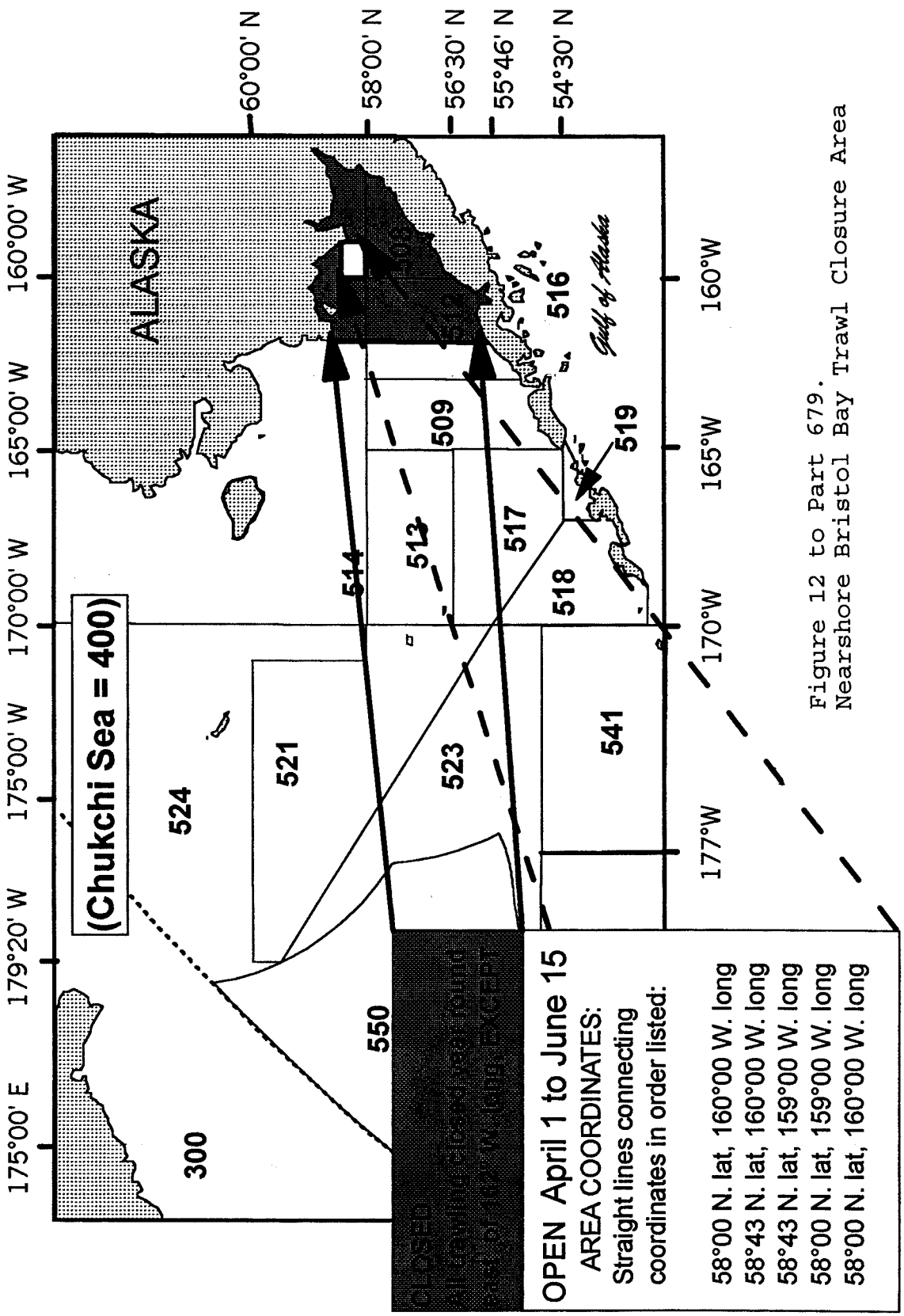

Figure 12 to Part 679.
Nearshore Bristol Bay Trawl Closure Area

Dated: October 6, 1998.

Gary C. Matlock,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 98–27257 Filed 10–9–98; 8:45 am]

BILLING CODE 3510–22–C

Proposed Rules

Federal Register
Vol. 63, No. 197
Tuesday, October 13, 1998

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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 532

RIN 3206–AI36

Prevailing Rate Systems; Environmental Differential Pay for Working at High Altitudes

AGENCY: Office of Personnel Management.

ACTION: Proposed rule with request for comments.

SUMMARY: The Office of Personnel Management (OPM) is issuing a proposed regulation to establish an 8 percent environmental differential pay (EDP) category for Federal Wage System (FWS) employees who work at land-based worksites located at more than 3900 meters (12,795 feet) in altitude, provided such employees are required to commute to their worksites on the same day from a substantially lower altitude under circumstances in which the rapid change in altitude may result in acclimation problems. OPM is creating this new EDP category so that Federal agencies may provide additional compensation to FWS employees who are exposed to unusual health risks caused by these working conditions.

DATES: Comments must be received on or before November 12, 1998.

ADDRESSES: Comments may be sent or delivered to Donald J. Winstead, Assistant Director for Compensation Administration, Workforce Compensation and Performance Service, Office of Personnel Management, Room 7H31, 1900 E Street NW., Washington, DC 20415, FAX: (202) 606–4264, or email at maallen@opm.gov.

FOR FURTHER INFORMATION CONTACT: Mark A. Allen, (202) 606–2848,FAX: (202) 606–4264, or email at maallen@opm.gov.

SUPPLEMENTARY INFORMATION: The Smithsonian Institution has asked the Office of Personnel Management (OPM) to establish an environmental differential pay (EDP) category for Federal Wage System (FWS) employees who must work at the Smithsonian Astrophysical Observatory (SAO) near the 4206 meter (13,800 foot) summit of Mauna Kea, an extinct volcano on the Island of Hawaii. The Smithsonian Institution states that suitable employee housing is available only near sea level and that SAO employees must therefore commute back and forth from their homes to the SAO worksite each workday. The Smithsonian Institution submitted research evidence that indicates work at high altitudes may have negative physiological effects such as impaired judgment, increased heart rates, and nausea, especially if employees have not had time to acclimate to lower atmospheric pressures and oxygen levels that exist at high altitudes. In addition, employees are exposed to the possibility of experiencing severe health problems such as high altitude pulmonary edema, high altitude cerebral edema, and acute mountain sickness.

As stated in 5 U.S.C. 5343(c)(4), OPM is responsible for establishing EDP categories that Federal agencies may use to provide additional compensation to FWS employees whose duties involve unusually severe working conditions or unusually severe hazards. This proposed regulation would authorize a new EDP category for FWS employees who must work at land-based worksites more than 3900 meters (12,795 feet) in altitude, provided such employees are required to commute to the worksite on the same day from a substantially lower altitude under circumstances in which the rapid change in altitude could result in acclimation problems. The establishment of this new EDP category would not relieve an agency of its responsibility to take whatever measures are feasible to minimize the harmful effects of commuting to work at high altitudes.

The proposal for this new EDP category was presented to the Federal Prevailing Rate Advisory Committee. The Committee recommended approval of the new EDP category by consensus. OPM issued a proposed rule to establish a similar hazard pay differential for General Schedule employees on June 30, 1998 (63 FR 35543).

E.O. 12866, Regulatory Review

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

Regulatory Flexibility Act

I certify that these regulations would not have a significant impact on a substantial number of small entities because they would apply only to Federal agencies and employees.

List of Subjects in 5 CFR Part 532

Administrative practice and procedure, Freedom of information, Government employees, Reporting and recordkeeping requirements, Wages.

Office of Personnel Management.

Janice R. Lachance,

Director.

Accordingly, OPM is proposing to amend 5 CFR part 532 as follows:

PART 532—PREVAILING RATE SYSTEMS

Subpart E—Premium Pay and Differentials

1. The authority for subpart E of part 532 continues to read as follows:

Authority: 5 U.S.C. 5343.

2. Appendix A to subpart E of part 532 is amended by adding a new category to the schedule of environmental differentials at the end of Part II of the appendix to read as follows:

Appendix A to Subpart E of Part 532—Schedule of Environmental Differentials Paid for Exposure to Various Degrees of Hazards, Physical Hardships, and Working Conditions of an Unusual Nature

PART II.—PAYMENT ON BASIS OF HOURS IN PAY STATUS

Differential rate (percent)	Category for which payable	Effective date
*	* * * * * *	*
8	17. Working at high altitudes. Performing work at a land-based worksite more than 3900 meters (12,795 feet) in altitude, provided the employee is required to commute to the worksite on the same day from a substantially lower altitude under circumstances in which the rapid change in altitude may result in acclimation problems.	[Date of effectivenss of the final rule].

[FR Doc. 98–27344 Filed 10–9–98; 8:45 am]
BILLING CODE 6325–01–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 225

RIN 0584–AC06

Summer Food Service Program: Program Meal Service During the School Year, Paperwork Reduction, and Targeted State Monitoring

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rulemaking proposes a change to the Summer Food Service Program (SFSP) which was mandated by the Healthy Meals for Healthy Americans Act of 1994. The change allows SFSP meal service to be provided at non-school sites to children who are not in school due to unanticipated school closures during the months of October through April caused by a natural disaster, building repair, court order, or similar occurrence. In addition, this rulemaking proposes discretionary changes to simplify the SFSP sponsor application and State monitoring requirements in order to eliminate unnecessary paperwork and reduce administrative burden for sponsors and State agencies.

DATES: To be assured of consideration, comments must be postmarked on or before December 14, 1998.

ADDRESSES: All comments concerning these proposed regulations should be addressed to Mr. Robert M. Eadie, Chief, Policy and Program Development Branch, Child Nutrition Division, Food and Nutrition Service, Department of Agriculture, 3101 Park Center Drive, Room 1007, Alexandria, Virginia 22302. All written submissions will be available for public inspection at this location Monday through Friday, 8:30 a.m.–5 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Eadie or Ms. Melissa Rothstein at the above address or by telephone at 703–305–2620.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

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

Regulatory Flexibility Act

This action has been reviewed with regard to the requirements of the Regulatory Flexibility Act (5 U.S.C. 601–612). The Administrator of the Food and Nutrition Service (FNS) has certified that this proposed rule will not have a significant economic impact on a substantial number of small entities. The provisions of this rule will streamline requirements and reduce administrative burden for State agencies and sponsors of the SFSP.

Executive Order 12372

The SFSP is listed in the Catalog of Federal Domestic Assistance under 10.559 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 and final rule-related notices published at 48 FR 29114, June 24, 1983 and 49 FR 22676, May 31, 1984).

Notice of Information Collection

In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on proposed information collection.

Written comments must be submitted on or before December 14, 1998.

Comments concerning the information collection aspects of this proposed rule should be sent to the Office of Information and Regulatory Affairs, OMB, Room 3208, New Executive Office Building, Washington, DC 20503, Attention: Laura Oliven, Desk Officer for the Food and Nutrition Service. A copy of these comments may also be sent to Mr. Robert Eadie at the address listed in the **ADDRESSES** section of this preamble. Commenters are asked to separate their comments on the information collection requirements from their comments on the remainder of the proposed rule.

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3504), FNS has submitted a request to OMB for a revision of the currently approved SFSP information collection requirements. OMB is required to make a decision concerning the collection(s) of information contained in this proposed rule between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication. All comments will be summarized and will become a matter of public record.

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

The title, description, and respondent description of the proposed information collections are shown below with an estimate of the annual reporting and recordkeeping burdens. Included in the estimate is the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Title: 7 CFR part 225, Summer Food Service Program.

OMB Number: 0584–0280.

Expiration Date: December 31, 1999.

Type of Request: Revision of existing collection.

Abstract: The proposed rule, Summer Food Service Program: Program Meal Service During the School Year, Paperwork Reduction, and Targeted State Monitoring, proposes to implement the provision included in Pub. L. 103–448, the Healthy Meals for Healthy Americans Act of 1994, that allows SFSP meals to be served ''at non-school sites to children who are not in school for a period during the months of October through April due to a natural disaster, building repair, court order, or similar cause.'' In addition, the rule also proposes to modify current SFSP sponsor and site application requirements and to allow State agencies to better target review efforts.

In accordance with the Paperwork Reduction Act of 1995, the Department is providing the public with the opportunity to provide comments on the information collection requirements of this proposed rule as noted below:

Section	Annual Number of respondents	Annual frequency	Burden per response	Annual burden hours
7 CFR 225.6(b)(4)—State agencies provide immediate ''conditional approval'' to sponsors in emergency program situations: Proposed	[1] 5	1	1	5
7 CFR 225.6(c)—Requirements for new sponsors, new sites, and sponsors and sites which have experienced significant operational problems in the prior year: Proposed	[2] 179	1	3.33	596
7 CFR 225.6(c)—Removal of requirements for experienced sponsors and sites:				
Existing	[2] 3309	1	3.33	11,019
Proposed	[2] 3576	1	2.33	8,332
7 CFR 225.7—State agencies target reviews of sponsors and sites, concentrating on problem areas:				
Existing	[1] 49	[2] 43	8.0	16,856
Proposed	[1] 49	[2] 30	11.5	16,905
Existing	[1] 49	[3] 104	4	20,384
Proposed	[1] 49	[3] 73	6	21,462

[1] State Agencies.
[2] Sponsors.
[3] Sites.

Total Existing Burden Hours: 48,259.
Total Proposed Burden Hours: 47,300.
Total Difference: −959.

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. This proposed rule is intended to have preemptive effect with respect to any State or local laws, regulations or policies which conflict with its provisions or which would otherwise impede its full implementation. This rule is not intended to have retroactive effect unless so specified in the ''Effective Date'' section of the preamble of the final rule. Prior to any judicial challenge to the provisions of this rule or the application of its provisions, all applicable administrative procedures must be exhausted. This includes any administrative procedures provided by State or local governments. For disputes involving procurements by State agencies and sponsors, this includes any administrative appeal procedures to the extent required by 7 CFR part 3016. In the SFSP, the administrative procedures are set forth under the following regulations: (1) Program sponsors and food service management companies must follow State agency hearing procedures issued pursuant to 7 CFR 225.13; and (2) disputes involving procurement by State agencies and sponsors must follow administrative appeal procedures to the extent required by 7 CFR 225.17 and 7 CFR part 3015.

Unfunded Mandate Reform Act

Title II of the Unfunded Mandate Reform Act of 1995 (UMRA), Pub.L. 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of UMRA, the Food and Nutrition Service generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, or tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. When such a statement is needed for a rule, section 205 of UMRA generally requires the Food and Nutrition Service to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, more cost-effective or least burdensome alternative that achieves the objectives of the rule.

This rule contains no Federal mandates (under the regulatory provisions of Title II of UMRA) for State, local, and tribal governments or the private sector of $100 million or more in any one year. Thus, this rule is not subject to the requirements of sections 202 and 205 of UMRA.

Background

The Summer Food Service Program (SFSP) is authorized by section 13 of the National School Lunch Act (NSLA) (42 U.S.C. 1761). On November 2, 1994, the President signed into law Pub. L. 103–448, the Healthy Meals for Healthy Americans Act of 1994 (the Act). The Act reauthorized the SFSP through Fiscal Year 1998 and made a number of changes to the Program. Most of these mandated changes are non-discretionary and are being addressed in a separate interim rulemaking. However, the Act also included a provision that allows SFSP meals to be served ''at non-school sites to children who are not in school for a period during the months of October through April due to a natural disaster, building repair, court order, or similar cause.'' Since the wording of this change to the statute raises a number of implementation issues which may be subject to interpretation, the

Department is soliciting public comments through this proposed rulemaking.

The SFSP was established by Congress to ensure that children in low-income areas could continue to receive nutritious meals during the summer that are comparable to those they receive during the school year under the National School Lunch and School Breakfast Programs. To this end, the SFSP provides free meals to all children at approved SFSP sites in areas with significant concentrations of low-income children. Current law (section 13(a)(1) of the NSLA) defines such an area as one in which one-half or more of the children are from households with incomes at or below the eligibility level for free and reduced-price school meals (185 percent of the Federal poverty guidelines). In addition, Program sites may include homeless feeding sites and camps as defined at section 13(a)(3)(c) of the NSLA and SFSP regulations at 7 CFR 225.2. (The SFSP regulations are located in Title 7, part 225 of the Code of Federal Regulations. Hereinafter, all citations of SFSP regulations will simply indicate the particular section of the SFSP regulation being discussed without repeated reference to Title 7.)

When the SFSP was created, it was the intent of Congress to provide nutritious meals to children during the summer when school is out of session. Consequently, section 13(c)(1) of the NSLA limited SFSP operation to the months of May through September. In addition, in order to accommodate children who attend schools which operate on a year-round basis, that same section allowed SFSP sponsors to operate food service programs for children on school vacation at any time if the children attend school on a year-round, or continuous school calendar, basis.

Since the SFSP was established, there have been times (e.g., in the case of a school strike) when a single school or an entire school system did not open as scheduled at the end of summer. Because the NSLA prohibited the SFSP from operating after September 30 unless the school was in session on a year-round basis, and because the National School Lunch and Breakfast Programs may only operate when school is in session, many children in low-income areas were denied the benefit of a nutritious meal while the schools were closed. These situations led Congress to include in section 114(c) of Pub. L. 103–448 the aforementioned provision allowing sponsors to operate the SFSP and provide meals to children at eligible non-school sites during times of unanticipated school closures.

In order to implement this provision, the Department must consider a number of issues, including: (1) The circumstances that may warrant employing this authority; (2) the definition of ''non-school sites'' as eligible sites; and (3) the application of existing provisions of law when providing emergency SFSP benefits during the school year. These issues are discussed in more detail below.

In addition, in an effort to fulfill the Department's commitment to reduce barriers to SFSP participation, the Department has consulted with local, State, and Federal administrative personnel and hunger advocacy groups to explore ways of reducing and easing the administrative burden on State and local program administrators. The extensive SFSP sponsor and site application procedures and the requirements pertaining to State monitoring of the program have repeatedly been targeted as potential areas where paperwork could be reduced and administrative efforts better targeted. These issues are also discussed in detail in this preamble.

The Department has requested public comments on this proposed rule by December 14, 1998. Based on the number and nature of any public comments received, the Department will publish an interim or final rulemaking at a later date.

I. Unanticipated School Closures

A. Circumstances Warranting Implementation

Section 13(c)(1) of the NSLA, as amended by section 114(c) of Pub. L. 103–448, allows for a variety of circumstances warranting operation of the SFSP during unanticipated school closures. Generally, other than those times when schools operate on a continuous school calendar, the SFSP begins operation after the end of a school year and concludes prior to the start of the new school year. However, the Act's listing of ''natural disaster, building repair, court order, or similar cause'' suggests a variety of circumstances intended to authorize the service of SFSP meals during the months of October through April, including circumstances such as: (1) The need to remove asbestos from, or make major repairs to, one or more school buildings in order to comply with safety regulations or other State or local ordinances; (2) the destruction of one or more school buildings due to a natural disaster such as a tornado, flood, or hurricane; or (3) a labor-management dispute which prevents schools from opening, or which would close schools during the school year, pending the outcome of negotiations. Additionally, given the inclusion in the law of the phrase ''or similar cause,'' the Department recognizes that there may be other instances which warrant operation of the SFSP during an unanticipated school closure.

Accordingly, this rule proposes to amend § 225.6(e)(1) to specify several situations in which a sponsor may operate during unanticipated school closures in the months of October through April. In addition, given the numerous possibilities of ''similar causes'' that may warrant operation of the SFSP during an unanticipated school closure, and in order to maintain a sufficient level of oversight, § 225.6(e)(1) would also be amended to clarify that other situations which might fall into the category of ''similar cause'' could be considered and approved or denied on a case-by-case basis by the State agency. In addition, §225.6(b)(4) would be amended to permit State agencies to approve sponsors which do not meet the requirement of a year-round service to the community (in § 225.14(c)(5)) to serve as sponsors during unanticipated school closures.

B. ''Non-school Sites''

Section 114(c) of Pub. L. 103–448 further amended section 13(c)(1) of the NSLA by specifically stating that only ''non-school'' sites are considered eligible sites for SFSP operation during the months of October through April. The Department believes that the specific reference to ''non-school'' sites was included to ensure that, in the event of a labor-management dispute, SFSP meal service could be provided without exacerbating the dispute. However, since the law requires this in all cases, this rule proposes to amend § 225.6(d)(1) to provide that, regardless of the reason for the school closure, only those sites not located on the premises of a school will be considered eligible sites for the purpose of serving SFSP meals during an unanticipated school closure.

The specific reference to ''non-school sites'' in the law also raises questions with regard to whether school food authorities should be permitted to act as sponsors during operation of the SFSP under these conditions, or whether their sponsorship could create legal complications in the case of a strike. Despite this possibility, the Department recognizes that in many situations, the school food authority is the most capable—and possibly the only willing—sponsor available to operate

the program in an area. Therefore, in the interest of providing meals to affected children in the most expeditious and efficient manner, and to provide maximum State flexibility in responding to these situations, this rule does not alter the current regulations which permit the approval for program participation of all entities, including school food authorities, which meet the sponsor eligibility requirements contained in § 225.14(b) of the current regulations.

C. Applying Existing Provisions of Regulations During Emergency Program Participation

Although it is not possible to foresee all of the circumstances which might attend any particular instance of school closure, the Department believes it is important to consider how some existing provisions of program regulations will be applied during an unanticipated school closure.

1. Site Eligibility Documentation

Section 225.6(c)(2)(ii) of the current regulations requires a sponsor to provide documentation supporting the eligibility of each program site as serving an ''area in which poor economic conditions exist,'' as defined in § 225.2. Clearly, the aforementioned provision of Pub. L. 103–448 does not intend to override site eligibility documentation requirements. However, as indicated above, during situations involving unanticipated school closures, it is important to begin meal service as soon as possible so that affected children can receive program benefits.

Accordingly, in an effort to balance these opposing needs during unanticipated school closures, this rule proposes to amend §§ 225.6(c)(2)(i)(F) and (c)(3)(i)(B) (as amended by this proposed rule and discussed in Part II of this preamble) to consider as eligible without new documentation of area eligibility for these limited purposes, any site which has participated in the SFSP at any time during the current year or prior two calendar years. For example, if a sponsor wants to operate the SFSP at a particular site during an unanticipated school closure in October 1998, the site would have to have been in the SFSP at some time in the years 1996, 1997, or 1998 in order to be exempt from the site eligibility documentation requirements discussed above. Since a given area's demographics are not likely to change drastically within this period, we believe that exempting such sites from normal area eligibility documentation requirements is appropriate in these emergency situations.

2. Sponsor Applications and Agreements

The various requirements pertaining to sponsor applications and agreements are contained in the current regulations under §§ 225.6 and 225.14. These regulations require that each potential sponsor submit a written application to the State agency for participation in the program. This application must include detailed information regarding the proposed meal service, including documentation supporting the eligibility of each site as serving an area in which poor economic conditions exist, a complete administrative and operating budget, several policy statements and program assurances, and other information.

This rule proposes to amend §§ 225.6(c)(1) and 225.14(a) to allow State agencies, at their discretion, to approve sponsors that have participated in the program at any time during the current year or prior two calendar years without a new application, solely for the purpose of sponsoring sites during periods of unexpected school closings from October to April. Allowing State agencies to rely on applications made within this timeframe will help to expedite operation of the emergency program. All sponsors would still be required to enter into written agreements with the State agency, in accordance with the requirements of § 225.6(e), prior to initiating program operations.

For those sponsors that have not participated in the SFSP at any time during the current year or the prior two calendar years, program applications would be required. However, as discussed below, the State agency would not be required to conduct pre-approval visits. Conforming changes would be made to the application requirements at § 225.6(c)(1) and § 225.14(a). Additionally, this rule proposes to amend § 225.6(b)(1) to add specific reference to exempt these sponsors from the annual June 15 deadline for receipt of sponsor applications.

3. Monitoring

Section 225.7(d)(1) of the current regulations requires each State agency to conduct pre-approval visits of certain sponsors and sites, including those applicants which did not participate in the program in the prior year, and all proposed non-school sites with an expected average daily attendance of more than 300 (or more than 100 for private nonprofit sponsors) which did not participate in the prior year. Similarly, § 225.14(c)(6) of the current regulations requires that a sponsor certify that it has visited all program sites in order to be eligible to participate in the program. The purpose of these visits is to assess the sponsor's or site's potential for successful program operations, and to verify the information contained in the program application.

The Department continues to prefer that the State agency conduct these visits in advance of a sponsor's approval when the sponsor has not recently participated in the SFSP. However, recognizing the time constraints that may often accompany unanticipated school closures, this rule proposes to amend § 225.7(d)(1)(i) to give State agencies discretion in conducting pre-approval visits of sponsors in cases in which sponsors are operating the program during unanticipated school closures. Of course, in cases in which State agencies feel compelled to approve an inexperienced sponsor to administer the SFSP during an unanticipated school closure without a pre-approval visit, the Department expects State personnel to work in especially close partnership with such sponsors to ensure the proper operation of the SFSP. This rule does not propose any change to the requirement in § 225.14(c)(6) that a sponsor certify that all sites have been visited because these visits are critical in helping to ensure that sites are capable of operating a safe and accountable meal service in accordance with program rules.

Sections 225.7(a) and 225.15(d) require that State agencies and sponsors, respectively, conduct training sessions for sponsor and site personnel prior to the beginning of Program operations. Again recognizing the time constraints accompanying emergency situations, this rule proposes to amend § 225.7(a) and 225.15(d) to permit the State agency, at its discretion, to waive these training requirements for operation of the Program during unanticipated school closures. As with pre-approval visits discussed above, the Department expects State agencies to work very closely with inexperienced sponsors which are approved to operate the Program in such situations. This assistance likely would involve on-site technical assistance and training during operation of the Program.

II. Paperwork Reduction

This rulemaking proposes to substantially reorganize and revise the SFSP sponsor and site application requirements which are currently set forth at § 225.6(c). These are the minimum standards for sponsor and site applications; State agencies administering the SFSP may include

other provisions in their prototype applications as long as they do not establish additional eligibility requirements for SFSP participation. Based on formal and informal input received from State Program administrators, as well as from sponsor staff and hunger advocacy groups, it has become apparent that some of the minimum Federal requirements set forth at § 225.6(c) have become unnecessary and/or duplicative. In addition, in recent years, several State agencies have requested and have received waivers to eliminate duplicative application requirements for experienced sponsors. These waivers were granted under the authority provided to the Department under section 12(l) of the NSLA (42 U.S.C. 1760). Therefore, the Department believes that it is appropriate to propose simplified minimum application standards for sponsors whose staff have had prior experience administering the SFSP.

As currently organized, § 225.6(c)(2)(i) sets forth the general requirements for the information which sponsors must provide for all sites which they plan to operate; §§ 225.6(c)(2)(ii)–(v) set forth special requirements pertaining to specific types of sites (e.g., camps, homeless feeding sites, etc.); and §§ 225.6(c)(2)(vi)–(x) set forth more generic, sponsor-level requirements for information to be included in all sponsor applications (e.g., administrative budget, staffing and monitoring plan, etc.).

The most detailed and lengthy of these paragraphs is § 225.6(c)(2)(i), which sets forth the minimum requirements for ''site information sheets.'' Sponsors must annually submit site information sheets for each of their sites, regardless of whether the site has previously participated in the SFSP, has undergone substantial changes in site staff or meal service systems from one year to the next, or is providing the same service at the same location year after year. It is this paragraph which the Department believes is most in need of revision.

First, this rule proposes to divide the information currently in § 225.6(c)(2) into new paragraphs (c)(2) and (c)(3). New paragraph (c)(2) would set forth the requirements for ''new'' sponsors and sites (i.e., sponsors and sites which did not participate in the SFSP in the prior Program year, or, as determined by the State agency, sponsors and sites which have had significant staff turnover from the prior year). The requirements in new paragraph (c)(2) would also apply to sponsors and sites which, in the determination of the State agency, have experienced significant operational problems in the prior Program year. New paragraph (c)(3) would set forth the simplified requirements for ''experienced'' sponsors and sites—those which successfully participated in the SFSP in the prior Program year. Experienced sponsors which add new sites must follow the site application requirements in paragraph (c)(2) (for ''new'' sites) only for their new sites. Such sponsors would follow the requirements of paragraph (c)(3) (for ''experienced'' sponsors and sites) for all other sites, and for sponsor information. At the discretion of the State agency, any of the requirements set forth for ''new'' sponsors and sites in paragraph (c)(2) could be applied to ''experienced'' sponsors and sites as well.

Accordingly, this rule proposes to amend § 225.6(c) by deleting paragraph (c)(2), by replacing it with two new paragraphs, (c)(2) and (c)(3), and by redesignating current paragraphs (c)(3) and (c)(4) as paragraphs (c)(4) and (c)(5), respectively. This rule also proposes to amend § 225.2 by adding definitions of ''new sponsor,'' ''new site,'' ''experienced sponsor,'' and ''experienced site,'' as discussed in the preceding paragraph. These definitions will help clarify application and other requirements for sponsors and sites with varying degrees of experience and/or success in operating the Program, and will also be used to better target State agency monitoring requirements, as discussed in Section III of this preamble, below.

A. General Requirements for Site Information Sheets

In addition to reorganizing § 225.6(c) as described above, this rule proposes to completely revise the text, as well. Described below are the changes which the Department proposes to make to current § 225.6(c)(2)(i).

Current § 225.6(c)(2)(i)(A) requires sponsors to describe their system for serving meals to children at each site. When this requirement was first promulgated, the SFSP was a new food assistance program with far fewer management controls written into the authorizing statute or the program regulations. The Department therefore believed that this requirement would help underscore the importance of a site having an organized food service system for efficient program operation.

However, now that the SFSP is an established program, we believe that including this information in every site's information sheet serves little purpose. The Department continues to recognize the importance of this information for new sites, and for those sites that have experienced significant operational problems in the prior year. Therefore, this requirement will be retained in § 225.6(c)(2)(i)(A) for new sponsors and sites, and for sponsors and sites, which, in the determination of the State agency, have experienced significant operational problems in the prior year. However, recognizing that, once established, the system for serving meals to children at each site does not change significantly from year to year for most sites, this rule proposes to remove this requirement for experienced sponsors and sites.

Section 225.6(c)(2)(i)(B) of the current regulations requires site information sheets to contain the estimated number and types of meals to be served and the times of meal service for each site. Such information helps both sponsors and State agencies develop their plans for monitoring site operations. Since meal service information can, and frequently does, change from year to year, we are not proposing a change to this requirement. This proposal would move this requirement to §§ 225.6(c)(2)(i)(B) and (c)(3)(i)(A).

Current § 225.6(c)(2)(i)(C) requires that each site information sheet provide information on arrangements, in accordance with State or local health standards, for delivery and holding of meals until they are served, and for storing and refrigerating any leftovers. The Department believes that this information is critical for new sites and for sites which have experienced significant operational problems in the prior year, in order to emphasize the sponsor's need for proper meal planning in accordance with § 225.15(b). However, for experienced sites, the logistics of delivering, holding and storing meals may not change significantly from year to year. Therefore, we are proposing to remove the requirement, for sponsors of experienced sites only, that sponsors provide information on arrangements for delivery and holding of meals until they are served, and for storing and refrigerating any leftovers. This requirement will be in new § 225.6(c)(2)(i)(C) for new sponsors and sites, and for sponsors and sites which, in the determination of the State agency, have experienced significant operational problems in the prior year.

Sections 225.6(c)(2)(i)(D) and (E) of the current regulations require that information be provided about sites regarding arrangements for food service during periods of inclement weather, and for access to a means of communication for making necessary adjustments in the number of meals delivered in accordance with the site's

average daily attendance, respectively. The Department believes that these types of arrangements, once made, typically remain constant from year to year. Therefore, we are proposing to remove these requirements for experienced sites. We are not proposing a change to these requirements for new sponsors and sites, and for sponsors and sites which have experienced significant operational problems in the prior year. For these sites, the requirements will be in new §§ 225.6(c)(2)(i)(D) and (c)(2)(i)(D), respectively.

Current §§ 225.6(c)(2)(i)(F) and (G) require that information be provided for each site on the geographic area to be served, and on the percentage of children in the area to be served by the site who meet the Program's income standards, respectively. The requirement in §§ 225.6(c)(2)(i)(F) and (G) to collect information on the geographic area to be served and the percentage of income-eligible children is duplicative, as it is already collected under current § 225.6(c)(2)(ii) (as redesignated by this proposal, §§ 225.6(c)(2)(vi)–(vii) and (c)(3)(iii)–(iv)). Accordingly, this rule proposes to delete the information contained in current §§ 225.6(c)(2)(i)(F) and (G).

Current § 225.6(c)(2)(i)(H) requires information from each site on whether it is rural or non-rural, and whether the site's food service will be self-prepared or vended. Realizing that sites tend to remain in the same area and that sites, once established, typically implement the same type of food service from year to year, the Department believes this information is unnecessary for experienced sponsors and sites. Therefore, this proposed rule will remove this requirement for experienced sponsors and sites only. For new sponsors and sites, and for sponsors and sites which have experienced significant operational problems in the prior year, the requirement will be relocated to § 225.6(c)(2)(i)(F).

In accordance with § 225.9(d)(7)(iii), meals served to participants at rural or self-preparation sites are eligible to receive additional administrative reimbursement. Thus, State agencies should remind sponsors that a failure to report changes in site status or food delivery service could result in over- or under-payments.

B. Site Information Sheet Requirements for Specific Types of Sites

Current §§ 225.6(c)(2)(ii)–(v) set forth specific site application requirements pertaining to how various types of sites (e.g., open sites, camps, homeless feeding sites, and migrant sites) document that they meet basic eligibility requirements. The requirements, as currently set forth, are incomplete in several cases. The Department therefore proposes to revise the information at current §§ 225.6(c)(2)(ii)–(v) and place it into new §§ 225.6(c)(2) and (3).

1. Area Eligible Sites—Open and Enrolled

Open sites are those at which meals are available to all children in the area, and are located in areas in which at least 50 percent of the children are from households that would be eligible for free and reduced price meals under the School Programs. ''Open'' sites qualify for participation in the SFSP on the basis of aggregate socioeconomic data, typically obtained from schools or from census data, which demonstrates that the area meets the 50 percent criterion described above.

As defined in guidance issued to State agencies on April 23, 1992, *open enrolled* sites exist where enrolled sites are initially open to broader community participation, but the sponsor limits attendance for reasons of security, safety, or control. The sponsor can document site eligibility through the use of area school or census data, as ''open'' sites do. Sponsors of ''open enrolled'' sites must make it publicly known, however, that the site is open on a first-come first-served basis to all children of the community at large, and that the site's total enrollment will be limited for reasons of security, safety, or control. Examples of these sites may include recreation programs sponsored by community organizations, and sites located in public housing projects.

In order to clarify the requirements for each of the types of sites, this rule proposes to amend § 225.2 to include definitions of ''open site'' and ''open enrolled site,'' as described above. This rule also proposes to amend the current definition of ''Areas in which poor economic conditions exist'' at § 225.2(a) to include explicit reference to open and open enrolled sites as eligible on the basis of school, census or other appropriate area data.

Current regulations at § 225.6(c)(2)(ii)(B) should indicate that ''open'' sites and ''open enrolled'' sites, as defined above, must submit documentation of area eligibility every other year. However, while this is the case for those sites qualifying based on school data, it is not true for sites qualifying on the basis of census data, since census data are only collected and published every ten years. Nevertheless, the Department believes that establishing a site's eligibility every other year when using school data is unnecessary since an area's socioeconomic status typically does not change rapidly. Therefore, to clarify the requirements for documenting area eligibility for ''open'' and ''open enrolled'' sites, and to alleviate unnecessary burden for site eligibility documentation, this rule proposes to include in new § 225.6(c)(3)(i)(B) the requirement for experienced sites that sponsors must obtain new documentation every three years when elementary school data are used. When census data are used, however, new documentation would be required only when new census data are made available, or earlier if the State agency has reason to believe that an area's socioeconomic status has changed significantly since the last decennial census. It is important to note that this proposed requirement is not intended to establish the implementation year of this rule as the ''base year'' for site eligibility determinations. Rather, it is intended to initiate time period requirements that apply to when a site was last determined eligible for ''open'' or ''open-enrolled'' status. For example, under this proposal, a site which last established its eligibility in 1997 would not be required to re-establish eligibility until 2000. For new sites, the current language in the introductory paragraph of § 225.6(c)(2)(ii) would be retained, but moved to new § 225.6(c)(2)(i)(G).

However, the Department wishes to stress that, in determining the eligibility of open sites and open enrolled sites, census data should not be used when relevant, current-year information on free and reduced price eligibility in neighborhood elementary schools is available. School data are far more current than census data, which are collected only once every ten years, and should more accurately represent current neighborhood economic conditions. There may be certain, limited circumstances which warrant the use of census data to establish site eligibility, even when current-year school data are available. Examples include situations where: (1) The potential site is located in a rural area where geographically large school attendance areas may obscure localized pockets of poverty which can be identified through the use of census data; (2) school data show an area to be close to the 50 percent threshold, and the census data may reveal specific portions of the school's attendance area which are eligible for the SFSP; and (3) bussing has affected the percentage of free and reduced price eligibles in neighborhood schools, and the school is

unable to factor out the students bussed in from other areas and provide the sponsor with data on the percentage of free and reduced price eligibles in the school's immediate neighborhood. In any of these situations, use of census data would be warranted to help a State agency more precisely ascertain a neighborhood's current income poverty status.

Closed enrolled sites are those which are only open to enrolled children, not to the community at large, and in which at least 50 percent of the enrolled children at the site are eligible for free or reduced price school meals, as determined by approval of applications for meals. The provisions of current regulations regarding ''closed enrolled'' sites are unclear. In 7 CFR part 225, enrolled sites are referred to in §§ 225.15(e) and 225.15(f)(1) as ''programs not eligible under § 225.2 (paragraph (a) of 'areas in which poor economic conditions exist').'' These sites are not specifically mentioned at all in current § 225.6(c)(2)(ii). The language in the current regulations could be read to imply that any site except camps and homeless feeding sites may submit documentation of eligibility every other year. However, this is not true, since the number and identity of the children attending a particular closed enrolled site will likely vary from year to year, and a closed enrolled site's Program eligibility is always predicated on at least 50 percent of enrolled children being from free and reduced price households.

Therefore, this rule proposes to add a definition of ''closed enrolled site,'' to revise the definition of ''Areas in which poor economic conditions exist'' in § 225.2 by adding specific reference to open, open enrolled, and closed enrolled sites, and to clarify the requirement in both new §§ 225.6(c)(2)(i)(H) and (c)(3)(i)(C) that site information sheets for closed enrolled sites must include the projected number of children enrolled and the projected number of children eligible for free and reduced price meals. The actual numbers must be monitored carefully by State agency personnel during early-Program visits in order to ensure that the 50 percent level is actually reached.

National Youth Sports Program (NYSP) sites are a particular type of site eligible to participate in the SFSP. Prior to the enactment of Pub. L. 104–193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, NYSP sites were eligible to participate in the SFSP during both the summer months and during the academic year (October through April). However, § 706(d) of Pub. L. 104–193 amended section 13(c) of the NSLA to eliminate academic-year NYSP sites from the SFSP. This rule also removes references to academic year NYSP sites under § 225.6(e)(1), ''State-Sponsor Agreements.''

Section 225.6(c)(2)(v) of the current regulations requires that site information sheets for NYSP sites include certification from the sponsor on items related to streamlining applications for children who participate in the NYSP during both the summer months and academic year. Since academic-year NYSP sites are no longer eligible to participate in the SFSP, this rule removes the certification requirements pertaining to academic-year NYSP sites.

Section 225.6(c)(2)(v) of the current regulations also requires sponsors of NYSP sites to certify that all of the children who will receive SFSP meals are enrolled participants in the SFSP. Therefore, this rule proposes to include this requirement in new §§ 225.6(c)(2)(i)(I) for new sponsors and sites, and for sponsors and sites which experienced significant operational problems in the prior year. However, the Department believes that requiring experienced sponsors and sites to include this certification every year is unnecessary.

Finally, this rule proposes to delete the redundant language at § 225.14(d)(1), which requires that sponsors for sites other than camps or homeless feeding sites provide documentation of area eligibility, since this requirement will be contained in revised §§ 225.6 (c)(2)(i)(G) and (c)(3)(i)(B).

2. Camps

Current regulations at § 225.6(c)(2)(iii) require camps to provide documentation showing the number of children enrolled in each session who meet the Program's income standards. In a situation similar to the closed enrolled sites discussed above, the children attending a camp may change from year to year and from session to session. In addition, camps only receive reimbursement for meals served to children who are eligible for free and reduced price school meals. Therefore, this rule retains the sponsor application information requirements in current § 225.6(c)(2)(iii) in new Sections 225.6(c)(2)(i)(J) and (c)(3)(i)(D), and clarifies that camps are not required to submit the individual free and reduced price applications to the State agency, but rather the actual number of enrolled children who meet the Program's income standards. Of course, all camps must have the individual free and reduced price applications on file.

3. Migrant Sites

To demonstrate that they serve areas in which poor economic conditions exist, § 225.6(c)(2)(ii)(A) of the current regulations specifies that sites which serve children of migrant workers may provide ''data from an organization determined by the State agency to be a migrant organization which supports the eligibility of those children as a group.'' In the past, we have interpreted this requirement to mean that a State migrant organization must have actual statistical data which show that the families served by a specific site are income eligible for participation in the SFSP. However, it has become increasingly apparent that few State and local migrant organizations have such data available.

Because of the difficulties inherent in documenting the income of small groups of migrants, and the discernible poverty of migrant workers as a whole, as documented by national studies and corroborated by several Federal agencies that work directly with this population group, we believe it is more appropriate to use national data to support the eligibility of sites which serve children of migrant workers. Therefore, as previously addressed in Departmental guidance issued on March 12, 1993, and May 27, 1998, this rule proposes to remove the migrant site documentation requirements in current § 225.6(c)(2)(ii)(A). For new sponsors and sites, and for those that have experienced significant operational problems in the prior year, this rule proposes to require in new § 225.6(c)(2)(i)(K) that a migrant site document its eligibility with certification from a migrant organization which attests that the site serves children of migrant worker families. If the site also serves non-migrant children, the sponsor will also be required to certify that the site predominantly serves migrant children. Although different families may be present from year to year, the Department believes that migrant sites that participate in the SFSP every year continue to serve the children of migrant worker families. Therefore, this rule does not require experienced sponsors and sites to include this certification.

4. Homeless Feeding Sites

For homeless feeding sites, current regulations at § 225.6(c)(2)(iv) require the submission of information sufficient to document that the site is not a residential child care institution, and

that the site's primary purpose is to provide shelter and one or more meal services per day to homeless families. Sponsors also are required to describe the methods used to ensure that cash payments, food stamps, and in-kind services are not received for any SFSP meal served to children at these sites. The Department believes that the above information continues to be important for new sponsors and sites, and for sponsors and sites which have experienced significant operational problems in the prior year.

Current § 225.14(d)(5) also contains the requirement that sponsors of homeless feeding sites provide documentation that the site is not a residential child care institution, as well as certification that such sites employ meal counting methods which ensure that reimbursement is claimed only for meals served to children (homeless and non-homeless). This rule proposes to relocate the requirement for documentation of nonresidential status and certification of meal counting methods to new § 225.6(c)(2)(i)(L) for new sponsors and sites and for sponsors and sites which have experienced significant operational problems in the prior year, and to delete § 225.14(d)(5) as duplicative. However, this information is not necessary for experienced sponsors and sites since, once established, the status of the site (as nonresidential) and meal counting methods, typically do not change. Therefore, this proposed rule would remove the requirement for experienced sponsors and sites.

Accordingly, this rule proposes to amend § 225.14(d) by deleting paragraph (d)(1) (as discussed under ''Area eligible sites'' above), by deleting paragraph (d)(5), and by redesignating paragraphs (d)(2) through (d)(4), and (d)(6) through (d)(7) as paragraphs (d)(1) through (d)(5), respectively.

C. Other Requirements for Sponsor Applications

Current § 225.6(c)(2)(vi) requires that sponsor applications include information in sufficient detail to enable the State agency to determine whether the sponsor meets the criteria for Program participation outlined in § 225.14; the extent of Program payments needed; and a staffing and monitoring plan. For new sponsors and sponsors which, in the determination of the State agency, have experienced significant operational problems in the prior year, this rule retains in proposed new § 225.6(c)(2)(ii)(A) the requirement in the first clause of current § 225.6(c)(2)(vi) that applications include information for determining sponsor eligibility. However, such information would not be necessary for experienced sponsors (i.e., sponsors that have been determined eligible and have successfully participated in the Program in the prior year). Consequently, this rule proposes to delete the collection of that information for experienced sponsors. This rule retains, for all sponsors, in new §§ 225.6(c)(2)(ii)(A) and (c)(3)(ii)(A), the current requirements for estimating Program payments, requesting advance or start-up funds, if applicable, and submitting the staffing and monitoring plan in the application.

In accordance with § 225.6(c)(2)(vii), a sponsor's application must also currently include a complete administrative and operating budget for State agency review and approval each year. Unquestionably, administrative and operating budgets should be updated each year the Program is in operation, not only to ensure that Federal funds are properly spent, but also to help sponsors determine whether their planned expenditures will be adequately funded under the SFSP's ''lesser of costs versus rates'' funding formula. Accordingly, this rule retains, but relocates the requirements in current § 225.6(c)(2)(vii) to new §§ 225.6(c)(2)(ii)(B) and (c)(3)(ii)(B).

Current § 225.6(c)(2)(viii) requires that a sponsor submit ''[a] plan for and a synopsis of its invitation to bid for food service, if an invitation to bid is required under Section 225.15(g).'' The wording of this regulation is somewhat ambiguous, leaving unclear whether sponsors must always summarize their plans for obtaining meals. Therefore, to clarify this point, this rule proposes to add in new § 225.6(c)(2)(ii)(C) the requirement that new sponsors and sponsors which have experienced significant operational problems in the prior year, as determined by State agencies, submit a summary of how meals will be obtained (e.g., self-prepared at each site, self-prepared and transported from a central kitchen, purchased from a school food authority, competitively procured from a food service management company, or some combination of these or other methods). In addition, if an invitation to bid is required under Section 225.15(g), new sponsors and sponsors which have experienced significant operational problems in the prior year will be required to submit a schedule for bid dates, and a copy of their invitation for bid (IFB). Under proposed § 225.6(c)(3)(ii)(C), experienced sponsors will be required to submit the bid schedule each year, but will only be required to submit a summary of their meal service and their IFB if they are changing their method of procuring meals or their IFB.

Section 225.6(c)(2)(ix) of the current regulations requires submission by sponsors of a free meal policy statement. Since such a statement already is required and further explained in current § 225.6(c)(3) (redesignated § 225.6(c)(4) by this rule), the Department is proposing to delete current § 225.6(c)(2)(ix) as redundant.

Section 225.6(c)(2)(x) of the current regulations requires that sponsors that seek to operate the Program as units of local, municipal, county or State government, or as private nonprofit organizations, provide certification in their annual applications that they will have direct operational control over the Program, as further defined in § 225.14(d)(4). Realizing that experienced sponsors typically implement the same, continual, service from year to year, it is the Department's belief that this information also remains constant. Therefore, this rule proposes to delete this requirement for experienced sponsors and sites, and to relocate this requirement to new § 225.6(c)(2)(ii)(D) for new sponsors.

Finally, current § 225.6(c)(3), which has been redesignated as § 225.6(c)(4) by this proposed rule, requires that all sponsors, regardless of type, submit a statement of their policy for serving free meals at all sites under their jurisdiction. This Section also contains, in paragraph (ii), additional requirements for policy statements for camps that charge separately for meals. The requirements for all sponsors are contained in the introductory paragraph and in paragraph (i). For improved organizational purposes, this rule proposes to amend redesignated § 225.6(c)(4) by combining the introductory paragraph with paragraph (i) under new Section 225.6(c)(4)(i).

III. State Agency Monitoring Requirements

As is true of the sponsor and site application requirements discussed above, the monitoring provisions contained in the current regulations are minimum standards. State agencies and sponsors may elect to conduct additional reviews, outside of the prescribed requirements, to ensure compliance with Program requirements.

The current regulations contain various minimum requirements for monitoring of SFSP sites by sponsors. For example, a sponsor in the SFSP must: (1) Certify prior to submitting its application that all proposed sites have been visited (§ 225.14(c)(6)); (2) visit each site at least once during the first

week of operation (§ 225.15(d)(2)); and (3) formally review food service operations at each site at least once during the first four weeks of operation, and at reasonable intervals thereafter (§ 225.15(d)(3)). This proposed rule will not make revisions to the monitoring requirements for sponsors because we believe that the current requirements are reasonable and necessary for efficient and effective operation of the Program.

Given the critical importance of monitoring as a tool for effective Program management, this rule also does not propose to lessen the overall effort currently expended by State agencies in their monitoring of sponsors. However, the Department believes that current monitoring requirements do not afford State agencies sufficient flexibility to determine where to focus their monitoring resources. The current State agency monitoring requirements and our proposed changes to these requirements are discussed in detail below.

A. Pre-Approval Visits

Section 225.7(d)(1) of the current regulations requires the State agency to conduct pre-approval visits of all applicant sponsors which did not participate in the SFSP in the prior year, with the exception of school food authorities which have been reviewed by the State agency under the National School Lunch Program during the preceding 12 months and had no significant deficiencies noted. State agencies may conduct pre-approval visits of these school food authority sponsors at their discretion. State agencies also exercise discretion in conducting pre-approval visits for all sponsors which had operational problems noted in the prior year.

Current § 225.7(d)(1) further requires each State agency to conduct pre-approval visits of all new nonschool sites with an expected average daily attendance of 300 children or more, and all new sites administered by private nonprofit organization sponsors with an expected average daily attendance of 100 children or more.

Since there is considerable variation among State agencies with regard to what constitutes a ''large'' site, the Department believes that requiring a State agency to conduct monitoring visits, based on the number of attending children, may be ineffective. Furthermore, State agencies have first-hand experience and knowledge of sponsors with problem-prone sites. Therefore, in order to provide maximum State flexibility while ensuring sufficient program oversight, we are retaining the current requirements in §§ 225.7(d)(1)(i) and (ii) for State agency pre-approval visits of sponsors (except for the change proposed in Section I (C)(3) of the preamble above), but are proposing to amend § 225.7(d)(1)(iii) and to remove § 225.7(d)(1)(iv) to make pre-approval visits of sites by State agencies discretionary.

B. Sponsor and Site Reviews

Section 225.7(d)(2)(i) of the current regulations requires that, within the first four weeks of operation, State agencies conduct a review of sponsor operations, and review an average of 15 percent of sponsors' sites (with a minimum of one site reviewed per sponsor) for: (1) New private nonprofit organizations which administer only urban sites and have three or more urban sites; (2) any new sponsor which has 10 or more sites; and (3) any other private nonprofit organization, and any other sponsor with 10 or more sites, which the State agency determines need early reviews. Section 225.7(d)(2)(iii) requires State agencies to conduct reviews, at any time during the Program year, of an average of at least 15 percent of the sites of all remaining sponsors with 10 or more sites; and, for 70 percent of remaining sponsors with fewer than 10 sites, an average of at least 10 percent of their sites. Finally, § 225.7(d)(2)(ii) requires that State agencies review all academic-year NYSP sponsors, and at least one of their sites, during the period October through April. This rulemaking proposes a number of changes to these existing requirements.

First, this rule proposes to eliminate the special requirements in § 225.7(d)(2)(i) for State agency review of private nonprofit organizations described above. The Department believes that the additional level of monitoring required by Congress for private nonprofit organizations under section 13(p)(1) of the NSLA is satisfactorily provided under the current Federal review system. In addition, although Pub. L. 103–448 maintained this special Federal monitoring of private nonprofit organizations, it made a number of other changes to the rules governing their program participation which demonstrate Congressional intent to now recognize that, as a result of additional Federal monitoring and training materials, these organizations are more capable of properly administering the SFSP. (For example, section 114(b) of Pub.L. 103–448 amended section 13(a)(7) of the NSLA to eliminate the one year waiting period formerly imposed on private, nonprofit organizations in some areas for participation in the SFSP). Therefore, this rule proposes to eliminate the current requirements for State-level review of new urban private nonprofit organizations with three or more sites during the first four weeks of program operation, as set forth at current § 225.7(d)(2)(i)(A).

In addition, as indicated earlier in this preamble, Pub. L. 104–193 removed the participation of academic-year NYSP sites from SFSP. Therefore, this proposed rule would remove the review requirement for these sponsors in § 225.7(d)(2)(ii).

Also, in order to streamline and simplify the current general monitoring requirements and provide increased flexibility to State agencies, this rule proposes to revise the minimum State agency review requirements for sponsors and their sites. This proposal would require the State agency to review every new sponsor, as defined in § 225.2 of this proposed rule, at least once during its first year of operation. State agencies would also be required under this proposed rule to review each year every sponsor with 20 or more sites, and every sponsor which, in the determination of the State agency, experienced significant operational problems in the prior year. In place of the current requirement that reviews of certain sponsors take place in the first four weeks of operation, the timing of reviews of these sponsors would be at the discretion of the State agency, with the stipulation that sponsors with large sites, larger numbers of sites, or significant operational problems in the prior year, be reviewed earlier. Finally, all sponsors would be required to be reviewed by the State agency at least once every three years.

The Department believes that these new proposed requirements better target State agency reviews by restricting required reviews in a given year to new and large sponsors, which monitoring data indicate are the most problem-prone sponsors in the SFSP, and those which experienced significant operational problems in the prior year. They also provide an updated and more realistic definition of ''large'' sponsors (those administering more than 20 sites), and permit State agencies to review experienced sponsors with fewer than 20 sites as infrequently as once every three years, at the State agency's discretion. This rule should not result in a reduction in a State agency's monitoring efforts. Rather, it is intended that the State agency's monitoring resources would become more targeted to reviews of new sponsors and sponsors of over 20 sites, and other sponsors the State agency identifies, and that a correspondingly greater amount of

State agency time and effort could be spent in conducting such reviews.

In addition, this rule proposes to amend § 225.7(d)(2) by adding language which recommends that State agencies prioritize other review efforts to target all other sponsors which increase their total number of sites by five or more from one year to the next, or whose participation increases substantially from one year to the next. Such targeting is important since smaller, experienced sponsors (those with 20 or fewer sites) which add a number of new sites or additional children at the same time may experience difficulties administering a Program which is significantly larger than the prior year's Program.

For reviews of sites, this rule proposes to amend § 225.7(d)(2) by requiring that, as a part of each sponsor review, the State agency also conduct annual reviews of at least 10 percent of the sponsor's sites or one site, whichever number is greater. This revision will further simplify the current requirements, while providing a reasonable sample size and a guarantee that at least one site for each sponsor will be reviewed.

The Department expects that State agencies will use this increased flexibility to properly target their reviews to ensure program accountability and integrity. Each State's level of resources devoted to monitoring should remain the same under these revised regulations. Improved targeting of the resources will ensure better program oversight with the same level of resource commitment.

Accordingly, this rule proposes to completely revise the review requirements in current §§ 225.7(d)(2)(i)–(iii) and to replace them with the new requirements discussed above.

List of Subjects in 7 CFR Part 225

Food and Consumer Service, Food assistance programs, Grant programs-health, Infants and children, Labeling, Reporting and recordkeeping requirements.

Accordingly, 7 CFR Part 225 is proposed to be amended as follows:

PART 225—SUMMER FOOD SERVICE PROGRAM

The authority citation for part 225 continues to read as follows:

Authority: Secs. 9, 13 and 14, National School Lunch Act, as amended (42 U.S.C. 1758, 1761, and 1762a).

2. In § 225.2:

a. New definitions of *Closed enrolled site, Experienced site, Experienced sponsor, New site, New sponsor, Open enrolled site,* and *Open site* are added in alphabetical order; and

b. The definition of *Areas in which poor economic conditions exist* is revised.

The additions and revision read as follows:

§ 225.2 Definitions.

* * * * *

Areas in which poor economic conditions exist means:

(a) The local areas from which an open or open enrolled site draws its attendance in which at least 50 percent of the children are eligible for free or reduced price school meals under the National School Lunch Program and the School Breakfast Program, as determined.

(1) By information provided from departments of welfare, education, zoning commissions, census tracts, and organizations determined by the State agency to be migrant organizations;

(2) By the number of free and reduced price lunches or breakfasts served to children attending public and nonprofit private schools located in the areas of Program sites; or

(3) From other appropriate sources; or

(b) A closed enrolled site.

* * * * *

Closed enrolled site means a site which is open only to enrolled children, as opposed to the community at large, and in which at least 50 percent of the enrolled children at the site are eligible for free or reduced price school meals under the National School Lunch Program and the School Breakfast Program, as determined by approval of applications in accordance with § 225.15(f) of this part.

* * * * *

Experienced site means a site which, as determined by the State agency, has successfully participated in the Program in the prior year.

Experienced sponsor means a sponsor which, as determined by the State agency, has successfully participated in the Program in the prior year.

* * * * *

New site means a site which did not participate in the Program in the prior year, or, as determined by the State agency, a site which has experienced significant staff turnover from the prior year.

New sponsor means a sponsor which did not participate in the Program in the prior year, or, as determined by the State agency, a sponsor which has experienced significant staff turnover from the prior year.

* * * * *

Open enrolled site means an enrolled site which is initially open to broad community participation, but at which the sponsor limits attendance for reasons of security, safety, or control. Site eligibility for an open enrolled site shall be documented in accordance with paragraph (a) of the definition of *Areas in which poor economic conditions exist.*

Open site means a site at which meals are made available to all children in the area and which is located in an area in which at least 50 percent of the children are from households that would be eligible for free or reduced price school meals under the National School Lunch Program and the School Breakfast Program, as determined in accordance with paragraph (a) of the definition of *Areas in which poor economic conditions exist.*

* * * * *

3. In § 225.6:

a. Paragraph (b)(1) is amended by adding a new sentence at the end;

b. Paragraph (b)(4) is revised;

c. Paragraph (c)(1) is amended by adding a new sentence after the first sentence;

d. Paragraph (c)(2) is revised;

e. Paragraphs (c)(3) and (c)(4) are redesignated as paragraphs (c)(4) and (c)(5), respectively, and a new paragraph (c)(3) is added;

f. Newly redesignated paragraph (c)(4) is amended by removing paragraph (c)(4) introductory text and adding it as the first sentence in newly redesignated paragraph (c)(4)(i); the paragraph is further amended by removing the reference to ''(c)(4)'' in paragraph (c)(4)(ii)(D) and adding in its place a reference to ''(c)(5)'.

g. Paragraph (d)(1)(ii) is amended by removing the word ''and'' at the end of the paragraph;

h. Paragraph (d)(1)(iii) is amended by removing the period at the end of the paragraph and adding in its place the word ''; and'';

i. A new paragraph (d)(1)(iv) is added;

j. Paragraph (e)(1) is revised.

The additions and revisions read as follows:

§ 225.6 State agency responsibilities.

* * * * *

(b) * * *

(1) * * * Sponsors applying for participation in the Program due to an unanticipated school closure during the period from October through April shall be exempt from the application submission deadline.

* * * * *

(4) The State agency shall determine the eligibility of applicant sponsors

applying for participation in the Program in accordance with the applicant sponsor eligibility criteria outlined in § 225.14. However, State agencies may approve the application of an otherwise eligible applicant sponsor which does not provide a year-round service to the community which it proposes to serve under the Program only if it meets one or more of the following criteria: it is a residential camp; it proposes to provide a food service for the children of migrant workers; a failure to do so would deny the Program to an area in which poor economic conditions exist; a significant number of needy children will not otherwise have reasonable access to the Program; or it proposes to serve an area affected by an unanticipated school closure during the period from October through April. In addition, the State agency may approve such a sponsor for participation without a prior application if the sponsor participated in the program at any time during the current year or prior two calendar years.

* * * * *

(c) * * *

(1) * * * Sponsors proposing to serve an area affected by an unanticipated school closure during the period from October through April may be exempt, at the discretion of the State agency, from submitting a new application if they have participated in the program at any time during the current year or prior two calendar years. * * *

(2) *Requirements for new sponsors, new sites, and, as determined by the State agency, sponsors and sites which have experienced significant operational problems in the prior year.* (i) At a minimum, the application submitted by new sponsors and by sponsors which in the determination of the State agency have experienced significant operational problems in the prior year shall include a site information sheet, as developed by the State agency, for each site where a food service operation is proposed. The site information sheet for new sponsors and new sites, and for sponsors and sites which in the determination of the State agency have experienced significant operational problems in the current year or prior two calendar years, shall demonstrate or describe the following:

(A) An organized and supervised system for serving meals to attending children;

(B) The estimated number and types of meals to be served and the times of service;

(C) Arrangements, within standards prescribed by the State or local health authorities, for delivery and holding of meals until time of service, and arrangements for storing and refrigerating any leftover meals until the next day;

(D) Arrangements for food service during periods of inclement weather;

(E) Access to a means of communication for making necessary adjustments in the number of meals delivered in accordance with the number of children attending daily at each site;

(F) Whether the site is rural, as defined in § 225.2, or non-rural, and whether the site's food service will be self-prepared or vended;

(G) For open and open enrolled sites, documentation supporting the eligibility of each site as serving an area in which poor economic conditions exist. For sites that a sponsor proposes to serve during an unanticipated school closure during the period from October through April, any site which has participated in the Program at any time during the current year or prior two ccalendar years shall be considered eligible without new documentation of serving an area in which poor economic conditions exist;

(H) For closed enrolled sites, the projected number of children enrolled and the projected number of children eligible for free and reduced price meals for each of these sites;

(I) For NYSP sites, certification from the sponsor that all of the children who will receive Program meals are enrolled participants in the NYSP;

(J) For camps, the number of children enrolled in each session who meet the Program's income standards. If such information is not available at the time of application, it shall be submitted as soon as possible thereafter and in no case later than the filing of the camp's claim for reimbursement for each session;

(K) For those sites at which applicants will serve children of migrant workers, certification from a migrant organization which attests that the site serves children of migrant worker families. If the site also serves non-migrant children, the sponsor shall certify that the site predominantly serves migrant children; and

(L) For homeless feeding sites, information sufficient to demonstrate that the site is not a residential child care institution as defined in paragraph (c) of the definition of *school* in § 210.2, of the National School Lunch Program regulations, and that the site's primary purpose is to provide shelter and one or more meal services per day to homeless families. If cash payments, food stamps, or any in-kind service are required of any meal recipient at such site, sponsors shall describe the method(s) used to ensure that no such payments or services are received for any Program meal served to children. In addition, sponsors shall certify that such sites employ meal counting methods which ensure that reimbursement is claimed only for meals served to homeless and non-homeless children.

(ii) New sponsors and sponsors which in the determination of the State agency have experienced significant operational problems in the prior year shall also include in their applications:

(A) Information in sufficient detail to enable the State agency to determine whether the applicant meets the criteria for participation in the Program as set forth in § 225.14; the extent of Program payments needed, including a request for advance payments and start-up payments, if applicable; and a staffing and monitoring plan;

(B) A complete administrative and operating budget for State agency review and approval. The administrative budget shall contain the projected administrative expenses which a sponsor expects to incur during the operation of the Program, and shall include information in sufficient detail to enable the State agency to assess the sponsor's ability to operate the Program within its estimated reimbursement. A sponsor's approved administrative budget shall be subject to subsequent review by the State agency for adjustments in projected administrative costs;

(C) A summary of how meals will be obtained (e.g., self-prepared at each site, self-prepared and distributed from a central kitchen, purchased from a school food authority, competitively procured from a food service management company, etc.). If an invitation for bid is required under § 225.15(g), sponsors shall also submit a schedule for bid dates, and a copy of their invitation for bid; and

(D) For each applicant which seeks approval under § 225.14(b)(3) as a unit of local, municipal, county or State government, or under § 225.14(b)(5) as a private nonprofit organization, certification that it will directly operate the Program in accordance with § 225.14(d)(3).

(3) *Requirements for experienced sponsors and experienced sites.* (i) At a minimum, the application submitted by experienced sponsors shall include a site information sheet, as developed by the State agency, for each site where a food service operation is proposed. The site information sheet for experienced sponsors and experienced sites shall demonstrate or describe the information below. The State agency also may

require experienced sponsors and experienced sites to provide any of the information required in paragraph (c)(2) of this section.

(A) The estimated number and types of meals to be served and the times of service;

(B) For open and open enrolled sites, new documentation supporting the eligibility of each site as serving an area in which poor economic conditions exist shall be submitted every other year every three years when school data are used, and, when census data are used, when new census data are available or earlier if the State agency believes that an area's socioeconomic status has changed significantly since the last census. For sites that a sponsor proposes to serve during an unanticipated school closure during the period from October through April, any site which has participated in the Program in any time during the current year or prior two calendar years shall be considered eligible without new documentation of serving an area in which poor economic conditions exist;

(C) For closed enrolled sites, the projected number of children enrolled and the projected number of children eligible for free and reduced price meals for each of these sites;

(D) For camps, the number of children enrolled in each session who meet the Program's income standards. If such information is not available at the time of application, it shall be submitted as soon as possible thereafter and in no case later than the filing of the camp's claim for reimbursement for each session;

(ii) Experienced sponsors shall also include on their applications:

(A) The extent of Program payments needed, including a request for advance payments and start-up payments, if applicable, and a staffing and monitoring plan;

(B) A complete administrative and operating budget for State agency review and approval. The administrative budget shall contain the projected administrative expenses which a sponsor expects to incur during the operation of the Program, and shall include information in sufficient detail to enable the State agency to assess the sponsor's ability to operate the Program within its estimated reimbursement. A sponsor's approved administrative budget shall be subject to subsequent review by the State agency for adjustments in projected administrative costs;

(C) If an invitation for bid is required under § 225.15(g), a schedule for bid dates. Sponsors shall also submit a copy of the invitation for bid if it is changed from the previous year. If the method of procuring meals is changed, sponsors shall submit a summary of how meals will be obtained (e.g., self-prepared at each site, self-prepared and distributed from a central kitchen, purchased from a school food authority, competitively procured from a food service management company, etc.); and

* * * * *

(d) * * *

(1) * * *

(iv) If it is a site proposed to operate during an unanticipated school closure, it is a non-school site.

* * * * *

(e) * * *

(1) Operate a nonprofit food service during any period from May through September for children on school vacation; or, at any time of the year, in the case of sponsors administering the Program under a continuous school calendar system; or, during the period from October through April, if it serves an area affected by an unanticipated school closure due to a natural disaster, major building repairs, court orders relating to school safety or other issues, labor-management disputes, or, when approved by the State agency, a similar cause''.

* * * * *

4. In § 225.7:

a. Paragraph (a) is amended by adding a new sentence at the end;

b. Paragraph (d)(1)(i) is amended by removing the semicolon at the end of the paragraph, by adding a period in its place, and by adding a new sentence at the end of the paragraph;

c. Paragraph (d)(1)(iii) is revised;

d. Paragraph (d)(1)(iv) is removed; and

e. Paragraph (d)(2) is revised.

The additions and revisions read as follows:

§ 225.7 Program monitoring and assistance.

(a) * * * State agencies are not required to conduct this training for sponsors operating the Program during unanticipated school closures during the period from October through April.

* * * * *

(d) * * *

(1) * * *

(i) * * * In addition, pre-approval visits of sponsors proposing to operate the Program during unanticipated school closures during the period from October through April may be conducted at the discretion of the State agency;

* * * * *

(iii) Pre-approval visits of sites may be conducted at the discretion of the State agency.

(2) *Sponsor and site reviews.* The State agency shall review sponsors and sites to ensure compliance with Program regulations, the Department's non-discrimination regulations (7 CFR part 15) and any other applicable instructions issued by the Department. In determining which sponsors and sites to review under this paragraph, the State agency shall, at a minimum, consider the sponsors' and sites' previous participation in the Program, their current and previous Program performance, and the results of any previous reviews of the sponsor and sites. Reviews shall be conducted as follows:

(i) State agencies shall conduct a review of every new sponsor at least once during the first year of operation. State agencies shall also conduct a review each year of every sponsor operating 20 or more sites, and every sponsor which, in the determination of the State agency, experienced significant operational problems in the prior year. The timing of these reviews is at the discretion of the State agency, except that reviews of sponsors with large sites, a larger number of sites, or significant operational problems in the prior year shall be conducted earlier than reviews of other sponsors.

(ii) State agencies shall conduct a review of every Program sponsor at least once every 3 years.

(iii) For all other reviews of sponsors, State agencies should focus review efforts on those sponsors which increase their total number of sites by 5 or more, or whose participation increases substantially, from one year to the next, as determined by the State agency.

(iv) As part of each sponsor review, State agencies shall conduct reviews of at least 10 percent of each sponsor's sites or one site, whichever number is greater.

* * * * *

5. In § 225.14:

a. Paragraph (a) is amended by adding a new sentence at the end;

b. Paragraphs (d)(1) and (d)(5) are removed; and

c. Paragraphs (d)(2) through (d)(4), and (d)(6) through (d)(7) are redesignated as paragraphs (d)(1) through (d)(5), respectively.

The addition reads as follows:

§ 225.14 Requirements for sponsor participation.

(a) * * * Sponsors proposing to operate a site during an unanticipated school closure during the period from October through April may be exempt, at the discretion of the State agency, from submitting a new application if they have participated in the program at

any time during the current year or prior two calendar years.

* * * * *

6. In § 225.15, paragraph (d)(1) is amended by adding a new sentence after the first sentence to read as follows:

§ 225.15 Management responsibilities of sponsors.

* * * * *

(d) * * *

(1) * * * The State agency may waive these training requirements for operation of the Program during unanticipated school closures during the period from October through April. * * *

* * * * *

Dated: October 1, 1998.

Samuel Chambers, Jr.,

Acting Administrator.

[FR Doc. 98–27316 Filed 10–9–98; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 246

RIN 0584–AC64

Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Food and Nutrition Services and Administration Funding Formulas Rule

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rule proposes to revise both the food and the nutrition services and administration (NSA) funding formulas to improve the effectiveness of WIC funds distribution now that WIC is in a relatively stable funding environment. The revised food funding formula would help to ensure food funds are allocated to State agencies that can utilize the funds to maintain current participation as well as to direct funds, as available, to State agencies that are serving a lesser proportion of their WIC eligible population than other State agencies. The revised NSA funding formula would simplify the funding formula by deleting obsolete components and updating existing components to more equitably distribute funds among State agencies.

DATE: To be assured of consideration, written comments on this rule must be postmarked by January 11, 1999. No electronically transmitted correspondence will be accepted.

ADDRESSES: Comments may be mailed to Ron Vogel, Acting Director, Supplemental Food Programs Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, Room 540, Alexandria, Virginia 22302, (703) 305–2746. All written comments will be available for public inspection during regular business hours (8:30 a.m.–5:00 p.m. Monday through Friday) at the above address.

FOR FURTHER INFORMATION CONTACT: Deborah McIntosh, Chief, Program Analysis and Monitoring Branch, Supplemental Food Programs Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, Alexandria, Virginia 22302, (703) 305–2710. An analysis package containing the formula database, comparisons and mathematical computations is available upon request at the above address.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This rule has been reviewed by the Office of Management and Budget under Executive Order 12866 and has been determined to be significant. An impact analysis statement has been prepared and is available upon request.

Public Law 104–4

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub. L. 104–4 (2 U.S.C.), establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, the Food and Nutrition Service (FNS) generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, or tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. When such a statement is needed for a rule, section 205 of the UMRA generally requires FNS to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, more cost-effective or least burdensome alternative that achieves the objectives of the rule.

This proposed rule contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local, or tribal governments or the private sector of $100 million or more in any one year. Thus, this proposed rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Regulatory Flexibility Act

This proposed rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act (5 U.S.C. 601–612). Shirley R. Watkins, Under Secretary, Food, Nutrition and Consumer Services, has certified that this rule would not have a significant economic impact on a substantial number of small entities. This proposed rule would affect how FNS will calculate food and NSA grant allocations for State agencies. State agencies are not small entities under the Regulatory Flexibility Act.

Paperwork Reduction Act

This rule does not contain reporting or recordkeeping requirements subject to approval by the Office of Management and Budget under the Paperwork Reduction Act of 1995 (44 U.S.C. 3507).

Executive Order 12372

The Special Supplemental Nutrition Program for Women, Infants and Children (WIC) is listed in the Catalog of Federal Domestic Assistance Programs under No. 10.557. For the reasons set forth in the final rule in 7 CFR part 3015, subpart V, and related Notice (48 FR 29114), this program is included in the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is intended to have a preemptive effect with respect to any State or local laws, regulations or policies which conflict with its provisions or which would otherwise impede its full implementation. This rule is not intended to have retroactive effect unless so specified in the ''Effective Dates'' paragraph of this preamble. Prior to any judicial challenge to the provisions of this rule or the applications of its provisions, all applicable administrative procedures must be exhausted.

Background

Need for Revisions to the WIC Funding Formulas

The WIC Program has consistently demonstrated its effectiveness in promoting the health and nutritional well-being of low-income women, infants and children at nutritionally related medical or dietary risk. The WIC Program has grown and changed significantly during the past few years. However, as growth has plateaued, FNS believes that it is appropriate to propose changes to both the NSA and food funding formulas to enhance their effectiveness at distributing funds fairly and equitably among WIC State agencies

in an environment where appropriations are relatively stable.

The WIC Program is a fixed grant program, not a Federal entitlement program, and is not guaranteed unlimited funds. WIC State agencies must manage within a finite appropriation level; however, State agencies have considerable latitude to manage program costs to accommodate variable funding levels.

These revised formulas would better provide State agencies with the equal opportunity to serve eligible persons who apply for benefits. Currently, State agency funding levels are not necessarily proportional to their WIC eligible population. The revised formulas are intended to allocate funds more fairly among all State agencies under a relatively stable funding environment.

Stakeholder Input

FNS believes that the rulemaking process is enhanced by public opinion, and that, to the extent permissible, discussion and input on the most equitable and fair distribution of WIC funds should occur prior to publication of the final funding regulation. In fact, section 204(a) of UMRA requires meetings with our cooperators in State, local, and tribal governments so we may receive their ''meaningful and timely input in the development of regulatory proposals''. To fulfill this statutory obligation, FNS and the National Association of WIC Directors (NAWD) convened a committee to discuss the appropriateness of the current funding formula components and ways in which the allocation formula could be improved. This committee was composed of FNS employees, designated State agency employees, and a designated employee of a local municipal government agency.

To further the goal of obtaining stakeholder input into the regulatory process, this proposal actively solicits comments from State agencies, NAWD, advocacy groups and other interested parties on the proposed funding formula changes. We are particularly seeking comment on whether and how some components of the current funding formulas should be deleted or modified as a way to determine the most appropriate funding methodology to fairly and equitably distribute WIC funds.

Nutrition Services and Administration (NSA) Funding Formula

The current WIC NSA funding formula became effective April 1, 1988. The objectives of the formula were to ensure a reasonable measure of funding stability while providing funding levels that enabled equivalent services to participants across State agencies and to promote incentives for reducing food costs so that more persons may be served.

The current NSA formula is, however, complicated and a tremendous amount of data collection is required for the formula—some of which may no longer be needed or has little impact on the actual allocation of funds. Further, some data are not available in time to permit issuance of final grants at the beginning of the fiscal year. As a result, the current NSA funding formula may no longer be the most efficient and effective means of distributing NSA funds.

Current NSA Provisions—General

Section 246.16(c)(2) of the WIC regulations sets forth both the NSA funding requirements as established in section 17(h) of the Child Nutrition Act of 1966 (42 U.S.C. 1786) and the process by which NSA funds are allocated to State agencies. The current NSA funding formula meets the legislative requirements by: (1) establishing a ''target'' NSA funding level, referred to as parity, that each State agency should receive as its fair share NSA grant; (2) preserving stability by guaranteeing, to the extent funds are available, the prior year NSA grant level, and then gradually moving State agencies to their parity target level; and (3) addressing the varying needs of each State agency by allocating regional discretionary funds based on regional and National priorities.

The following outlines the current provisions and proposed changes to the NSA funding formula:

Section 246.16(c)(2)(ii)(B)—Current NSA Parity Component

The current parity target level is based primarily on the number of participants projected to be served by State agencies. Using food grant levels allocated for the current fiscal year, FNS projects the number of participants each State agency is expected to serve taking into consideration its State-reported per participant food costs and inflation. In addition to projected participation, three adjustments are made to this participation-based formula to recognize factors believed to affect the cost of Program administration. These include:

(a) *Economies of scale*—Recognizes the higher per participant costs associated with smaller participation levels (currently an adjustment is made at three levels: 5,000 or fewer participants, 5,001–15,000 participants, and more than 15,000 participants);

(b) *Salary differentials*—Considers the differential salary levels paid within each State for employees in Public Administration, Health and Social Services; and

(c) *Targeting of benefits to high-risk participants*—Considers the proportion of Priority I participants served by the State agency.

Eighty percent of funds available for allocation through the parity component are allocated in accordance with projected participation, adjusted by the economy of scale factor. This is done on the basis of administrative grant per participant (AGP) rates that are adjusted for the higher per participant costs associated with smaller participation levels (15,000 or fewer participants per month). Twenty percent of funds available for the parity grant component are allocated on the basis of differential salary levels and service to Priority I participants.

Proposed ''Fair Share'' Component

Renaming the Parity Component

The term ''parity'' is used to describe the basic concept of gradually moving State agencies to a funding level that represents their respective ''fair share'' of available funds. FNS believes that the term ''fair share'' better describes the purpose and intent of this component and, therefore, proposes that the current ''parity'' component be renamed the ''NSA fair share'' component. This change would also provide continuity with terminology used in the food funding formula.

Food Cost Data Used in Calculating Projected Participation

The NSA funding formula projects the number of participants to be served by each State agency by dividing the current year food grant level by the State-reported per participant food cost, adjusted for inflation. The data currently used represents the closed-out per participant food cost data for the 12-month period beginning in July and ending in June prior to the fiscal year for which the grants are being calculated. This closed-out food cost data is usually available 150 days after the report month. Therefore, closed-out food cost data for June is available to FNS in late November. This data is then used in the calculation of final WIC grants, which are usually released by January 1.

To allow for the calculation of final WIC grants at the beginning of the fiscal year, FNS proposes that April through March closed-out food cost data be used. As is currently done, an inflation adjustment would be applied to the food cost data to more accurately project

actual food costs and to adjust for inflationary increases that may occur during the remainder of the fiscal year. While other timeframes were considered for use, it was felt that a 12-month base of food cost data was necessary to take into consideration seasonal fluctuations of food prices. While the current regulations do not address the specific months of food cost data used in the calculations, FNS did want to inform interested parties of the change in the timeframes that will be used when final regulations are issued.

Economy of Scale/Bands

As noted above, NSA costs are affected by economy of scale. There are certain fixed administrative costs in the delivery of program benefits incurred by a State agency that do not vary regardless of the size of the caseload. Therefore, State agencies with larger participation levels are able to realize reductions in costs per participant as these fixed costs are spread among more participants. Smaller State agencies, particularly Indian Tribal Organizations (ITOs), have comparatively higher costs per participant. Although the current NSA funding formula includes a size-adjusted cost factor, other alternatives and adjustment factors were examined to determine if the current adjustments adequately recognize the various range of administrative expenditures for State agencies of differing sizes.

The current adjustment factors were based on administrative expenditures per participant (AEP) calculated over 10 years ago. The expenditures per participant were evaluated and compared to the size of the State agency, creating ''bands'' or groupings. The size of the bands were determined using regression techniques that analyzed the relationship between the administrative cost per participant and total participation levels. By analyzing the positive correlation between these two factors, the band sizes were determined based on the grouping of State agencies of various sizes. For each State agency, an adjustment factor is used to establish a funding level applied to each band of participation. The first 5,000 participants are adjusted at a level that is no more than 68 percent higher than the per participant funding provided for average participation levels exceeding 15,000 monthly. The next 10,000 participants, or average monthly participation levels between 5,001 and 15,000 participants, are funded at a level that is no more than 2.4 percent higher than the per participant funding for participation levels exceeding 15,000 monthly. These percentages (68 percent and 2.4 percent) equal the percent differences between the weighted average AEP for the State agencies with participation levels up to 5,000 and in the range of 5,001 to 15,000, respectively, and the weighted average AEP for State agencies with participation levels over 15,000. The weighted average AEP for participation up to 5,000 was calculated by dividing the FY 1986 total Federal NSA expenditures for State agencies in that size group by their FY 1986 total cumulative participation. The weighted average AEPs for State agencies with participation levels between 5,001 and 15,000 and over 15,000 were calculated in a similar way using FY 1986 data and allowing for higher AEPs for the first 15,000 participants.

After lengthy consideration, FNS determined that the current bands should be retained because the updated NSA cost information needed to determine new band sizes is unavailable. It was felt that the data upon which the AEP bands are currently based remains the best available. However, more research and analysis is needed to understand how economies of scale actually affect WIC NSA costs, what specific costs are most influenced, the participation level(s) at which economies of scale vary and how much allowance should be made at each of those levels. Therefore, FNS will conduct further analysis in this area to examine how funding for different size State agencies might be acknowledged in the NSA funding formula. Until FNS's further analysis is completed and appropriate baseline data is available, it is proposed that the current bands of 5,000 or fewer; 5,001 to 15,000; and over 15,000 and the corresponding percent adjustment between bands be retained. Comments on this aspect of the funding formula are welcome as are suggestions as to how economies of scale can be objectively and fairly determined for future consideration.

Salary and Priority I Participant Targeting Component

The combined salary and targeting component determines 20 percent of a State agency's NSA fair share target level. In an effort to simplify the funding formula and to delete obsolete components, both the salary and targeting components were analyzed to determine whether they continue to have a significant and appropriate impact on the final NSA grant allocations.

Salary Component. Salary data were incorporated into the current funding formula in recognition that salary costs represent by far the most significant contributor to WIC NSA costs. Additionally, due to regional variations in labor costs, similar levels of service have different salary costs. The salary data used to compute differential salary levels for State agencies includes average annual salaries for State and local government workers provided by the Bureau of Labor Statistics (BLS) for the 50 States, the District of Columbia, Puerto Rico, and the Virgin Islands. BLS does not gather this information for American Samoa, Guam or the ITOs. Therefore, the salary level for a GS–9, step 1 in the Federal Government's General Schedule pay scale is used for American Samoa, Guam and ITOs acting as State agencies. FNS determined that a GS–9, step 1 salary is a reasonable approximation of the salary costs incurred on an individual employee basis by State agencies in American Samoa, Guam and the ITOs. The most current data available from BLS reflects average salary levels paid 2 years prior to the applicable fiscal year for which funds are allocated. The GS–9 salary level used for American Samoa, Guam and ITO State agencies reflects the salary level for the same year as the available BLS data.

Overall, most State agencies are affected only slightly by the salary component, primarily because the salary component makes up only 10 percent of the total parity component (called the fair share target funding level in this proposed rule). An analysis of the final grants with and without the salary component reveals that for approximately 90 percent of WIC State agencies, the difference in final NSA grants without the salary component is within 3 percent (+/−) of a State's grant inclusive of the salary adjustment.

FNS recognizes that the salary component is a controversial area and that there are strong opinions and arguments supporting both the inclusion and deletion of the salary component in the NSA funding formula. Therefore, FNS proposes to retain the current salary component, which would continue to equal 10 percent of the NSA fair share component of the NSA funding formula. However, comments on whether the current salary factor contributes to an appropriate and fair allocation of NSA funds are welcomed.

Targeting Component. The targeting component was originally designed to provide an incentive for targeting benefits to the highest risk participants, Priority I women and infants, as defined in current Program regulations at § 246.7(e)(4)(i). At the time it was incorporated into the NSA funding formula in 1988, the food funding formula also included a targeting component. In a time when WIC was

not able to meet the need for Program benefits, targeting funds to those State agencies that were serving a greater proportion of high risk individuals was a necessary objective. Now, however, based on estimates derived from State-reported participation data, nationwide, virtually all fully eligible infants are receiving services through the WIC Program and most fully eligible women are participating at some point during their pregnancies. Therefore, FNS believes the targeting component is no longer needed to encourage and support service to Priority I participants.

The targeting component is based on a complex process, dependent on State reported data, requiring many computations to calculate a targeting index by which each State agency's share of targeting funds is determined. Its effect on the final NSA funding allocation today is negligible. Therefore, FNS proposes to delete this component. Targeting was deleted from the food funding formula in a final food funding rule published in the **Federal Register** October 6, 1994. Elimination of this feature from the NSA formula would result in formula consistency. By deleting the targeting component, 100 percent of the NSA ''fair share'' funds would be allocated based on projected participation levels, adjusted for State agency size (90 percent) and salary differentials (10 percent).

Section 246.16(c)(2)(i) NSA Stability Funds

Throughout the deliberations on the possible revisions to the NSA funding formula, it was recognized that a critical aspect of NSA funding is the stability component. The stability grant helps to guarantee, to the extent funds are available, some measure of funding continuity that acknowledges that State agencies have fixed NSA costs that are relatively stable from year to year and are necessary for continued Program operations. In the event that available funding is insufficient to fund State agencies at their prior year funding level, each State agency experiences a pro-rata reduction to its grant, as is done with the food funding formula.

The stability component would be continued in this proposed rule, with modifications. It is recognized that the funding formula, if properly designed, should calculate an NSA grant commensurate with a State agency's NSA funding needs. In the past, discretionary funding decisions made by FNS may have, over time, unnecessarily inflated the grant allocations provided to particular States due to additional funding allocated for large capital expenditures. These discretionary funds then become a permanent part of a State agency's stability grant the following year. Therefore, FNS proposes changes to the stability, or base, grant calculation to eliminate consideration of discretionary funding (or, as described below, ''operational adjustment funding'') allocations made in the prior fiscal year.

FNS proposes to revise § 246.16 (c)(2)(i) to provide each State agency a stability grant equal to its NSA grant from the previous year, less any discretionary fund adjustments for that year. As is currently the case, each State agency's stability grant would be reduced by a pro-rata share if insufficient funds were available.

Section 246.16(c)(2)(ii) NSA Residual Funds

Currently, after NSA stability grants are determined, any remaining funds available for allocation are referred to as residual funds and are distributed according to § 246.16(c)(2)(ii) of current Program regulations. Residual funds represent funding that either: (1) Helps to cover NSA costs associated with increases in projected participation, or (2) moves State agencies closer to their ''fair share'' target funding level. The fair share for NSA funds is an administrative grant per person (AGP) for each projected participant, adjusted for factors that affect NSA costs.

FNS proposes that priority for residual funds should be given only to State agencies below their NSA fair share target funding level. The fair share principle, which is participant-based, represents the amount of NSA funds needed by a State agency to support current participation projections based on the food grant the State agency will receive. The part of the current regulatory provision which provides funds on the basis of increased participation countervails the fair share objective by allocating funds to State agencies which are already over their fair share funding level.

Therefore, the proposed NSA formula grant for each State agency would be calculated based on each State agency's fair share target funding level, which considers the difference between the estimated cost of projected participation (as adjusted for economy of scale and salary differential) and the prior year NSA formula grant. If a State agency's NSA fair share target funding level is greater than its stability grant, the State agency would be eligible to receive additional NSA funds proportionate to their respective shortfall from the fair share target funding level.

Section 246.16 (c)(2)(iii) Discretionary Funds

The success of the WIC Program is due in large part to the flexibility of the program to accommodate individual State needs and initiatives. As the WIC Program continues to change and mature, the responsiveness of the Program to meet State agencies' varying needs and provide for program innovation becomes more critical.

Section 246.16 (c)(2)(iii) currently requires that ten percent of each State agency's total NSA grant level be subtracted and aggregated by region to form the FNS regional discretionary funding pools. In FY 1998, these pools amounted to over $100 million nationally. Each FNS regional office then allocates the discretionary funds back to State agencies within the region on the basis of the varying needs of State agencies and national guidelines. Through the regional allocation of discretionary administrative funds, the funding process can satisfy many of the administrative and structural needs not accounted for in the NSA funding formula (e.g., one-time acquisition costs for management information systems).

FNS considered the discretionary funding allocation process and the actual use of these funds. As a result of these considerations, it was determined that the term ''discretionary'' does not fully represent or accurately describe the use of these funds, and that many State agencies must use these funds for operational costs. Therefore, FNS proposes to change the name ''discretionary funds'' to ''operational adjustment funds'' (OAF). This change will help clarify that the use of the funds are for both capital investments as well as operational activities, and that, in many cases, the funds are a critical part of a State agency's WIC grant and are needed to support ongoing operations.

The degree to which FNS regions have been inconsistent in the methodology used to award discretionary fund allocations and the adherence to national guidelines was also considered. While some regions have used a competitive process to award the majority of available discretionary funds, other regions simply returned a large portion of the available discretionary funds to the State agencies in their region according to the distribution allocated through the funding formula. This inconsistency has caused concern as funding for projects becomes more competitive and funding levels for the program are being scrutinized. Further, FNS regions including large State agencies

contributing to the regional fund have more flexibility than regions with smaller State agencies. FNS recognizes that regions have various funding resources and needs and, for most regions, the process employed for discretionary fund allocations is a mutually acceptable one in which the State agencies and the regions are satisfied with the process. After much consideration of this issue, it was decided to allow up to 10 percent of the total regional NSA funds to be used for OAF (formerly discretionary fund) allocations. However, regions would be given the authority to withhold less than 10 percent of the total regional NSA funds available if deemed appropriate for that region's needs.

Food Funding Formula

Current Food Funding Provisions—General

The current food funding formula, finalized on October 6, 1994, was developed for use during a time of participation growth and annual increases in WIC appropriations. The primary objectives were to: (1) Provide a greater share of funds to State agencies receiving comparatively less than their fair share of funds; (2) simplify the food funding formula and delete obsolete components; and (3) provide for a level of stability for State agencies. While the current food funding formula has met those objectives, WIC has now entered a time in which, at least for the foreseeable future, increases in appropriations are not likely and emphasis must be placed on shifting available funds among State agencies to reflect demographic changes in the eligible population and to reach the maximum number of participants possible within available Program resources.

The following outlines the current provisions and proposed changes to the food funding formula:

Section 246.16 (c)(3)(ii) Current Food Stability Component

The stability component of the current food funding formula provides that each State agency receive its prior year food grant, adjusted for full inflation, contingent on available resources. If funding is inadequate to fund all State agencies at this level, each State agency would receive a reduced stability grant based on a pro-rata reduction of funds.

The current stability component, in a stable funding environment, results in little if any additional funding to assist State agencies that, for historical reasons or due to demographic shifts, do not have a share of WIC funding proportionate to their share of their eligible WIC population. These State agencies are considered to be ''under fair share''. Therefore, FNS proposes that the stability component of the food funding formula be modified to allow some funds to be available to allocate to under fair share State agencies to further the objective of funding equity among State agencies. In a relatively stable funding environment, mechanisms must be in place to allow for some movement of funds to correspond to shifts in eligible populations, and the ability of State agencies to fully utilize available funding to maximize participation.

Proposed Stability Component

Long consideration was given to stability food funding and whether full inflation should be guaranteed. Concerns were raised that if State agencies were not funded with full inflation, prior year end participation levels may not be sustained, thereby forcing some State agencies to cut caseload. This concern, however, was countered by the objective of making available, to the extent possible, additional funding to under fair share State agencies so that they have the opportunity to add participants to bring them closer to the level of service provided by State agencies that have received allocations above their fair share.

After exploring options available, FNS proposes to modify § 246.16 (c)(3)(ii) to redefine stability as the prior year food grant level, without any initial adjustments for inflation. Any funds remaining after guaranteeing prior year end grant levels would be split. Fifty percent of the remaining funding would be provided for an inflation allowance based on the fair share funding level allocated with the new year appropriation instead of the prior year grant levels currently used in the formula. The remaining 50 percent would be allocated to under fair share State agencies to bring them closer to their fair share level. The funds subject to the 50/50 split would include current year appropriated funds and unspent recoverable funds from the prior fiscal year.

These changes to the stability component would ensure that even in a funding environment in which the Program receives only a modest increase above prior year grant levels, State agencies with less than their fair share of funds would continue to receive a greater increase in funding relative to over fair share State agencies.

We recognize that the 50/50 split of the remaining funds after prior year grant levels are funded and the inflation calculation are different than what was discussed with the NAWD Committee. However, we were persuaded during the review process that a more aggressive approach was necessary to shift available funds to under fair share State agencies. Therefore, we are particularly interested in comments concerning the split of funds and the method used to calculate inflation adjustments.

To determine the amount of funds allocated to each State agency, State agencies would initially receive their prior year end food grant as their stability grant. As is currently done, if funds are insufficient to fund all State agencies at the prior year end grant level, each State agency would receive a pro-rata reduction to its grant. If funds are available in excess of prior year-end grant levels, 50 percent of such funds would be made available to each State agency for inflation. An inflation allowance will be calculated based on the difference between each State agency's inflated appropriated fair share grant level and their appropriated fair share grant level. The remaining 50 percent of available funds would be allocated to under fair share State agencies proportionate to their shortfall from their fair share target funding level. Once all State agencies have received their target food inflation level, 100 percent of all available funds would be allocated to under fair share State agencies. If sufficient funding is available to fund inflation and all under fair share State agencies up to their fair share target levels of funding, additional funds would be allocated according to § 246.16 (c)(3)(iii)(B) to any State agency requesting additional food funds.

Section 246.16 (c)(3)(i)(B) Adjustments for Higher Cost Areas

In calculating the fair share target food level for State agencies, the regulations permit an adjustment for the higher cost of food for State agencies located outside of the 48 contiguous States and the District of Columbia. This adjustment is done to ensure that the share of funds received by these State agencies is adequate to serve their share of the eligible population given their higher costs. Currently, five State agencies receive this adjustment. Current regulations allow for these adjustments after a State agency demonstrates that it has successfully implemented voluntary cost containment measures, such as improved vendor management practices, participation in multi-state agency infant formula rebate contracts or other cost containment efforts. FNS believes that the current adjustments

and conditions under which adjustments may be applied are consistent with Program objectives and consistent with high cost adjustments available to States in the National School Lunch Program and the School Breakfast Program and, therefore, no changes to this component of the food funding formula are proposed.

Section 246.16 (e) (2) (i) Food Spending Performance Standard

The current food spending performance standard was implemented in fiscal year 1995. Failure to meet this standard results in an adjustment of the current year grant. The current standard requires each State agency to expend at least 97 percent of its food grant. Typically, State agencies cannot spend 100 percent of their WIC grants due to factors that are inherent to the Program. For example, because the federal grant is the only source of funds for WIC in most states, State agencies must exercise caution to ensure that they do not spend more than their federal grant. In addition, because State agencies must estimate the value of vouchers and checks to distribute food benefits, they cannot determine the Program's actual food costs until the vouchers and checks have been redeemed and processed. While FNS recognizes that the structure of the Program may cause some State agencies to have difficulty meeting this expenditure standard, the majority of State agencies should be able to expend at least 97 percent of its food funds in a stable funding environment. Therefore, the 97 percent food spending performance standard would be retained and the obsolete references to the performance standards for fiscal years 1995–1997 would be deleted.

Eligibility Data

Data on the number of individuals estimated to be income eligible for Program benefits is produced annually at the national level. State-level estimates of income-eligible infants and children are produced using similar data. These estimates, in turn, are used to estimate the fair share funding levels for WIC food grants. Much consideration was given as to the reliability and accuracy of the income eligible data. Current regulations stipulate at § 246.16(c)(3)(i) that the income eligible data be calculated by FNS using the best available, nationally uniform, indicators. FNS continues to believe that the current methodology is the best available data and proposes no changes at this time. However, FNS will reevaluate the method for estimating the potential eligible population if new data sources or methods become available that could improve the current estimation process.

List of Subjects in 7 CFR Part 246

Food assistance programs, Food donations, Grant programs—Social programs, Indians, Infants and children, Maternal and child health, Nutrition education, Public assistance programs, WIC, Women.

For reasons set forth in the preamble, 7 CFR part 246 is proposed to be amended as follows:

PART 246—SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS AND CHILDREN

1. The authority citation for part 246 continues to read as follows:

Authority: 42 U.S. C. 1786.

1. In § 246.16:

a. Paragraph (c)(2)(i) is revised.

b. Paragraph (c)(2)(ii) is revised.

c. Paragraphs (c)(2)(iii) and (c)(2)(iv) are redesignated as paragraphs (c)(2)(iv) and (c)(2)(v), respectively, and a new paragraph (c)(2)(iii) is added.

d. Newly redesignated paragraph (c)(2)(iv) is revised.

e. Newly redesignated paragraph (c)(2)(v) is amended by removing the word ''discretionary funds'' and adding, in its place, the word ''operational adjustment funds''.

f. The heading of paragraph (c)(3)(i) and the first sentence of paragraph (c)(3)(i)(A) are revised.

g. Paragraph (c)(3)(ii) is revised.

h. The heading of paragraph (c)(3)(iii)and the first sentence of paragraph (c)(3)(iii)(A) are revised.

i. The first sentence of paragraph (e)(2)(i) is revised.

The revisions and an addition read as follows:

§ 246.16 Distribution of funds.

* * * * *

(c) * * *

(2) * * *

(i) *Fair share target funding level determination.* For each State agency, FNS will establish, using all available NSA funds, an NSA fair share target funding level which is based on each State agency's average monthly participation level for the fiscal year for which grants are being calculated, as projected by FNS. Each State agency's projected participation level shall be adjusted to account for the higher per participant costs associated with small participation levels and differential salary levels relative to a national average salary level. The formula shall be adjusted to account for these cost factors in the following manner: 90 percent of available funds shall provide compensation based on rates which are proportionately higher for the first 15,000 or fewer participants, as projected by FNS, and 10 percent of available funds shall provide compensation based on differential salary levels, as determined by FNS.

(ii) *Stability allocation funding level.* To the extent funds are available and subject to the provisions of paragraph (c)(2)(iv) of this section, each State agency shall receive an amount equal to 100 percent of the final formula-calculated NSA grant of the preceding fiscal year, prior to any operational adjustment funding allocations made under paragraph (c)(2)(iv) of this section. If funds are not available to provide all State agencies with their stability allocation funding level, all State agencies shall have their stability allocation funding level reduced by a pro-rata share as required by the short fall of available funds.

(iii) *Fair share allocation.* Any funds remaining available for allocation for NSA after the stability allocation required by paragraph (c)(2)(ii) of this section has been completed and subject to the provisions of paragraph (c)(2)(iv) of this section shall be allocated to bring each State agency closer to its NSA fair share target funding level. FNS shall make fair share allocation funds available to each State agency based on the difference between the NSA fair share target funding level and the stability allocation funding level, which are determined in accordance with paragraphs (c)(2)(i) and (c)(2)(ii) of this section, respectively. Each State agency's difference shall be divided by the sum of the differences for all State agencies, to determine the percent share of the available fair share allocation funds each State agency shall receive.

(iv) *Operational adjustment funds.* Each State agency's final NSA grant shall be reduced by up to 10 percent, and these funds shall be aggregated for all State agencies within each FNS region to form an operational adjustment fund. The Regions shall allocate these funds to State agencies according to national guidelines and shall consider the varying needs of State agencies within the region.

* * * * *

(3) * * *

(i) *Fair share target funding level determination.* (A) For each State agency, establish a fair share target funding level which shall be an amount of funds proportionate to the State agency's share of the national aggregate population of persons who are income eligible to participate in the Program

based on the 185 percent of poverty criterion.

* * * * *

(ii) *Stability allocation.* To the extent funds are available, each State agency shall receive a stability allocation equal to its final authorized grant level as of September 30 of the prior fiscal year. If funds are not available to provide all State agencies with their full stability allocation, all State agencies shall have their full stability allocation reduced by a pro-rata share as required by the short fall of available funds.

(iii) *Inflation/fair share allocation.* (A) If funds remain available after the allocation of funds under paragraph (c)(3)(ii) of this section, the funds shall be allocated as provided in this paragraph. First, FNS will calculate a target inflation allowance based on the fair share funding level determined for current year appropriated funds. This fair share funding level is then adjusted by the anticipated rate of food cost inflation as determined by the Department. Second, FNS will allocate 50 percent of the available funds to the State agencies in proportionate shares to meet the target inflation level. Third, FNS will allocate 50 percent of the available funds to each State agency which has a stability allocation, as determined in paragraph (c)(3)(ii) of this section and adjusted for inflation as determined in this paragraph, which is still less than its fair share target funding level. The amount of funds allocated to each State agency shall be based on the difference between its stability allocation plus target inflation funds and the fair share funding target level. Each State agency's difference shall be divided by the sum of the differences for all such State agencies, to determine the percentage share of the 50 percent of available funds each State agency shall receive. In the event a State agency declines any of its allocation under either this paragraph or paragraph (c)(3)(ii) of this section, the declined funds shall be reallocated in the percentages and manner described in this paragraph. Once all State agencies receive allocations equal to their full target inflation levels, any remaining funds shall be allocated or reallocated, in the manner described in this paragraph, to those State agencies still under their fair share target funding level.

* * * * *

(e) * * *

(2) * * *

(i) The amount allocated to any State agency for food benefits in the current fiscal year shall be reduced if such State agency's food expenditures for the preceding fiscal year do not equal or exceed 97 percent of the amount allocated to the State agency for such costs. * * *

* * * * *

Dated: October 1, 1998.

Shirley R. Watkins,

Under Secretary, Food, Nutrition and Consumer Services.

[FR Doc. 98–27282 Filed 10–9–98; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–CE–75–AD]

RIN 2120–AA64

Airworthiness Directives; British Aerospace Jetstream Model 3201 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive (AD) that would apply to all British Aerospace Jetstream Model 3201 airplanes. The proposed AD would require accomplishing both a routine visual inspection and either a detailed visual inspection or x-ray inspection of the main landing gear (MLG) bay auxiliary spar booms for cracks or fuel leaks on both the left and right sides of the airplane. The proposed AD would also require obtaining and incorporating repair procedures for the MLG bay auxiliary spar where fuel leaks or cracks are found. The proposed AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for the United Kingdom. The actions specified by the proposed AD are intended to prevent wing failure caused by cracks or fuel leaks in the area of the MLG bay auxiliary spar booms, which could result in loss of control of the airplane.

DATES: Comments must be received on or before November 13, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–CE–75–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from British Aerospace Regional Aircraft, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland; telephone: (01292) 479888; facsimile: (01292) 479703. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. S.M. Nagarajan, Aerospace Engineer, FAA, Small Airplane Directorate, Aircraft Certification Service, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone: (816) 426–6932; facsimile: (816) 426–2169.

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 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, 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 that summarizes 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 No. 98–CE–75–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, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–CE–75–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The Civil Airworthiness Authority (CAA), which is the airworthiness authority for the United Kingdom, recently notified the FAA that an unsafe condition may exist on all British Aerospace Jetstream Model 3201 airplanes. The CAA reports that cracks were found on a MLG bay auxiliary spar lower boom on one of the above-referenced airplanes. Initial investigation indicates that the cracks were caused by residual stresses in the component originating from a manufacturing fault during the machining/heat treatment stages.

This condition, if not detected and corrected, could result in wing failure with consequent loss of control of the airplane.

Relevant Service Information

British Aerospace has issued Jetstream Alert Service Bulletin 57–A–JA 980441, Original Issue: April 28, 1998, Revision No. 1: July 7, 1998, which specifies procedures for accomplishing both a routine visual inspection and either a detailed visual inspection or x-ray inspection of the main landing gear (MLG) bay auxiliary spar booms for cracks or fuel leaks on both the left and right sides of the airplane. This service bulletin also specifies obtaining repair procedures for the MLG bay auxiliary spar where fuel leaks or cracks are found.

The CAA classified this service bulletin as mandatory and issued British AD 001–04–98, dated May 7, 1998, in order to assure the continued airworthiness of these airplanes in the United Kingdom.

The FAA's Determination

This airplane model is manufactured in the United Kingdom 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 CAA has kept the FAA informed of the situation described above.

The FAA has examined the findings of the CAA; reviewed all available information, including the service information referenced above; and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop in other British Aerospace Jetstream Model 3201 airplanes of the same type design registered in the United States, the FAA is proposing AD action. The proposed AD would require accomplishing both a routine visual inspection and either a detailed visual inspection or x-ray inspection of the MLG bay auxiliary spar booms for cracks or fuel leaks on both the left and right sides of the airplane. The proposed AD would also require obtaining and incorporating repair procedures for the MLG bay auxiliary spar where fuel leaks or cracks are found. Accomplishment of the proposed actions would be in accordance with Jetstream Alert Service Bulletin 57–A–JA 980441, Original Issue: April 28, 1998, Revision No. 1: July 7, 1998.

Compliance Time of This AD

Although the cracks on the MLG bay auxiliary spar booms could occur as a result of repetitive airplane operation, the FAA believes that the residual stresses in the component are originating from a manufacturing fault during the machining/heat treatment stages. The cracks could exist, but not be noticed, after just a few hours of airplane operation. The stress incurred during flight operations or temperature changes could then cause rapid crack growth. In order to assure that even very small cracks in the MLG bay auxiliary spar booms do not go undetected, the FAA is proposing a compliance based on calendar time.

Cost Impact

The FAA estimates that 124 airplanes in the U.S. registry would be affected by the proposed AD.

Accomplishing the routine visual inspection proposed in this AD would take approximately 1 workhour per airplane, at an average labor rate of approximately $60 an hour. Based on these figures, the total cost impact of this proposed routine visual inspection on U.S. operators is estimated to be $7,440, or $60 per airplane.

Accomplishing the detailed visual inspection proposed in this AD would take approximately 16 workhours per airplane, at an average labor rate of $60 per hour. Accomplishing the x-ray inspection proposed in this AD would take approximately 12 workhours per airplane, at an average labor rate of approximately $60 an hour. Based on these figures, the total cost impact of the proposed detailed inspection on U.S. operators is estimated to be $119,040, or $960 per airplane, and $89,280, or $720 per airplane for the proposed x-ray inspection.

These figures only take into account the costs of inspections and do not take into account the costs for repairing any MLG bay auxiliary spar boom where fuel leaks or cracks are found during the proposed inspections.

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 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) 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 has been placed 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 a new airworthiness directive (AD) to read as follows:

British Aerospace: Docket No. 98–CE–75–AD.

Applicability: Jetstream Model 3201 airplanes, all serial numbers, 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 (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 in the body of this AD, unless already accomplished.

To prevent wing failure caused by cracks or fuel leaks in the area of the main landing gear (MLG) bay auxiliary spar booms, which could result in loss of control of the airplane, accomplish the following:

(a) Within the next 45 calendar days after the effective date of this AD, accomplish the following:

(1) Perform a routine visual inspection of the MLG bay auxiliary spar booms for cracks or fuel leaks on both the left and right sides of the airplane. Accomplish this inspection in accordance with Part 1 of the Accomplishment Instructions section of Jetstream Alert Service Bulletin 57–A–JA 980441, Original Issue: April 28, 1998, Revision No. 1: July 7, 1998.

(2) Perform either a detailed visual inspection or x-ray inspection of the MLG bay auxiliary spar booms for cracks or fuel leaks on both the left and right sides of the airplane. Accomplish this inspection in accordance with Part 2 of the Accomplishment Instructions section of Jetstream Alert Service Bulletin 57–A–JA 980441, Original Issue: April 28, 1998, Revision No. 1: July 7, 1998.

(b) If cracks or leaks are found during any inspection required by paragraphs (a)(1) and (a)(2) of this AD, prior to further flight, accomplish the following:

(1) Obtain repair instructions from the manufacturer through the FAA, Small Airplane Directorate, at the address specified in paragraph (d) of this AD; and

(2) Incorporate these repair instructions.

(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.

(d) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, Aircraft Certification Service, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

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

(e) Questions or technical information related to British Aerospace Jetstream Alert Service Bulletin 57–A–JA 980441, Original Issue: April 28, 1998, Revision No. 1: July 7, 1998, should be directed to British Aerospace Regional Aircraft, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland; telephone: (01292) 479888; facsimile: (01292) 479703. This service information may be examined at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Note 3: The subject of this AD is addressed in British AD 001–04–98, dated May 7, 1998.

Issued in Kansas City, Missouri, on October 6, 1998.

Carolanne L. Cabrini,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–27326 Filed 10–9–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

Proposed Revocation of McClellan Class C Airspace Area, Establishment of McClellan Class E Surface Area, and Modification of Class C Airspace Area at Sacramento International Airport, CA; Public Meeting

AGENCY: Federal Aviation Administration, (FAA), DOT.

ACTION: Public meeting.

SUMMARY: This document announces a fact-finding informal airspace meeting. The purpose of this meeting is to solicit information from airspace users and others concerning proposals to revoke the Class C airspace area at McClellan Air Force Base (AFB), California (CA); establish a Class E surface area at McClellan AFB, CA; and to modify the Class C airspace area at Sacramento International Airport, CA. The meeting will provide interested parties an opportunity to present views, recommendations, and comments on these proposals. All comments received during the meeting will be considered prior to any revision or issuance of a notice of proposed rulemaking.

DATES: *Meeting:* The informal airspace meeting will be held on Tuesday, November 17, 1998, beginning at 6:00 p.m. *Comments:* Comments must be received on or before December 31, 1998.

ADDRESSES: *Meeting:* The meeting will be held at McClellan AFB in the Coast Guard Hangar (Building 1106) Conference Room located on the second floor. Directions: From Watt Avenue, gain access to McClellan AFB via the Palm Avenue Gate. Building 1106 is located at the north end of the flight line.

Comments: Send or deliver comments on the proposal in triplicate to: Manager, Air Traffic Division, AWP–500, Federal Aviation Administration, P.O. Box 92007, Worldway Postal Center, Los Angeles, CA 90009.

FOR FURTHER INFORMATION CONTACT: Jeri Carson, Air Traffic Division, AWP–500, FAA, Western-Pacific Regional Office, telephone (310) 725–6611.

SUPPLEMENTARY INFORMATION:

Meeting Procedures

The following procedures will be used to facilitate the meeting:

(a) The meeting will be informal in nature and will be conducted by a representative of the FAA Western-Pacific Region. A representative from the FAA will present a formal briefing on the proposed revocation of the Class C airspace area and establishment of Class E surface area at McClellan AFB, CA, and the proposed modification of the Class C airspace area at Sacramento International Airport, CA. Each participant will be given an opportunity to deliver comments or make a presentation.

(b) The meeting will be open to all persons on a space-available basis. There will be no admission fee or other charge to attend and participate.

(c) Any person wishing to make a presentation to the FAA panel will be asked to sign in and estimate the amount of time needed for such presentation. This will permit the panel to allocate an appropriate amount of time for each presenter.

(d) The meeting will not be adjourned until everyone on the list has had an opportunity to address the panel.

(e) Position papers or other handout material relating to the substance of the meeting will be accepted. Participants wishing to submit handout material should present three copies to the presiding officer. There should be additional copies of each handout available for other attendees.

(f) The meetings will not be formally recorded. However, a summary of the comments made at the meeting will be filed in the docket.

Agenda for the Meeting

Opening Remarks and Discussion of Meeting Procedures.

Briefing on Background for Proposals.

Public Presentations and Comments.

Closing Comments.

Issued in Washington, DC, on October 5, 1998.

Reginald C. Matthews,

Acting Program Director for Air Traffic Airspace Management.

[FR Doc. 98–27253 Filed 10–9–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

15 CFR Chapter VII

[Docket No. 980922243–8243–01]

Request for Comments on Effects of Foreign Policy-Based Export Controls

AGENCY: Bureau of Export Administration, Commerce.

ACTION: Request for comments on foreign policy-based export controls.

SUMMARY: The Bureau of Export Administration (BXA) is reviewing the foreign policy-based export controls in the Export Administration Regulations to determine whether they should be modified, rescinded or extended. To help make these determinations, BXA is seeking comments on how existing foreign policy-based export controls have affected exporters and the general public.

Under the provisions of section 6 of the Export Administration Act of 1979, as amended (EAA), foreign policy controls expire one year after imposition unless they are extended. The EAA requires a report to Congress whenever foreign policy-based export controls are extended. Although the EAA expired on August 20, 1994, the President, invoking the International Emergency Powers Act (IEEPA), continued in effect the export control system in place under the provisions of the Act and the Export Administration Regulations, to the extent permitted by law (Executive Order 12924 of August 19, 1994 and Notices of August 15, 1995, August 14, 1996, August 13, 1997, and August 13, 1998). The Department of Commerce, insofar as appropriate, is following the provisions of section 6 in reviewing foreign policy-based export controls and requesting comments on such controls. Foreign Policy controls need to be extended in January 1999.

DATES: Comments must be received by November 12, 1998, to assure full consideration in the formulation of export control policies as they relate to foreign policy-based controls.

ADDRESSES: Written comments (three copies) should be sent to Patricia Muldonian, Regulatory Policy Division (Room 2096), Office of Exporter Services, Bureau of Export Administration, Department of Commerce, P.O. Box 273, Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT: James Lewis, Director, Office of Strategic Trade and Foreign Policy Controls, Bureau of Export Administration, Telephone: (202) 482–4196. Copies of the current Annual Foreign Policy Report to the Congress are available at our website: www.bxa.doc.gov and copies may also be requested by calling the Office of Strategic Trade.

SUPPLEMENTARY INFORMATION: The current foreign policy controls maintained by the Bureau of Export Administration (BXA) are set forth in the Export Administration Regulations (EAR), parts 742 (CCL Based Controls), 744 (End-User and End-Use Based Controls) and 746 (Embargoes and Special Country Controls). These controls apply to: high performance computers (§ 742.12); significant items (SI): Commercial communications satellites and hot section technology for the development, production, or overhaul of commercial aircraft engines, components, and systems (§ 742.14); encryption items (§ 742.15 and § 744.9); crime control and detection commodities (§ 742.7); specially designed implements of torture (§ 742.11); regional stability commodities and equipment (§ 742.6); equipment and related technical data used in the design, development, production, or use of missiles (§ 742.5 and § 744.3); chemical precursors and biological agents, associated equipment, technical data, and software related to the production of chemical and biological agents (§ 742.2 and § 744.4); activities of U.S. persons in transactions related to missile technology or chemical or biological weapons proliferation in named countries (§ 744.6); nuclear propulsion (§ 744.5); aircraft and vessels (§ 744.7); embargoed countries (part 746); countries designated as supporters of acts of international terrorism (§§ 742.8, 742.9, 742.10, 746.2, 746.3, 746.5, and 746.7); and, Libya (§§ 744.8 and 746.4). Attention is also given in this context to the controls on nuclear-related commodities and technology (§ 744.2 and § 744.2), which are, in part, implemented under section 309(c) of the Nuclear Non Proliferation Act.

Effective January 21, 1997, the Secretary of Commerce, on the recommendation of the Secretary of State, extended for one year all foreign policy controls then in effect.

To assure maximum public participation in the review process, comments are solicited on the extension or revision of the existing foreign policy controls for another year. Among the criteria the Departments of Commerce and State consider in determining whether to continue or revise U.S. foreign policy controls are the following:

1. The likelihood that such controls will achieve the intended foreign policy purpose, in light of other factors, including the availability from other countries of the goods or technology proposed for such controls;

2. Whether the foreign policy purpose of such controls can be achieved through negotiations or other alternative means;

3. The compatibility of the controls with the foreign policy objectives of the United States and with overall United States policy toward the country subject to the controls;

4. The reaction of other countries to the extension of such controls by the United States is not likely to render the controls ineffective in achieving the intended foreign policy purpose or be counterproductive to United States foreign policy interests;

5. The effect of the controls on the export performance of the United States, the competitive position of the United States in the international economy, the international reputation of the United States as a supplier of goods and technology; and

6. The ability of the United States to enforce the controls effectively. BXA is particularly interested in the experience of individual exporters in complying with the proliferation controls, with emphasis on economic impact and specific instances of business lost to foreign competitors. BXA is also interested in industry information relating to the following:

1. Specific data or case summaries that illustrate the effect of foreign policy controls on sales of U.S. products to third countries (i.e., those countries not targeted by sanctions), including the views of foreign purchasers or prospective customers regarding U.S. foreign policy controls.

2. Information on controls maintained by U.S. trade partners (i.e., to what extent do they have similar controls on goods and technology on a worldwide basis or to specific destinations)?

3. Information on licensing policies or practices by our foreign trade partners which are similar to U.S. foreign policy controls, including license review criteria, use of conditions, requirements for pre and post shipment verifications (preferably supported by examples of

approvals, denials and foreign regulations.

4. Suggestions for revisions to foreign policy controls that would (if there are any differences) bring them more into line with multilateral practice.

5. Comments or suggestions as to actions that would make multilateral controls more effective.

6. Information that illustrates the effect of foreign policy controls on the trade or acquisitions by intended targets of the controls.

7. Data or other information as to the effect of foreign policy controls on overall trade, either for individual firms or for individual industrial sectors.

8. Suggestions as to how to measure the effect of foreign policy controls on trade.

9. Information on the use of foreign policy controls on targeted countries, entities, or individuals.

BXA is also interested in comments relating generally to the extension or revision of existing foreign policy controls. Parties submitting comments are asked to be as specific as possible. All comments received before the close of the comment period will be considered by BXA in reviewing the controls and developing the report to Congress.

BXA will consider requests for confidential treatment. The information for which confidential treatment is requested should be submitted to BXA separate from any non-confidential information submitted. The top of each page should be marked with the term ''Confidential Information.'' BXA will either accept the submission in confidence, or if the submission fails to meet the standards for confidential treatment, will return it. A non-confidential summary must accompany such submissions of confidential information. The summary will be made available for public inspection.

Information accepted by BXA as confidential will be protected from public disclosure to the extent permitted by law. Communications between agencies of the United States Government or with foreign governments will not be made available for public inspection.

All other information relating to the notice will be a matter of public record and will be available for public inspection and copying. In the interest of accuracy and completeness, BXA requires written comments. Oral comments must be followed by written memoranda, which will also be a matter of public record and will be available for public review and copying.

The public record concerning these comments will be maintained in the Freedom of Information Records Inspection Facility, Room 4525, U.S. Department of Commerce, 14th Street and Pennsylvania Avenue, NW, Washington, D.C. 20230. Records in this facility, including written public comments and memoranda summarizing the substance of oral communications, may be inspected and copied in accordance with regulations published in Part 4 of Title 15 of the Code of Federal Regulations. Information about inspection and copying of records at this facility may be obtained from Margaret Cornejo, BXA Freedom of Information Officer, at the above address or by calling (202) 482–2593.

Dated: October 5, 1998.

R. Roger Majak,

Assistant Secretary for Export Administration.

[FR Doc. 98–27390 Filed 10–9–98; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD1–98–151]

RIN 2115–AE84

Regulated Navigation Area: Navigable Waters Within the First Coast Guard District

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a permanent Regulated Navigation Area (RNA) within the navigable waters of the First Coast Guard District to increase operational safety for towing vessels and tank barges. The proposed rule would require four sets of measure for towing vessels and tank barges operating in the waters of the Northeastern United States, including positive control for barges, enhanced communications, voyage planning, and areas of restricted navigation. These measures should reduce the risk of oil spills from the many tank barges operating in the waters of the region, and so too reduce the risk of environmental damage to the unique and extremely sensitive marine environment.

DATES: Comments must arrive on or before November 12, 1998.

ADDRESSES: You may mail or deliver comments to Commander (m), First Coast Guard District, 408 Atlantic Ave., Boston, MA 02210–3350. The First District Commander maintains the public docket for this rulemaking. Comments, and documents, as indicated in this preamble, will become part of this docket and will be available for inspection and copying at the same address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Rich Klein, c/o Commander (m), First Coast Guard District, 408 Atlantic Ave., Boston, MA 02210–3350; telephone 617–223–8243.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their name and address, identify this rulemaking (CGD1–98–151) and the specific section of this document to which each comment applies, and give a reason for each comment. Please submit all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying. Persons wanting acknowledgement of receipt of comments should enclose stamped, self-addressed postcards or envelopes. The Coast Guard will consider all comments received during the comment period. It may change this proposed rule in view of the comments.

No public meeting is planned. Persons may request a public meeting by writing to the Project Officer at the address listed under **ADDRESSES.** If it is determined that the opportunity for oral presentations will aid in this rulemaking, the Coast Guard will hold a public meeting at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

This rulemaking is proposed to improve the navigational safety for towing vessels and tank barges operating in the waters of the Northeastern United States. Between January 1992 and December 1996, there have been 289 marine casualties involving tank barges in the First Coast Guard District. Not all of these casualties were major or significant, but several resulted in oil spills.

During 1996 and 1997, there were 12 marine casualties involving engine failure with tugs while they were towing tank barges in the waters of the First Coast Guard District. At least four of those tank barges were loaded with a combined cargo totaling about 21 million gallons of petroleum products.

In each of the 12 instances, the towing vessel was able to mitigate the casualty by switching propulsion to the second engine that was sufficient to control the barge. None of the casualties resulted in any pollution.

A recent history of towing vessel casualties is described below, some of which were potential major pollution incidents.

On January 5, 1994, a tug lost control of its loaded tank barge, spilling 4,200 gallons of gasoline into the East River, New York.

On April 7, 1994, a steering gear failure aboard a tug caused a loaded tank barge to ground in New Haven harbor, while carrying a cargo of 2.1 million gallons of gasoline.

On February 9, 1995, a tug lost control of a tank barge loaded with 714,000 gallons of fuel oil near East Rockaway Inlet, New York.

On April 6, 1995, a tug lost control of a tank barge loaded with 5,376,000 gallons of No. 2 oil in the East River, New York.

On January 19, 1996, off the coast of Rhode Island, the tug SCANDIA was towing the loaded single-hull tank barge NORTH CAPE. During the voyage the tug caught fire causing the crew to abandon the vessel during a severe winter storm. The barge grounded on Moonstone Beach spilling about 828,000 gallons of No. 2 oil into Rhode Island Sound.

On February 12, 1996, a tug lost control of a tank barge in the East River, New York, spilling 4,415 gallons of No. 2 oil into Long Island Sound.

On August 25, 1998, a loaded tank barge was set adrift off the Rhode Island coast when the towing hawser was cut by a passing vessel. A potential major pollution incident was avoided when an assist tug arrived to take the barge under control.

Development of the Regional Risk Assessment Team (RRAT) Report

On June 5 and 6, 1996, the commander of the First Coast Guard District hosted a two-day Workshop on Safety of Towing Vessels and Tank Barges at the Massachusetts Maritime Academy. Nearly 150 people gathered to discuss goals for the safety of the marine environment, and economic and operational considerations of the tank barge industry in the Northeast. The participants represented the Coast Guard, the industry, the States of New York, Connecticut, Rhode Island, and Maine, the Commonwealth of Massachusetts, and various environmental interests.

The RRAT was chartered and established by the American Waterways Operators and Coast Guard National Quality Steering Committee on July 10, 1996. The 25-member team, with similar representative stakeholders from the two-day workshop, conducted a risk assessment of the tank barge transportation network in the Northeastern United States, The RRAT's report, completed February 6, 1997, examined current operational and navigational practices for towing vessels and tank barges operating in the Northeast. Although it did not evaluate the measures for cost-effectiveness, it developed ten measures to improve the safe navigation of these vessels, eight of which were recommended for rulemaking. This rulemaking proposes four of those eight measures that are within the authority of the First District Commander to address. The remaining recommendations for rulemaking will be addressed as the subject of national rulemaking.

This rulemaking takes a regional approach responsive to the particular risks inherent in the transportation of petroleum products on the waterways in the Northeastern United States. The network of sounds, estuaries, coastal ponds, and shallow coastal shelves hosts one of the most prolific habitats for marine life in the nation. This sensitive region contains 4 of the 20 Estuaries of National Significance, designated by Section 320 of the Federal Clean Water Act—Long Island Sound, Narragansett Bay, Buzzards Bay, and Casco Bay—and 5 of the 22 National Estuarine Research Reserves established to monitor the health of the nation's most valued estuaries. Moreover, the shelves encompassing the Great South Channel, Massachusetts Bay, and Cape Cod Bay provide the seasonal habitat for the Northern Right Whale, one of the world's most endangered species of whale with a population of only about 300. One of the whale's primary food sources, plankton, is particularly susceptible to damage from oil spills.

In addition, the fishing grounds of the Northeastern United States are among the most productive in the world. It is estimated that over 25,000 vessels are employed in the Northwest Atlantic Ocean fisheries trade. The threat to the productive fishing grounds from a tank barge spill further supports the need for the measures proposed here.

In the aftermath of the NORTH CAPE oil spill, several states in the Northeast have drafted or enacted legislation to regulate the tank barge industry. The Rhode Island legislature enacted an Oil Spill Pollution Prevention and Control Act, which it amended with a Tank Vessel Safety Act (codified as Chapter 32 of its Public Laws). Further, Maine officials are considering a legislative initiative to regulate the petroleum transportation industry. The States' differing legislative initiatives may result in inconsistent regulation of the industry.

The several operating conditions proposed in this rule are intended to reduce the risks to the marine environment posed by tank barges transporting oil in the region without imposing undue economic burden on the industry.

Discussion of RRAT Recommendations

Each of the RRAT recommendations are summarized below.

1. Manning

For vessel manning, the RRAT recommended that barges being pushed, or being towed alongside the towing vessel, be considered as the equivalent to being a manned barge if the towing vessel has a certified individual in excess of the required manning on the towing vessel. This recommendation impacts lifesaving equipment and shipboard habitability issues that are required for manned barges. As such, it is the subject of national rulemaking.

2. Anchoring and Barge Retrieval System

The RRAT recommended requirements for anchoring and barge retrieval systems for manned and unmanned barges operating in the Northeast. These requirements are the subject of the national rulemaking addressing emergency control systems for tank barges. See 62 *FR* 52057 (Oct. 6, 1997).

3. Navigational Safety Equipment Aboard Towing Vessels

The RRAT recommended—

(a) The extension of the navigational safety equipment requirements for towing vessels in 33 CFR part 164 to include all waters beyond three miles, and not just the navigable waters of the Northeast; and

(b) A requirement for Differential Global Positioning System (DGPS) on towing vessels operating in all waters of the Northeast.

This recommendation is being addressed separately by Commandant (G–M).

4. Lightering Activities

The RRAT referred to the existing regulations contained at 33 CFR part 156, subpart B, governing lightering, and recommended only that individual Captain of the Ports (COTP) develop guidelines that reflect the best recognized practices for lightering of

petroleum products in their areas of responsibility.

5. Double-Hull Tank Barges

The RRAT acknowledged the expected benefits from the use of double-hull tank barges but deferred recommendations until after the National Research Council's review, conducted in accordance with section 4115 of the Oil Pollution Act of 1990, Pub. L. 101–380 (OPA 90), of the economic and operational impacts of the double-hull requirement on the marine petroleum transportation industry. Subsequently published in November 1997, after the RRAT recommendations, the report of the National Research Council did not recommend any change to the phase-out schedule for single-hull tank vessels established by OPA 90.

6. Crew Fatigue: The Human Factor

The RRAT recommended providing human factors awareness training to operational and management personnel every two years and ensuring that records of the training be kept for a period of two years.

The human factor, specifically as it relates to crew fatigue, is a national issue. Commandant (G–M), through the Coast Guard Research and Development Center, is currently conducting a study to develop measures that counteract crew fatigue in the towing industry.

This Coast Guard study, ''Watchstanding Alertness in Towing Operations,'' will examine the nature and extent of fatigue among towing vessel crews. Following analysis of the data, measures will be recommended that the towing industry can implement to counteract crew fatigue. The results will be presented to the Towing Safety Advisory Committee.

Discussion of Proposed Rule

The First District Commander has limited delegated authority to impose operational requirements based upon circumstances peculiar to his jurisdiction. Design, construction, or equipment standards are generally subject to national standards. This proposed rule would require four operational measures to improve the safety of towing vessels and petroleum laden tank barges operating on the navigable waters of the First Coast Guard District.

1. Positive Control for Barges

This proposal would require vessels towing single-hull tank barges carrying petroleum oil as cargo in bulk, to be equipped with twin-screws and two engines while operating on the navigable waters of the First Coast Guard District. Each engine must—

(a) Be independent of the other; and

(b) Be capable of maintaining the navigational control of the tank barge in the event of a casualty to the other engine. Under the proposed rule, the use of double-hull tank barges precludes the need for twin-screw, twin engine tugs as a primary towing vessel. Double-hull vessels provide a greater level of protection than single-hull vessels. Further, single-hull vessels are being phased-out in accordance with OPA 90. Therefore, the present use of double-hulls is a sufficient measure of protection under the proposed rule.

The requirements of the proposed rule for twin screws and two engines would supplement the language used in 33 CFR 157.460. That rule requires certain vessels to be equipped with twin-screw propulsion unless they have installed alternative steering systems. This proposed rule would require that all towing vessels not equipped with twin-screw propulsion and two engines, and engaged in towing single-hull tank barges carrying petroleum oil in bulk on the navigable waters of the First Coast Guard District, must operate with an escort or assist tug, or provide an equivalent means of positive control for the barges acceptable to the COTP, regardless of any secondary or alternative steering system. Unless the bank barge meets the definition of a double-hull vessel in 33 CFR 157.03, it is a single-hull vessel. The Coast Guard believes that the operational conditions proposed in this rule would significantly reduce the likelihood of an oil spill.

Most of the vessels towing tank barges in the Northeast are already of the twin-screw propulsion, two-engine type. This propulsion redundancy ensures a backup system in the event of engine failure or fouling of one screw. The Coast Guard would require an escort or assist tug in those instances when only a single-screw towing vessel is towing a single-hull tank barge. Such an alternative would enhance safety and reduce the risk of oil pollution to the marine environment.

On certain restricted routes, however, limited channel depths and widths may make application of these standards impracticable. In these instances, the COTP may grant exemptions upon application and consideration.

Additionally, this proposed rule would require the immediate calling of additional resources to assist a towing vessel towing any tank barge if either the tank barge or towing vessel suffers a casualty that adversely affects its safe navigation or seaworthiness.

Other situations requiring the employment of additional resources include steering-gear failure and loss of the tow. The requirement to call on these additional private resources to render emergency assistance does not negate or otherwise lessen the requirement to notify the Coast Guard if the tank barge or towing vessel suffers a reportable marine casualty in accordance with 46 CFR subpart 4.05, or develops a hazardous condition as defined in 33 CFR 160.215.

2. Enhanced Communications

This proposed rule would require that masters of vessels towing any loaded tank barge initiate and broadcast securite calls identifying their positions at specific locations during transits in the First Coast Guard District.

Currently, there are no regulations requiring towing vessel operators to share operational information or to issue securité calls at specific locations, Enhanced communications among vessels is critical in reducing the risk associated with transporting petroleum in tank barges in the Northeast United States. This proposed rule should increase situational awareness and enhance communications, thereby reducing the risk of casualties.

There are recognized areas in Long Island Sound, Block Island Sound, Narragansett Bay, and Buzzards Bay where the risk of collision is higher because cross-traffic is more likely to be encountered. These locations include dedicated ferry routes and areas where the bays and sounds open to the ocean. Accordingly, this proposed rule contains a list of locations for initiating securité calls.

3. Voyage Planning

This proposed rule would require that the owner or operator of a towing vessel employed to tow a tank barge prepare a voyage plan, addressing specific minimum requirements, before a voyage. The master would validate the contents of the voyage plan before the voyage, adjust the plan if necessary, and ensure its proper use. Currently, there are no regulations requiring the use of voyage plans aboard towing vessels or tank barges. Proper planning and preparation of the vessel and crew may identify potential risks, equipment concerns, and human factors, one or a combination of which may lead to a marine casualty during a voyage. A comprehensive voyage plan should improve the prospects for the successful execution and completion of a voyage.

The minimum contents of a voyage plan are as follows:

(1) A description of the type, volume, and grade of cargo.

(2) Applicable information from nautical charts and publications; including Coast Pilot, Coast Guard Light List, and Coast Guard Local Notice to Mariners, for the destination(s).

(3) Current and forecasted weather, including visibility, wind, and sea state for the destination(s).

(4) Data on tides and tidal currents for destination(s).

(5) Forward and after draft for the tank barge, and under-keel and vertical clearance for the ports(s) and berthing area(s).

(6) Pre-departure checklists.

(7) Calculated speed and estimated time of arrival at proposed waypoints.

(8) Communication contact at Vessel Traffic Service (VTS) (if applicable), bridges, facilities and port-specific requirements for Very High Frequency (VHF) radio.

(9) Master's standing orders for closest point of approach, special conditions, and critical maneuvers.

The proposed rule would authorize an abbreviated version of the voyage plan to address short intra-port tank barge transits. A short intra-port transit is a transit of not more than four hours within the same port complex. The abbreviated version would contain:

(1) Weather conditions including but not limited to visibility, wind and sea state.

(2) Data on tides and tidal currents.

(3) The draft of the barge.

(4) Channels of VHF radio to monitor.

(5) Other considerations such as availability of pilot, assist tug, berth, and line handlers, depth of berth mean low water, danger areas, and securité calls.

4. Navigation Restriction Areas

The proposed rule would establish navigational restrictions for towing vessels with tank barges in two areas in order to protect significant environmental and cultural resources. Located off the Connecticut coast, Fishers Island Sound is subject to strong currents and is bordered by environmentally sensitive areas that would be greatly affected by a spill. Given the strength of the current and wind variability in that area, any spill would quickly spread, reducing the critical time needed to begin taking protective measures. The Sound has less risky routes immediately adjacent, which provide for greater navigational safety of tank barge transits.

As a place with a high level of plankton concentration, the eastern part of Cape Cod Bay is a breeding ground for the endangered Northern Right Whale. Any significant oil spill would potentially destroy the particularly susceptible plankton and have a devastating result on this important breeding area. Cape Cod Bay is a complex marine ecosystem that contains a variety of sensitive tidal marshes, flats and estuarine areas, making protection strategies more difficult in the event of a significant oil spill.

Regulatory Assessment

This notice of proposed rulemaking is not a significant regulatory action under 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. It has not been reviewed by the Office of Management and Budget (OMB) under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 *FR* 11040; February 26, 1979).

A Preliminary Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is available in the docket for inspection or copying where indicated under **ADDRESSES.** A summary of the Evaluation follows:

Summary of Benefits

The principal benefits of this proposed rule would be reduced injuries and loss of life, environmental damage caused by navigation-related incidents of tank barges and towing vessels while under way in the navigable waters of the First Coast Guard District. Quantifiable benefits will accrue in the forms of avoided pollution, avoided injuries and deaths, and avoided damage to vessels and property.

Using information from the database of the Coast Guard Marine Safety Management System from January 1, 1992, to December 31, 1996, we reviewed 96 tank barge casualty cases. These casualties involved vessels that were underway within the boundaries of the First Coast Guard District which would have been affected by this proposed rule if it had been in effect. This period is one which represents post OPA–90 experience, is intended to be long enough to survey a significant number of casualties, and short enough to avoid old problems which are now solved. These 96 incidents provided the pool from which the benefits are estimated. During this base period, there was no reported oil spilled from double-hull barges.

For all four proposed measures, we reviewed each casualty case report to assess whether the casualty could have been prevented or diminished in severity by this rule. A team of Coast Guard analysts assigned an effectiveness degree to which each proposed measure which would have positively affected each casualty case. The Coast Guard tabulated data on deaths and injuries, oil spillage, and dollar totals reported for damage to the tank barges, towing vessels, piers, or other structures, and estimated benefits for each measure adjusted to the accurate degree of effectiveness.

The assessment indicated that, until the phase-out of single-hull tank vessels (Sec. 4115(a) of OPA 90), the requirements of this RNA would bring total benefits of $495,640 in avoided damage to vessels and property (1998 dollars); $189,276 in avoided deaths (1998 dollars); and 459.76 barrels of oil in avoided pollution.

Summary of Costs

Businesses that use tank barge and towing vessels within the geographic boundaries of the First District, as well as the tank barge and towing vessel industries themselves, will bear the majority of the costs of this proposed rule.

The cost of this proposed rule is the sum of costs from the requirements for positive control for barges, enhanced communications, voyage planning, and restricted navigation areas. These anticipated costs recognize that many of the towing vessels and tank barges operating within the geographic boundaries of the First District are already in compliance with these requirements.

(1) Positive Control for Barges: Data from the U.S. Army Corps of Engineers indicated that there are approximately 12,892 transits occurring within the District each year. Of these transits, we estimate 1.95%, or 251, involve a single-hull, petroleum-laden tank barge being towed by a tug without twin engines or twin screws, and thus, this proposal would require an escort or assist tug. The cost of an escort or assist tug is $300 an hour. It is assumed this escort or assist tug would, on average, spend 20 hours in round trip service on each transit. The cost of the tug for a single transit would therefore be $6,000. Discounting to 1998 dollars, and factoring in the phase-out of single-hull tank barges, we calculate the costs of these tugs at $12,796,834.

(2) Enhanced Communications: This proposed rule would require the operator of a towing vessel to make approximately eight securité calls during the average transit in the Coast Guard's First District. Each securité call would take about 30 seconds or 4 minutes each transit. The securité calls

will be placed by the person on watch and it is assumed that the master and the mate each make half of the securité calls. The average daily billing rate for a towing vessel's master is $400, while the average daily billing rate for a towing vessel's mate is $270. Based on an eight hour day, the opportunity cost of the securité call proposal for each transit is $2.79. The Coast Guard estimated that approximately 55% of the 12,892 annual transits, 7,091 transits, involve oil-laden tank barges. With 7,091 transits within the Coast Guard's First District each year affected by the enhanced communications proposal, discounting to 1998 dollars, we calculate the opportunity cost of enhanced communications at $186,892. However, these enhanced communication requirements do not truly represent a cost upon the towing vessel operator. The Securité calls will become a routine task of the person on watch, and will neither cause this person to spend additional time performing his watch duties, nor detract from the time available for performing existing duties. Therefore, the total cost of enhanced communications is $0.

(3) Voyage Planning: For each transit, as a representative of the owner or operator, the master of the towing vessel spends approximately 30 minutes preparing the voyage plan. Again, the average daily billing rate for a towing vessel's master is $400. The Coast Guard, using data from the American Waterway Operators, assumes that 90% of transits already are in compliance with this proposed rule. Further, the Coast Guard estimates that approximately 55% annual transits involve oil-laden tank barges. For the 12,892 transits within the First District each year, voyage planning affects 714 transits. The cost of voyage planning, discounted to 1998 dollars, would be $167,461.

(4) Navigation Restriction Areas: Currently all towing vessels and tank barges operating within the geographic boundaries of the First District, avoid operating in the areas of Fishers Island Sound and the eastern portion of Cape Cod Bay addressed in this proposal. The cost of navigation restriction area is $0.

Summary: The total present value of the costs of this proposed rule (1998 dollars) would be $12,964,345 [$12,796,834 for positive control of barges + $0 for enhanced communications + $167,461 for voyage planning + $0 for navigation restriction areas]. In terms of cost-effectiveness, this rule would prevent future pollution in the Coast Guard's First District at a cost of $26,708 per barrel of oil not spilled.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considers whether this proposed rule, if adopted, will have a significant economic impact on a substantial number of small entities. ''Small entities'' include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The proposed rule would require that all transits involving towing vessels not equipped with twin-screw and twin-engine propulsion, and that are engaged in towing petroleum-laden tank barges in the navigable waters of the First Coast Guard District, employ an escort or assist tug.

It is primarily the businesses that hire the towing vessels and tank barges for transporting their goods who directly incurs the costs of this rulemaking by having to pay for the escort or assist tug. However, some towing vessel companies, the majority of which are small entities, may be indirectly affected by the proposed rule if they can no longer provide tug service at a competitive price due to the requirement that they employ an escort or assist tug.

These towing vessel companies do have alternatives available allowing them to use their non-twin-screw and twin-engine towing vessels, such as pushing barges in narrow rivers or pushing freight barges. Additionally, with only 5% of all towing vessels not having the necessary propulsion equipment, nearly all the towing vessel companies are already in compliance. Further, preliminary information from towing vessel operators indicate that they already select against the use of their non-twin-screw and twin-engine towing vessels for the practice of towing petroleum-laden tank barges. Finally, the cost of escort or assist towing vessels is low in comparison with the cost of replacing or retro-fitting all their non-twin-screw and twin-engine towing vessels with a compliant propulsion system.

Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities. If, however, you think that your business or organization qualifies as a small entity and that this proposed rule will have a significant economic impact on your business or organization, please submit a comment to the Coast Guard at the address under **ADDRESSES** explaining why you think it qualifies and in what way and to what degree this proposed rule will economically affect it.

Assistance for Small Entities

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), the Coast Guard wants to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If your small business or organization would be affected by this rule and you have questions concerning its provisions or options for compliance, please call LT Rich Klein at 617–223–8243.

The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small businesses about Federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you wish to comment on the enforcement actions of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Collection of Information

This proposed rule provides for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). As defined in 5 CFR 1320.3(c), ''collection of information'' includes reporting, recordkeeping, monitoring, posting, labeling, and other, similar actions. The title and description of the information collection, a description of the respondents, and an estimate of the total annual burden follow. Included in the estimate is the time for reviewing instructions, searching existing sources of data, gathering and maintaining data needed, and completing and reviewing the collection.

Title: Regulated Navigation Area: Navigable waters within the First Coast Guard District.

Summary of the Collection of Information: The requirement of a voyage plan would serve as a preventive measure and assist in ensuring the successful execution and completion of a voyage in the First Coast Guard District.

Need for Information: The information for a voyage plan would provide a mechanism for assisting vessels towing tank barges in identifying those specific risks, potential equipment failures, or human errors that may lead to accidents.

Proposed Use of Information: The information would focus on the voyage

planning in the preparation of the crew and vessel for an anticipated voyage.

Description of The Respondents: The owners or operators of towing vessels and tank barges in the First Coast Guard District.

Number of Respondents: 709 estimated transits of towing vessels a year.

Frequency of Response: The frequency of response is once per transit.

Burden of Response: The owner or operator of a towing vessel engaged in a towing a tank barge must prepare a written voyage plan before departure.

Estimated Total Annual Burden: 354.5 hours.

As required by section 3507(d) of the Paperwork Reduction Act of 1995, the Coast Guard has submitted a copy of this proposed rule to OMB for its review of the collection of information.

The Coast Guard solicits public comment on the proposed collection of information to: (1) Evaluate whether the information is necessary for the proper performance of the functions of the Coast Guard, including whether the information would have practical utility; (2) evaluate the accuracy of the Coast Guard's estimate of the burden of the collection, including the validity of the methodology and assumptions used; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection on those who are to respond, as by allowing the submittal of responses by electronic means or the use of other forms of information technology.

Persons submitting comments on the collection of information should submit them both to OMB and to the Commander (m), First Coast Guard District, where indicated under **ADDRESSES** by the date under **DATES**.

Persons are not required to respond to a collection of information unless it displays a currently valid OMB control number. Before the requirements for this collection of information become effective, the Coast Guard will publish notice in the **Federal Register** of OMB's decision to approve, modify, or disapprove the collection.

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed rulemaking does not have sufficient federal implications to warrant the preparation of a Federalism Assessment. Although the Coast Guard has determined that this proposal does not warrant the preparation of a Federalism Assessment, there will be preemptive impacts on existing state law, specifically the Rhode Island Tank Vessel Safety Act, 46 Rhode Island General Laws § 12.6. The proposed regulations on positive control for barges [33 CFR 165.100(d)(1)] will preempt 46 R. I. Gen. Laws § 12.6–8(a)(3). The proposed regulations on enhanced communications [33 CFR 165.100(d)(2)] will preempt 46 R. I. Gen. Laws § 12.6–8(b). The proposed regulations on voyage planning [33 CFR 165.100(d)(3)] will preempt 46 R. I. Gen. Laws § 12.6–8(c). However, Rhode Island law, at 46 R. I. Gen. Laws § 12.6–12 specifically envisions preemption and supercession of their laws by the adoption of Coast Guard regulations on the areas covered by this proposal. No other states within the proposed regulated navigation area have similar existing provisions. Thus the Federalism implications of this proposal are expected to be minimal.

Unfunded Mandates

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), (Pub. L. 104–4, 109 Stat. 48), requires Federal agencies to assess the effects of certain regulatory actions on State, local, and tribal governments, and the private sector. UMRA requires a written statement of economic and regulatory alternatives for proposed and final rules that contain Federal mandates. A ''Federal mandate'' is a new or additional enforceable duty imposed on any State, local, or tribal government, or the private sector. If any Federal mandate causes those entities to spend, in the aggregate $100 million or more in any one year, the UMRA analysis is required. This proposed rule would not impose Federal mandates on any State, local, or tribal governments, or the private sector.

Environment

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

List of Subjects in 33 CFR Part 165

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

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 165, as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6 and 160.5; 49 CFR 1.46.

2. Add § 165.100 to read as follows:

§ 165.100 Regulated Navigation Area: Navigable waters within the First Coast Guard District.

(a) *Regulated Navigation Area.* All navigable waters of the United States, as that term is used in 33 CFR 2.05–25(a), within the geographic boundaries of the First Coast Guard District, as defined in 33 CFR 3.05–1(b).

(b) *Definitions.* Terms used in this section have the same meaning as those found in 33 CFR 157.03. Single-hull identifies any tank barge that is not a double-hull tank barge.

(c) *Applicability.* This section applies to primary towing vessels engaged in towing tank barges carrying petroleum oil in bulk as cargo in the regulated navigation area, or as authorized by the District Commander.

(d) *Regulations*—(1) *Positive Control for Barges.* (i) Except as provided in paragraph (d)(1)(iii) of this section, a single-hull tank barge, unless being towed by a primary towing vessel with twin-screw propulsion and with a separate system for power to each screw, must be accompanied by an escort or assist tug of sufficient capability to promptly push or tow the tank barge away from danger of grounding or collision in the event of—

(A) A propulsion failure;
(B) A parted towing line;
(C) A loss of tow;
(D) A fire;
(E) Grounding;
(F) A loss of steering; or
(G) Any other casualty that affects the navigation or seaworthiness of either vessel.

(ii) Double-hull tank barges are exempt from paragraph (d)(1)(i) of this section.

(iii) The cognizant COTP may authorize an exemption from the requirements of paragraph (d)(1)(i) of this section for any tank barge with a capacity of less than 25,000 barrels, to operate in an area with limited depth or width such as a creek or small river. Each request for an exemption under this section must be submitted in writing to the cognizant COTP.

(iv) The operator of a towing vessel engaged in towing any tank barge must immediately call for an escort or assist tug to render assistance in the event of any of the occurrences identified in paragraph (d)(1)(i) of this section.

(2) *Enhanced Communications.* Each vessel engaged in towing a tank barge must communicate by radio on marine band or Very High Frequency (VHF) channel 13 or 16, and issue securité calls on marine band or VHF channel 13 or 16, upon approach to the following places:

(i) Execution Rock Light (USCG Light List No. [LLNR] 21440).

(ii) Race Rock Light (LLNR 19815).

(iii) Cable & Anchor Reef Buoy (LLNR 21330).

(iv) Stratford Shoal Middle Ground Light (LLNR 21260).

(v) Old Field Point Light (LLNR 21275).

(vi) Approaching Stratford Point from the south (NOAA Chart 12370).

(vii) Faulkner Island Light (LLNR 21170).

(viii) TE Buoy (LLNR 21160).

(ix) CF Buoy (LL 21140).

(x) PI Buoy (LLNR 21080) and Valiant Rock Buoy (LLNR 19825).

(xi) Approach to Point Judith in vicinity of Block Island ferry route.

(xii) Buzzards Bay Entrance Light (LLNR 630).

(xiii) Buzzards Bay Midchannel Lighted Buoy (LLNR 16055).

(xiv) Cleveland East Ledge Light (LLNR 16085).

(xv) Hog Island buoys 1 (LLNR 16130) and 2 (LLNR 16135).

(xvi) Approach to the Bourne Bridge.

(xvii) Approach to the Sagamore Bridge.

(xviii) Approach to the eastern entrance of Cape Code Canal.

(3) *Voyage Planning.* (i) The owner or operator of a towing vessel employed to tow a tank barge shall prepare a written voyage plan for each tank barge transit. The master of the towing vessel shall ensure the proper use of each voyage plan.

(ii) Except as provided in paragraph (d)(3)(iii) of this section, each voyage plan must contain:

(A) A description of the type, volume, and grade of cargo.

(B) Applicable information from nautical charts and publications, including Coast Pilot, Coast Guard Light List, and Coast Guard Local Notice to Mariners, for the destination(s).

(C) Current and forecasted weather, including visibility, wind, and sea state for the destination(s).

(D) Data on tides and tidal currents for the destination(s).

(E) Forward and after drafts of the tank barge, and under-keel vertical clearances for all port(s) and berthing area(s).

(F) Pre-departure checklists.

(G) Calculated speed and estimated time of arrival at proposed waypoints.

(H) Communication contacts at Vessel Traffic Service (VTS) (if applicable), bridges, and facilities, and port-specific requirements for VHF radio.

(I) The master's standing orders detailing closest points of approach, special conditions, and critical maneuvers.

(iii) Each owner or operator of a tank barge on an intra-port transit of not more than four hours may prepare a voyage plan that contains:

(A) The information described in paragraphs (d)(3)(ii) (C), (D), and (E) of this section.

(B) The channels of VHF radio to monitor.

(C) Other considerations such as availability of pilot, assist tug, berth, and line-handlers, depth of berth at mean low water, danger areas, and securite calls.

(4) *Navigation Restriction Areas.* Unless authorized by the cognizant COTP, no tank barge may operate in—

(i) The waters of Cape Cod Bay south of latitude 42° 5′ North and east of longitude 70° 25′ West; or

(ii) The waters of Fishers Island Sound east of longitude 72° 2′ West, and west of longitude 71° 55′ West.

Dated: October 5, 1998.

R.M. Larrabee

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

[FR Doc. 27361 Filed 10–9–98; 8:45 a.m.]

BILLING CODE 4910–15–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MN52–01–7277b; MN53–01–7278b; FRL–6162–3]

Approval and Promulgation of Implementation Plans; Minnesota

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: In this document, the EPA is proposing to approve revisions to Minnesota's State Implementation Plan (SIP) for sulfur dioxide (SO_2) in Air Quality Control Region (AQCR) 131. This revision amends two State Administrative Orders for two Northern States Power facilities: Inver Hills and Riverside.

In the final rules section of this **Federal Register**, the USEPA is approving the State's request as a direct final rule without prior proposal because USEPA views this action as noncontroversial and anticipates no adverse comments. A detailed rationale for approving the State's request is set forth in the direct final rule. The direct final rule will become effective without further notice unless the Agency receives relevant adverse written comment on this proposed rule within 30 days of today's publication. Should the Agency receive such comment, it will publish a document informing the public that the direct final rule will not take effect and such public comment received will be addressed in a subsequent final rule based on this proposed rule. If no adverse comments are received, the direct final rule will take effect on the date stated in that document and no further activity will be taken on this proposed rule. USEPA does not plan to institute a second comment period on this action. Any parties interested in commenting on this document should do so at this time.

DATES: Comments must be received on or before November 12, 1998.

ADDRESSES: Written comments should be sent to: Carlton T. Nash, Chief, Regulation Development Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the documents relevant to this action are available for public inspection during normal business hours at the following address: United States Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (Please telephone Victoria Hayden at (312) 886–4023 before visiting the Region 5 Office.)

FOR FURTHER INFORMATION CONTACT: Victoria Hayden, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, Telephone Number (312) 886–4023.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final rule of the same title which is located in the Rules Section of this **Federal Register**.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Reporting and recordkeeping.

Dated: September 3, 1998.

Gail Ginsberg,

Acting Regional Administrator, Region V.

[FR Doc. 98–26898 Filed 10–9–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[FRL–6175–8]

RIN 2060–AF29

National Emission Standards for Hazardous Air Pollutants; Proposed Standards for Hazardous Air Pollutants Emissions From Ferroalloys Production

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; extension of public comment period.

SUMMARY: The EPA is extending the public comment period on the Notice of Proposed Rulemaking (NPRM) for hazardous air pollutants emissions from ferroalloys production, which was published in the **Federal Register** on August 4, 1998 (63 FR 41508). The comment period is being extended 30 days, from October 5, 1998, to November 4, 1998. This extension is being made in response to a request from Elkem Metals Company, the owner/operator of a potentially affected ferroalloy facility.

DATES: The EPA will accept comments on the NPRM until October 4, 1998.

ADDRESSES: Comments should be submitted (in duplicate) to: Air and Radiation Docket and Information Center (6102), Attention: Docket No. A–92–59, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. The EPA requests that a separate copy also be sent to the contact person listed below (Mr. Conrad Chin). The docket may be inspected at the above address between 8:00 a.m. and 5:30 p.m. on weekdays. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: For information concerning the NPRM, contact Mr. Conrad Chin, Metals Group, Emission Standards Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711, telephone number (919) 541–1512; electronic mail address chin.conrad@epamail.epa.gov.

Dated: October 5, 1998.

Robert Perciasepe,

Assistant Administrator for Air and Radiation.

[FR Doc. 98–27406 Filed 10–9–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 799

[OPPTS–42190A; FRL–6029–8]

RIN 2070–AC76

Dimethyl Adipate, Dimethyl Glutarate, Dimethyl Succinate; Export Notification Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Under the authority of the Toxic Substances Control Act (TSCA) sections 4 and 12(b)(1), EPA is proposing to require that exporters of certain dibasic esters (DBEs) (consisting of dimethyl adipate (CAS No. 627–93–0) (DMA), dimethyl glutarate (CAS No. 1119–40–0) (DMG), and dimethyl succinate (CAS No. 106–65–0) (DMS)), be subject to TSCA 12(b)(1) export notification requirements. These requirements would become effective following publication in the **Federal Register** of a testing consent order (Order) incorporating an enforceable consent agreement (ECA) that would require health effects testing on DMA, DMG, and DMS and the issuance of a final rule based on this proposed rule. When the TSCA section 12(b)(1) rule for DMA, DMG, and DMS becomes effective, all exporters of DMA, DMG, and DMS, including persons who either have signed or have not signed the ECA, would be required to comply with the export notification regulations under section 12(b)(1) of TSCA with regard to exports of DMA, DMG, and DMS.

DATES: Written comments, identified by the docket control number OPPTS–42190A, must be received by EPA on or before December 14, 1998.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Follow the instructions for each method as provided in Unit I.C. of the SUPPLEMENTARY INFORMATION section of this preamble.

FOR FURTHER INFORMATION CONTACT: *For technical information*: George Semeniuk, Project Manager, Chemical Information and Testing Branch (7405), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone: (202) 260–2134; e-mail: semeniuk.george@epa.gov.

For additional information: Susan B. Hazen, Director, Environmental Assistance Division (7408), Rm. E–541, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone: (202) 554–404, TDD: (202) 554–0551; e-mail: TSCA-Hotline@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Would this proposed rule apply to me?

You would be affected by this proposed rule if you export or intend to export one or more of the following DBEs: DMA (CAS No. 627–93–0), DMG (CAS No. 1119–40–0), or DMS (CAS No. 106–65–0) and if EPA has announced in the **Federal Register** that it has entered into an ECA for DMA, DMG, and DMS. Regulated categories and entities may include, but are not limited to:

Category	Examples of Regulated Entities
Chemical exporters	•Persons who export or intend to export DMA, DMG, and/or DMS

This table is not intended to be exhaustive, but rather provides a guide for readers regarding examples of entities likely to be regulated by this action. Other types of entities not listed in this table could also be regulated. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed as the technical contact in the ''FOR FURTHER INFORMATION CONTACT'' at the beginning of this document.

B. How can I get additional information, including copies of this document and support documents?

1. *Electronically.* You may obtain electronic copies of this document and other available support documents on the Internet from the EPA Home Page at the ''**Federal Register**—Environmental Documents'' entry for this document (http://www.epa.gov/fedrgstr/EPA-TOX/1998/).

2. *In person.* The official record for this proposed rule, including the public version, has been established under docket control number OPPTS–42190A. The public version of the record, including printed, paper versions of any electronic comments, which does not include any information claimed as Confidential Business Information (CBI), is available for inspection in the TSCA Nonconfidential Information Center, Rm. NE B–607, 401 M St., SW., Washington, DC. The Center is open from 12 noon to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number of the Center is (202) 260–7099.

C. How do I submit comments and to whom do I submit them?

You may submit comments by mail, in person, or electronically:

1. *By mail.* Submit written comments to: Document Control Office (7407), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, Rm. G–099, East Tower, 401 M St., SW., Washington, DC 20460. The telephone number of the OPPT Document Control Office is (202) 260–7093.

2. *In person*. Deliver written comments to: OPPT Document Control Office, Environmental Protection Agency, Rm. G–099, East Tower, 401 M St., SW., Washington, DC.

3. *Electronically*. Submit your comments electronically to: oppt.ncic@epa.gov. Submit electronic comments as an ASCII file avoiding the use of special characters and any form of encryption. Do not submit any information electronically that you consider to be CBI. Comments and data will also be accepted on disks in WordPerfect 5.1/6.1 or ASCII file format. Submit computer disks to the address provided in Unit I.C.1. of this preamble. Identify all comments and data in electronic form by the docket control number OPPTS–42190A. Electronic comments on this proposed rule may also be filed online at many Federal Depository Libraries.

D. How should I handle information in my comments that I believe may be CBI?

You may protect CBI within comments that you submit in response to this document by marking each piece of confidential information or the entire document as CBI in accordance with 40 CFR 2.203(b). Information marked in this way will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. CBI claims must be made at the time the information is submitted to EPA. Information not marked confidential will be made available to the public by EPA without prior notice. When you make CBI claims for particular comments, you must send EPA a copy of the comments with the CBI information deleted.

II. Authority

This proposed rule is issued under the authority of TSCA sections 4 and 12(b)(1) (15 U.S.C. 2603 and 2611(b)(1)) and 40 CFR part 707, subpart D.

III. Background

A. What is the ECA for DBEs?

On March 22, 1995 (60 FR 15143) (FRL–4943–6), EPA solicited manufacturers and processors of DBEs, including DMA, DMG, and DMS, to develop and submit to EPA health effects testing proposals for these chemicals. EPA notified interested parties on December 20, 1996 (61 FR 67332) (FRL–5578–9) of a public meeting to begin the negotiation of an ECA for DBEs. The public meeting was held on January 29, 1997. The Dibasic Esters Group (DBE Group), comprised of representatives from the Aceto Corporation, E.I. du Pont de Nemours Company, and Solutia Inc., and established under the Synthetic Organic Chemicals Manufacturers Association (SOCMA), indicated its interest in conducting the testing sought by EPA. On February 28, 1997, the DBE Group submitted draft protocols to EPA for five toxicity studies. The Agency reviewed this testing proposal and prepared a preliminary technical analysis which it sent to the DBE Group on May 21, 1998. A teleconference among interested parties was held on June 23, 1998 to negotiate an agreement. A draft ECA is being circulated for review among already-identified interested parties.

The procedures for ECA negotiations are described at 40 CFR 790.22(b).

If an ECA for DBEs is agreed upon by EPA and the DBE Group, and an Order incorporating the ECA is signed by EPA, testing to develop needed data would be required of those non-governmental persons that sign the agreement. In addition, the ECA would incorporate the applicable export notification requirements of section 12(b)(1) of TSCA and 40 CFR part 707, subpart D, which would apply to those non-governmental persons that have signed the ECA. Under TSCA section 12(b)(1) and 40 CFR part 707, subpart D, if any person exports or intends to export to a foreign country a chemical substance or mixture for which the submission of data is required under section 4 of TSCA, that person shall notify EPA of this export or intent to export. Export notification requirements apply whenever data must be submitted under the authority of section 4 of TSCA, regardless of whether the data must be submitted pursuant to a test rule, or an ECA and Order.

B. What would I be required to do under this proposed rule?

If an ECA is concluded for DBEs, EPA would promulgate a final rule, based on this proposed rule, to add DMA, DMG, and DMS to the table in 40 CFR 799.5000, entitled ''Testing consent orders for substances and mixtures with Chemical Abstract Service Registry Numbers.'' The final rule would require all exporters of DMA, DMG, and DMS, including persons who either have signed or have not signed the ECA for DBEs, to comply with export notification regulations. (See 40 CFR 799.19 and 40 CFR part 707, subpart D).

When you export or intend to export a chemical for which the submission of data is required under TSCA section 4 to a particular foreign country for the first time, you must submit a one-time notification to EPA identifying the chemical and country of import. (See also 40 CFR 707.65(a)(2)(ii)). A single notification can cover multiple chemicals and multiple countries. If you export or intend to export the same chemical to an additional country, you must submit an additional export notification to EPA. Other procedures for submitting export notifications to EPA and penalties for noncompliance are described in 40 CFR part 707, subpart D.

IV. Regulatory Assessment Requirements

A. Does this action require review by the Office of Management and Budget under Executive Orders 12866 or 13045?

No. This action is not subject to review by the Office of Management and Budget (OMB) under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993), because it has been determined that this is not a ''significant regulatory action.'' In addition, this action does not require special OMB review under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 1985, April 23, 1997), because it does not raise any issues regarding children's environmental-health risks and it is not expected to have an economic impact of more than $100 million.

B. Will this action have disproportionate impacts on minorities or low-income communities?

No. This action does not involve special considerations of environmental-justice related issues pursuant to Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994).

C. Does this action involve any information collection activities, such as reporting, recordkeeping, or notification, that have not already been approved by OMB?

No. The information collection requirements related to this action have already been approved by OMB pursuant to the Paperwork Reduction

Act (PRA), 44 U.S.C. 3501 *et seq.*, under OMB Control Number 2070–0030 (EPA ICR No. 0795). The public reporting burden for submitting an export notification to the agency is estimated to average 0.55 hour per response. As defined by the PRA and 5 CFR 1320.3(b), ''burden'' means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. An agency may not conduct or sponsor, and a person is not required to respond to, an information collection request unless it displays a currently valid OMB control number. The OMB control number for this information collection appears above. In addition, the OMB control numbers for EPA's regulations, after initial display in the final rule, are listed in 40 CFR part 9.

Send any comments on the Agency's need for this information, the accuracy of the provided burden estimate, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques, to the Director, OPPE Regulatory Information Division (2137), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Include the OMB control number in any correspondence, but do not submit export notification letters to this address.

D. Does this action impose any requirements on State, local, or tribal governments?

No.

1. *Unfunded Mandates Reform Act of 1995*

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub. L. 104–4, establishes requirements for Federal agencies to assess the effects of certain regulatory actions on State, local, or tribal governments or the private sector, and to seek input from State, local, and tribal governments on certain regulatory actions. EPA has determined that this action does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, or tribal governments, in the aggregate, or the private sector, in any 1 year. Therefore, this action is not subject to the requirements of sections 202 or 205 of UMRA. The requirements of sections 203 and 204 of UMRA, which relate to regulatory requirements that might significantly or uniquely affect small governments and to regulatory proposals that contain a significant Federal intergovernmental mandate, respectively, also do not apply to this proposed rule. This is because the proposed rule would only affect the private sector, i.e., those companies that export or intend to export chemicals for which the submission of data is required under section 4 of TSCA.

2. *Executive Order 12875*

Under Executive Order 12875, entitled *Enhancing the Intergovernmental Partnership* (58 FR 58093, October 28, 1993), EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to OMB a description of the extent of EPA's prior consultation with representatives of affected State, local, and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local, and tribal governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.''

Today's proposed rule does not create an unfunded Federal mandate on State, local, or tribal governments. The proposed rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this proposed rule.

3. *Executive Order 13084*

Under Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19,1998), EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide to OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

Today's proposed rule does not significantly or uniquely affect the communities of Indian tribal governments. This proposed action does not involve or impose any requirements that affect Indian tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this proposed rule.

E. Does this action result in a significant impact on a substantial number of small entities?

Under the Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.*, the Agency has determined that this proposed rule would not result in a significant economic impact on a substantial number of small entities, and hereby certifies to that effect pursuant to section 605(b) of the RFA.

The export regulations implementing section 12(b) of TSCA are found at 40 CFR part 707, subpart D. These regulations require only a one-time notification to EPA for each foreign country of export for each chemical for which data are required under section 4 of TSCA. In an analysis of the economic impacts of the July 27, 1993, amendment to the rules implementing section 12(b) of TSCA (58 FR 40238), EPA estimated that the one-time cost of preparing and submitting the TSCA section 12(b) notification was $62.60. See U.S. EPA, ''Economic Analysis in Support of the Final Rule to Amend Rule Promulgated Under TSCA Section 12(b),'' OPPT/ETD/RIB, June 1992, contained in the record for this rulemaking. Inflated through the last quarter of 1996 using the Consumer Price Index, the cost is estimated to be $69.56.

Although data available to EPA regarding export shipments of DBEs are limited, an exporter would have to have annual revenues below $6,956 per chemical/country combination before the Agency would be concerned about the potential for substantive adverse impacts. EPA believes that it is reasonable to assume that few, if any, small exporters would have such small annual revenues per chemical/country combination. The Agency concludes that the export notification requirements will not have a significant impact on entities involved in exporting chemicals, regardless of whether the exporting entity is small or large.

F. Does this action involve a technical standard?

No. This proposed rule does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Pub. L. 104–113, section 12(d) (15 U.S.C. 272 note). Section 12(d) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA requires EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards. EPA invites public comment on EPA's conclusion that this action does not require the consideration of voluntary consensus standards.

List of Subjects in 40 CFR Part 799

Environmental protection, Chemicals, Exports, Hazardous substances, Health, Laboratories, Reporting and recordkeeping requirements.

Dated: September 30, 1998.

Lynn R. Goldman,

Assistant Administrator for Prevention, Pesticides and Toxic Substances.

Therefore, it is proposed that 40 CFR chapter I be amended as follows:

PART 799—[AMENDED]

1. The authority citation for part 799 would continue to read as follows:

Authority: 15 U.S.C. 2603, 2611, 2625.

2. Section 799.5000 is amended by adding dimethyl succinate, dimethyl adipate, and dimethyl glutarate to the table in CAS number order to read as follows:

§ 799.5000 Testing consent orders for substances and mixtures withChemical Abstract Service Registry Numbers.

* * * * *

CAS Number	Substance or mixture name	Testing	FR Publication Date
*	*	*	*
106–65–0	Dimethyl succinate	Health effects	[date of final rule]
*	*	*	*
627–93–0	Dimethyl adipate	Health effects	[date of final rule]
*	*	*	*
1119–40–0	Dimethyl glutarate	Health effects	[date of final rule]
*	*	*	*

* * * * *

[FR Doc. 98–27386 Filed 10–9–98; 8:45 am]
BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 799

[OPPTS–42205A; FRL–6023–9]

RIN 2070–AC76

Methyl Isobutyl Ketone; Export Notification Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Under the authority of the Toxic Substances Control Act (TSCA) sections 4 and 12(b)(1), EPA is proposing to require that exporters of methyl isobutyl ketone (MIBK) (CAS No. 108–10–1) be subject to TSCA section 12(b)(1) export notification requirements. These requirements would become effective following publication in the **Federal Register** of a testing consent order (Order) incorporating an enforceable consent agreement (ECA) that would require health effects testing on MIBK and the issuance of a final rule based on this proposed rule. When the TSCA section 12(b)(1) rule for MIBK becomes effective, all exporters of MIBK, including persons who have not signed the ECA, would be required to comply with the export notification regulations under section 12(b)(1) of TSCA with regard to exports of MIBK.

DATES: Written comments, identified by the docket control number OPPTS–42205A, must be received by EPA on or before December 14, 1998.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Follow the instructions for each method as provided in Unit I.C. of the SUPPLEMENTARY INFORMATION section of this preamble.

FOR FURTHER INFORMATION CONTACT: *For technical information*: John Schaeffer, Project Manager, Chemical Information and Testing Branch (7405), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone: (202) 260–1266; e-mail: schaeffer.john@epa.gov.

For additional information: Susan B. Hazen, Director, Environmental Assistance Division (7408), Rm. E-541, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone: (202) 554–1404, TDD: (202) 554–0551; e-mail: TSCA-Hotline@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Would this proposed rule apply to me?

You would be affected by this proposed rule if you export or intend to export MIBK (CAS No. 108–10–1) and EPA has announced in the **Federal Register** that it has entered into an ECA for MIBK. Regulated categories and entities may include, but are not limited to:

Category	Examples of Regulated Entities
Chemical exporters	•Persons who export or intend to export MIBK

This table is not intended to be exhaustive, but rather provides a guide for readers regarding examples of entities likely to be regulated by this action. Other types of entities not listed in this table could also be regulated. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed as the technical contact in the ''FOR FURTHER INFORMATION CONTACT'' at the beginning of this document.

B. How can I get additional information, including copies of this document and support documents?

1. *Electronically*. You may obtain electronic copies of this document and other available support documents on the Internet from the EPA Home Page at the ''**Federal Register**—Environmental Documents'' entry for this document (http://www.epa.gov/fedrgstr/EPA-TOX/1998/).

2. *In person*. The official record for this proposed rule, including the public version, has been established under docket control number OPPTS–42205A. The official record also includes all material and submissions filed under docket control number OPPTS–42187A, the record for the proposed test rule for certain hazardous air pollutants (HAPs), as amended, and all materials and submissions filed under docket control number OPPTS–42187B, the record for the receipt of proposals for developing ECAs for HAPs chemicals. The public version of the record, including printed, paper versions of any electronic comments, which does not include any information claimed as confidential business information (CBI), is available for inspection in the TSCA Nonconfidential Information Center, Rm. NE B–607, 401 M St., SW., Washington, DC. The Center is open from 12 noon to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number of the Center is (202) 260–7099.

C. How do I submit comments and to whom do I submit them?

You may submit comments by mail, in person, or electronically:

1. *By mail*. Submit written comments to: Document Control Office(7407), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, Rm. G–099, East Tower, 401 M St., SW., Washington, DC 20460. The telephone number of the OPPT Document Control Office is (202) 260–7093.

2. *In person*. Deliver written comments to: OPPT Document Control Office, Environmental Protection Agency, Rm. G–099, East Tower, 401 M St., SW., Washington, DC.

3. *Electronically*. Submit your comments electronically to: oppt.ncic@epa.gov. Submit electronic comments as an ASCII file avoiding the use of special characters and any form of encryption. Do not submit any information electronically that you consider to be Confidential Business Information (CBI). Comments and data will also be accepted on disks in WordPerfect 5.1/6.1 or ASCII file format. Submit computer disks to the address provided in Unit I.C.1. of this preamble. Identify all comments and data in electronic form by the docket control number OPPTS–42205A. Electronic comments on this proposed rule may also be filed online at many Federal Depository Libraries.

D. How should I handle information in my comments that I believe may be CBI?

You may protect CBI within comments that you submit in response to this document by marking each piece of confidential information or the entire document as CBI in accordance with 40 CFR 2.203(b). Information marked in this way will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. CBI claims must be made at the time the information is submitted to EPA. Information not marked confidential will be made available to the public by EPA without prior notice. When you make CBI claims for particular comments, you must send EPA a copy of the comments with the CBI information deleted.

II. Authority

This proposed rule is issued under the authority of TSCA sections 4 and 12(b)(1) (15 U.S.C. 2603 and 2611(b)(1)) and 40 CFR part 707, subpart D.

III. Background

A. What is the ECA for MIBK?

MIBK is one of the chemicals proposed for health effects testing in a proposed test rule for hazardous air pollutants (HAPs) under TSCA section 4(a) (61 FR 33178, June 26, 1996) (FRL–4869–1). The proposed HAPs test rule was amended on December 24, 1997 (62 FR 67466) (FRL–5742–2) and on April 21, 1998 (63 FR 19694) (FRL–5780–6). In the HAPs proposal, EPA invited the submission of proposals for testing of the chemicals in the proposed HAPs test rule. The proposals provide the basis for negotiating ECAs, which, if concluded, would be incorporated into TSCA section 4 Orders as alternatives to testing under the proposed rule.

On December 11, 1996, and March 30, 1998, the Ketones Panel of the Chemical Manufacturers Association (CMA Ketones Panel) submitted comments on testing that would be required in the proposed HAPs rulemaking. In conjunction with these comments the CMA Ketones Panel included a proposal to conduct a 2-generation reproductive toxicity study under an ECA rather than to wait for EPA to promulgate the final HAPs rule. EPA responded to this proposal in May 1998, indicating that this approach offered sufficient merit to proceed with ECA negotiations. EPA has published a document soliciting interested parties to monitor or participate in these negotiations (63 FR 32656, June 15, 1998) (FRL–5798–3). The procedures for ECA negotiations are described at 40 CFR 790.22(b).

If an ECA for MIBK is agreed upon by EPA and the CMA Ketones Panel, and an Order is signed by EPA, testing to develop needed data would be required of those non-governmental persons that sign the agreement. In addition, the ECA would incorporate the applicable export notification requirements of section 12(b)(1) of TSCA and 40 CFR part 707, subpart D, which would apply to those non-governmental persons that have signed the ECA. Under TSCA section 12(b)(1) and 40 CFR part 707, subpart D, if any person exports or intends to export to a foreign country a chemical substance or mixture for which the submission of data is required under section 4 of TSCA, that person shall notify EPA of this export or intent to export. Export notification requirements apply whenever data must be submitted under the authority of section 4 of TSCA, regardless of whether the data must be submitted pursuant to a test rule, or an ECA and Order.

B. What would I be required to do under this proposed rule?

If an ECA is concluded for MIBK (CAS No. 108–10–1), EPA would promulgate a final rule, based on this proposed rule, to add MIBK to the table in 40 CFR 799.5000, entitled ''Testing consent orders for substances and mixtures with Chemical Abstract Service Registry Numbers.'' The final rule would require all exporters of MIBK, including persons who either have signed or have not signed the ECA for MIBK, to comply with export notification regulations. (See 40 CFR 799.19 and 40 CFR part 707, subpart D).

When you export or intend to export a chemical for which the submission of data is required under TSCA section 4 to a particular foreign country for the first time, you must submit a one-time notification to EPA identifying the chemical and country of import. (See also 40 CFR 707.65(a)(2)(ii)). A single notification can cover multiple chemicals and multiple countries. If you export or intend to export the same chemical to an additional country, you must submit an additional export notification to EPA. Other procedures for submitting export notifications to EPA and penalties for noncompliance are described in 40 CFR part 707, subpart D.

IV. Regulatory Assessment Requirements

A. Does this action require review by the Office of Management and Budget under Executive Orders 12866 or 13045?

No. This action is not subject to review by the Office of Management and Budget (OMB) under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993), because it has been determined that this is not a ''significant regulatory action.'' In addition, this action does not require special OMB review under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 1985, April 23, 1997), because it does not raise any issues regarding children's environmental-health risks and it is not expected to have an economic impact of more than $100 million.

B. Will this action have disproportionate impacts on minorities or low-income communities?

No. This action does not involve special considerations of environmental-justice related issues pursuant to Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994).

C. Does this action involve any information collection activities, such as reporting, recordkeeping, or notification, that have not already been approved by OMB?

No. The information collection requirements related to this action have already been approved by OMB pursuant to the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, under OMB Control Number 2070–0030 (EPA ICR No. 0795). The public reporting burden for submitting an export notification to the agency is estimated to average 0.55 hour per response. As defined by the PRA and 5 CFR 1320.3(b), ''burden'' means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. An agency may not conduct or sponsor, and a person is not required to respond to, an information collection request unless it displays a currently valid OMB control number. The OMB control number for this information collection appears above. In addition, the OMB control numbers for EPA's regulations, after initial display in the final rule, are listed in 40 CFR part 9.

Send any comments on the Agency's need for this information, the accuracy of the provided burden estimate, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques, to the Director, OPPE Regulatory Information Division (2137), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Include the OMB control number in any correspondence, but do not submit export notification letters to this address.

D. Does this action impose any requirements on State, local, or tribal governments?

No.

1. *Unfunded Mandates Reform Act of 1995*

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub. L. 104–4, establishes requirements for Federal agencies to assess the effects of certain regulatory actions on State, local, or tribal governments or the private sector, and to seek input from State, local, and tribal governments on certain regulatory actions. EPA has determined that this action does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, or tribal governments, in the aggregate, or the private sector, in any 1 year. Therefore, this action is not subject to the requirements of sections 202 or 205 of UMRA. The requirements of sections 203 and 204 of UMRA, which relate to regulatory requirements that might significantly or uniquely affect small governments and to regulatory proposals that contain a significant Federal intergovernmental mandate, respectively, also do not apply to this proposed rule. This is because the proposed rule would only affect the private sector, i.e., those companies that export or intend to export chemicals for which the submission of data is required under section 4 of TSCA.

2. *Executive Order 12875*

Under Executive Order 12875, entitled *Enhancing the Intergovernmental Partnership* (58 FR 58093, October 28, 1993), EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to OMB a description of the extent of EPA's prior consultation with representatives of affected State, local, and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local, and tribal governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.''

Today's proposed rule does not create an unfunded Federal mandate on State, local, or tribal governments. The proposed rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this proposed rule.

3. *Executive Order 13084*

Under Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19,1998), EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide to OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on

matters that significantly or uniquely affect their communities.''

Today's proposed rule does not significantly or uniquely affect the communities of Indian tribal governments. This proposed action does not involve or impose any requirements that affect Indian tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this proposed rule.

E. Does this action result in a significant impact on a substantial number of small entities?

Under the Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.*, the Agency has determined that this proposed rule would not result in a significant economic impact on a substantial number of small entities, and hereby certifies to that effect pursuant to section 605(b) of the RFA.

The export regulations implementing section 12(b) of TSCA are found at 40 CFR part 707, subpart D. These regulations require only a one-time notification to EPA for each foreign country of export for each chemical for which data are required under section 4 of TSCA. In an analysis of the economic impacts of the July 27, 1993 amendment to the rules implementing section 12(b) of TSCA (58 FR 40238), EPA estimated that the one-time cost of preparing and submitting the TSCA section 12(b) notification was $62.60. See U.S. EPA, ''Economic Analysis in Support of the Final Rule to Amend Rule Promulgated Under TSCA Section 12(b),'' OPPT/ETD/RIB, June 1992, contained in the record for this rulemaking and referenced in the first amended proposed HAPs test rule (62 FR 67166, December 24, 1997). Inflated through the last quarter of 1996 using the Consumer Price Index, the cost is estimated to be $69.56.

Although data available to EPA regarding export shipments of the HAPs chemicals are limited, an exporter would have to have annual revenues below $6,956 per chemical/country combination before the Agency would be concerned about the potential for substantive adverse impacts. EPA believes that it is reasonable to assume that few, if any, small exporters would have such small annual revenues per chemical/country combination. The Agency concludes that the export notification requirements will not have a significant impact on entities involved in exporting chemicals, regardless of whether the exporting entity is small or large.

F. Does this action involve a technical standard?

No. This proposed rule does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Pub. L. 104–113, section 12(d) (15 U.S.C. 272 note). Section 12(d) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA requires EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards. EPA invites public comment on EPA's conclusion that this action does not require the consideration of voluntary consensus standards.

List of Subjects in 40 CFR Part 799

Environmental protection, Chemicals, Exports, Hazardous substances, Health, Laboratories, Reporting and recordkeeping requirements.

Dated: September 30, 1998.

Lynn R. Goldman,

Assistant Administrator for Prevention, Pesticides and Toxic Substances.

Therefore, it is proposed that 40 CFR chapter I be amended as follows:

PART 799—[AMENDED]

1. The authority citation for part 799 would continue to read as follows:

Authority: 15 U.S.C. 2603, 2611, 2625.

2. Section 799.5000 is amended by adding methyl isobutyl ketone to the table in CAS number order to read as follows:

§ 799.5000 Testing consent orders for substances and mixtures with Chemical Abstract Service Registry Numbers.

* * * * *

CAS Number	Substance or mixture name	Testing	FR Publication Date
*	*	*	*
CAS No. 108–10–1	Methyl isobutyl ketone	Health effects	[date of final rule]
*	*	*	*

* * * * *

[FR Doc. 98–27387 Filed 10–9–98; 8:45 am]

BILLING CODE 6560–50–F

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA–98–4515]

RIN 2127–AF43

Federal Motor Vehicle Safety Standards

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes a new Federal motor vehicle safety standard that would establish requirements and test procedures which address safety issues exclusive to electric vehicles: Electrolyte spillage, post-crash retention of batteries in their mounts, and shock hazard. The standard would be based upon SAE J1766 FEB96 ''Recommended Practice for Electric and Hybrid Electric Vehicle Battery Systems Crash Integrity Testing,'' and be known as Standard No. 305, ''Electric-powered vehicles: electrolyte spillage and

electrical shock protection.'' Test procedures would include the frontal barrier crash test of Standard No. 208, the side moving barrier crash test of Standard No. 214, and the rollover and rear moving barrier crash tests of Standard No. 301. However, as proposed, the standard would not apply to low-speed electric vehicles regulated by Standard No. 500, and the agency is asking for comment on this issue.

DATES: Comments are due November 27, 1998.

ADDRESSES: Comments should refer to the docket number and be submitted to Docket Management, PL–401, 400 Seventh St., SW, Washington, DC 20590. Docket hours are from 10 a.m. to 4 p.m.

FOR FURTHER INFORMATION CONTACT: Charles Hott, Office of Safety Performance Standards, NHTSA (202–366–0427).

SUPPLEMENTARY INFORMATION:

Background

The 1990s may be remembered as the beginning of a new generation of electric vehicles. In mid-decade, General Motors Corporation (GM) introduced the EV1, an electric-powered passenger car, offered for lease in selected western markets in the United States. Other manufacturers, such as Honda and Nissan, have also introduced new electric vehicles (EVs). The primary impetus for the introduction of EVs into the marketplace appears to be the Clean Air Act Amendments of 1990 which included provisions for zero emission vehicles (ZEV). EVs are the only known vehicles that will meet the emission requirements for ZEVs. In California, these provisions were to become effective beginning in model year 1998, and would have required automobile manufacturers to sell, collectively, 40,000 EVs in the model year. However, those provisions were delayed by the California Air Resources Board until model year 2003. At that time, car companies will be required to meet 10 percent of their sales with ZEVs. In addition, the Energy Policy Act of 1992 requires Federal and State fleets to acquire increasing percentages of alternative fueled vehicles.

On December 27, 1991, NHTSA published an advance notice of proposed rulemaking (ANPRM) on EV safety (56 FR 67038). The purpose of that notice was to help the agency determine what existing Federal motor vehicle safety standards (FMVSS) may need modification to better accommodate the unique technology of EVs and what new FMVSS may need to be written to assure their safe introduction. The ANPRM requested comments on a broad range of potential EV safety issues including battery electrolyte spillage and electric shock hazard. The ANPRM elicited widespread public interest and 46 comments were received.

After reviewing the comments and information received in response to the ANPRM, NHTSA concluded in a November 18, 1992 notice (57 FR 54354) that it was premature to initiate rulemaking for FMVSS specific for EVs. In that notice the agency stated that further research was needed in the areas of battery electrolyte spillage and electric shock hazard.

Shortly thereafter, in 1993, NHTSA conducted research and testing on two converted EVs. These vehicles were tested as specified in FMVSS No. 208, ''Occupant Crash Protection.'' Both vehicles were equipped with flooded (i.e., filled with liquid electrolyte) lead-acid batteries located in the engine and luggage compartments in the front and rear of the vehicle. One vehicle was equipped with twelve 12-volt batteries (five in the front and seven in the rear). The other vehicle was equipped with ten 12-volt batteries (four in the front and six in the rear). Both vehicles were subjected to 48 km/h frontal crashes into a fixed barrier. In both cases the front batteries sustained significant damage, spilling large quantities of electrolyte. On one vehicle, 17.7 liters of electrolyte spilled from the front batteries as a result of the crash and in the other vehicle, 10.4 liters. In addition, electrical arcs were observed under the hood of one vehicle during the crash.

The following year, NHTSA published a notice of request for comments (59 FR 49901, September 30, 1994) to help it to assess the need to regulate battery electrolyte spillage and electric shock hazard of EVs during a crash or rollover. Thirty-two comments were received from automobile manufacturers, EV converters, and industry associations. The majority of the commenters supported some type of Federal regulation for electrolyte spillage and electric shock prevention, provided that the requirements of the regulation were performance based and not design restrictive to the extent that they might inhibit technology development. Two manufacturers, Ford Motor Company (Ford) and Nissan, and two industry associations (Electric Vehicle Industry Association and Electric Vehicles of America) did not believe that Federal regulation was necessary because electric vehicle design was constantly changing due to technological breakthroughs. However, Ford did state that it would follow the recommendation of industry associations such as the Society of Automotive Engineers (SAE) when SAE J1766 ''Recommended Practice For Electric and Hybrid Electric Vehicle Battery Systems Crash Integrity Testing'' was finally developed.

In 1995, NHTSA again conducted research and testing, this time on four EVs. Three vehicles were converted to run on electricity and one was built as an EV. The three converted vehicles were equipped with starved (i.e., electrolyte that is absorbed in an inert material to prevent leakage in case of rupture) lead-acid batteries and the vehicle built as an EV was equipped with flooded lead-acid batteries. Three vehicles were subjected to 48 km/h frontal crashes similar to the test described in FMVSS No. 208, ''Occupant Crash Protection'' and one was subjected to a 54 km/h side crash similar to the test specified in FMVSS No. 214,'' Side Impact Protection.'' Each vehicle was subjected to pre- and post-crash rollover tests to measure electrolyte spillage. The crash and rollover tests revealed that the vehicles with the starved lead-acid batteries had very little leakage (as expected because of their design), while the vehicle with the flooded lead-acid batteries leaked approximately 50 liters of electrolyte. Electrical isolation tests were also performed on these vehicles before and after each of the crash tests. Two of the converted EVs maintained their electrical isolation after the crash tests. One of the converted EVs was subjected to a side impact test. That EV chafed a wire which came in contact with the vehicle structure during the crash and did not maintain electrical isolation. The vehicle built as an EV was subjected to a frontal crash test. That vehicle lost electrical isolation when two of the battery connectors came in contact with the battery tunnel during the crash.

SAE J1766 ''Recommended Practice for Electric and Hybrid Electric Vehicle Battery Systems Crash Integrity Testing''

During NHTSA's earlier rulemaking activities, there was not yet an industry standard in place that addressed potential safety problems in EVs. Following circulation of drafts in the years previous, in February 1996, SAE published its Recommended Practice SAE J1766 ''Recommended Practice for Electric and Hybrid Electric Vehicle Battery Systems Crash Integrity Testing.'' As it notes, electric and hybrid electric vehicles contain many types of battery systems. J1766 deems adequate

barriers between occupants and battery systems necessary to provide protection from potentially harmful factors and materials within the battery system, which can cause injury to vehicle occupants during different crash scenarios.

The potentially harmful factors and materials include:

> electrical isolation integrity, electrolyte spillage and liquid interactions, and retention of the battery system. Maintaining electrical isolation of the system is important to prevent hazardous shock of vehicle occupants. Electrolyte spillage and battery fluid interactions should be minimized to prevent chemical reactions and electrical conductance. The latter could lead to an electrical shock hazard.

The purpose of SAE J1766 is to define minimum performance standards and establish test methods which evaluate battery system spillage, retention, electrical system isolation, and liquid interaction in electric and hybrid electric vehicles during crash scenarios. The Recommended Practice covers all electric and hybrid electric vehicles with a GVWR of 4536 kg (10,000 lbs) or less.

SAE J1766 establishes certain performance criteria when an EV is subjected to the frontal impact procedures of FMVSS No. 208 (including the 30-degree offsets), the side impact procedures of FMVSS 214, and the rear impact procedure of FMVSS No. 301. No spillage of electrolyte into the occupant compartment is permitted. Outside the passenger compartment, electrolyte spillage is limited to 5 liters for a 30-minute period after vehicle motion ceases and throughout the post crash rollover test. Battery modules must stay restrained in the vehicle, without any component intruding into the occupant compartment. Electrical isolation between the chassis and high voltage system is at least 500 ohms per nominal volt.

Proposed Motor Vehicle Safety Standard No. 305

NHTSA is proposing that similar provisions be adopted in a new FMVSS No. 305 to afford the public protection from electrolyte spillage and electric shock hazards in crashes. The provisions are based upon those of SAE J1766 and should help ensure the safe introduction of new EVs into the marketplace.

FMVSS No. 305 would apply to all passenger cars, and to multipurpose passenger vehicles, trucks, and buses with a GVWR of 4536 kg or less, and to school buses with a GVWR over 4536 kg, that use more than 72 volts of electricity as propulsion power. This GVWR is the equivalent of 10,000 pounds. Seventy-two volts is the equivalent of six 12-volt batteries. The standard would apply to EVs with a maximum speed of more than 40 kilometers per hour, that is, greater than 25 miles per hour. The agency notes that it has recently issued a standard expressly for low-speed vehicles (LSVs), FMVSS No. 500 (63 FR 33194; June 17, 1998). LSVs are any 4-wheeled vehicles, other than trucks, with a maximum speed of not less than 32 kilometers per hour nor more than 40 kilometers per hour. EVs subject to the rule could include Neighborhood Electric Vehicles (NEVs) and those battery-powered golf cars within the speed range. FMVSS No. 500 does not require LSVs to meet FMVSS Nos. 208, 214, and 301, which contain some 48 and 54 kilometers per hour impact barrier tests proposed for FMVSS No. 305.

Under proposed FMVSS No. 305, EVs covered by the standard, other than heavy school buses, would be required to meet leakage and battery retention requirements that are essentially those of SAE J1766 after front (FMVSS No. 208), side (FMVSS No.214), and rear impact barrier crash tests (FMVSS No. 301). A static rollover test (FMVSS No. 301) would also be conducted both before and after each of these crash tests. Heavy school buses (those with a GVWR over 4536 kg) would be required to meet the same performance requirements after a moving contour barrier frontal crash test, without the pre- and post-test rollovers. The performance requirements proposed are that there shall be no electrolyte spillage in the passenger compartment, with spillage outside the compartment limited to 5 liters total in a 30-minute period following the cessation of motion after a crash test. Intrusion of the battery system components into the occupant compartment would also be prohibited. Batteries must be restrained in the vehicle in their original installations. The electric isolation value must be at least 500 ohms per nominal volt, as determined by the SAE procedure for the measurement of the insulation resistance of the propulsion battery of an EV. The standard known resistance Ro (in ohms) should be approximately 500 times the nominal operating voltage of the vehicle (in volts). The Ro is not required to be precisely this value since the equations are valid for any Ro; however, a Ro value in this range should provide good resolution for the voltage measurements.

Specific Issues for Which NHTSA Seeks Comment

1. *Costs to conform*. Commenters are asked to inform NHTSA the extent to which, if any, the proposed rule would impose costs on manufacturers of EVs to meet electrolyte spillage, battery retention, and electrical isolation test requirements.

2. *Adequacy of spillage specification*. The proposed limit of 5.0 liters, contained in SAE J1766, is based upon the amount of electrolyte that is contained in present large automotive batteries. Commenters are asked for views on whether a different amount may be more appropriate to protect the public in EV crashes.

3. *Adequacy of electrical isolation specification*. The agency is interested in commenters' views on the NHTSA/SAE electrical isolation specification of 500 ohms/volt. The SAE adopted this requirement because the sensation threshold for most humans is around 2 milliamperes and the head-to-foot resistance is about 500 ohms. This is the value at which most humans will feel a slight sensation from electrical current. NHTSA understands that the European community is looking at a similar requirement.

4. *Coverage of proposed FMVSS No. 305*. The proposed standard would not apply to vehicles that use less than 72 volts of electricity as propulsion power. NHTSA is aware that two LSVs will be produced with six 12-volt batteries totaling 72 volts, the Bombardier NV and the GEM vehicle (the Trans2 NEV design upgraded from 48 volts), and, it has tentatively decided to exclude LSVs from the final rule. However, there may be vehicles or vehicle designs whose maximum speed exceeds 40 kilometers per hour but which are powered, in whole or in part (perhaps a hybrid electric configuration), by less than 72 volts of electricity. NHTSA is interested in learning if there are any such vehicles or vehicle designs and whether it would be appropriate to apply FMVSS No. 305 to them. NHTSA notes that its LSV definition excludes trucks and asks whether those that are powered by less than 72 volts of electricity should be covered.

5. *Whether proposed FMVSS No. 305 should apply to electric LSVs*. Proposed Standard No. 305 would not apply to LSVs, i.e., passenger-carrying EVs with a maximum speed between 32 and 40 kilometers per hour. It is anticipated that a substantial portion of LSVs may be electric vehicles. NHTSA seeks the views of commenters on whether proposed FMVSS No. 305 should apply to LSVs, and, if so, whether the

proposed requirements are reasonable, practicable, and appropriate for LSVs. The tests proposed are intended to limit electrolyte spillage, battery intrusion, and shock hazard. Commenters should address each of these requirements as they might be modified to apply to electric LSVs.

6. *Rollover test.* The SAE currently recommends that the vehicle undergo a rollover test before the barrier impact test. NHTSA is concerned that damage may occur to the test vehicle during rollover that could affect the results of the barrier impact test. Accordingly, comments are requested as to whether there should be a rollover test before the barrier impact test and as to the importance of conducting a rollover test before the barrier impact test.

Proposed Effective Date

NHTSA believes that an effective date of one year after the issuance of the final rule should be sufficient for manufacturers covered by FMVSS No. 305 to comply with the proposed new safety standard. The major EV manufacturers all are using, or plan to use, battery types that are not susceptible to leaking large amounts of electrolytes and, to NHTSA's knowledge, all incorporate a device that would shut-off the propulsion battery current or prevent loss of electrical isolation in the event of a crash or short circuit.

Request for Comments

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

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 a concise fashion.

If a commenter wishes to submit certain 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 seven 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 for the information specified in the agency's confidential business information regulation, 49 CFR part 512.

All comments received before the close of business on the comment closing date indicated above for the proposal will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Comments received too late for consideration in regard to the final rule will be considered as suggestions for further rulemaking action. Comments on the proposal will be available to inspection in the docket. NHTSA will continue to file relevant information as it becomes available in the docket after the closing date and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

Rulemaking Analyses

Executive Order 12866 and DOT Regulatory Policies and Procedures

The Office of Management and Budget has not reviewed this rulemaking action under Executive Order 12866. It has been determined that the rulemaking action is not significant under Department of Transportation regulatory policies and procedures. Informal discussions with some EV manufacturers indicate that the industry is aware of SAE J1766 and that manufacturers are planning or producing EVs with batteries designed for minimal leakage, and to shut off the current or prevent loss of electrical isolation in the event of a crash. The added costs of the proposed tests should be minimal, and the agency has asked for comments on this issue to verify its assumption. The tests of FMVSS No. 305 can be conducted as part of the FMVSS No. 208 and No. 214 certification tests, as well as the FMVSS No. 301 rollover tests if the vehicle is a hybrid fueled in part by gasoline, or contains a heater fueled by gasoline. The impacts of the proposed rule are believed to be so minimal as not to warrant preparation of a full regulatory evaluation.

Regulatory Flexibility Act

The agency has also considered the impacts of this rulemaking action in relation to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.* I certify that this rulemaking action will not have a significant economic impact upon a substantial number of small entities.

The following is NHTSA's statement providing the factual basis for the certification (5 U.S.C. 605(b)). The technology to prevent leakage of electrolytes, battery retention, and electrical isolation in the event of the crash of a battery-powered motor vehicle is simple and has been well known for years. The specifications of the industry standard, J1766, have been settled since February 1996. The agency believes that a substantial portion of the nascent EV industry is already designing its production to comport with SAE J1766. Verification of compliance with proposed FMVSS No. 305 can be determined at the same time an EV is tested for compliance with FMVSS Nos. 208 and 214 and the cost of testing to these standards should be minimally impacted. However, there would be an additional cost imposed by conducting a static rollover test in conjunction with each of these standards, as they are not otherwise required. Moreover, if an EV is not otherwise required to comply with FMVSS No. 301, there would be the added cost of a rear moving barrier impact test if the EV manufacturer chooses to certify its vehicle on the basis of an actual test rather than on engineering studies, computer simulations, mathematical calculations, or other means. Since the overall economic impact is not believed to be significant, the agency has not determined formally whether the entities affected by the rules are ''small businesses'' within the meaning of the Regulatory Flexibility Act. In NHTSA's experience, manufacturers of motor vehicles are generally not ''small businesses.'' Accordingly, no regulatory flexibility analysis has been prepared.

Executive Order 12612 (Federalism)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612 on ''Federalism.'' It has been determined that the rulemaking action does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

National Environmental Policy Act

NHTSA has analyzed this rulemaking action for purposes of the National Environmental Policy Act. The rulemaking action would not have a significant effect upon the environment as it does not affect the present method of manufacturing motor vehicle lighting equipment.

Civil Justice Reform

This rule will not have any retroactive effect. Under 49 U.S.C. 30103(b)(1),

whenever a Federal motor vehicle safety standard is in effect, a state may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard. Section 30161 sets forth a procedure for judicial review of final rules establishing, amending, or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires agencies to prepare a written assessment of the cost, benefits and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of more than $100 million annually. Because this proposed rule would not have a $100 million effect, no Unfunded Mandates assessment has been prepared.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Reporting and recordkeeping requirements

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

In consideration of the foregoing, 49 CFR part 571 would be amended as follows:

1. The authority citation for part 571 would continue to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30166; delegation of authority at 49 CFR 1.50.

2. A new § 571.305 would be added to subpart B to read as set forth below:

§ 571.305 Standard No. 305; Electric-powered vehicle: electrolyte spillage and electrical shock protection.

S1. *Scope.* This standard specifies requirements for limitation of electrolyte spillage, retention of propulsion batteries after a crash, and electrical isolation of the chassis from ionic conductance to the high-voltage system, to be met by vehicles that use electricity as propulsion power.

S2. *Purpose.* The purpose of this standard is to reduce deaths and injuries during a crash which occur because of electrolyte spillage from propulsion batteries, intrusion of propulsion battery system components into the occupant compartment, and electrical shock.

S3. *Application.* This standard applies to passenger cars, and to multipurpose passenger vehicles, trucks and buses (other than school buses) with a GVWR 4536 kg or less, that use more than 72 volts of electricity as propulsion power and whose speed attainable in 1.6 km is more than 40 km/h, on a paved level surface. This standard also applies to all school buses that use electricity as propulsion power.

S4. *Definition.*

Battery system component means any part of a battery module, interconnect, venting system, battery restraint device, and battery box or container which holds the individual battery modules.

S5. *General requirements.* Except for a school bus with a GVWR that is greater than 4536 kg , each vehicle to which this standard applies, when tested according to S6 under the conditions of S7, shall meet the requirements of S5.1, S5.2, and S5.3. Each school bus with a GVWR that is greater than 4536 kg , when tested according to S6.6 under the conditions of S7, shall meet the requirements of S5.1, S5.2, and S5.3.

S5.1 *Electrolyte spillage from propulsion batteries.* There shall be no spillage of electrolyte from propulsion batteries into the passenger compartment. Not more than 5.0 liters of electrolyte from propulsion batteries shall leak outside the passenger compartment. Spillage and leakage are measured from the time the vehicle ceases motion after a crash until 30 minutes thereafter, and throughout any static rollover, either before or after a crash test.

S5.2 *Battery retention.* Battery modules shall remain restrained in the location in which they are installed in the vehicle. No part of any battery system component shall enter the passenger compartment, as determined by a visual inspection.

S5.3 *Electrical isolation.* Electrical isolation between the battery system and the vehicle electricity-conducting structure shall be maintained at a minimum of 500 ohm/volt.

S6. *Test requirements.* Except for a school bus with a GVWR greater than 4536 kg, each vehicle to which this standard applies shall be capable of meeting the requirements of any applicable static rollover/barrier crash/static rollover test sequence, without alteration of the vehicle during the test sequence. A particular vehicle need not meet further test requirements after having been subjected to a single static rollover/barrier crash/static rollover test sequence.

S6.1 *Pre-crash test static rollover.* The vehicle shall meet the requirements of S5.1, S5.2, and S5.3, after being rotated on its longitudinal axis to each successive increment of 90 degrees before each crash test specified in S6.2, S6.3, and S6.4.

S6.2 *Frontal barrier crash.* After a static rollover, when the vehicle traveling longitudinally forward at any speed, up to and including 48 km/h impacts a fixed collision barrier that is perpendicular to the line of travel of the vehicle, or at any angle up to 30 degrees in either direction from the perpendicular to the line of travel of the vehicle, with the 50th percentile male test dummies as specified in part 572 of this chapter at each front outboard designated position and at any other position whose protection system is required to be tested by a dummy under the provisions of Standard No. 208, under the applicable conditions of S7, the vehicle shall meet the requirements of S5.1, S5.2, and S5.3.

S6.3 *Rear moving barrier crash.* After a static rollover, when the vehicle is impacted from the rear by a barrier moving at 48 km/h with 50th percentile male test dummies as specified in part 572 of this chapter at each front outboard designated seating position, under the applicable conditions of S7, the vehicle shall meet the requirements of S5.1, S5.2, and S5.3.

S6.4 *Side impact moving deformable barrier crash.* After a static rollover, when the vehicle is impacted from the side by a deformable barrier moving at 54 km/h, the vehicle shall meet the requirements of S5.1, S5.2, and S5.3.

S6.5 *Post-crash test static rollover.* The vehicle shall meet the requirements of S5.1, S5.2, and S5.3, after being rotated on its longitudinal axis to each successive increment of 90 degrees after each crash test specified in S6.2, S6.3, and S6.4.

S6.6 *Moving contoured barrier crash for school buses with a GVWR greater than 4536 kg.* When a moving contoured barrier assembly is traveling longitudinally forward at any speed up to and including 48 km/h and impacts a school bus with a GVWR greater than 4536 kg at any point and any angle, the school bus shall meet the requirements of S5.1, S5.2, and S5.3.

S7. *Test conditions.* When the vehicle is tested according to S6, the requirements of S5 shall be met under the following conditions. Where a range is specified, the vehicle must be capable of meeting the requirements at all points within the range.

S7.1 *Battery state of charge.* The battery system is charged using the vehicle manufacturer's recommended charging system. All tests are performed with the propulsion batteries charged to not less than 95 percent capacity.

S7.2 *Vehicle conditions.* The switch or device that provides power from the propulsion batteries to the propulsion motor(s) is in the activated position or the ready to drive position.

S7.2.1 The parking brake is disengaged and the transmission, if any, is in the neutral position. In a test conducted under S6.6, the parking brake is set.

S7.2.2 Tires are inflated to the manufacturer's specifications.

S7.2.3 The vehicle, including test devices and instrumentation, is loaded as follows:

(a) A passenger car is loaded to its unloaded vehicle weight plus its rated cargo and luggage capacity weight, secured in the luggage area, plus the necessary test dummies as specified in S6, restrained only by means that are installed in the vehicle for protection at its seating position.

(b) A multipurpose passenger vehicle, truck, or bus with a GVWR of 4536 kg or less is loaded to its unloaded vehicle weight plus the necessary test dummies, as specified in S6., plus 136 kg or its rated cargo and luggage capacity weight, whichever is less. Each dummy shall be restrained only by means that are installed in the vehicle for protection at its seating position.

(c) A school bus with a GVWR greater than 4536 kg is loaded to its unloaded vehicle weight plus 54.4 kg at each designated seating position.

S7.3 *Static rollover test conditions.* In addition to the conditions of S7.1 and S7.2, the conditions of S7.4 of § 571.301 apply to the conduct of static rollover tests specified in S6.1 and S6.5.

S7.4 *Rear moving barrier crash test conditions.* In addition to the conditions of S7.1 and S7.2, the conditions of S7.3 of § 571.301 apply to the conduct of the rear moving barrier crash test specified in S6.3. The rear moving barrier is described in S8.2 of § 571.208 and diagramed in Figure 1 of § 571.301.

S7.5 *Side impact moving deformable barrier crash test conditions.* In addition to the conditions of S7.1 and S7.2, the conditions of S6.10, S6.11, and S6.12 of § 571.214 apply to the conduct of the side impact moving deformable barrier crash specified in S6.4.

S7.6 *Moving contoured barrier crash.* In addition to the conditions of S7.1 and S7.2, the conditions of S7.5 of § 571.301 apply to the conduct of the moving contoured barrier crash test specified in S6.6.

S7.7 *Electrical isolation test procedure.* In addition to the conditions of S7.1 and S7.2, the following conditions apply to the measurement of electrical isolation specified in S5.3.

S7.7.1 The propulsion battery system is connected to the vehicle's propulsion system, and the vehicle ignition is in the ''on'' (traction (propulsion) system energized) position.

S7.7.2 The voltmeter used in this test measures direct current values and has an internal resistance of at least 10 MΩ.

S7.7.3 The voltage is measured as shown in figure 1 and the propulsion battery voltage (Vb) is recorded. Before any vehicle crash test, Vb must be equal to or greater than the nominal operating voltage as specified by the vehicle manufacturer. It is anticipated that Vb after the crash will be approximately the same as Vb before the crash. After the crash, a Vb greater than zero is required in order to conduct the remainder of this procedure. If Vb after the crash is zero, this indicates that a short across the propulsion battery has occurred, which precludes the remainder of this test procedure. A short across the propulsion battery may be conspicuous by virtue of arcing, fire, and/or component meltdown.

S7.7.4 The voltage is measured as shown in figure 2 and the voltage (V1) between negative side of the propulsion battery and the vehicle chassis is recorded.

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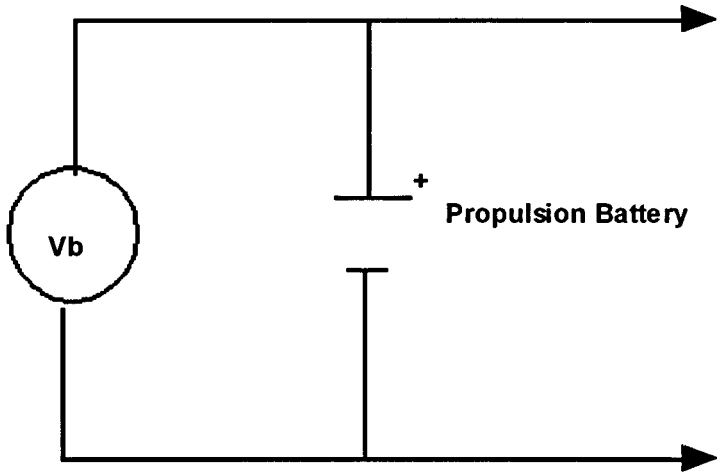

Fig. 1 S7.7.3 MEASUREMENT LOCATION FOR V1 VOLTAGE

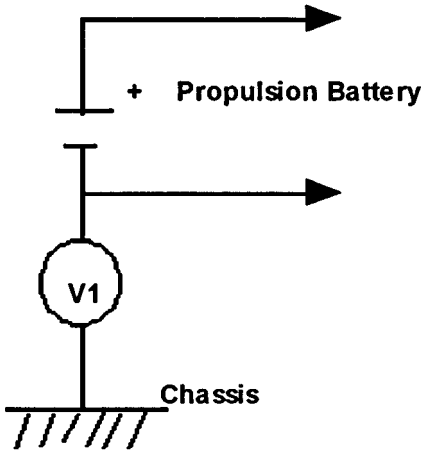

Fig. 2 S7.7.4 MEASUREMENT LOCATION FOR V1 VOLTAGE

S7.7.5 The voltage is measured as shown in figure 3 and the voltage (V2) between the positive side of the propulsion battery and the vehicle chassis is recorded. It is anticipated that the sum of the absolute values of V1 and of V2 will approximate the absolute value of Vb.

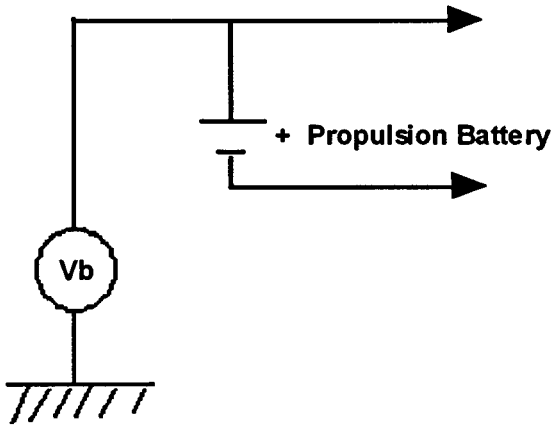

Fig. 3 S7.7.5 MEASUREMENT LOCATION FOR V2 VOLTAGE

S7.7.6 If V1 is greater than or equal to V2, insert a standard known resistance (Ro) between the negative side of the propulsion battery and the vehicle chassis. With the Ro installed, measure the voltage (V1'') as shown in figure 4 between the negative side of the propulsion battery and the vehicle chassis. Calculate the electrical isolation (Ri) according to the formula shown. This electrical isolation value (in ohms) divided by the nominal operating voltage of the propulsion battery (in volts) must be equal to or greater than 500.

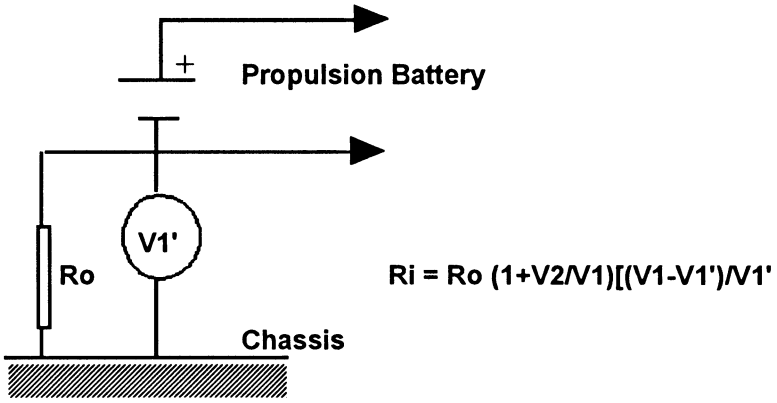

Fig. 4 S7.7.6 MEASUREMENT LOCATION FORV1' VOLTAGE

S7.7.7 If V2 is greater than V1, insert a standard known resistance (Ro) between the positive side of the propulsion battery and the vehicle chassis. With the Ro installed, measure the voltage and record the voltage (V2') between the positive side of the propulsion battery and the vehicle chassis as shown in figure 5. Calculate the electrical isolation (Ri) according to the formula shown. This electrical isolation value (in ohms) divided by the nominal operating voltage of the propulsion battery (in volts) must be equal to or greater than 500.

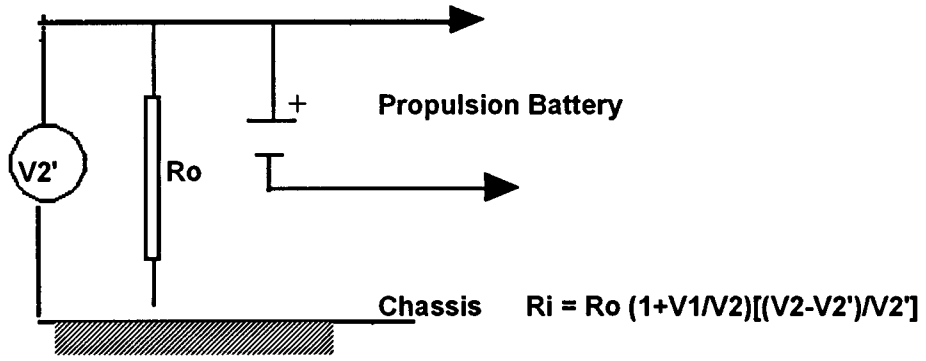

Fig. 5 S7.7.7 MEASUREMENT LOCATION FORV2' VOLTAGE

Issued on: October 1, 1998.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 9826796 Filed 10–9–98; 8:45 am]

BILLING CODE 4910–59–C

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AE86

Endangered and Threatened Wildlife and Plants; Reopening of Comment Period on Proposed Endangered Status for Devils River Minnow (Dionda diaboli)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: The U.S. Fish and Wildlife Service (Service) gives notice that the comment period on the proposed determination of endangered status for the Devils River minnow (*Dionda diaboli*) is reopened. This fish is found in Val Verde and Kinney counties, Texas, and Coahuila, Mexico. All interested parties are invited to submit comments on this proposal.

DATES: The comment period, which originally closed on July 27, 1998, now closes November 12, 1998.

ADDRESSES: Written comments and materials concerning the proposal should be sent to the Field Supervisor, Austin Ecological Services Field Office, U.S. Fish and Wildlife Service, 10711 Burnet Road, Suite 200, Austin, Texas, 78758. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Nathan Allan, Fish and Wildlife Biologist (see **ADDRESSES** section) (telephone 512/490–0057; facsimile 512/490–0974).

SUPPLEMENTARY INFORMATION:

Background

The current range of the Devils River minnow is limited to three stream systems in Val Verde and Kinney counties, Texas, and one drainage in Coahuila, Mexico. The species' range has been significantly contracted and fragmented. In addition, the numbers of Devils River minnows collected during fish surveys has declined dramatically over the past 25 years; the species has declined from one of the most abundant fish to one of the least abundant. Based on the current information, the decline of the species in both distribution and abundance may be attributed in large part to the effects of habitat loss and modification and the introduction of nonnative fish into habitats of the Devils River minnow.

On March 27, 1998, the Service published a proposed rule to list the Devils River minnow as endangered under the Endangered Species Act (Act) of 1973, as amended (63 FR 14885–14892). Section 4(b)(5)(E) of the Act requires that a public hearing be held if requested within 45 days of the proposal's publication in the **Federal Register**. Because of the past public interest in the listing of this species, the Service opened the public comment period for 120 days and held a public hearing on May 28, 1998, in Del Rio, Texas. A notice of the public hearing was published in the **Federal Register** on May 14, 1998. Over 40 individuals attended the hearing and made 19 oral comments. Also, a number of written comments were received during the original comment period. All of these comments will be considered in the final determination on whether or not to add the species to the list of threatened and endangered species.

The purpose of reopening the comment period at this time is to accept public comments on the proposal to list the Devils River minnow as an endangered species in light of new information that has been received by the Service. New information on the distribution and abundance of the species has been provided by the Texas Parks and Wildlife Department (Department). In addition, a Conservation Agreement for the Devils River minnow between the Service, the Department, and the City of Del Rio was signed on September 2, 1998.

On May 28, 1998, biologists from the Department collected about 140 Devils River minnows from Phillips Creek. Phillips Creek is a small tributary,

located on private land, entering the Devils River from the northeast, about 2 miles downstream from the Highway 163 bridge (Baker's Crossing). This site is a small spring-fed stream that does not provide surface flow to the Devils River under normal conditions. No information is available to indicate that fishes have ever been sampled from this site in the past. This information provides significant evidence confirming that the Devils River minnow still occurs in the Devils River watershed. Additional surveys are needed to determine the actual status of the species in the Devils River, but the confirmation of the species in the drainage is important in ensuring that those populations have not been lost.

The Service has been working with the Department, in cooperation with local landowners, over the past year in an effort to develop a conservation agreement that would expedite conservation measures needed to ensure the continued existence of the species. Preliminary drafts of the Conservation Agreement (Agreement) were made available to local landowners for comments and a draft version was also distributed at the Public Hearing. The Agreement was signed by the Service, the Department, and the City of Del Rio on September 2, 1998. The Agreement included a Conservation Strategy (Strategy) to describe the specific procedures required for conservation of the Devils River minnow. In making the final listing determination, the Service agreed to consider the ongoing implementation of the conservation actions as described in the Strategy. The Service will consider the effect of those actions on removing threats to the species, as described in the proposed rule, in making a final determination on this listing.

The ten conservation actions that were included in the Strategy are: (1) Determine the current status of the Devils River minnow and monitor changes; (2) Maintain genetically representative, captive populations of Devils River minnow at two fish hatchery facilities for reintroduction, and as insurance against extinction; (3) Reintroduce Devils River minnows, reared in captive populations, in order to reestablish populations in nature; (4) Continue and enhance protection of the San Felipe Creek watershed; (5) Provide technical assistance to landowners on riparian protection and management; (6) Review live bait harvest and selling practices in the Devils River area to develop methods and take appropriate actions (e.g., regulation, education) to prevent the further establishment of exotic, aquatic species within the historical range of Devils River minnow; (7) Document the abundance and ranges of exotic fish in the Devils River, and San Felipe, Las Moras, and Sycamore creeks; (8) Obtain and analyze changes in flow data for the Devils River, and San Felipe, Las Moras, and Sycamore creeks; (9) With progeny of the captive population, use a simulated environment to determine ecological and life history requirements of the Devils River minnow; and (10) Determine *in situ* predator/prey interactions between smallmouth bass and the Devils River minnow.

The comment period on the proposal will remain open until November 12, 1998. Written comments may be submitted until that date to the Service office in the **ADDRESSES** section.

Author the primary author of this notice is Nathan Allan (see **ADDRESSES** section) (telephone 512/490–0057; facsimile 512/490–0974).

Authority

The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

Dated: October 3, 1998.

Geoffrey S. Haskett,

Acting, Regional Director, Fish and Wildlife Service, Region 2.

[FR Doc. 98–27325 Filed 10–9–98; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 630

[Docket No. 970829218–8244–02; I.D. 080597E]

RIN 0648–AK39

Atlantic Swordfish Fisheries; Dealer Permitting and Import Documentation Requirements

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to amend the regulations governing the Atlantic swordfish fishery to prohibit the import into the United States of Atlantic swordfish or Atlantic swordfish pieces, weighing less than 33 pounds dressed weight (lb dw) (15 kg) unless documented as coming from an Atlantic swordfish weighing 33 lb dw or greater; to require dealer permitting and reporting for importation of swordfish from any source; and to implement a certificate of eligibility (COE) program for all swordfish imports.

These measures are necessary to implement a 1995 recommendation of the International Commission for the Conservation of Atlantic Tunas (ICCAT) with respect to controlling the harvest of undersized Atlantic swordfish and to facilitate the collection of information relating to the trade in Atlantic swordfish which may hinder conservation efforts by the United States and ICCAT.

DATES: Comments must be submitted on or before December 7, 1998. See **SUPPLEMENTARY INFORMATION** for times and locations of public hearings.

ADDRESSES: Comments on the proposed rule and on the proposed information collections should be submitted to Rebecca Lent, Highly Migratory Species Management Division, Office of Sustainable Fisheries, NMFS, 1315 East-West Highway, Silver Spring, MD 20910. Copies of the Environmental Assessment / Regulatory Impact Review (EA/RIR) supporting this action are available from Steve Meyers or Jill Stevenson at (301)713–2347 or by writing to the preceding address. See **SUPPLEMENTARY INFORMATION** for the schedule and location of public hearings. Comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this proposed rule should be sent to Rebecca Lent and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503 (Attention: NOAA Desk Officer).

FOR FURTHER INFORMATION CONTACT: Steve Meyers or Jill Stevenson, 301–713–2347; fax: 301–713–1917.

SUPPLEMENTARY INFORMATION: The U.S. Atlantic swordfish fishery is managed under the Fishery Management Plan for Atlantic Swordfish and regulations at 50 CFR part 630 issued under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1801 *et seq*, and the Atlantic Tunas Convention Act (ATCA), 16 U.S.C. 971 *et seq*. Regulations issued under the authority the of ATCA carry out the recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT).

The fishable biomass of the North Atlantic swordfish stock is estimated to have declined 68 percent between 1963 and 1996. The South Atlantic swordfish stock has been under increased fishing

pressure and the biomass of that stock may be declining as well. ICCAT has adopted measures, including catch quotas and minimum size limits, to reduce fishing mortality for both the North and South Atlantic swordfish stocks.

A 1991 ICCAT recommendation established a minimum size for Atlantic swordfish of 79 cm measured from the cleithrum to the keel (125 cm lower jaw fork length (LJFL)) with a discretionary 15–percent per-trip (by number) tolerance for undersized fish. However, even with the 15–percent tolerance, U.S. fishermen continued to catch and discard many undersized fish.

ICCAT recognized that the 15–percent tolerance made it difficult for some Contracting Parties to ensure the effectiveness of the minimum size as a conservation measure to decrease the fishing mortality of swordfish. Because of this ICCAT provided Contracting Parties with the authority to take other appropriate steps within their national jurisdictions to protect small swordfish.

Given these concerns and observations, ICCAT, consistent with advice from the Standing Committee on Research and Statistics that, for decreasing fishing mortality, a lower minimum size prohibition with no tolerance for smaller swordfish would be the functional equivalent of the current minimum size prohibition with a tolerance.

In 1996, under the authority of the ATCA, the United States implemented the lower minimum size limit alternative in order to facilitate domestic enforcement and reduce discards of small swordfish. Section 971e(a) of the ATCA prohibits the purchase or possession of any regulated species taken contrary to recommendations of ICCAT that have been adopted as U.S. regulations, regardless of the citizenship of the person or vessel which took the fish. Given the current regulations applicable to U.S. vessels operating in the Atlantic, no Atlantic swordfish below the minimum size should ever come into possession of a U.S. dealer by way of a U.S. vessel fishing in the Atlantic Ocean. However, because other ICCAT contracting parties have maintained the higher minimum size for Atlantic swordfish with a 15–percent tolerance limit by trip, swordfish smaller than the U.S. minimum size could be taken by vessels of these countries, in accordance with the ICCAT recommendation, and lawfully imported by U.S. dealers, an occurrence which complicates enforcement of the alternative minimum size for U.S. harvested Atlantic swordfish.

NMFS has been concerned that sales of small swordfish in the United States diminish the effectiveness of domestic conservation efforts due to the inability to differentiate in the marketplace between small imported swordfish (currently legal) and small domestic Atlantic swordfish (illegal). Therefore, consistent with the ICCAT recommendation, NMFS has determined it is necessary to prevent the sale in the United States of undersized Atlantic swordfish harvested by non-U.S. vessels and imported to the United States. Import restrictions, coupled with reporting requirements for swordfish importers, would facilitate enforcement of the domestic minimum size for Atlantic swordfish and provide NMFS with additional information on swordfish harvests from all ocean areas. Such information would improve stock assessments and estimates of fishing mortality.

NMFS published an Advanced Notice of Proposed Rulemaking (ANPR) (62 FR 47412, September 9, 1997) to request comments on the issue of monitoring and possibly regulating swordfish imports. The intent of the ICCAT recommendation was to reduce fishing mortality for Atlantic swordfish. However, given the considerable volume of swordfish of Pacific Ocean origin harvested by U.S. vessels and imported swordfish from all ocean areas that is entered into commerce, NMFS considered whether it was necessary to prohibit the sale in the United States of all swordfish less than the ICCAT alternative minimum size, regardless of origin, in order to enhance enforcement of the U.S. regulations implementing the ICCAT alternative minimum size recommendation for Atlantic swordfish.

Complicating factors surrounding this issue were identified in the ANPR and include: (1) the high volume of swordfish imported into the United States from numerous sources; (2) domestic landings and imports of Pacific swordfish; (3) the uncertain impact on foreign exporters and processors of regulations that prohibit the possession of small swordfish or swordfish parts in the United States, and (4) the difficulty of distinguishing between Pacific and Atlantic swordfish. Currently, Atlantic swordfish or swordfish pieces less than the alternative minimum size can be legally imported to the United States; however, it is not known what proportion of international landings comprises swordfish less than the minimum size. Further, swordfish steaks and fillets are frequently imported, and the size of the original swordfish and the ocean area of catch cannot always be readily determined from the processed product (e.g., steaks, fillets). Information is available from trade organizations concerning the businesses that may be impacted by regulating the swordfish in the United States; however, these businesses evolve rapidly, making it difficult to track their involvement in the swordfish industry.

Comments received in response to the ANPR generally supported establishment of a permitting and reporting system for importers to track swordfish shipments more effectively and to collect information concerning the weight, value, quality, or product form of the swordfish. Some commenters opposed permitting because of the reporting burden to importers. However, NMFS believes that the information that would be collected is necessary for determining the universe of importers and their relative importance in the domestic swordfish market.

Many commenters suggested implementing a COE program for swordfish. A COE program would facilitate the tracking of international swordfish shipments and the enforcement of ICCAT minimum size requirements and would provide information on international swordfish harvesting and trade activities. The ICCAT Advisory Committee Swordfish Species Working Group recommended at its Spring 1998 meeting that NMFS establish a documentation system to track swordfish shipments by flag of harvesting vessel and by exporting nation. This group indicated, however, that the monitoring and administrative burden should be on exporting nations, especially non-Contracting Parties.

Several commenters suggested that other conservation measures are necessary to conserve the overfished swordfish stock. These comments are beyond the scope of the issues raised in the ANPR. NMFS is considering, with the advice of the Highly Migratory Species Advisory Panel, a variety of swordfish rebuilding options, including time/area closures and gear modifications, to reduce bycatch and bycatch mortality of small Atlantic swordfish in the U.S. fishery.

Some commenters suggested that restricting ports of entry for imported swordfish should be a low priority due to food safety concerns and increased burden on dealers. At this time, NMFS cannot quantify the magnitude of secondary impacts (e.g., increased transportation costs and, therefore, increased retail prices) that might result from restricting points of entry. Further evaluation, based on comments received on these proposed measures, may

identify whether there is justification for restricted points of entry. Another commenter suggested implementation of a voluntary program in which swordfish dealers pledge not to import swordfish weighing less than the minimum size. A voluntary program, however, would not meet the requirements of ATCA for NMFS to implement and enforce the ICCAT recommendation.

After considering the issues raised, NMFS proposes to prohibit the import of Atlantic swordfish or Atlantic swordfish pieces weighing less than 33 lb dw (15 kg) into the United States, unless documented as being derived from an Atlantic swordfish weighing at least 33 lb dw (15 kg). Enforcement of this measure would occur up to and including the point of first transaction in the United States, which the rule would define as

the time and place at which the swordfish is filleted, cut into steaks, or processed in any way that physically alters it after being landed in or imported into the United States. All imported shipments containing swordfish would be required to be accompanied by a COE validated by a government official of the exporting nation attesting to the recorded information regarding the flag state of the harvesting vessel and the ocean area of catch. If the shipment contains Atlantic swordfish pieces weighing less than 33 lb (15 kg), a COE indicating that the fish pieces were derived from an Atlantic swordfish weighing greater than 33 lb dw (15 kg) would be required. Swordfish import shipments would have to be accompanied by a COE up to the point of first transaction.

This COE program would enhance collection and verification of data on the volume of swordfish landings from the Atlantic ocean, including country of origin, and to some extent, would improve knowledge of individual fish sizes of imports. As with the ICCAT bluefin tuna Statistical Document Program, such tracking and monitoring programs could enhance the scientific process of ICCAT by improving data on total fishing mortality, as required under the ATCA. As a major importer and consumer of Atlantic swordfish, the United States could play a significant role in monitoring total mortality by fully documenting the ocean area of origin and the size of the swordfish imported into this country.

This regulation is designed to elicit information basically comparable to that currently obtained from domestic fishermen and processors with respect to U.S. vessel landings of swordfish. Current vessel and dealer permitting and reporting requirements are sufficient to document the source and size of swordfish caught by U.S.-flagged vessels. These reporting systems are enhanced by at-sea observer programs, port inspections, and enforcement. Therefore, this rule would not require that domestic swordfish shipments be accompanied by a COE.

NMFS also proposes to extend dealer permitting and reporting requirements to apply to importers of all swordfish, regardless of ocean area of catch. The dealer report on imported swordfish would be required to contain the following information for each shipment received during the reporting period: dealer number and company name, weight of total swordfish shipment, weight by product form, and price per pound by product form. The report would also be required to indicate, for each shipment of swordfish, the entry number from Customs form 7501 to enable NMFS to cross-check the COE, dealer reports, and Customs data. Dealers would be responsible for maintaining copies of dealer reports and records of swordfish shipments for 2 years from the date of submission to NMFS.

Request for Comments

NMFS is seeking comment on these proposed measures, particularly on the impacts of these proposed measures on small businesses and on the structure and practices of the domestic swordfish market. Public hearings will be scheduled during the comment period. The dates, times and locations of these hearings will be published in the **Federal Register** at a later date.

Classification

This proposed rule is published under the authority of the ATCA. The Assistant Administrator for Fisheries, NOAA, has preliminarily determined that the regulations contained in this rule are necessary to implement the recommendations of ICCAT, to gather important trade data and for the domestic management of the Atlantic swordfish fishery.

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce has certified to the Chief Counsel for Advocacy of the Small Business Administration that the proposed rule would not have a significant economic impact on a substantial number of small entities as follows:

The proposed rule would prohibit the import into the United States of Atlantic swordfish or Atlantic swordfish pieces, weighing less than 33 lb dressed weight (dw) (15 kg) unless documented as coming from an Atlantic swordfish weighing 33 lb dw (15 kg) or greater, would require swordfish importers to obtain a dealer permit (annual fee of $40) and to submit importation reports, and would require that all imports of swordfish be accompanied by a certificate of eligibility. The principal burden would be the time required to keep records, obtain certifications and submit reports. Approximately 1,200 importers and exporters would be affected. The required information is readily available to exporters and importers. Therefore no incremental investments in information processing technologies would be needed. Accordingly, these proposed actions, considered separately or in aggregate, are not expected to have a significant economic impact. Thus, a regulatory flexibility analysis is not required for these actions.

Accordingly, an initial regulatory flexibility analysis was not prepared. The Regulatory Impact Review further discusses the economic effects of the proposed rule.

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

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 Paperwork Reduction Act (PRA) unless that collection of information displays a currently valid OMB control number.

This proposed rule would implement a new collection and restates or revises existing collection-of-information requirements subject to the PRA. Atlantic swordfish dealer permits, required under 50 CFR 630.4(a), are approved under OMB Control Number 0648–0205 and are estimated at 5 minutes per permit action. Dealer reporting and recordkeeping requirements for Atlantic swordfish dealers under § 630.5(b) are currently approved under OMB Control Number 0648–0013 and are estimated at 15 minutes per dealer report and 3 minutes for a negative report. It is proposed that these dealer permitting and reporting requirements be extended to include importers of swordfish. NMFS estimates that approximately 225 importers would be affected.

Additionally, NMFS proposes a new information collection concerning the COE program for swordfish imports. NMFS estimates 6,500 government-validated COEs would enter the United States in a given year based on 1997 and 1998 imports to date. The burden is estimated at one hour per COE.

Public comment is sought regarding: whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; the accuracy of the burden estimates, ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information, including through the use of automated collection techniques or other forms of information technology.

List of Subjects in 50 CFR Part 630

Fisheries, Fishing, Management Unit Areas, Reporting and recordkeeping requirements, Treaties.

Dated: October 6, 1998.

Gary C. Matlock,

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

For the reasons set out in the preamble, 50 CFR part 630 is proposed to be amended as follows:

PART 630—ATLANTIC SWORDFISH FISHERY

1. The authority citation for part 630 continues to read as follows:

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

2. In § 630.2, definitions for ''First transaction in the United States'' and ''Import'' are added in alphabetical order and the definition of ''Swordfish'' is revised to read as follows:

§ 630.2 Definitions.

* * * * *

First transaction in the United States means the time and place at which the swordfish, is filleted, cut into steaks, or processed in any way that physically alters it after being landed in or imported into the United States.

* * * * *

Import, for the purpose of the regulation in this part, means the release of swordfish from a nation's Customs' custody and entry into the territory of that nation. Swordfish are imported into the United States upon release from U.S. Customs' custody pursuant to filing an entry summary document (Customs Form 7501) or any authorized electronic medium. Swordfish destined from one foreign country to another, which transits the United States and for which an entry summary is not required to be filed, are not considered an import under this definition, so long at they remain in customs bond.

* * * * *

Swordfish means a fish of the species *Xiphias gladius*, occurring in, or harvested from, any ocean area, or any part or product thereof.

* * * * *

3. In § 630.4, paragraph (a)(2) is revised to read as follows:

§ 630.4 Permits and Fees.

(a) * * *

(2) Annual dealer permit. A dealer in the United States who first receives swordfish harvested from the north or south Atlantic swordfish stocks, or who imports swordfish harvested from any ocean area, must have been issued a valid dealer permit under paragraph (e) of this section.

* * * * *

4. In § 630.5, paragraphs (b)(1)(ii) and (iii) are revised to read as follows:

§ 630.5 Recordkeeping and reporting.

* * * * *

(b) * * *

(1) * * *

(ii) For imported swordfish, the dates of import, total weight of the shipments, entry numbers from Customs Form 7501, weight and price per pound or kilogram by product form (round, dressed, steaks, fillets or loins), condition (fresh or frozen), and the information contained on the certificate of eligibility that accompanied the shipment(s) as specified at § 630.42;

(iii) For swordfish landed by vessels of the United States, the dates of receipt and the names and official numbers of fishing vessels from which swordfish were received; and

* * * * *

5. In § 630.7, paragraphs (d) and (g) are revised to read as follows:

§ 630.7 Prohibitions.

* * * * *

(d) As a dealer, purchase, barter, or trade or attempt to purchase, barter, or trade a swordfish from the north or south Atlantic stock, or to import swordfish harvested from any ocean area into the United States without a valid dealer permit, as specified in §§ 630.4(a)(2) and 630.21(c).

* * * * *

(g) Falsify or fail to maintain or submit information required to be maintained or submitted, as specified in § 630.5 (a), (b), and (c).

* * * * *

6. Existing § 630.26 is redesignated as § 630.27 and a new § 630.26 is added to read as follows:

§ 630.26 Compliance monitoring.

Compliance with the minimum size requirements specified at § 630.23(a) and § 630.41 will be determined from the point at which the swordfish is either landed in or imported into the United States up to and including the point of first transaction in the United States as follows:

(a) A swordfish or part thereof weighing less than 33 lb (15 kg) dressed weight will be deemed to be harvested by a vessel of the United States and in violation of the minimum size requirement specified at § 630.23(a) unless such swordfish or part thereof is accompanied by a certificate of eligibility attesting that the swordfish was imported.

(b) An imported swordfish or part thereof weighing less than 33 lb (15 kg) dressed weight that is imported into the United States will be deemed in violation of the minimum size requirement specified at § 630.41 unless it is accompanied by a certificate of eligibility attesting either that the swordfish was harvested from an ocean area other than the Atlantic or that the fish part was derived from a swordfish harvested from the Atlantic that weighed at least 33 lb (15 kg) dressed weight at harvest.

7. Section 630.40 is revised to read as follows:

§ 630.40 Applicability.

The policies and procedures contained in 50 CFR 285.80 through 285.86, which implement the provisions of section (6)(c) of the Atlantic Tunas Convention Act, 16 U.S.C. 971 *et seq.*, with respect to import controls and which specify procedures for the establishment of restrictions on imports of tuna, apply to swordfish taken from the north and south Atlantic stocks.

8. Sections 630.41 and 630.42 are added to subpart C read as follows:

§ 630.41 Minimum size requirement.

To facilitate enforcement of domestic regulations, a swordfish, or part thereof, less than the minimum size specified at § 630.23(a) may not be imported, or attempted to be imported into the United States, unless it is accompanied by the certificate of eligibility specified at § 630.42 attesting either that the swordfish was harvested from an ocean area other than the Atlantic Ocean or that the fish part was derived from a swordfish harvested from the Atlantic that weighed at least 33 lb (15 kg) dressed weight at harvest.

§ 630.42 Certificate of eligibility.

(a) A shipment of swordfish in any form offered for import into the United States, directly or indirectly, from any country is admissible only if accompanied by a certificate of eligibility. Such a certificate is required for swordfish identified by any item

number from the Harmonized Tariff Schedule including but not limited to the following:

(1) Fresh or chilled swordfish, steaks, No. 0302.69.20.41.

(2) Fresh or chilled swordfish, excluding fillets, steaks and other fish meat, No. 0302.69.20.49.

(3) Frozen swordfish, steaks, No. 0302.79.20.41.

(4) Frozen swordfish, excluding fillets, steaks and other fish meat, No. 0302.79.20.49.

(5) Frozen swordfish, fillets, No. 0304.20.60.92.

(b) The certificate of eligibility required under this section must indicate the flag state of the harvesting vessel, the ocean area of harvest and, if the shipment contains swordfish or parts thereof less than the minimum size specified at § 630.23(a), the reason such swordfish is eligible for entry as specified in § 630.41. The certificate shall be attached to the invoice accompanying the swordfish shipment from the point of import into the United States up to and including the point of first transaction in the United States.

(c) The certificate of eligibility required under this section must include the name and title of a responsible government official of the country exporting the swordfish to the United States and be signed and dated by that official with official government seal affixed, thus validating the information on flag vessel and ocean area of harvest. (d) A certificate of eligibility may refer to swordfish taken from only one ocean area of harvest (Atlantic, Pacific, Indian) and by vessels under the jurisdiction of only one nation. If a shipment contains swordfish taken from more than one ocean area, or swordfish harvested by several vessels from different flag states, a separate certificate must accompany the shipment for each ocean area of harvest and for each flag nation of the harvesting vessels.

(e) A model certificate of eligibility is available from the Director. An equivalent form may be used provided it contains all the information required under this section.

[FR Doc. 98–27305 Filed 10–6–98; 4:45 pm]

BILLING CODE 3510–22–F

Notices

Federal Register

Vol. 63, No. 197

Tuesday, October 13, 1998

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Docket No. TB–98–20]

Notice of Request for Extension and Revision of a Currently Approved Information Collection

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice announces the Agricultural Marketing Service's (AMS) intention to request an extension for and revision to a currently approved information collection for Tobacco Report.

DATES: Comments on this notice must be received by December 14, 1998 to be assured of consideration.

ADDITIONAL INFORMATION OR COMMENTS: Contact Henry R. Martin, Chief, Market Information and Program Analysis Branch, Tobacco Programs, Agricultural Marketing Service, U.S. Department of Agriculture, Room 506 Annex Building, P.O. Box 96456, Washington, D.C. 20090–6456, (202) 205–0489, Fax (202) 205–0099.

SUPPLEMENTARY INFORMATION:

Title: Tobacco Report.

OMB Number: 0581–0004.

Expiration Date of Approval: 07/31/99.

Type of Request: Extension and revision of a currently approved information collection.

Abstract: The Tobacco Statistics Act of 1929 (7 U.S.C. 501–508) provides for the collection and publication of statistics of tobacco by the Department of Agriculture with regard to quantity of leaf tobacco in all forms in the United States and Puerto Rico, owned by or in the possession of dealers, manufacturers, growers' cooperative associations, and others with the exception of the original growers of the tobacco.

The statistics shall show the quantity of tobacco in such detail as to types, as the Secretary of Agriculture shall deem to be practical and necessary and shall be summarized as of January 1, April 1, July 1, and October 1 of each year and are due within 15 days of the summarized dates.

The information furnished under the provisions of this Act shall be used only for statistical purposes for which it is supplied. No publication shall be made by the Secretary of Agriculture whereby the data furnished by any particular establishment can be identified, nor shall anyone other than the sworn employees of the Department of Agriculture be allowed to examine the individual reports.

The regulations governing the Tobacco Stocks and Standards Act (7 CFR part 30) issued under the Tobacco Statistics Act specifically address the reporting requirements. Tobacco in leaf form or stems is reported by types of tobacco and whether stemmed or unstemmed. Tobacco in sheet form shall be segregated as to whether for cigar wrapper, cigar binder, for cigarettes, or for other products.

Tobacco stocks reporting is mandatory. The basic purpose of the information collection is to ascertain the total supply of unmanufactured tobacco available to domestic manufacturers and to calculate the amount consumed in manufactured tobacco products. This data is also used for the calculation of production quotas for individual types of tobacco and for price support calculations.

The Quarterly Report of Manufacture and Sales of Snuff, Smoking and Chewing Tobacco is voluntary. Prior to 1965, information on the manufacture and sale of snuff, smoking and chewing tobacco products was available from Treasury Department publications on the collection of taxes. With repeal of the Federal tax in 1965, the industry requested that the collection of basic data be continued to maintain the statistical series and all the major manufac-turers agreed to furnish information. Federal taxes were reimposed in 1985 for snuff and chewing tobacco and the Treasury Department began reporting data on these products, but not in the detail desired by the industry. Data from this report is also used in the calculations to determine the production quotas of types of tobacco used in these products.

The Agriculture Marketing Act of 1946 (7 U.S.C. 1621–1627) directs and authorizes the Secretary of Agriculture to collect, tabulate, and disseminate statistics on marketing agricultural products including market supplies, storage stocks, quantity, quality and condition of such products in various positions in the marketing channel, utilization of sub-products, shipments, and unloads.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 0.92 hours per response.

Respondents: Primarily tobacco dealers, manufacturers, and growers' cooperative associations including small businesses or organizations.

Estimated Number of Respondents: 81

Estimated Number of Responses per Respondent: 4

Estimated Total Annual Burden on Respondents: 298

Comments are invited on: (1) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to Henry R. Martin, Chief, Market Information and Program Analysis Branch, Tobacco Programs, Agricultural Marketing Service, U.S. Department of Agriculture, Room 506 Annex Building, P.O. Box 96456, Washington, DC 20090–6456. All comments received will be available for public inspection during regular business hours at the same address.

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

Dated: October 6, 1998.

William O. Coats,

Acting Deputy Administrator, Tobacco Programs.

[FR Doc. 98–27312 Filed 10–9–98; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

Notice of Request for an Approval of a New Information Collection

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice and request for comments.

SUMMARY: Commodity Credit Corporation (CCC) is seeking approval from the Office of Management and Budget (OMB) to obtain information regarding transportation services needed to meet domestic and export food assistance program needs.

This information collection will allow CCC to determine the capabilities of motor freight carriers to meet CCC's transportation needs by demonstrating that the motor carriers have both the willingness and the capability to meet those needs.

DATES: Comments on this notice must be received on or before December 14, 1998 to be assured consideration.

FOR FURTHER INFORMATION CONTACT: Timothy P. Mehl, Chief, Planning and Analysis Division, Kansas City Commodity Office, 9200 Ward Parkway, Kansas City, Missouri 64114, telephone (816) 926–3536, fax (816) 926–6767.

SUPPLEMENTARY INFORMATION:

Title: Standard Rules Tender Governing Motor Carrier Transportation.

OMB Control Number: New submission.

Type of Request: Approval of a new information collection.

Abstract: CCC through the Kansas City Commodity Office (KCCO) solicits bids from transportation companies for the purpose of providing motor carrier transportation of agricultural commodities. Motor Carriers provide over the road trucking that CCC hires to provided transportation services to meet domestic and export program needs. Motor carriers that choose to do business with the KCCO Traffic Management Division (TMD) are required to complete and submit, one time only, the Standard Rules Tender Governing Motor Carrier Transportation. TMD is collecting information to determine Motor Carrier abilities to meet CCC requirements for hauling agricultural products for CCC. TMD must ensure that Motor Carriers providing transportation services have both the willingness and the capacity to meet these needs.

Estimate of Burden: Public reporting burden for collecting information under this notice is estimated to average 1 hour 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.

Respondents: Transportation Businesses.

Respondents: 141.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 141 hours.

Proposed topics for comment include: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information collected; or (d) ways to minimize the burden of the collection of the information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments regarding this information collection requirement may be directed to the Office of Information and Regulatory Affairs, Attention: Desk Officer for Agriculture, Office of Management and Budget, Washington, DC 20503, and to Timothy P. Mehl, Chief, Planning and Analysis Division, Kansas City Commodity Office, 9200 Ward Parkway, Kansas City, Missouri 64114, telephone (816) 926–3536, fax (816) 926–6767.

All comments will become a matter of public record.

Signed at Washington, DC, on October 2, 1998.

Keith Kelly,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 98–27308 Filed 10–9–98; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

Notice of Request for an Approval of a New Information Collection

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice and request for comments.

SUMMARY: The Commodity Credit Corporation (CCC) is seeking approval from the Office of Management and Budget (OMB) to obtain information regarding intermodal transportation services needed to meet domestic and export food assistance program needs.

This information collection will allow CCC to determine the capabilities of intermodal companies to meet the intermodal transportation needs of CCC for the movement of its freight traffic by demonstrating that companies providing transportation service have both the willingness and the capability to meet those needs.

DATES: Comments on this notice must be received on or before December 14, 1998 to be assured consideration.

FOR FURTHER INFORMATION CONTACT: Timothy P. Mehl, Chief, Planning and Analysis Division, Kansas City Commodity Office, 9200 Ward Parkway, Kansas City, Missouri 64114, telephone (816) 926–3536, fax (816) 926–6767.

SUPPLEMENTARY INFORMATION:

Title: Standard Operating Agreement Governing Intermodal Transportation.

OMB Control Number: New submission.

Type of Request: Approval of a new information collection.

Abstract: CCC, through the Kansas City Commodity Office (KCCO), solicits bids from transportation companies for the purpose of providing intermodal transportation of agricultural commodities. Intermodal Marketing Companies (IMC) provide rail trailer-on-flatcar/container-on-flatcar (TOFC/COFC) service that CCC hires to provide domestic and export program transportation needs. IMC's that choose to do business with the KCCO Traffic Management Division (TMD) are required to complete and submit the Standard Operating Agreement Governing Intermodal Transportation form. This form is filled out one time only. TMD is collecting information to determine IMCs' abilities to meet CCC requirements for hauling agricultural products for CCC. TMD must ensure that IMC providing transportation service have both the willingness and the capacity to meet these needs.

Estimate of Burden: Public reporting burden for collecting information under this notice is estimated to average 1 hour 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.

Respondents: Intermodal Marketing Companies.

Respondents: 23.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 23 hours.

Proposed topics for comment include: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information collected; or (d) ways to minimize the burden of the collection of the information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments regarding this information collection requirement should be directed to the Office of Information and Regulatory Affairs, Attention: Desk Officer for Agriculture, Office of Management and Budget, Washington, DC 20503, and to Timothy P. Mehl, Chief, Planning and Analysis Division, Kansas City Commodity Office, 9200 Ward Parkway, Kansas City, Missouri 64114, telephone (816) 926–3536, fax (816) 926–6767.

All comments will become a matter of public record.

Signed at Washington, DC, on October 2, 1998.

Keith Kelly,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 98–27309 Filed 10–9–98; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Farm Service Agency

Notice of Request for Approval for a New Information Collection

AGENCY: Farm Service Agency, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of Farm Service Agency (FSA) to request approval for the Crop Data Report Pilot Project. The purpose of this pilot project is to determine the feasibility of offering alternative methods of reporting crop and land use data. Producers will have the option of reporting by using the pilot option or by using the method currently in place nationwide.

DATES: Comments on this notice must be received on or before December 14, 1998 to be assured consideration.

ADDITIONAL INFORMATION OR COMMENTS: Contact Rebecca Davis, Production, Emergencies, and Compliance Division, USDA, FSA, STOP 0517, 1400 Independence Avenue, S.W., Washington, D.C. 20250–0517, telephone number (202) 720–9882.

SUPPLEMENTARY INFORMATION:

Title: Crop Data Report Pilot Project.

OMB Control Number: New submission.

Type of Request: Approval of a new information collection.

Abstract: This pilot was developed in response to OMB requests to lessen crop data and land use reporting burden on producers. The Crop Data Report Pilot Project is comprised of four distinct options. These options are as follows:

(a) *Option 1:* The postcard mail-in certification option. This option allows producers to elect whether to report crops using mail, fax, or traditional in-office reporting methods. A postcard will be mailed to every producer in the county. Using information from the postcard, the producer can elect to participate in the mail-in certification option. Information will be collected from each producer using a prepared form (FSA–578, Report of Acreage new print option). This new print option will include the previous years information for the producer to use as a comparison for the current year and will be implemented in the following counties: O'Brien County, Iowa; Chenango County, New York; Yolo County, California; Grant County, Washington; Johnston County, North Carolina; and Orangeburg, South Carolina.

(b) *Option 2:* The lump sum report option. The purpose of Crop Data Report Option 2 is to determine whether FSA can maintain program integrity when producers report a minimum amount of crop and land data by mail. This option is also designed to test whether allowing producers to report a minimum amount of crop and land data by mail would ease reporting burden. A reporting package is mailed to all producers with cropland; including a new FSA–578L, Report of Acreage Supplemental and a cover letter. This new form, FSA–578L, requires the producer only to report crop, acres, owner, operator and shares, and planting date and is a drastic departure from FSA's historical collection of crop and land use data. While simplifying reporting and easing the burden on the producer, it would also in some cases require the collection of additional data at a later date. This option will be implemented in the following counties: Sherburne/Anoka/Hennepin Counties, Minnesota; Grant County, Wisconsin; Oxford County, Maine; Collin County, Texas; Seward County, Nebraska; and Pike/Bullock Counties, Alabama.

(c) *Option 3:* The total package mail option. This option of reporting crop and land data was derived to parallel reporting methods utilized by Federal Crop Insurance Corporation (FCIC). Information previously collected in the FSA–578, Report of Acreage, included information pertaining to FCIC such as crop code, actuarial data and ''T-area'' which has been made obsolete. A new print option will allow the system to print a slight deviation of the current FSA–578, Report of Acreage, to include the obsolete information. The new print option will still create an FSA–578, Report of Acreage, incorporating the FCIC data and will also include the data from previous years for comparison to assist in completing the current years report. This option will be implemented in the following counties: Scott County, Indiana; Wyoming County, New York; Republic County, Kansas; Willacy County, Texas; Osceola/Brevard/Orange Counties, Florida; and Grant County, North Dakota.

(d) *Option 4:* The mail-in aerial photocopy option. This option was developed to test the feasibility of collecting crop and land data from producers using aerial photos only. Producers will receive reporting packets that will contain copies of aerial photos of each tract operated by the producer and instructions for reporting crops. This option will test the ability of the county office staff to interpret the information from the aerial photographs and data load information into the automated FSA–578. This option will be implemented in the following counties: Branch County, Michigan; Schuylkill County, Pennsylvania; Cochise County, Arizona; Little River, Arkansas; Pointe Coupee Parish, Louisiana; and Converse County, Wyoming.

FSA's approach to collecting this information for all options is to collect only the information needed to support program eligibility and compliance requirements.

Estimate of Burden: Public reporting burden for Option 1 of this pilot project

is estimated to average .02 hours per response. Public reporting burden for Option 2 of this pilot project is estimated to average .10 hours per response.

Respondents: Individual producers.

Estimated Number of Respondents: 35,000.

Estimated Number of Responses Per Respondent: 4.

Estimated Total Annual Burden on Respondents: 5,550.

Burden hours for Options 3 and 4 have already been incorporated into the original OMB clearance package for acreage reporting. Those hours will not be increased or decreased for the purpose of this pilot project.

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

Comments should be sent to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, and to Rebecca Davis, Production, Emergencies, and Compliance Division, USDA, FSA, STOP 0517, 1400 Independence Avenue, S.W., Washington, D.C. 20250–0517, (202) 720–9882. All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

Signed at Washington, DC, on October 6, 1998.

Keith Kelly,

Administrator, Farm Service Agency.

[FR Doc. 98–27310 Filed 10–9–98; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. 98–055N]

Codex Alimentarius Commission: Meeting of the Codex Committee on Food Hygiene

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice.

SUMMARY: The Under Secretary for Food Safety, U.S. Department of Agriculture (USDA); the Food Safety and Inspection Service, USDA; Food and Drug Administration, U.S. Department of Health and Human Services; and the National Marine Fisheries Service, U.S. Department of Commerce, are sponsoring a public meeting on October 15, 1998, to provide information and receive public comments on agenda items that will be discussed at the Thirty-First Session of the Codex Committee on Food Hygiene, which will be held in Orlando, Florida, October 26–30, 1998.

DATES: The public meeting is scheduled for Thursday, October 15, 1998, from 9:00 a.m. to 12:00 noon.

ADDRESSES: The public meeting will be held in Room 5066–S, South Agriculture Building, U.S. Department of Agriculture, 14th Street and Independence Avenue, SW, Washington, DC 20250–3700.

FOR FURTHER INFORMATION CONTACT: Patrick J. Clerkin, U.S. Manager for Codex, U.S. Codex Office, Food Safety and Inspection Service, Room 4861, South Agriculture Building, 14th Street and Independence Avenue, SW, Washington, DC 20250–3700. Telephone: (202) 205–7760; Fax: (202) 720–3157.

SUPPLEMENTARY INFORMATION:

Background

The Codex Alimentarius Commission (Codex) was established in 1962 by two United Nations organizations, the Food and Agriculture Organization and the World Health Organization. Codex is the principal international organization for encouraging fair international trade in food and protecting the health and economic interests of consumers. Through adoption of food standards, codes of practice and other guidelines developed by its committees, and by promoting their adoption and implementation by governments, Codex seeks to ensure that the world's food supply is sound, wholesome, free from adulteration and correctly labeled.

The Codex Committee on Food Hygiene was established to draft basic provisions on food hygiene for all foods. The Government of the United States hosts this Committee and chairs the Committee meetings.

Issues To Be Discussed at the Public Meeting

The following specific issues will be discussed during the public meeting:

1. Report by the Secretariat on Matters Referred by the Codex Alimentarius Commission and/or Other Codex Committees to the Food Hygiene Committee, including the Proposed Draft Amendment to Section 6.12 of the General Principles of Food Hygiene *at Step 4.*	CX/FH 98/2
2. Proposed Draft Principles and Guidelines for the Conduct of Microbiological Risk Assessment *at Step 7*	CX/FH 98/3
3. Draft Code of Hygienic Practice for Bottled (Packaged) Drinking Waters (Other than Natural Mineral Water) *at Step 7.*	CX/FH 98/4
4. Proposed Draft Code of Hygienic Practice for Milk and Milk Products	CX/FH 98/5
—Government Comments at Step 3	CX/FH 98/5–Add. 1
5. Proposed Draft Code of Hygienic Practice for the Transport of Foodstuffs in Bulk and Semi-Packed Foodstuffs	CX/FH 98/6
—Government Comments at Step 3	CX/FH 98/6–Add. 1
6. Discussion Paper on the Proposed Draft Code of Hygienic Practice for Primary Production, Harvesting and Packaging of Fresh Product.	CX/FH 98/7
7. Discussion Paper on the Proposed Draft Code of Hygienic Practice for Pre-Cut Fruits and Vegetables	CX/FH 98/8
8. Discussion Paper on Proposed Draft Guidelines for Hygienic Recycling of Processing Water in Food Plants	CX/FH 98/9
9. Discussion Paper on Recommendations for the Management of Microbiological Hazards for Foods in International Trade.	CX/FH 98/10
10. Implications for Broader Application of the HACCP System	CX/FH 98/11
11. Discussion Paper on the Development of Risk-Based Guidance for the Use of HACCP-like Systems in Small Businesses, with Special Reference to Developing Countries.	CX/FH 98/12
12. The Implications of Regional Differences in the Prevalence of Foodborne Pathogens in the Management of Microbiological Hazards for Foods in International Trade.	CX/FH 98/13

Ellen Y. Matten,

Acting U.S. Manager for Codex, FSIS.

[FR Doc. 98–27468 Filed 10–8–98; 10:47 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Forest Service

National Urban and Community Forestry Advisory Council

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The National Urban and Community Forestry Advisory Council will meet in Seattle, Washington, October 15–17, 1998. The purpose of the meeting is to review the status of the Council's 1998 annual report and to discuss emerging issues in urban and community forestry.

DATES: The meeting will be held October 15–17, 1998.

ADDRESSES: The meeting will be held at the Silver Cloud Inn, 5036 25th Avenue, N.E., Seattle, Washington. A tour of local projects will be October 15, 9:00 a.m.–4:00 p.m.

Individuals who wish to speak at the meeting or to propose agenda items must send their names and proposals to Suzanne M. del Villar, Executive Assistant, National Urban and Community Forestry Advisory Council, 20628 Diane Drive, Sonora, CA 95370.

FOR FURTHER INFORMATION CONTACT: Suzanne M. del Villar, Cooperative Forestry Staff, (209) 536–9201.

SUPPLEMENTARY INFORMATION: The Challenge Cost-Share Grant categories, identified by the Council, are advertised annually to solicit proposals for projects to advance the knowledge of, and promote interest in, urban and community forestry. Pursuant to 5 U.S.C. 552b(c)(9)(B), the meeting will be closed from approximately 8:30 a.m. to 9:30 a.m. on October 17, in order for the Council to determine the members of the rating committees for the 1998 Challenge Cost-Share Grant Program. Otherwise, the meeting is open to the public.

Persons who wish to bring urban and community forestry matters to the attention of the Council may file written statements with the Council staff before or after the meeting. Public input sessions will be provided and individuals who made written requests by September 30 will have the opportunity to address the Council at those sessions. Council discussion is limited to Forest Service staff and Council members.

Dated: October 1, 1998.

Dan Glickman,

Secretary of Agriculture.

[FR Doc. 98–27517 Filed 10–9–98; 8:45 am]

BILLING CODE 3410–11–M

ARMS CONTROL AND DISARMAMENT AGENCY

The Director's Advisory Committee; Notice of Closed Meetings

October 7, 1998.

In accordance with section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. app. 2 § 10(a)(2)(1996), the U.S. Arms Control and Disarmament Agency (ACDA) announces the following Advisory Committee meetings:

Name: The Director's Advisory Committee (DirAC).

Dates: October 13–14, 1998, November 23–24, 1998, December 17–18, 1998, January 26–27, 1999.

Time: 8:30 a.m.

Place: For the October, November and December meetings: State Department Building, 320 21st Street, NW., Room 4930, Washington, DC 20451.

For the January meeting: STRATCOM HQ, Offutt Air Force Base, Omaha, Nebraska.

Type of Meetings: Closed.

Contact: Robert Sherman, Executive Director, Director's Advisory Committee, Room 5844, Washington, DC 20451, (202) 647–4622.

Purpose of Advisory Committee: To advise the President, the Secretary of State, and the Director of the U.S. Arms Control and Disarmament Agency respecting scientific, technical, and policy matters affecting arms control, nonproliferation, and disarmament.

Purpose of the Meetings: The Committee will review specific arms control, nonproliferation, and verification issues. Members will be briefed on current U.S. policy and issues regarding negotiations such as the Comprehensive Test Ban Treaty and the Convention on Conventional Weapons. Members will also be briefed on issues regarding the Chemical and Biological Weapons Conventions. Members will exchange information and concepts with key ACDA and Livermore Laboratory personnel. All meetings will be held in Executive Session.

Reason for Closing: The DirAC members will be reviewing and discussing matters specifically authorized by Executive Order 12,958 to be kept secret in the interest of national defense and foreign policy.

Authority to Close Meetings: The closing of the meetings is in accordance with a determination by the Acting Director of the U.S. Arms Control and Disarmament Agency dated October 8, 1998, made pursuant to the provisions of Section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. app. 2 § 10(d)(1996).

Notice: This notice is being published less than 15 days before the first meeting because of recent changes in the location of the meetings.

Cathleen Lawrence,

Director of Administration.

Determination To Close Meetings of the Director's Advisory Committee

October 8, 1998.

The Director's Advisory Committee (DirAC) will hold a meeting in Washington, DC, on October 13–14, 1998, November 23–24, 1998, December 17–18, 1998, and at Offutt AFB, Omaha, Nebraska on January 26–27, 1999.

The entire agenda of these meetings will be devoted to specific national security policy and arms control issues. Pursuant to section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. app. 2 § 10(d)(1996), I have determined that the meetings may be closed to the public in accordance with 5 U.S.C. § 552b(c)(1). Materials to be discussed at the meetings have been properly classified and are specifically authorized under criteria established by Executive Order 12,958, 60 Fed. Reg. 19,825 (1995), to be kept secret in the interests of national defense and foreign policy.

This notice is being published less than 15 days before the first meeting day, because of recent changes in the location of the meetings.

Ralph Earle II,

Acting.

[FR Doc. 98–27570 Filed 10–8–98; 3:53 pm]

BILLING CODE 6820–32–M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Regulations and Procedures Technical Advisory Committee; Notice of Partially Closed Meeting

The Regulations and Procedures Technical Advisory Committee (RPTAC) will meet November 10, 1998, (9:00 a.m., Room 3407, in the Herbert C. Hoover Building, 14th Street between Constitution and Pennsylvania Avenues, NW, Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration on implementation of the Export Administration Regulations (EAR) and provides for continuing review to update the EAR as needed.

Agenda

Open Session

1. Opening remarks by the Chairperson.
2. Presentation of papers or comments by the public.
3. Consultation on renewal of Committee charter.
4. Update of policies under review.
5. Report on status of India/Pakistan sanctions.

6. Update on proposal to amend the Foreign Trade Statistics Regulations definition of ''Exporter of Recorded''.

7. Discussion on implementation of encryption policy.

8. Update on Wassenaar Arrangement negotiations.

9. Update on license conditions under the ''deemed export'' rule.

10. Reports from RPTAC working groups.

Closed Session

11. Discussion of matters properly classified under Executive Order 12958, dealing with the U.S. export control program and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. Reservations are not required. To the extent that time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate the distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials prior to the meeting date to the following address: Ms. Lee Ann Carpenter BXA MS:3886C 15th St. & Pennsylvania Ave., NW U.S. Department of Commerce Washington, DC 20230

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on December 16, 1996, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings or portions of meetings of the Committee and of any Subcommittees thereof, dealing with the classified materials listed in 5 U.S.C. 552b(c)(1) shall be exempt from the provisions relating to public meetings found in section 10(a)(1) and 10(a)(3) of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6020, U.S. Department of Commerce, Washington, DC. For further information, call Lee Ann Carpenter at (202) 482–2583.

Dated: October 6, 1998.

Lee Ann Carpenter,

Committee Liaison Officer.

[FR Doc. 98–27388 Filed 10–9–98; 8:45 am]

BILLING CODE 3510–33–M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 46–98]

Foreign-Trade Zone 50, Long Beach, CA; Proposed Foreign-Trade Subzone Equilon Enterprises LLC (Oil Refinery Complex), Los Angeles County, CA, Area

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Board of Harbor Commissioners of the City of Long Beach, grantee of FTZ 50, requesting special-purpose subzone status for the oil refinery complex of Equilon Enterprises LLC (a joint-venture between Texaco, Inc. and Shell Oil Company), located in the Los Angeles County, California, area. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR part 400). It was formally filed on September 30, 1998.

The refinery complex (308 acres) is located at two sites in the Los Angeles County, California, area: *Site 1* (100,000 BPD capacity, 300 acres)—main refinery complex, located at 2101 E. Pacific Coast Highway, City of Los Angeles, some 25 miles south of downtown; *Site 2* (8 acres)—sulfur recovery unit, located at 23208 S. Alameda Street, Carson, 2 miles north of the refinery.

The refinery (500 employees) is used to produce fuels and petrochemical feedstocks. Fuel products include gasoline, jet fuel, distillates, residual fuels, and motor fuel blendstocks. Petrochemical feedstocks and refinery by-products include propane, propylene, butane, butylene, petroleum coke, sulfur and asphalt. Some 20 to 30 percent of the crude oil (93 percent of inputs) and some motor fuel blendstocks are sourced abroad.

Zone procedures would exempt the refinery from Customs duty payments on the foreign products used in its exports. On domestic sales, the company would be able to choose the Customs duty rates that apply to certain petrochemical feedstocks and refinery by-products (duty-free) by admitting incoming foreign crude oil and natural gas condensate in non-privileged foreign status. The duty rates on inputs range from 5.25¢/barrel to 10.5¢/barrel. The application indicates that the savings from zone procedures would help improve the refinery's international competitiveness.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is December 14, 1998. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to December 22, 1998).

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce, Export Assistance Center, 11000 Wilshire Blvd., Room 9200, Los Angeles, California 90024

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 3716, U.S. Department of Commerce, 14th & Pennsylvania Avenue, NW, Washington, DC 20230

Dated: October 1, 1998.

Dennis Puccinelli,

Acting Executive Secretary.

[FR Doc. 98–27050 Filed 10–9–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1002]

Grant of Authority for Subzone Status; Pfizer Pharmaceuticals, Inc. (Pharmaceutical Products), Barceloneta, Puerto Rico

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, by an Act of Congress approved June 18, 1934, an Act ''To provide for the establishment * * * of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' as amended (19 U.S.C. 81a–81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs ports of entry;

Whereas, Board's regulations (15 CFR Part 400) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved;

Whereas, an application from the Commercial and Farm Credit and

Development Corporation of Puerto Rico, grantee of Foreign-Trade Zone 61, for authority to establish special-purpose subzone status at the pharmaceutical manufacturing plant of the Pfizer Pharmaceuticals, Inc., in Barceloneta, Puerto Rico, was filed by the Board on April 13, 1998, and notice inviting public comment was given in the **Federal Register** (FTZ Docket 20–98, 63 FR 19708, 4–21–98); and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations are satisfied, and that approval of the application is in the public interest;

Now, Therefore, the Board hereby grants authority for subzone status at the pharmaceutical manufacturing plant of Pfizer Pharmaceuticals, Inc., located in Barceloneta, Puerto Rico (Subzone 61K), at the location described in the application, and subject to the FTZ Act and the Board's regulations, including § 400.28.

Signed at Washington, DC, this 30th day of September 1998.

Robert S. LaRussa,

Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

Attest:

Dennis Puccinelli,

Acting Executive Secretary.

[FR Doc. 98–27404 Filed 10–9–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–475–818]

Anti-Circumvention Inquiry of the Antidumping Duty Order on Certain Pasta From Italy: Affirmative Final Determination of Circumvention of the Antidumping Duty Order

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Affirmative Final Determination of Circumvention of Antidumping Duty Order.

EFFECTIVE DATE: October 13, 1998.

FOR FURTHER INFORMATION CONTACT: John Brinkmann, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, D.C. 20230; telephone: (202) 482–5288.

SUPPLEMENTARY INFORMATION:

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 regulations of the Department of Commerce (''the Department'') are to the regulations as codified at 19 CFR part 351, 62 FR 27295 (May 19, 1997).

Affirmative Final Determination of Circumvention

Pursuant to section 781(a) of the Act, we determine that circumvention of the antidumping duty order on certain pasta from Italy is occurring by reason of exports of bulk pasta from Italy produced by Barilla S.r.L. (''Barilla'') which subsequently are repackaged in the United States into packages of five pounds or less for sale in the United States. However, as discussed in the ''Continuation of Suspension of Liquidation'' section, below, for this final determination we are implementing a certification scheme to distinguish between Barilla's bulk imports for repackaging and any bulk imports which may have been exempt from the scope of the antidumping duty order, *i.e.*, bulk imports that are sold in the United States in bulk packaging.

Case History

Since the preliminary determination in this anti-circumvention inquiry on April 7, 1998 (63 FR 18364, April 15, 1998) (''*Notice of Preliminary Determination*''), the following events have occurred:

On April 14, 1998, the Department formally notified the International Trade Commission (''ITC'') of the preliminary determination in this inquiry. Section 781(c)(2) of the Act permits the ITC to request consultations with the Department, when the Department proposes to include merchandise in an antidumping order. On May 12, 1998, the ITC informed the Department that consultations were not necessary in this case (*see* Memorandum to the File, dated May 15, 1998).

Barilla submitted a case brief on May 5, 1998. Borden, Inc., Hershey Foods Corp., and Gooch Foods, Inc. (collectively, ''petitioners'') submitted a rebuttal brief on May 12, 1998. The Department also received comments from the European Union's Delegation of the European Commission (''EU'') on May 29, 1998.

On May 7, 1998, Barilla submitted a revised proposal for certifying that certain pasta which is imported into the United States in packages of greater than five pounds will not be repackaged into packages of five pounds or less after entry into the United States.

Scope of Antidumping Duty Order

The merchandise currently subject to the antidumping order is certain non-egg dry pasta in packages of five pounds (2.27 kilograms) or less, whether or not enriched or fortified or containing milk or other optional ingredients such as chopped vegetables, vegetable purees, milk, gluten, diastases, vitamins, coloring and flavorings, and up to two percent egg white. The pasta covered by this scope is typically sold in the retail market, in fiberboard or cardboard cartons or polyethylene or polypropylene bags, of varying dimensions.

Excluded from the scope of the order are refrigerated, frozen, or canned pastas, as well as all forms of egg pasta, with the exception of non-egg dry pasta containing up to two percent egg white. Also excluded are imports of organic pasta from Italy that are accompanied by the appropriate certificate issued by the Instituto Mediterraneo Di Certificazione (IMC), by Bioagricoop Scrl, or by QC&I International Services.

The merchandise under order is currently classifiable under item 1902.19.20 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the merchandise under order is dispositive.

Scope Rulings

On August 25, 1997, the Department issued a scope ruling that multicolored pasta, imported in kitchen display bottles of decorative glass that are sealed with cork or paraffin and bound with raffia, is excluded from the scope of this proceeding. In addition, the Department issued a scope ruling on July 30, 1998, that multipacks consisting of six one-pound packages of pasta that are shrink wrapped into a single package are within the scope of the antidumping and countervailing duty orders. (See July 30, 1998 letter from Susan H. Kuhbach, Acting Deputy Assistant Secretary for Import Administration to Barbara P. Sidari, Vice President, Joseph A. Sidari Company, Inc.)

Scope of the Anti-Circumvention Inquiry

The product subject to this anti-circumvention inquiry is certain pasta produced in Italy, by Barilla, and exported to the United States in packages of greater than five pounds

(2.27 kilograms) that meets all the requirements for the merchandise subject to the antidumping duty order, with the exception of packaging size, and which is repackaged into packages of five pounds (2.27 kilograms) or less after entry into the United States.

Facts Available

Section 776(a)(2) of the Act provides that if an interested party (1) withholds information that has been requested by the Department, (2) fails to provide such information in a timely manner or in the form or manner requested, (3) significantly impedes an antidumping investigation, or (4) provides such information but the information cannot be verified, the Department is required to use facts otherwise available (subject to subsections 782(c)(1) and (e) of the Act) to make its determination. Section 776(b) of the Act provides that adverse inferences may be used if an interested party fails to cooperate by not acting to the best of its ability to comply with requests for information. *See also*, ''Statement of Administrative Action'' accompanying the URAA, H.R. Rep. No. 316, 103d Cong., 2d Sess. 870 (SAA).

As discussed in the *Notice of Preliminary Determination*, the Department found that Barilla ''failed to cooperate by not acting to the best of its ability to comply with the Department's request'' for information in its refusal to respond to the Department's questionnaire. Accordingly, the Department based the preliminary determination on adverse facts otherwise available (''facts available''). For this final determination, and in accordance with section 776(b) of the Act, we will continue to rely on the adverse inference that Barilla has been exporting pasta in bulk packages to the United States, where it has been repackaged into what would have been subject merchandise had it been imported directly.

Interested Party Comments

Comment 1 (Scope Language is Dispositive)

Barilla claims that the scope language is dispositive and the Department has ignored prior determinations during the antidumping investigation that excluded pasta in packages greater than five pounds. Barilla argues that the Department's use of facts available is unwarranted because the Department has ignored its prior rulings and it was not economically feasible for Barilla to respond to the Department's questionnaire.

The petitioners argue that the purpose of the anti-circumvention provisions of the Act is to authorize the Department to include within the scope of an antidumping order articles not expressly included within the scope language but that are imported in a manner to circumvent and evade the coverage of antidumping orders. The petitioners also contend that Barilla's explanations as to why it did not respond to the Department's anti-circumvention questionnaire do not negate the fact that Barilla failed to provide any of the information that the Department requested. Finally, the petitioners cite Barilla's February 9, 1998 letter to the Department, wherein Barilla stated that it had ''little to gain from responding [to the Department's questionnaire]'' as a demonstration of Barilla's failure ''to cooperate to the best of its ability,'' within the meaning of section 776(b) of the Act, which authorizes the Department to make adverse inferences in applying facts available.

Department's Position

During the investigation, the petitioners proposed to define the scope as all pasta sold in retail channels. However, in order to cover only retail sales, an ''end use'' certification or similar documentation would have been required at importation to determine whether imports of pasta, regardless of packaging, were intended for sale in the retail segment of the market. This type of documentation is often burdensome for the U.S. Customs Service to administer. The ''five pounds or less'' packaging limitation in the scope language was a pragmatic way of limiting the order to pasta imported for retail sale, while attempting to avoid the burden of administering an ''end use'' certification program. Accordingly, the scope language also provided that ''[t]he pasta covered by this scope is typically sold in the retail market * * *.''

The Department also rejected a request from the Association of Food Industries Pasta Group (which was supported by the petitioners) to amend the scope language by removing the package size limitation of five pounds or less during the investigation. We rejected the request, in substantial part, because the petitioners had informed the Department that importing pasta in bulk and subsequently repackaging it for retail sale in the United States would be impractical and inefficient. Thus, the Department's acceptance of the five-pound limit was premised on the information that it would ensure that the order covered all retail sales of pasta.

We therefore disagree with Barilla's claim that the product description in the order is dispositive of the scope issue. Where the requirements of section 781(a) of the Act for ''minor assembly'' in the United States are met, the statute regards the components subject to the finding of circumvention as, in effect, imports of the subject merchandise, rather than components, *per se*. As the legislative history to this section states:

> [T]he application of the U.S. finishing or assembly provision will not require new injury findings as to each part or component. The anti-circumvention provision is intended to cover efforts to circumvent an order by importing disassembled or unfinished merchandise for assembly in the United States. Hence, the ITC would generally advise as to whether the parts or components ''taken as a whole'' fall within the injury determination. If more than one part or component is proposed for inclusion, the ITC would * * * determine whether the imported parts or components can be constructively assembled so as to constitute a like product for purposes of the original order * * *.
>
> The ITC would advise as to whether the inclusion of the parts or components, taken as a whole, would be inconsistent with its findings in the prior injury determination.

H.R. Conf. Rep. No. 576, 100th Cong., 2d Sess. 603 (1988). The repackaging in the United States of Italian pasta imported in bulk is so insignificant that it easily satisfies the statutory standard.

We also disagree with Barilla that the use of facts available is unwarranted. By refusing to answer our anti-circumvention questionnaire, Barilla deprived the Department of any information it may have possessed necessary for determinations under sections 781(a)(2) and (3) of the Act or which could have rebutted the information in the anti-circumvention application. Although Barilla claimed that it was not ''economically feasible'' to respond, it provided no information, and made no suggestions concerning alternative reporting. A more detailed discussion of our reasons for resorting to adverse inferences with respect to Barilla's refusal to answer the Department's questionnaire is set out in our affirmative preliminary determination in this proceeding (63 FR 18364, 18365–18366, April 15, 1998). Nothing has changed since the preliminary determination to alter the reasons or bases for our use of facts available for the final determination. Therefore, we have continued to rely on adverse facts available because of Barilla's refusal to answer the Department's questionnaire, as discussed in the preliminary determination.

Comment 2 (Scope Expansion is Impermissible)

Barilla argues that the inclusion of bulk pasta constitutes an impermissible expansion of the scope of the order because bulk pasta was specifically excluded from the scope of the investigation. Barilla cites several Court cases in support of this position, including *Wheatland Tube* v. *US*, 973 F. Supp. 149 (July 18, 1997) (*Wheatland Tube*).

The EU notes that the Department's notices did not explain why the original antidumping petition was deliberately limited to pasta imported in packages of five pounds or less, and more particularly, why the Department refused to extend the scope during the course of the antidumping investigation.

Department's Position

We do not agree that the inclusion of Barilla's bulk pasta in this proceeding is an expansion of the scope of the underlying order, and we have not ignored our prior scope determinations. The circumstances surrounding the Department's treatment of bulk pasta at the time of the investigation are discussed in Comment 1. Subsequent to the investigation, and in response to a petition filed by U.S. producers, the Department initiated this anti-circumvention investigation under section 781(a) of the Act. That provision permits the application of antidumping duties to components of subject merchandise that are imported for assembly or completion into subject merchandise before being sold in the U.S. market. Under section 781(a) of the Act, such components are treated as constructively the subject merchandise upon importation. Covering sales of pasta in packages weighing more than five pounds that are specifically imported for repacking into packages of less than five pounds for retail sales does not constitute an expansion of the scope of the order. Only the circumventing shipments—essentially the same merchandise being shipped from the same producers to the same customers for ultimate retail sale—are covered. All other pasta imports in packages exceeding five pounds remain free from antidumping duties, as before.

Although the Department does not agree with the CIT's holding in *Wheatland Tube*, Barilla's reliance upon *Wheatland Tube* to argue that the Department cannot cover bulk pasta is misplaced for several reasons. First, the Court emphasized that *Wheatland* involved a product (line pipe) that was not covered by the ITC's injury determination, regardless of how it was used. *Wheatland* at p. 158. The Court stated that even the small proportion of line pipe imports sold as standard pipe could not be subject to antidumping duties because they were not covered by an injury determination on line pipe. By contrast, the injury determination for this order covers the producers as a whole of the domestic like product, which the ITC defined as consisting of all dry pasta. See Certain Pasta From Italy and Turkey, USITC Pub. No. 2977, at 7 (July 17, 1996) (final det.).

Because the domestic like product on which the ITC's injury determination is based includes bulk pasta, the U.S. producers of the product comparable to the bulk pasta were included in the Commission's determination of material injury by reason of subject imports. The ITC has confirmed that its injury finding applies to the imports of pasta at issue in this proceeding. See letter to Gary Taverman, Acting Deputy Assistant Secretary, from Marcia E. Miller, Chairman, ITC, dated May 12, 1998.

Second, *Wheatland* involved a product (line pipe) that the Department found had been specifically excluded at the petitioners' request from the scope of the order regardless of its actual use. *Wheatland*, at 156. As explained above, there was no such specific exclusion in the case of bulk pasta. Quite to the contrary, the petitioners in this case consistently made clear that they wished to have pasta sold in the United States for retail covered, and the Department intended the nominal size restriction to be an appropriate way of limiting the coverage of the order to pasta imported for retail sales.

Third, whereas *Wheatland* involved section 781(c) of the Act, covering merchandise that has been subject to ''minor alterations,'' this case involves section 781(a) of the Act, which covers merchandise that has been subject to minor or insignificant assembly or completion in the United States after importation. Thus, the Court's finding in *Wheatland* that the substitution of line pipe for standard pipe in filling standard pipe contracts did not involve an ''alteration'' of the merchandise exported to the United States is of no relevance here.

Section 781(a) of the Act was drafted to cover exactly the situation in this case—merchandise sold in the United States that is the same class or kind as the merchandise covered by the product description in the order, which did not fit that product description exactly when it passed through customs, but was subject to minor or insignificant assembly or completion after importation that transformed it into the subject merchandise.

Finally, the Court in *Wheatland* found (at p. 159) that, although the Department had received an anti-circumvention petition, it had elected, with the petitioners' acquiescence, to treat that petition as a request for a scope ruling (*Wheatland*, at n. 5). Accordingly, the Court held that, when the Department held that line pipe was outside the scope of the order, it correctly disposed of the petition and Wheatland's only permissible challenge was to the scope ruling. No such procedural complexities are present in this case. The petitioners have filed an anti-circumvention petition and the Department has duly ruled on the issue of circumvention.

Barilla also relies on *Smith-Corona* v. *US*, 797 F. Supp. 1532, 1534–35 (July 10, 1992) (*Smith-Corona*), and *FTC* v. *US*, 716 F. Supp. 1580, 1582, n.2 (July 31, 1989) (*FTC*), to support its contention that bulk pasta was specifically excluded from the scope of the investigation. Neither of these cases advances Barilla's position because they involved only issues of scope contested in the original investigation, not allegations of circumvention of an outstanding antidumping order by means of domestic completion or assembly.

With regard to the EU's comment that the Department's published notices did not explain why the Department had refused to extend the scope of the original antidumping investigation beyond the packaging limitation, memoranda prepared by the Department's staff and placed in the file of the investigation addressed this issue and have been available to the public at all times since. See, *e.g.*, Memorandum to Susan G. Esserman, Assistant Secretary, from the Pasta Team, dated October 10, 1995.

Comment 3 (Bulk Pasta Cannot Constitute Parts or Components)

Barilla argues that inclusion of bulk pasta in the scope of the order is without statutory authority because bulk pasta, as a finished product, cannot be considered ''parts or components,'' as defined by section 781(a) of the Act.

The petitioners argue that the legislative history of section 781 of the Act indicates that the Congress intended that the Department use section 781 of the Act to close ''loopholes'' whereby antidumping orders are evaded by making small changes in importation activities which will bring otherwise subject merchandise outside of the literal scope of an order. Specifically, the petitioners cite to legislative history referring to the ability of importers ''to evade the order by making slight changes in their method of production

or shipment of the merchandise destined for consumption in the United States.'' [Emphasis in the reply brief.] S. Rep. No. 71, 100th Cong., 1st Sess., at 101 (1987).

Department's Position

We disagree with Barilla's interpretation of section 781(a) of the Act. Although the terms ''parts'' or ''components'' are not defined specifically, nothing in the statute or the legislative history suggests Barilla's interpretation. Rather, the legislative history identifies the types of circumvention that are addressed by section 781(a) of the Act:

> (1) the importation of parts or components to be assembled in the United States into the class or kind of merchandise covered by the order, such as when picture tubes and printed circuit boards are shipped by the manufacturer to a related subsidiary in the United States to be assembled and sold as television receivers; and
>
> (2) the importation of an incomplete or unfinished article to be completed in the United States, by means other then assembly, into the class or kind of merchandise covered by the order, such as when steel pipe is imported by a related party that threads it and sells it as threaded pipe.

H. Rep. No. 40, 100th Cong., 1st Sess. 100 at 134 (1987).

There are two parts or components to bulk pasta and the subject merchandise as imported in this case—the pasta and the packaging. The only and defining difference between the circumventing imports of Barilla's bulk pasta and the subject merchandise as defined in the scope is the packaging. As discussed fully above, the package limitation was specifically designed to capture retail sales of imported pasta. Therefore, bulk pasta which is assembled into smaller packages of five pounds or less after importation must constitute subject merchandise pursuant to section 781(a) of the Act.

Barilla's assertion that the finished pasta it imports is not subject to assembly or completion in the United States is contradicted by Barilla's conduct of repackaging bulk imports into packages of five pounds or less in its Syracuse, New York, facility. Barilla's repackaging operations are exactly the type of operations section 781(a) of the Act is intended to address.

Comment 4 (Inclusion of Bulk Pasta Violates Antidumping Agreement)

Barilla argues that the Department's preliminary determination in this proceeding is a violation of the Antidumping Agreement of the World Trade Organization (''WTO'') because there has been no finding of dumping or of material injury for imports of bulk pasta, as required by the agreement. In addition, Barilla contends that the Department's circumvention finding constitutes discriminatory enforcement of the antidumping law. In support of this argument, Barilla refers to the preliminary affirmative determination of the ITC in the antidumping investigation of *Certain Pasta from Italy*. The ITC found that, as of the time the petitioners filed their petition for antidumping relief, Borden, Inc., a member of the petitioners' group, imported bulk pasta from an Italian affiliate and repackaged it in the United States. Barilla argues that by excluding bulk pasta from the scope of the original antidumping investigation and then enforcing the circumvention provision against Barilla for the same apparent repackaging activities that Borden was engaged in, the Department is discriminating against Barilla.

The petitioners argue that their original draft petition would have covered Borden's imports of bulk pasta but that the Department insisted on language that limited the scope of the investigation to pasta imported in packages of five pounds or less.

The EU notes that the Department had not explained how Barilla can be circumventing an antidumping order by merely following a repackaging process which, at times, is not only being followed by the petitioners themselves but which had been identified by both the petitioners and the Department and which led to imports in bulk being deliberately excluded from the original antidumping investigation.

Department's Position

The Department disagrees that the provisions of the WTO Antidumping Agreement require additional determinations of dumping and of material injury with respect to Barilla's imports of bulk pasta from Italy. The scope of the antidumping duty order on pasta from Italy covers certain of Barilla's imports of bulk pasta from Italy. This is so specifically because Barilla's U.S. activities—minor or insignificant assembly or completion after importation of components of the same class or kind of merchandise—render such imports subject merchandise pursuant to section 781 of the Act. Accordingly, these imports are already covered by the antidumping duty order on pasta from Italy, including both the material injury determination and the determination of dumping. See the Department's position on Comment 1.

Contrary to Barilla's allegations, the Department's affirmative preliminary determination of circumvention in this proceeding does not violate the Antidumping Agreement but furthers its ultimate purpose, which is to ensure the efficacy of the antidumping laws. The Ministerial Decision on Anti-Circumvention formed an integral part of the Final Act Embodying the Results of the Uruguay Round Multilateral Trade Negotiations, and that Decision acknowledged the problem of circumvention. It recognized the need to apply ''uniform rules in this area as soon as possible'' to prevent the evasion of antidumping measures resulting from circumvention. The Department believes it is imperative that its laws proscribing circumvention be enforced in order to preserve the credibility of the WTO Agreement, which establishes the right of WTO Members to impose antidumping duties to remedy the injurious effects of dumped imports.

Continuation of Suspension of Liquidation

In accordance with section 735(b) of the Act, we are directing the Customs Service to continue to suspend liquidation of all entries of bulk pasta from Italy produced by Barilla that were entered, or withdrawn from warehouse, for consumption on or after December 8, 1997, the date of initiation of this anti-circumvention inquiry, and are not accompanied by the certificate described below.

The merchandise subject to suspension of liquidation is pasta in packages of greater than five pounds as defined in the ''Scope of the Anti-circumvention Inquiry'' section of this notice. The Customs Service shall continue to require a cash deposit in the amount of 11.26 percent for all unliquidated entries that are not accompanied by the certificate described below. This suspension of liquidation shall remain in effect until further notice.

Excluded from these suspension of liquidation instructions are entries of bulk pasta produced in Italy, by Barilla, where the entry summaries covering the bulk pasta are accompanied by a certification provided by Barilla America, Inc., the sole U.S. importer of Barilla pasta, which describes the merchandise entered by entry number, port of entry, date of entry, the product, the size of the packaging for the entered product, the Harmonized Tariff Number, the vessel, and which includes the importer's certification that the merchandise will not be repackaged into containers of five pounds or less after entry into the United States. This certification may be made for entries from the original date of the suspension

of liquidation, December 8, 1997. This certification proposal has been reviewed by the Customs Service, which has agreed that it is administrable (*see* Memorandum to the File, dated June 10, 1998).

After examining this certification for consistency with the entry summary, the Customs Service will forward the certification to the Department of Commerce, Import Administration.

This affirmative final circumvention determination is in accordance with section 781(a) of the Act and 19 CFR 351.225.

Dated: October 5, 1998.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 98–27403 Filed 10–9–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

University of Minnesota; Notice of Decision on Application for Duty-Free Entry of Scientific Instrument

This is a decision pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C.

Decision: Denied. Applicant has failed to establish that domestic instruments of equivalent scientific value to the foreign instrument for the intended purposes are not available.

Reasons: Section 301.5(e)(4) of the regulations requires the denial of applications that have been denied without prejudice to resubmission if they are not resubmitted within the specified time period. This is the case for the following docket.

Docket Number: 98–019. *Applicant:* University of Minnesota, Department of Neurosurgery, Lions Research Building, 2001 Sixth Street, S.E., #421, Minneapolis, MN 55455. *Instrument:* Eye Tracking System. *Manufacturer:* Thomas Recording, Germany. *Date of Denial Without Prejudice to Resubmission:* July 1, 1998.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 98–27401 Filed 10–9–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Application for Duty-Free Entry of Scientific Instrument

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether an instrument of equivalent scientific value, for the purposes for which the instrument shown below is intended to be used, is being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230. Application may be examined between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C.

Docket Number: 98–047. *Applicant:* University of California, Davis, 1 Shields Avenue, Davis, CA 95616. *Instrument:* Plasma Generating Machine, Model SPS–1050. *Manufacturer:* Sumitomo Coal Mining Co., Japan. *Intended Use:* The instrument will be used to investigate the phenomena of the simultaneous synthesis and densification of hard material by a patented field-activated, pressure assisted combustion method that consists of exposing elemental powders to a pulsing high current while simultaneously subjected to high pressure. *Application accepted by Commissioner of Customs:* September 21, 1998.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 98–27402 Filed 10–9–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 092498A]

Small Takes of Marine Mammals Incidental to Specified Activities; Explosives Testing at Eglin Air Force Base, FL

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

ACTION: Notice of receipt of application and proposed authorization for a small take exemption; request for comments.

SUMMARY: NMFS has received a request from the U.S. Air Force to take, by harassment and non-serious injury, bottlenose dolphins, spotted dolphin, and possibly other cetacean species incidental to explosive testing of obstacle and mine clearance systems at Eglin Air Force Base (Eglin). Under the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to authorize these takings for a period not to exceed 1 year.

DATES: Comments and information must be received no later than November 12, 1998.

ADDRESSES: Comments on this application should be addressed to Michael Payne, Chief, Marine Mammal Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910. A copy of the application and draft environmental assessments (EAs) may be obtained by writing to this address or by telephoning the contact listed here.

FOR FURTHER INFORMATION CONTACT: Kenneth Hollingshead 301–713–2055, or David Bernhart, 727–570–5312.

SUPPLEMENTARY INFORMATION:

Background

Section 101(a)(5)(A) of the MMPA (16 U.S.C. 1361 *et seq.*) directs the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and regulations are issued.

Permission may be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses and that the permissible methods of taking and requirements pertaining to the monitoring and reporting of such taking are set forth. NMFS has defined ''negligible impact'' in 50 CFR 216.103 as '' an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.''

Subsection 101(a)(5)(D) of the MMPA established an expedited process by which U.S. citizens can apply for an authorization to incidentally take small numbers of marine mammals by harassment for a period of up to 1 year. The MMPA defines ''harassment'' as:

> any act of pursuit, torment, or annoyance which (a) has the potential to injure a marine mammal or marine mammal stock in the

wild; or (b) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering.

Subsection 101(a)(5)(D) establishes a 45-day time limit for NMFS review of an application followed by a 30-day public notice and a comment period on any proposed authorizations for the incidental harassment of small numbers of marine mammals. Within 45 days of the close of the comment period, NMFS must either issue or deny issuance of the authorization.

Summary of Request

On July 20, 1998, NMFS received a complete application from the Air Force Development Test Center, Department of the Air Force, Eglin. The Air Force, in cooperation with the Naval Surface Warfare Center-Coastal Systems Station (NSWC-CSS), U.S. Navy, is requesting an authorization to take, by harassment and non-serious injury, bottlenose dolphins (*Tursiops truncatus*), spotted dolphins (*Stenella plagiodon*), and possibly other cetacean species incidental to explosive testing of obstacle and mine clearance systems at Eglin. Eglin is located in the Florida Panhandle approximately midway between the cities of Pensacola and Panama City, FL. The location of the proposed action is on the beach areas on Santa Rosa Island (SRI), approximately 27 kilometers (km)(17 miles (mi)) west of Destin, FL.

The Navy's current capability to clear obstacles and mines in the surf zone is limited to the hand placement of explosive charges by Navy combat swimmers. The effectiveness of this capability is limited by the ability of swimmers to locate submerged targets and to carry sufficient explosives to destroy the targets. Such operations are considered highly hazardous, and the reliability of obstacle removal is considered to be poor. To facilitate U.S. Marine amphibious assaults, the U.S. Navy is committed to developing and testing methods to safely and effectively clear a path through such obstacles.

NWSC-CSS has requested permission from Eglin to test four anti-mine systems in the shallow surf zone along U.S. Air Force-controlled lands of SRI. The four test systems are the Shallow Water Assault Breaching (SABRE) system, the Distributed Explosive Technology (DET) system, the MK–82 general purpose bombs (GPBs), and the MK–5 Mine Clearance System (MCS).

The proposed action is to perform up to a total of 10 underwater detonation tests (2 tests using the SABRE system and up to 8 tests using the DET array); and a series of tests of explosive systems at Eglin.

In order to avoid impacting the endangered West Indian manatee (*Trichiechus manatus*)(which is more commonly found south of the region and during warmer months) and sea turtles, tests will be conducted in the fall and winter 1998/99. While a brief description of the four systems proposed for testing are described here, more detailed descriptions of the activity and the expected impact can be found in the application and in the two EAs on the activities. These documents are available upon request (see **ADDRESSES**).

SABRE System

An operational full-length SABRE-line charge consists of 130 10–pound (lb)(4.5 kg) net explosive weight (N.E.W.) charges on 3–ft (0.9 m) centers which is deployed from a Landing Craft Air-Cushion (LCAC) by an MK–22 Mod 4 rocket motor. Each charge consists of approximately 9.6 lb (4.3 kg) of PBXN–103 explosive and a W–11 booster, weighing approximately 0.4 lb (0.2 kg). A detonating cord runs through the centers of the booster and main charge.

For the two proposed tests, a total of 22 and 23 SABRE charges will be hand-laid on the sea bottom, perpendicular to the beach in 3 ft (.91 m) and 10 ft (3.0 m) of water, respectively. For both tests, the detonation sequence will be from the offshore end toward the beach. For these events, 27 to 31 inert mines will be placed perpendicular to the line charge and parallel to the shoreline. Total NE.W. of the SABRE tests will be 221 lbs (100.2 kg) and 232 lbs (105.2 kg), respectively.

DET System

An operational, full-size DET array consists of parallel lines of detonating cord, whose overall footprint is 180 by 180 ft (54.9 m by 54.9 m). The array is packed in a container and launched from an LCAC by two MK–22 Mod 4 rocket motors for expansion and subsequent deployment.

Full-scale systems are not required for these tests. Previous tests have shown that partial-length SABRE segments and partial-size DET arrays are adequate for evaluations. The data acquired from small-scale tests can be scaled up in order to make predictions for military applications. Thus, for the DET system, the Navy is proposing to use an 11–ft by 60–ft (3.3 m by 18.3 m) DET array in 3 ft (0.9 m) of water. There will be eight separate DET events, spanning several days, with two to three arrays tested per day. The NE.W. of each array is 42 lbs (19 kg), with arrays being detonated at the seaward end. Each array will be placed above a maximum of four live mines consisting of either 22 or 26.4 lbs (10 or 12 kg) of explosive. Depending upon the mine type, total NE.W. of each test therefore would be up to either 130 lbs (59 kg) or 147.6 lbs (67 kg). DET events will be hand-deployed from a boat and exploded electronically by trained personnel.

MK–82 GPBs

The proposed action is an evaluation of the MK–82 GPBs to clear anti-invasion beach obstacles and mines in the surf zone. The MK–82 GPBs to be tested consist of seven GPBs, each containing 192 lbs (87.1 kg) of explosive for a total NE.W. of 1,344 lbs (610 kg). The configuration for testing will be a linear arrangement of seven bombs spaced 24 ft (7.3 m) apart, located parallel to the shoreline in 6 ft (1.8 m) of water.

Two separate deployments and firings are required to test this configuration. All MK–82s will be buried vertically to approximately one-half length (about 3 ft (0.9 m) by jetting. The MK–82s will be detonated using approximately 1/4 block of C–4 explosive paced into the aft fuse well. The MK–82s will be detonated simultaneously in 6 ft (1.8 m) of water using remote detonators to detonate the C–4. Beach obstacles (log posts, concrete cubes, and steel hedgehogs) and inert mines will be placed around the bombs to serve as targets for bomb fragments and blast.

MK–5 MCS

The MK–5 MCS consists of a 350–ft (106.7 m) continuous length charge of composition C–4 explosive (with a distribution of 5 lb (2.3 kg) per linear foot and a pair of detonating cords (totaling 11 lbs (5 kg). Total NE.W. of the system is 1,750 lbs (794 kg). The MK–5 MCS would be deployed in the surf zone about 550 ft (167.6 m) from shore by an LCAC. Once fully deployed, it will then be detonated. Testing will take place over a 3-day period. On the first day, there will be inert firings of four MK5 systems. The second day will consist of one inert firing and one live firing of a MK5 system. The third day will consist of three separate live firings.

Description of Habitat and Marine Mammals Affected by the Activity

A description of the project area ecosystem in the eastern Gulf of Mexico (GOM) can be found in the application and in the associated draft EAs and need not be repeated here.

Marine Mammals

Although approximately 27 species of marine mammals (whales, dolphins and porpoises) reside in or pass through the northeastern GOM, the only species of marine mammals that are likely to be impacted by the activities proposed for the shallow coastal waters off SRI are the bottlenose dolphin (*Tursiops truncatus*) and the Atlantic spotted dolphin (*Stenella frontalis*). Information on these two species may be found in the application and in the supporting EAs for these projects. Additional information on these and other species of marine mammals in the GOM can be found in Blaylock *et al.* (1995) and Waring *et al.* (1997). Please refer to those documents for information on the biology, distribution, and abundance of these species.

Potential Effects of Explosives on Marine Mammals

Potential impacts to those marine mammal species known to occur in the SRI area from explosives include both lethal and non-lethal injury, as well as incidental harassment. The pressure wave from the explosive can impact air cavities, such as lungs and intestines. Extensive hemorrhaging into the lungs due to underwater shock waves may cause death to a marine mammal through suffocation (Hill, 1978). Other common injuries which may result in mortality include circulatory failure, broncho-pneumonia in damaged lungs, or peritonitis resulting from perforations of the intestinal wall (Hill, 1978). Because impulse levels sufficient to cause lethal injury increase with increased mammal mass (Yelverton *et al.*, 1973), conservative criteria are based on the lowest possible affected mammalian weight (e.g., an infant dolphin). Extensive lung hemorrhage is an injury which would be debilitating, and not all animals would be expected to survive (1 percent mortality is predicted at the onset level). As the severity of extensive lung hemorrhage increases beyond the onset level, gastro-intestinal tract injuries can increase significantly. The expected mortality level associated with these combined severe injuries would be significantly higher than 1 percent (U.S. Navy, 1998).

Non-lethal injuries involve slight lung hemorrhage and tympanic membrane (TM) rupture from which the mammal is expected to recover (Yelverton *et al.*, 1973; Richmond *et al.*, 1973). Eardrum damage criteria are based upon a limited number of small charge tests (Yelverton *et al.*, 1973; Richmond *et al.*, 1973). Ranges for percent TM rupture incurred by underwater explosives can be calculated by a conservative TM damage model (U.S. Navy, 1996). General criteria for TM damage has been reported to occur at impulse levels down to 20 psi-msec (Yelverton *et al.*, 1973).

Because eardrum (e.g., TM) rupture, rather than slight lung hemorrhage, usually occurs at lower impulse levels, TM rupture is used by NMFS and others to conservatively define the non-lethal injury zone. A maximum impulse of 10 psi-msec is often considered to define the non-lethal injury zone, where a very low incidence of blast injuries are likely to occur (Yelverton *et al.*, 1973). A level of pressure impulse at which marine mammals are not expected to experience non-lethal injury (nor instantaneous mortality or lethal injury) is reported to be 5 psi-msec (Yelverton *et al.*, 1973). This is the impulse level adopted by the Air Force to designate no injurious takings by this activity.

In addition to lethal, serious, and non-serious injury, harassment of marine mammals may occur as a result of non-injurious physiological responses to an explosion-generated shockwave and its acoustic signature. Based upon information provided in the SEAWOLF shock trial final environmental impact statement (U.S. Navy, 1998), a dual criterion for marine mammal acoustic harassment has been developed for explosive-generated signals: (1) an energy-based temporary threshold shift(TTS) injury criterion of 182 dB re 1 uPa^2 -sec derived from experiments with bottlenose dolphins (Ridgway *et al.*, 1997), and (2) a 12 lbs/in^2 (psi) peak pressure cited by Ketten (1995) as associated with a ''safe outer limit (for the 10,000 lb charge for minimal, recoverable auditory trauma'' (i.e., TTS)). For this activity, noise levels that fall between the 5 psi-msec and out to a transmission distance where a noise level of 180 dB re 1 uPa^2 -sec (Air Force, 1998) will be considered to fall within the incidental harassment zone.

The potential impact to Atlantic bottlenose dolphins and the Atlantic spotted dolphins, the two species that may potentially be affected, was evaluated using modeling on the effects of underwater explosions resulting from each of the test systems described previously (see application). Based upon data provided in Tables 5.2 and 5.3 in the application, the maximum number of Atlantic bottlenose dolphins potentially injured from all tests ranges from 4 to 13. The maximum number of Atlantic spotted dolphins potentially injured from all tests combined is less than 1. These are the maximum injury levels without implementation of mitigation.

The estimated total numbers of bottlenose dolphins and spotted dolphins potentially exposed to takes by harassment are 33 and 1, respectively. The total number of bottlenose dolphins potentially exposed to noise from the source of the noise to 180 dB re 1 uPa^2 -sec ranges from 4 to 15 for the MK–82 GPB tests, 1 to 3 for the MK5 MCS tests, 1 to 2 for the combined SABRE tests, and 4 to 13 for all DET array tests combined. However, mitigation is expected to obviate any injury to marine mammals.

Mitigation

There are two forms of mitigation: (1) natural, as provided by the environment and (2) human, designed to protect marine mammals to the greatest extent practicable.

Natural mitigation: Physical characteristics of the proposed test area and test methods will ameliorate the underwater shock wave. Tests will be conducted in approximately 3 to 10 ft (0.9 to 3.0 m) of water. At this shallow depth, some protection of the energy from the detonations will be directed through the surface of the water rather than transmitted through the water. Another consequence of the shallow, as opposed to the deep water detonation depth is that bubble pulse is not significant and there will be far less energy in any oscillations. Additionally, these tests will be conducted inside the offshore bar at the SRI site. The offshore bar ameliorates the transmission of the underwater portion of the shock wave. Also, MK–82 GPBs will be buried in bottom sands to approximately their center of gravity (3 ft (0.9 m), a factor expected to mitigate the transmission of the shock wave as the detonations will be directed downwards.

Human mitigation: Eglin has established safety zones to prevent marine mammal injury for each test. These safety zones are: 0.75 km for SABRE–22, 1.0 km for SABRE–23, 1.0 km for DET, 6.0 km for MK–82 GPB, and 0.5 km for MK–5 MCS.

Eglin has proposed that base personnel conduct a 30–minute pre-detonation aerial monitoring survey immediately prior to each test to ensure no marine mammals are within each test area's designated safety zone. With water depths less than 18 m (59 ft), low turbidity, and white sand bottom, exceptional marine mammal visibility is ensured. Aerial surveys will be conducted at approximately 100 ft (30.5 m) elevation.

In order to ensure adequate visibility for locating marine mammals (and sea turtles), no tests will take place if sea state conditions are greater than

category 3 and water clarity is not adequate for conducting surveys. No tests will take place if marine mammals or sea turtles are sighted within the safety zone.

Monitoring

In addition to pre-detonation monitoring mentioned previously, Eglin will conduct aerial surveys immediately following each detonation event. The post-test monitoring will be conducted in a similar manner to the pre-test monitoring, except that observation personnel will be focused on locating any injured marine mammals. If any injured marine mammals are observed during post-test monitoring, subsequent detonations will be postponed, and the local stranding network notified. The project will be required to be reviewed by Air Force and NMFS personnel prior to conducting any additional tests.

Reporting

Any takes of marine mammals other than authorized by the Incidental Harassment Authorization (IHA) will be reported to the Regional Administrator, NMFS, by the next working day. A draft final report of the entire test results and marine mammal observations for pre- and post-detonation monitoring will be submitted to NMFS within 90 days after completion of the last test. Unless notified by NMFS to the contrary, that draft final report will be considered the final report under the IHA.

National Environmental Policy Act (NEPA)

As part of its request for a small take authorization, the U.S. Air Force has prepared two EAs, one for SABRE and DET and a second document for the MK–82/MK–5 systems. These EAs, which supplement information contained in the application, are necessary for determining whether the activities proposed for receiving small take authorizations are having a negligible impact on affected marine mammal stocks. The U.S. Air Force is accepting comment on these EAs, and, based upon the comments received on this proposed authorization, NMFS will (1) adopt the U.S. Air Force EAs as its own and sign a Finding of No Significant Impact (FONSI) statement, (2) amend the U.S. Air Force EA to incorporate relevant comments, suggestions, and information and to sign a new FONSI statement, or (3) based upon comments received, prepare and release for comment a Draft EA.

Consultation

Under section 7 of the Endangered Species Act, NMFS has begun consultation on the proposed issuance of an incidental harassment authorization. Consultation will be concluded upon completion of the comment period after taking into consideration the comments received on the proposed issuance of an IHA.

Proposed Authorization

NMFS proposes to issue an IHA to the U.S. Air Force for the incidental harassment and non-serious injury of a small number of bottlenose dolphins, spotted dolphins, and possibly other cetacean species. NMFS has preliminarily determined that, provided the proposed mitigation measures are enacted, the short-term impact of explosives testing for obstacle and mine clearance systems at Eglin has the potential to result in no more than a negligible impact on affected marine mammal stocks.

Information Solicited

NMFS requests interested persons to submit comments, information, and suggestions concerning this request (see **ADDRESSES**).

Dated: October 6, 1998.

Hilda Diaz-Soltero,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 98–27393 Filed 10–9–98; 8:45 am]

BILLING CODE 3510–22–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Restraint Limits for Certain Wool Textile Products Produced or Manufactured in the Slovak Republic

October 6, 1998.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits.

EFFECTIVE DATE: January 1, 1999.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.ustreas.gov. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The import restraint limits for textile products, produced or manufactured in the Slovak Republic and exported during the period January 1, 1999 through December 31, 1999 are based on limits notified to the Textiles Monitoring Body pursuant to the Uruguay Round Agreement on Textiles and Clothing (ATC).

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish the 1999 limits.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 62 FR 66057, published on December 17, 1997). Information regarding the 1999 CORRELATION will be published in the **Federal Register** at a later date.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

October 6, 1998.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended; and the Uruguay Round Agreement on Textiles and Clothing (ATC), you are directed to prohibit, effective on January 1, 1999, entry into the United States for consumption and withdrawal from warehouse for consumption of wool textile products in the following categories, produced or manufactured in the Slovak Republic and exported during the twelve-month period beginning on January 1, 1999 and extending through December 31, 1999 in excess of the following limits:

Category	Twelve-month restraint limit
410	422,051 square meters.
433	11,788 dozen.
435	17,805 dozen.
443	98,479 numbers.

The limits set forth above are subject to adjustment pursuant to the provisions of the ATC and administrative arrangements notified to the Textiles Monitoring Body.

Products in the above categories exported during 1998 shall be charged to the applicable category limits for that year (see directive dated November 19, 1997) to the

extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such products shall be charged to the limits set forth in this directive.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 98–27380 Filed 10–9–98; 8:45 am]

BILLING CODE 3510–DR–F

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Proposed Information Collection; Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (hereinafter the ''Corporation''), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirement on respondents can be properly assessed. Currently, the Corporation is soliciting comments concerning its request for approval of a new information collection from organizations that conduct literacy and tutoring activities under the sponsorship of Corporation grants. This information will be used by the Corporation to evaluate the nature and effectiveness of the programs.

Copies of the proposed information collection request may be obtained by contacting the office listed below in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section by December 14, 1998.

- The Corporation is particularly interested in comments which:
- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Corporation, 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;
- Propose ways to enhance the quality, utility and clarity of the information to be collected; and
- Propose ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

ADDRESSES: Send comments to the Corporation for National and Community Service Attn: Susan Labin, Office of Evaluation, 1201 New York Avenue, NW, 9th floor, Washington, DC 20525.

FOR FURTHER INFORMATION CONTACT: Susan Labin, (202) 606–5000, ext. 160.

SUPPLEMENTARY INFORMATION:

Background

One of the missions of the Corporation is to ''provide opportunities to engage in service that addresses the nation's unmet educational * * * needs' (42 U.S.C. 12501(b)). President Clinton's *America Reads* initiative calls on all Americans to help ensure that every child can read well and independently by the end of the third grade. The Corporation is playing an important role in this initiative. It supports efforts that recruit and train tutors in local communities, increases the number of parents and community volunteers who are involved, and works cooperatively with Federal Work Study volunteers from colleges and universities supported by the U.S. Department of Education.

The Corporation is dedicating a significant portion of its resources to literacy and tutoring efforts and it is an agency priority to evaluate these efforts. This data collection will address the Corporation's literacy and tutoring programs including, although not limited to, the *America Reads* effort.

Current Action

The Corporation seeks approval of a survey form for the evaluation of the Corporation's literacy and tutoring programs that it supports through grants. It will allow for the description of delivery systems and program models including the specific literacy and tutoring activities. It will also help identify effective programs.

Type of Review: New approval.

Agency: Corporation for National and Community Service.

Title: Evaluation of Literacy and Tutoring Programs.

OMB Number: None.

Agency Number: None.

Affected Public: Project Directors.

Total Respondents: Approximately 650.

Frequency: One time.

Average Time Per Response: 30 minutes.

Estimated Total Burden Hours: 325 hours.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: October 6, 1998.

Kenneth L. Klothen,

General Counsel.

[FR Doc. 98–27322 Filed 10–9–98; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

Department of the Army

Board of Visitors, United States Military Academy

AGENCY: United States Military Academy.

ACTION: Notice of open meeting.

SUMMARY: In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following meeting:

Name of Committee: Board of Visitors, United States Military Academy.

Date of Meeting: 13 November 1998.

Place of Meeting: Superintendent's Conference Room, Taylor Hall, United States Military Academy, West Point, New York.

Start Time of Meeting: Approximately 2:00 p.m.

FOR FURTHER INFORMATION CONTACT: For further information, contact Lieutenant Colonel Joseph A. Dubyel, United States Military Academy, West Point, NY 10996–5000, phone: (914) 938–4200.

SUPPLEMENTARY INFORMATION:

Proposed Agenda: Approval of the Annual Report to the President. All proceedings are open.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 98–27374 Filed 10–9–98; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement/ Environmental Impact Report (DEIS/ EIR) for the Lower Mission Creek, Santa Barbara, CA

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: The Mission Creek drainage area is located in and adjoining the city of Santa Barbara, California, about 100 miles northwest of the City of Los Angeles. The drainage area, comprising about 11.5-square miles, is a narrow coastal area and extends from the Santa Ynez Mountains on the north to the Pacific Ocean on the south. Mission Creek rises at about 4,000 feet elevation and flows about eight miles through the City of Santa Barbara to empty into the Pacific Ocean. The primary study area for the proposed project extends from Canon Perdido, downstream to the Pacific Ocean. The length of the project construction area is about 1.2 miles.

ADDRESSES: Commander, U.S. Army Corps of Engineers, Los Angeles District, Environmental Design Section, CECSPL–PD–RL, P.O. Box 532711, Los Angeles, CA 90053–2325.

FOR FURTHER INFORMATION CONTACT: Ms. Joy Jaiswal, Technical Manager, phone (213) 452–3871, or Mr. Edward Demesa, Study Manager, phone (213) 452–3796. The City of Santa Barbara Point of Contact is Ms. Janice Hubbell, AICP, Project Planner, phone (805) 564–5470.

SUPPLEMENTARY INFORMATION:

1. Authorization

The Lower Mission Creek, Flood Control Project is authorized under Section 209 of the Flood Control Act of 1962 (Public Law 87–874, 87th Congress, 2nd session), approved October 23, 1962. The U.S. Army Corps of Engineers (USACOE), in cooperation with the County Flood Control District and the City of Santa Barbara, will be conducting a feasibility study for solutions to the flooding problem along Lower Mission Creek. The study will identify, describe, and evaluate alternative plans and fully develop the recommended plan to be submitted to Congress for project authorization.

2. Background

The USACOE has been involved in this project since 1964. Lower Mission Creek, especially downstream from Carrillo Street, poses a serious flood threat to the City. In this area, a mix of residential, commercial, and public properties are subject to major damages during floods. The USACOE and the City of Santa Barbara are planning to prepare a Draft EIS/EIR to address and evaluate impacts to the environmental resources due to the improvement/ construction along Lower Mission Creek. In addition, alternative solutions and recommendations to the flood and associated problems will be included with consideration to economic, environmental and social needs of the area. In the past, public workshops have been conducted to identify the public's concerns regarding the proposed project construction. Public concerns were about aesthetics of the creek, impacts to the biological resources and recreation. The tidewater goby (*Eucyclogobius newberryi*), Federally listed as threatened, has been identified in the lower-most portion of Mission Creek. Steelhead (*Oncorhyncus mykiss,* Federally endangered) of undetermined genetic origin also use the downstream reach of Lower Mission Creek as a channel for migration. although sporadic in their ascent of Mission Creek from the ocean, their irregular presence in this watershed has recently been verified.

3. Proposed Action

Construction of a flood control channel at Lower Mission Creek, Santa Barbara, California.

4. Alternatives

a. *No Action:* No improvement of the Creek.

b. *Proposed Alternative Plans:* The proposed plan would provide up to 3400 cfs (20-year flood protection) and consists of creek improvements from Canon Perdido Street to the Pacific Ocean. The improvements would include stabilized banks at a 2:1 (V:H) slope above U.S. Highway 101, while below U.S. Highway 101, vertical walls would be the dominant bank treatment with a sloped bank applied whenever practicable. A variety of sloped bank stabilization methods will be considered, which includes stabilization of sideslopes using gabions, engineered earth, and/or stepped concrete walls. In order to increase the conveyance capacity of the creek, the alternatives would incorporate a new covered channel cutting off the ''oxbow'' area from just above U.S. Highway 101 and rejoining the creek near the Chapala Street bridge. The improved channel would generally follow the existing channel alignment except at the ''oxbow'' bypass. The ''oxbow'' would be left in place functioning as a low flow channel. The majority of the 12 bridges within the project reach except for Bath Street bridge and State Street bridge would require some modification or reconstruction.

5. Scoping Process

a. Potential impacts associated with the proposed action will be evaluated. Resource categories that will be analyzed are: land use, physical environment, geology, biology, air quality, water quality, groundwater, recreational usage, aesthetics (visual quality), noise, cultural resources, transportation/circulation, hazardous waste, socioeconomic (including) housing and safety.

b. Participation of affected Federal, State, and local resource agencies, Native American groups and concerned interest groups/individuals is encouraged in the scoping process. A Public Scoping Meeting will be held October 29, 1998. Time and location of the Public Scoping Meeting also will be announced by means of a letter, public announcements, and news releases. Public participation will be especially important in the environmental analysis by providing assistance in defining the scope of analysis in the EIS/EIR; identifying significant environmental issues and impact analysis in the EIS/ EIR; and providing useful information such as published and unpublished data, personal knowledge of relevant issues, and recommending mitigation measures associated with the proposed action. Those wishing to provide information or data relevant to the environmental or social impacts that should be included or considered in the environmental analysis can furnish this information by writing to the points of contact indicated above or by attending applicable public scoping meetings. A mailing list will also be established so that pertinent data may be distributed to interested agencies, interest groups and individuals.

Public Scoping Meeting

The scoping meeting is scheduled for October 29, 1998, at 7:00 PM, City Council Chambers, City Hall, De La Guerra Plaza, Santa Barbara, California.

Dated: October 2, 1998.

John P. Carroll,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 98–27373 Filed 10–9–98; 8:45 am]

BILLING CODE 3710–KF–M

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Deadline for Submission of Donation Application for the Guided Missile Destroyer Ex-CHARLES F. ADAMS (DDG 2)

AGENCY: Department of the Navy, DOD.

ACTION: Notice.

SUMMARY: The Department of the Navy hereby gives notice of the deadline of January 6, 1999 for submission of a donation application for the Guided Missile Destroyer ex-CHARLES F. ADAMS (DDG 2), located at the Naval Inactive Ship Maintenance Facility, Philadelphia, PA, under the authority of 10 U.S.C. Section 7306. Eligible recipients include: (1) Any State, Commonwealth, or possession of the United States or any municipal corporation or political subdivision thereof; (2) the District of Columbia; or (3) any not-for-profit or nonprofit entity. Transfer of a vessel under this law shall be made at no cost to the United States Government. The transferee will be required to maintain the vessel in a condition satisfactory to the Secretary of the Navy as a static museum/memorial. Prospective transferees must submit a comprehensive, detailed application addressing their plans for managing the significant financial, technical, and environmental responsibilities that accompany ships donated under this program.

DATES: Application deadline is January 6, 1999.

ADDRESSES: Applications should be sent to Program Executive Office for Expeditionary Warfare (PEO EXW), PMS334, Navy Donation Program Office, Naval Sea Systems Command, 2531 Jefferson Davis Highway, Arlington, VA 22242–5160

FOR FURTHER INFORMATION CONTACT: Ms. Gloria Carvalho, Program Executive Office for Expeditionary Warfare (PEO EXW), PMS334, Navy Donation Program Office, Naval Sea Systems Command, 2531 Jefferson Davis Highway, Arlington, VA 22242–5160, telephone number (703) 602–5450.

(Authority: 10 U.S.C. 7306.)

Dated: September 28, 1998.

Ralph W. Corey,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 98–27289 Filed 10–9–98; 8:45 am]

BILLING CODE 3810–FF–U

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Availability of Invention for Licensing; Government-Owned Invention

AGENCY: Department of the Navy, DOD.

ACTION: Notice.

SUMMARY: The invention listed below is assigned to the United States Government as represented by the Secretary of the Navy and is available for licensing by the Department of the Navy. U.S. Patent Application No. 09/025,028 entitled ''Optically Stimulated, Fast Neutron Sensor and Dosimeter and Fiber-Optic Coupled Fast Neutron Remote Sensor and Dosimeter'' Navy Case No. 77,736.

ADDRESSES: Requests for copies of the patent application cited should be directed to the Naval Research Laboratory, Code 3008.2, 4555 Overlook Avenue, S.W., Washington, DC 20375–5320, and must include the Navy Case number.

FOR FURTHER INFORMATION CONTACT: Dr. Richard H. Rein, Head, Technology Transfer Office, NRL Code 1004, 4555 Overlook Avenue, S.W., Washington, DC 20375–5320, telephone (202) 767–7230.

Authority: 35 U.S.C. 207, 37 CFR Part 404.

Dated: September 29, 1998.

Ralph W. Corey,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 98–27288 Filed 10–9–98; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Leader, Information Management Group, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before December 14, 1998.

ADDRESSES: Written comments and requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue, S.W., Room 5624, Regional Office Building 3, Washington, D.C. 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 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. The Department of Education is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including

through the use of information technology.

Dated: October 7, 1998.

Kent H. Hannaman,

Leader, Information Management Group, Office of the Chief Information Officer.

Office of Postsecondary Education

Type of Review: Revision.

Title: Fiscal Operations Report and Application to Participate in Federal Perkins Loan, Federal Supplemental Educational Opportunity Grant, and Federal Work-Study Program.

Frequency: Annually.

Affected Public: Business or other for-profit; Not-for-profit institutions; State, local or Tribal Gov't; SEAs or LEAs.

Reporting and Recordkeeping Burden: Responses: 4,100, Burden Hours: 68,863.

Abstract: This application data will be used to compute the amount of funds needed by each institution during the 2000–2001 Award Year. The Fiscal Operations Report data will be used to assess program effectiveness, account for funds expended during the 1998–1999 Award Year, and as part of the institutional funding process.

[FR Doc. 98–27367 Filed 10–9–98; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Pantex Plant, Amarillo, TX

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) notice is hereby given of the following Advisory Committee meeting: Environmental Management Site-Specific Advisory Board (EM SSAB), Pantex Plant, Amarillo, Texas.

Date and Time: Tuesday, October 27, 1998: 1:00 p.m.–5:00 p.m.

ADDRESSES: Pantex Plant Building 16–12, Amarillo, Texas.

FOR FURTHER INFORMATION CONTACT: Jerry S. Johnson, Assistant Area Manager, Department of Energy, Amarillo Area Office, P.O. Box 30030, Amarillo, TX 79120 (806) 477–3125.

SUPPLEMENTARY INFORMATION: Purpose of the Committee: The Board provides input to the Department of Energy on Environmental Management strategic decisions that impact future use, risk management, economic development, and budget prioritization activities.

Tentative Agenda

1:00 p.m. Welcome—Agenda Review—Approval of Minutes
1:10 p.m. Immobilization Presentation
2:10 p.m. Immobilization and Question and Answer
2:30 p.m. Break
2:40 p.m. Approval of Minutes
2:50 p.m. Co-Chair Comments
3:00 p.m. Savannah River Update by Participants
3:15 p.m. Task Force/Subcommittee Minutes
3:50 p.m. Break
4:00 p.m. Ex-Officio Reports
4:20 p.m. Updates—Occurrence Reports—DOE
4:40 p.m. Closing Remarks
5:00 p.m. Adjourn

Public Participation: The meeting is open to the public, and public comment will be invited throughout the meeting. Written statements may be filed with the Committee either before or after the meeting. Written comments will be accepted at the address above for 15 days after the date of the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Jerry Johnson's office at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Official is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments at any time throughout the meeting.

Minutes: The minutes of this meeting will be available for public review and copying at the Pantex Public Reading Rooms located at the Amarillo College Lynn Library and Learning Center, 2201 South Washington, Amarillo, TX, phone (806) 371–5400. Hours of operation are from 7:45 am to 10:00 pm, Monday through Thursday; 7:45 am to 5:00 pm on Friday; 8:30 am to 12:00 noon on Saturday; and 2:00 pm to 6:00 pm on Sunday, except for Federal holidays. Additionally, there is a Public Reading Room located at the Carson County Public Library, 401 Main Street, Panhandle, TX, phone (806) 537–3742. Hours of operation are from 9:00 am to 7:00 pm on Monday; 9:00 am to 5:00 pm, Tuesday through Friday; and closed Saturday and Sunday as well as Federal Holidays. Minutes will also be available by writing or calling Jerry S. Johnson at the address or telephone number listed above.

Issued at Washington, DC on October 7, 1998.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 98–27365 Filed 10–9–98; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–49–000]

CNG Transmission Corporation; Notice of Proposed Changes in FERC Gas Tariff

October 6, 1998.

Take notice that on October 2, 1998, CNG Transmission Corporation (CNG) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets, with an effective date of November 2, 1998:

Third Revised Sheet No. 281
First Revised Sheet No. 281A
Third Revised Sheet No. 282
Second Revised Sheet No. 283A
Fourth Revised Sheet No. 284
Third Revised Sheet No. 287
Third Revised Sheet No. 288
Third Revised Sheet No. 383
Second Revised Sheet No. 386A

CNG states that the purpose of this filing is to update CNG's tariff to reflect Version 1.2 of the business practice standards adopted by the Gas Industry Standards Board (GISB), as incorporated by reference in the Commission's regulations under Order No. 587–G. CNG further states that it proposes to revise its tariff to effectuate the intra-day nomination requirements of Order Nos. 587–G and 587–H.

CNG states that copies of this letter of transmittal and enclosures are being mailed to CNG's customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. 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 proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public

inspection in the Public Reference Room.

David P. Boergers,

Secretary.

[FR Doc. 98–27300 Filed 10–9–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–45–000]

Discovery Gas Transmission LLC; Notice of Tariff Filing

October 6, 1998.

Take notice that on October 2, 1998, Discovery Gas Transmission LLC (Discovery) tendered for filing tariff sheet Nos. 122, 123, 124, 125, 126, 129, 130, 131, and 196 to become effective November 2, 1998. Discovery states that the purpose of this filing is to comply with the Commission's order issued July 15, 1998, in Docket No. RM96–1–008.

Discovery states that the instant filing reflects changes to the General Terms and Conditions of its Tariff required to implement standards issued by the Gas Industry Standards Board (GISB) and adopted by the Commission in Order No. 587–H issued July 15, 1998, in Docket No. RM 96–1–008. The filing also implements changes required by Commission Regulations Section 284.10(b)(1)(i), relating to intra-day nominations promulgated March 12, 1998, by GISB.

Discovery states that copies of this filing are being mailed to its customers, state commissions and other interested parties.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. 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 proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

David P. Boergers,

Secretary.

[FR Doc. 98–27296 Filed 10–9–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98–800–000]

Eastern Shore Natural Gas Company; Notice of Application

October 6, 1998.

Take notice that on September 25, 1998, Eastern Shore Natural Gas Company (Eastern Shore), Post Office Box 1769, Dover, Delaware 19903–1769, filed in Docket No. CP98–800–000 an application pursuant to Section 7(c) of the Natural Gas Act for authorization to construct and operate additional pipeline and compression facilities in Delaware and Pennsylvania to expand its system by providing added transportation capacity, all as more fully set forth in the application capacity, all as more fully set forth in the application on file with the Commission and open to public inspection.

Eastern Shore proposes to construct and operate 8 miles of 16-inch pipeline looping on its existing system (3.5 miles in Delaware and 4.5 miles in Pennsylvania) and to install 1,085 horsepower of additional capacity at an existing compressor station on Eastern Shore's system in Delaware City, Delaware. It is stated that the proposed construction would enable Eastern Shore to provide 16,540 dt equivalent of additional daily firm service capacity on its system. Eastern Shore estimates the total costs of the proposed facilities at $6,643,420. It is requested that certificate be issued allowing construction to be completed by November 1, 1999.

Eastern Shore asserts that the facilities would provide system-wide benefits without requiring a rate increase for existing customers. Therefore, Eastern Shore requests a determination that cost of the project be given rolled-in treatment. Eastern Shore convened an open season for the additional capacity in June and July 1998 and secured 10-year firm contracts with Star Enterprise and Delmarva Power & Light Company for the additional capacity.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 27, 1998, file with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

A person obtaining intervenor status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by every one of the intervenors. An intervenor can file for rehearing of any Commission order and can petition for court review of any such order. However, an intervenor must submit copies of comments or any other filing it makes with the Commission to every other intervenor in the proceeding, as well as 14 copies with the Commission.

A person does not have to intervene, however, in order to have comments considered. A person, instead, may submit two copies of comments to the Secretary of the Commission. Commenters will be placed on the Commission's environmental mailing list, will receive copies of environmental documents and will be above to participate in meetings associated with the Commission's environmental review process. Commenters will not be required to serve copies of filed documents on all other parties. However, commenters will not receive copies of all documents filed by other parties or issued by the Commission and will not have the right to seek rehearing or appeal the Commission's final order to a Federal court.

The Commission will consider all comments and concerns equally, whether filed by commenters or those requesting intervenor status.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the

certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Eastern Shore to appear or be represented at the hearing.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–27293 Filed 10–9–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98–791–000]

Equitrans, L.P.; Notice of Application

October 6, 1998.

Take notice that on September 18, 1998, as supplemented October 2, 1998, Equitrans, L.P. (Equitrans),[1] 3500 Park Lane, Pittsburgh, Pennsylvania 15275, filed in Docket No. CP98–791–000, a request pursuant to Section 7(b) of the Natural Gas Act, as amended, and Commission's rules and Regulations thereunder (18 CFR Sections 157.7 and 157.18), for authorization to abandon individually certificated transportation service to New Jersey Natural Gas Company (New Jersey Natural) under Rate Schedule STS–1, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Equitrans states that upon abandonment of Rate Schedule STS–1 New Jersey Natural would convert its Rate Schedule STS–1 entitlements to equivalent firm entitlements under Equitrans' open-access Rate Schedule FTS. Equitrans further states that by letter dated August 25, 1998, New Jersey Natural requested conversion of service effective October 1, 1998. Equitrans states that New Jersey Natural agrees to pay applicable rates and adhere to the terms and conditions of Rate Schedule FTS. Equitrans states that New Jersey Natural would pay the same total rates for Rate Schedule FTS service, including stranded gathering charges, it currently pays under Rate Schedule STS–1.[2] Equitrans also states that New Jersey Natural would retain its Part 157 storage rights under Rate Schedule SS–3 and would convert its related transportation at the identical winter and summer entitlement levels to open-access under Rate Schedule FTS. Equitrans further states that the certificate level of service entitlements to all other customers would remain unchanged, and that no modification of Equitrans' rates is required. It is also stated that Equitrans does not propose to abandon any facilities as part of this application.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 27, 1998, file with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Equitrans to appear or be represented at the hearing.

David P. Boergers,

Secretary.

[FR Doc. 98–27292 Filed 10–9–98; 8:45 am]

BILLING CODE 6717–01–M

[1] Equitrans, L.P. and Equitrans, Inc. have a joint application in Docket No. CP96–532–000 on file with the Commission for a name change.

[2] Equitrans filed a Stipulation and Agreement in Docket No. RP97–346, *et al.* On August 31, 1998 which proposes to resolve the issues in its on-going Section 4 rate proceeding. The settlement proposes slightly different rate structure but equal total rates, including stranded gathering costs, for Rate Schedule STS–1 and FTS.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. TM99–1–166–000]

Kansas Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

October 6, 1998.

Take notice that on October 1, 1998, Kansas Pipeline Company (Kansas Pipeline) tendered for filing, as part of its FERC Gas Tariff, First Revised Volume No. 1, the tariff sheets listed below, to be effective November 1, 1998.

First Revised Sheet No. 15
First Revised Sheet No. 17
First Revised Sheet No. 21
First Revised Sheet No. 23
First Revised Sheet No. 26
First Revised Sheet No. 28
First Revised Sheet No. 30
First Revised Sheet No. 32

Kansas Pipeline states that this filing is made in accordance with Section 23 (Fuel Reimbursement Adjustment) of the General Terms and Conditions of Kansas Pipeline's FERC Gas Tariff. The revised tariff sheets reflect the following changes to the Fuel Reimbursement Percentage: (1) a 4.9% increase in the Zone 1 Reimbursement Percentage for volumes delivered between April and October; (2) a 13.6% increase in the Zone 1 Fuel Reimbursement Percentage for volumes delivered between November and March; (3) the Zone 2 Fuel Reimbursement Percentage has been set at 0.00%.

Kansas Pipeline states that copies of this filing are being served on all affected customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining in the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

David P. Boergers,

Secretary.

[FR Doc. 98–27304 Filed 10–9–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. TM99–1–25–00]

Mississippi River Transmission Corporation; Notice of Proposed Changes in FERC Gas Tariff

October 6, 1998.

Take notice that on October 1, 1998, Mississippi River Transmission Corporation (MRT) tendered for filing as part of its Gas Tariff, Third Revised Volume No. 1, the tariff sheets listed below to be effective November 1, 1998:

Thirty Second Revised Sheet No. 5
Thirty Second Revised Sheet No. 6
Twenty Ninth Revised Sheet No. 7
Tenth Revised Sheet No. 8

MRT states that this purpose of this filing is to adjust the Fuel Use and Loss Percentages under its Rate Schedules FTS, SCT, ITS, FSS and ISS pursuant to Section 24 of the General Terms and Conditions of its FERC Gas Tariff, Third Revised Volume No. 1.

MRT states that a copy of this filing is being mailed to each of MRT's customers and to the state commissions of Arkansas, Illinois and Missouri.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. 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 proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

David P. Boergers,

Secretary.

[FR Doc. 98–27301 Filed 10–9–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–47–000]

National Fuel Gas Supply Corporation; Notice of Proposed Changes in FERC Gas Tariff

October 6, 1998.

Take notice that on October 2, 1998, National Fuel Gas Supply Corporation (National Fuel) tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, Alt. First Revised Sheet No. 375, with a proposed effective date of November 2, 1998.

National Fuel states that the purpose of the instant filing is to revise its intra-day nominations provisions to establish that primary firm intra-day nominations will not bump already-scheduled firm service utilizing secondary receipt or delivery points.

National Fuel states that it is serving copies of this filing with its firm customers and interested state commissions. Copies are also being served on all interruptible customers as of the date of the filing.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. 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 proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

David P. Boergers,

Secretary.

[FR Doc. 98–27298 Filed 10–9–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–48–000]

National Fuel Gas Supply Corporation; Notice of Proposed Changes in FERC Gas Tariff

October 6, 1998.

Take notice that on October 2, 1998, National Fuel Gas Supply Corporation (National Fuel) tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the tariff sheets listed on Appendix A to the filing, with a proposed effective date of November 2, 1998.

National Fuel states that the purpose of the instant filing is to comply with the Commission's Order No. 587–H issued July 15, 1998 in Docket No. RM96–1–008 (the Order). The Order amends § 284.10 of the Commission's Regulations to incorporate by reference the most recent standards dealing with intra-day nominations and nomination and scheduling procedures promulgated by the Gas Industry Standards Board on March 12, 1998.

National Fuel states that it is serving copies of this filing with its firm customers and interested state commissions. Copies are also being served on all interruptible customers as of the date of the filing.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. 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 proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

David P. Boergers,

Secretary.

[FR Doc. 98–27299 Filed 10–9–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–35–000]

Northern Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

October 5, 1998.

Take notice that on October 1, 1998, Northern Natural Gas Company (Northern), tendered for filing to become part of Northern's FERC Gas Tariff, Fifth Revised Volume No. 1, Eighth Revised Sheet No. 68, with an effective date of November 1, 1998.

Northern states that the filing terminates the current Reverse Auction Cost Recovery direct bill which was designed to recover Reverse Auction costs. The balance in the Reverse Auction account plus subsequent carrying charges will be sufficient to fund future Reverse Auction payments. Therefore, Northern has filed the Eighth Revised Sheet No. effective November 1, 1998.

Northern states that copies of the filing were served upon Northern's customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. 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 proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

David P. Boergers,

Secretary.

[FR Doc. 98–27291 Filed 10–9–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. TM99–1–28–000]

Panhandle Eastern Pipe Line Company; Notice of Proposed Changes in FERC Gas Tariff

October 6, 1998.

Take notice that on October 1, 1998, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the tariff sheets listed on Appendix A to the filing, to become effective November 1, 1998.

Panhandle states that this filing is made in accordance with Section 24 (Fuel Reimbursement Adjustment) of the General Terms and Conditions of its FERC Gas Tariff, First Revised Volume No. 1. The revised tariff sheets filed herewith reflect the following changes to the Fuel Reimbursement Percentages: (1) A (0.11%) decrease in the Gathering Fuel Reimbursement Percentage; (2) a (0.11%) decrease in the Field Zone Fuel Reimbursement Percentage; (3) a (0.02%) decrease in the Market Zone Fuel Reimbursement Percentage; (4) a 0.46% increase in the Injection and a 0.04% increase in the Withdrawal Field Area Storage Reimbursement Percentages to reflect a change in the Annual Fuel Reimbursement Surcharge; and (5) a 0.46% increase in the Injection and Withdrawal Market Area Storage Reimbursement Percentages to reflect a change in the Annual Fuel Reimbursement Surcharge.

Panhandle further states copies of this filing are being served on all affected customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. 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 proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

David P. Boergers,

Secretary.

[FR Doc. 98–27302 Filed 10–9–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–44–000]

Petal Gas Storage Company; Notice of Proposed Changes in FERC Gas Tariff

October 6, 1998.

Take notice that on October 2, 1998, Petal Gas Storage Company (Petal) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, Third Revised Sheet No. 129 and Second Revised Sheet No. 116, with a proposed effective date of November 2, 1998.

Petal states that the filing is made in compliance with the Commission's Order No. 587–H, issued on July 15, 1998, in Docket No. RM96–1–008, requiring interstate pipelines to incorporate the most recent standards dealing with intra-day nominations and nomination and scheduling procedures promulgated by the Gas Industry Standards Board (GISB).

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. 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 proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

David P. Boergers,

Secretary.

[FR Doc. 98–27297 Filed 10–9–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. TM99–1–30–000]

Trunkline Gas Company; Notice of Proposed Changes in FERC Gas Tariff

October 6, 1998.

Take notice that on October 1, 1998, Trunkline Gas Company (Trunkline) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets, to become effective November 1, 1998:

Twenty-Seventh Revised Sheet No. 6
Twenty-Sixth Revised Sheet No. 7
Twenty-Seventh Revised Sheet No. 8
Twenty-Seventh Revised Sheet No. 9
Ninth Revised Sheet No. 9A
Twenty-Sixth Revised Sheet No. 10
Twelfth Revised Sheet No. 10A

Trunkline sates that this filing is being made in accordance with Section 22 (Fuel Reimbursement Adjustment) of Trunkline's FERC Gas Tariff, First Revised Volume No. 1. The revised tariff sheets listed on Appendix A reflect: a (0.06)% decrease (Field Zone to Zone 2), a 0.02% increase (Zone 1A to Zone 2), (0.21)% decrease (Zone 1B to Zone 2), a (0.37)% decrease (Zone 2 only), no change (Field Zone to Zone 1B), a 0.08% increase (Zone 1A to Zone 1B), a (0.15)% decrease (Zone 1B only), a (0.16)% decrease (Field Zone to Zone 1A), a (0.08)% decrease (Zone 1A only) and a (0.39)% decrease (Field Zone only) to the currently effective fuel reimbursement percentages.

Trunkline states that copies of this filing are being served on all affected shippers and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. 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 proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

David P. Boergers,

Secretary.

[FR Doc. 98–27303 Filed 10–9–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98–808–000]

Williston Basin Interstate Pipeline Company; Notice of Application

October 6, 1998.

Take notice that on September 29, 1998, Williston Basin Interstate Pipeline Company (Williston Basin), 200 North Third Street, Suite 300, Bismarck, North Dakota 58501, filed in Docket No. CP98–808–000 an application pursuant to Section 7 of the Natural Gas Act for permission and approval to delete the Little Knife Plant receipt point and to add the Bitter Creek receipt point for Northern States Power Company (N.P.), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Williston Basin proposes to delete the Little Knife Plant receipt point and add the Bitter Creek receipt point to the February 22, 1991 Transportation Service Agreement between Williston Basin and N.P. Williston Basin states that the Transportation Service Agreement is a part of Rate Schedule X–13 contained in Williston Basin's FERC Gas Tariff, Original Volume No. 2. Williston Basin declares that N.P. has requested that the Little Knife Plant receipt point be deleted and the Bitter Creek receipt point be added as an authorized receipt point to its existing Transportation Service Agreement. Williston Basin asserts that no new facilities are proposed and no facilities are proposed to be abandoned.

Any person desiring to be heard or to make any protest with reference to said Application should on or before October 27, 1998, file with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 18 CFR 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this Application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission, on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

David P. Boergers,

Secretary.

[FR Doc. 98–27294 Filed 10–9–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Intent to File Application for New License

October 6, 1998.

a. *Type of filing:* Notice of Intent to File Application for New License.

b. *Project No.:* 2086.

c. *Date filed:* August 31, 1998.

d. *Submitted By:* Southern California Edision Company.

e. *Name of Project:* Vermilion Valley.

f. *Location:* On Mono Creek, within the Upper San Joaquin River Basin in Fresno County, California.

g. *Filed Pursuant to:* Section 15 of the Federal Power Act, 18 CFR 16.6 of the Commission's regulations.

h. *Effective date of original license:* September 1, 1953.

i. *Expiration date of original license:* August 31, 2003.

j. *The project consists of:* (1) a dam across Mono Creek with a crest length of approximately 4,350 feet and a height of about 160 feet; (2) a reservoir with a gross storage capacity of approximately 125,000 acre-feet at maximum water

surface elevation of 7,642.5 feet; and (3) appurtenant facilities.[1]

k. *Pursuant to 18 CFR 16.7, information on the project is available at:* 2244 Walnut Grove Avenue, Rosemead, CA 91770, (818) 302–8944.

l. *FERC contact:* Héctor M. Pérez (202) 219–2843.

m. Pursuant to 18 CFR 16.9 (b)(1) each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by August 31, 2001.

David P. Boergers,

Secretary.

[FR Doc. 98–27295 Filed 10–9–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Sunshine Act Meeting

October 7, 1998.

The following notice of meeting is published pursuant to section 3(A) of the Government in the Sunshine Act (Pub. L. No. 94–409), 5 U.S.C. 552B:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

DATE AND TIME: October 14, 1998 10:00 A.M.

PLACE: Room 2C 888 First Street, NE., Washington, DC 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

* **Note**—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: David P. Boergers, Secretary, Telephone (202) 208–0400, for a Recording Listing Items Stricken from or added to the meeting, call (202) 208–1627.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the reference and information center.

Consent Agenda—Hydro 706th Meeting—October 14, 1998; Regular Meeting, (10:00 a.m.)

CAH–1.
DOCKET# P–10808, 000, Wolverine Power Corporation
CAH–2.
DOCKET# P–10809, 000, Wolverine Power Corporation
CAH–3.
DOCKET# P–10810, 000, Wolverine Power Corporation
CAH–4.
DOCKET# P–2785, 002, Wolverine Power Corporation
OTHER#S P–2785, 008, Wolverine Power Corporation
P–2785, 009, Wolverine Power Corporation
CAH–5.
DOCKET# P–382, 015, Southern California Edison Company
CAH–6.
DOCKET# P–2357, 024, Wisconsin Electric Power Company
OTHER#S P–2394, 027, Wisconsin Electric Power Company
CAH–7.
DOCKET# P–2536, 034, Consolidated Papers, Inc.
CAH–8.
DOCKET# P–2833, 057, Public Utility District No. 1 of Lewis County, Washington
CAH–9.
DOCKET# P–4376, 001, High Country Resources
OTHER#S P–4437, 006, Glacier Energy Company
P–6984, 000, Cascade Group
P–9787, 000, Washington Hydro Associates and Scott Paper Company
P–10269, 002, Washington Hydro Development Company
P–10311, 002, Skagit River Hydro

Consent Agenda—Electric

CAE–1.
DOCKET# ER98–4296, 000, Duke Energy Oakland LLC
OTHER#S EC96–19, 007, Pacific Gas & Electric Company, Southern California Edison Company and San Diego Gas & Electric Company
ER96–1663, 008, Pacific Gas & Electric Company, Southern California Edison Company and San Diego Gas & Electric Company
ER98–441, 000, Southern California Edison Company
ER98–441, 001, Southern California Edison Company
ER98–495, 000, Pacific Gas & Electric Company
ER98–495, 001, Pacific Gas & Electric Company
ER98–496, 000, San Diego Gas & Electric Company
ER98–496, 001, San Diego Gas & Electric Company
ER98–2668, 000, Duke Energy Moss Landing LLC
ER98–2669, 000, Duke Energy Oakland LLC
ER98–2785, 000, Pacific Gas & Electric Company
ER98–4300, 000, Duke Energy Moss Landing LLC
CAE–2.
DOCKET# ER98–4400, 000, Pittsfield Generating Company, L.P.
CAE–3.
DOCKET# ER98–4381, 000, Energy Atlantic, LLC
CAE–4.
DOCKET# ER98–4336, 000, Spokane Energy, LLC
CAE–5.
DOCKET# ER98–4301, 000, Mountainview Power Company
OTHER#S ER98–4302, 000, Riverside Canal Power Company
CAE–6.
DOCKET# EC96–19, 035, California Independent System Operator Corporation
OTHER#S EC96–19, 041, California Independent System Operator Corporation
ER96–1663, 036, California Independent System Operator Corporation
ER96–1663, 042, California Independent System Operator Corporation
CAE–7.
DOCKET# ER98–4289, 000, Montana-Dakota Utilities Company
CAE–8.
DOCKET# ER98–1384, 000, PJM Interconnection, L.L.C.
OTHER#S EL98–28, 000, PJM Interconnection, L.L.C.
CAE–9.
DOCKET# EL98–54, 000, Steel Dynamics, Inc. V. American Electric Power Service Corporation and AEP Power Marketing, Inc., et al.
CAE–10.
DOCKET# ER98–1569, 002, PP&L, Inc.
OTHER#S EL98–61, 000, UGI Utilities, Inc.—Electric Division v. PP&L, Inc.
CAE–11.
DOCKET# OA96–194, 001, Niagara Mohawk Power Corporation
CAE–12.
DOCKET# ER98–1632, 000, Northern Indiana Public Service Company
OTHER#S ER98–1646, 000, Northern Indiana Public Service Company
ER98–1647, 000, Northern Indiana Public Service Company
ER98–1652, 000, Northern Indiana Public Service Company
ER98–1653, 000, Northern Indiana Public Service Company
ER98–1654, 000, Northern Indiana Public Service Company
ER98–1655, 000, Northern Indiana Public Service Company
CAE–13.
DOCKET# ER95–1267, 000, Pennsylvania Power & Light Company
CAE–14.
DOCKET# ER92–331, 000, Consumers Power Company
OTHER#S ER92–332, 000, Consumers Power Company
CAE–15.
DOCKET# NJ97–3, 003, United States Department of Energy—Bonneville Power Administration
CAE–16.
OMITTED
CAE–17.
DOCKET# EL97–56, 001, BRAZOS Electric Power Cooperative v. Tenaska IV Texas Partners, Ltd.
OTHER#S QF94–84, 004, BRAZOS Electric Power Cooperative v. Tenaska IV Texas Partners, Ltd.
CAE–18.
DOCKET# EC97–5, 002, Ohio Edison Company, Pennsylvania Power

[1] The project is licensed to provide water for power generation at the Big Creek 1 and 2 Project, VERC No. 67.

Company, Cleveland Electric Illuminating Company and Toledo Edison Company
CAE–19.
DOCKET# ER94–1409, 001, Cambridge Electric Light Company
OTHER#S EL94–88, 001, Cambridge Electric Light Company
CAE–20.
DOCKET# ER98–411, 002, Wolverine Power Supply Cooperative, Inc.
OTHER#S ER98–413, 001, Wolverine Power Supply Cooperative, Inc.
ER98–493, 001, Wolverine Power Supply Cooperative, Inc.
ER98–494, 001, Wolverine Power Supply Cooperative, Inc.
ER98–539, 001, Wolverine Power Supply Cooperative, Inc.
OA98–4, 001, Wolverine Power Supply Cooperative, Inc.
CAE–21.
OMITTED
CAE–22.
OMITTED
CAE–23.
OMITTED
CAE–24.
DOCKET# EL98–64, 000, British Columbia Power Exchange Corporation
CAE–25.
DOCKET# EL98–55, 000, Indiana Municipal Power Agency v. PSI Energy, Inc.
CAE–26.
DOCKET# EL98–45, 000, PHIBRO Inc.
CAE–27.
DOCKET# EL96–63, 000, Dominion Resources, Inc.
CAE–28.
DOCKET # OA97–271, 000, AMEREN SERVICES COMPANY, CENTRAL ILLINOIS PUBLIC SERVICE COMPANY AND UNION ELECTRIC COMPANY
OTHER #S OA97–154, 001, FIRSTENERGY CORP., CENTERIOR ENERGY CORPORATION, CLEVELAND ELECTRIC ILLUMINATING COMPANY AND OHIO EDISON COMPANY, ET AL.
OA97–271, 001, AMEREN SERVICES COMPANY, CENTRAL ILLINOIS PUBLIC SERVICE COMPANY AND UNION ELECTRIC COMPANY
OA97–276, 001, PORTLAND GENERAL ELECTRIC COMPANY
OA97–292, 001, FIRSTENERGY CORP., CENTERIOR ENERGY CORPORATION, CLEVELAND ELECTRIC ILLUMINATING COMPANY AND OHIO EDISON COMPANY, ET AL.
OA97–308, 001, SOUTHERN INDIANA GAS AND ELECTRIC COMPANY
OA97–398, 001, SOUTHERN COMPANY SERVICES, ALABAMA POWER COMPANY, GEORGIA POWER COMPANY, GULF POWER COMPANY AND MISSIS-SIPPI POWER COMPANY, ET AL.
OA97–416, 001, SOUTH CAROLINA ELECTRIC AND GAS COMPANY
OA97–427, 001, LONG ISLAND LIGHTING COMPANY
OA97–436, 001, TUCSON ELECTRIC POWER COMPANY
OA97–450, 001, DUKE POWER COMPANY AND NANTAHALA POWER AND LIGHT COMPANY
OA97–456, 001, BALTIMORE GAS AND ELECTRIC COMPANY
OA97–461, 001, TAMPA ELECTRIC COMPANY
OA97–510, 001, AMEREN SERVICES COMPANY, CENTRAL ILLINOIS PUBLIC SERVICE COMPANY AND UNION ELECTRIC COMPANY
OA97–595, 001, FIRSTENERGY CORP., CENTERIOR ENERGY CORPORATION, CLEVELAND ELECTRIC ILLUMINATING COMPANY AND OHIO EDISON COMPANY, ET AL.
OA97–673, 001, FIRSTENERGY CORP., CENTERIOR ENERGY CORPORATION, CLEVELAND ELECTRIC ILLUMINATING COMPANY AND OHIO EDISON COMPANY, ET AL.
OA98–6, 001, FIRSTENERGY CORP., CENTERIOR ENERGY CORPORATION, CLEVELAND ELECTRIC ILLUMINATING COMPANY AND OHIO EDISON COMPANY, ET AL.

Consent Agenda—Gas and Oil

CAG–1.
DOCKET # GT98–92, 000, TENNESSEE GAS PIPELINE COMPANY
CAG–2.
DOCKET # PR98–14, 000, SONAT INTRASTATE-ALABAMA INC.
CAG–3.
DOCKET # RP98–402, 000, EASTERN SHORE NATURAL GAS COMPANY
CAG–4.
DOCKET # RP98–411, 000, TRANSCONTINENTAL GAS PIPE LINE CORPORATION
CAG–5.
DOCKET # RP98–404, 000, MISSISSIPPI RIVER TRANSMISSION CORPORATION
CAG–6.
DOCKET # RP98–409, 000, MOBILE BAY PIPELINE COMPANY
CAG–7.
DOCKET # RP98–410, 000, KOCH GATEWAY PIPELINE COMPANY
OTHER #S RP98–410, 001, KOCH GATEWAY PIPELINE COMPANY
CAG–8.
DOCKET # RP98–188, 000, TENNESSEE GAS PIPELINE COMPANY
CAG–9.
DOCKET # RP98–206, 002, ATLANTA GAS LIGHT COMPANY
CAG–10.
OMITTED
CAG–11.
DOCKET # RP98–226, 001, KOCH GATEWAY PIPELINE COMPANY
OTHER #S RP98–61, 004, KOCH GATEWAY PIPELINE COMPANY
CAG–12.
DOCKET # RP98–393, 000, NORTHWEST PIPELINE CORPORATION
CAG–13.
DOCKET # TM98–2–59, 001, NORTHERN NATURAL GAS COMPANY
OTHER #S TM98–2–59, 002, NORTHERN NATURAL GAS COMPANY
CAG–14.
DOCKET # RP97–408, 000, TRAILBLAZER PIPELINE COMPANY
OTHER #S RP97–408, 004, TRAILBLAZER PIPELINE COMPANY
CAG–15.
DOCKET # GP98–32, 000, ANADARKO PETROLEUM CORPORATION V. PANENERGY PIPE LINE COMPANY AND PANHANDLE EASTERN PIPE LINE COMPANY, ET AL.
CAG–16.
DOCKET # RP95–191, 002, WILLISTON BASIN INTERSTATE PIPELINE COMPANY
OTHER #S RP97–269, 002, WILLISTON BASIN INTERSTATE PIPELINE COMPANY
CAG–17.
DOCKET # RP95–112, 023, TENNESSEE GAS PIPELINE COMPANY
OTHER #S RP94–299, 003, TEXAS EASTERN TRANSMISSION CORPORATION
RS92–11, 023, TEXAS EASTERN TRANSMISSION CORPORATION
CAG–18.
DOCKET # RP97–344, 011, TEXAS GAS TRANSMISSION CORPORATION
CAG–19.
DOCKET # RP97–469, 003, NATURAL GAS PIPELINE COMPANY OF AMERICA
OTHER #S RP97–469, 004, NATURAL GAS PIPELINE COMPANY OF AMERICA
CAG–20.
DOCKET # OR98–3, 001, OXY USA, INC. V. AMERADA HESS PIPELINE CORPORATION, ARCO TRANSPORTATION ALASKA, INC. AND BP PIPELINES (ALASKA) INC., ET AL.
CAG–21.
DOCKET # RP94–120, 018, KOCH GATEWAY PIPELINE COMPANY
CAG–22.
DOCKET # PR94–9, 002, MICHIGAN CONSOLIDATED GAS COMPANY
CAG–23.
DOCKET # RM99–1, 000, REVISIONS TO OIL PIPELINE REGULATIONS
CAG–24.
DOCKET # CP96–53, 002, NE HUB PARTNERS, L.P.
OTHER #S CP96–53, 000, NE HUB PARTNERS, L.P.
CP96–53, 003, NE HUB PARTNERS, L.P.
CP96–53, 004, NE HUB PARTNERS, L.P.
CP96–53, 005, NE HUB PARTNERS, L.P.
CP96–53, 006, NE HUB PARTNERS, L.P.
CP96–53, 007, NE HUB PARTNERS, L.P.
CP96–53, 008, NE HUB PARTNERS, L.P.
CAG–25.
DOCKET # CP98–512, 001, DESTIN PIPELINE COMPANY, L.L.C.
CAG–26.
DOCKET # CP97–71, 001, ANR PIPELINE COMPANY
OTHER #S CP96–790, 001, NAUTILUS PIPELINE COMPANY, L.L.C.
CP96–790, 002, NAUTILUS PIPELINE COMPANY, L.L.C.
CP96–791, 001, NAUTILUS PIPELINE COMPANY, L.L.C.
CP96–791, 002, NAUTILUS PIPELINE COMPANY, L.L.C.
CP96–792, 001, NAUTILUS PIPELINE COMPANY, L.L.C.
CP97–71, 000, ANR PIPELINE COMPANY
CAG–27.
DOCKET # CP93–117, 002, SAN DIEGO GAS & ELECTRIC COMPANY
CAG–28.

DOCKET # CP96–532, 000, EQUITRANS, L.P. AND EQUITRANS, INC.
CAG–29.
DOCKET # CP98–374, 000, KOCH GATEWAY PIPELINE, L.P. AND KOCH GATEWAY PIPELINE COMPANY
CAG–30.
DOCKET # CP98–131, 000, VECTOR PIPELINE L.P.
OTHER #S CP98–133, 000, VECTOR PIPELINE L.P.
CP98–134, 000, VECTOR PIPELINE L.P.
CP98–135, 000, VECTOR PIPELINE L.P.
CAG–31.
DOCKET # CP97–581, 000, TENNESSEE GAS PIPELINE COMPANY AND COLUMBIA GULF TRANSMISSION COMPANY
CAG–32.
DOCKET # CP98–276, 000, TEXAS GAS TRANSMISSION CORPORATION
CAG–33.
DOCKET # CP98–563, 000, WESTERN GAS RESOURCES, INC.
OTHER #S CP98–564, 000, WESTERN GAS RESOURCES, INC.
CAG–34.
DOCKET # CP98–685, 000, TEXAS GAS TRANSMISSION CORPORATION

Hydro Agenda

H–1.
RESERVED

Electric Agenda

E–1.
DOCKET # E–1, 000, STAFF REPORT ON THE CAUSES OF THE PRICING ABNORMALITIES IN THE MIDWEST DURING JUNE 1998, STAFF PRESENTATION.

Oil and Gas Agenda

I.
PIPELINE RATE MATTERS
PR–1.
RESERVED
II.
PIPELINE CERTIFICATE MATTERS
PC–1.
RESERVED

David P. Boergers,

Secretary.

[FR Doc. 98–27490 Filed 10–8–98; 11:40 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6175–6]

Agency Information Collection Activities: Continuing Collection; Comment Request; 1999 Hazardous Waste Report (Biennial Report)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit the following continuing Information Collection Request (ICR) to the Office of Management and Budget (OMB): 1999 Hazardous Waste Report; 976.08; OMB Control Number 2050–0024; expiration date: 9/30/99.

Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before December 14, 1998.

ADDRESSES: Commenters must send an original and two copies of their comments referencing docket number F–98–B2IP–FFFFF to: RCRA Docket Information Center, Office of Solid Waste (5305G), U.S. Environmental Protection Agency Headquarters (EPA, HQ), 401 M Street, SW, Washington, DC 20460. Hand deliveries of comments should be made to the Arlington, VA, address below. Comments may also be submitted electronically through the Internet to: *rcradocket@epamail.epa.gov.* Comments in electronic format should also be identified by the docket number F–98–B2IP–FFFFF. All electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

Commenters should not submit electronically any confidential business information (CBI). An original and two copies of CBI must be submitted under separate cover to: RCRA CBI Document Control Officer, Office of Solid Waste (5305W), U.S. EPA, 401 M Street, SW, Washington, DC 20460.

Public comments and supporting materials are available for viewing in the RCRA Information Center (RIC), located at Crystal Gateway I, First Floor, 1235 Jefferson Davis Highway, Arlington, VA. The RIC is open from 9 a.m. to 4 p.m., Monday through Friday, excluding federal holidays. To review docket materials, it is recommended that the public make an appointment by calling (703) 603–9230. The public may copy a maximum of 100 pages from any regulatory docket at no charge. Additional copies cost $0.15/page. The index and some supporting materials are available electronically.

The ICR is available on the Internet. Follow these instructions to access the information electronically:

WWW: http://www.epa.gov/epaoswer/hazwaste/data/#brs
FTP: ftp.epa.gov
Login: anonymous
Password: your Internet address
Files are located in /pub/epaoswer

The official record for this action will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into paper form and place them in the official record, which will also include all comments submitted directly in writing.

EPA responses to comments, whether the comments are written or electronic, will be in a notice in the **Federal Register**. EPA will not immediately reply to commenters electronically other than to seek clarification of electronic comments that may be garbled in transmission or during conversion to paper form, as discussed above. For Further Information Contact:

For general information, contact the RCRA Hotline at (800) 424–9346 or TDD 800 553–7672 (hearing impaired). In the Washington, DC, metropolitan area, call (703) 412–9810 or TDD 703 412–3323.

For more detailed information on specific aspects of this rulemaking, contact Robert Burchard, Office of Solid Waste 5302W, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, (703) 308–8450, burchard.robert@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

Affected entities: Entities potentially affected by this action are those which generate hazardous waste and/or operate hazardous waste facilities.

Title: 1999 Hazardous Waste Report, OMB Control Number 2040–0024, EPA ICR No. 976.08, expiring 9/30/99.

Abstract: Generators of hazardous waste and owners/operators of hazardous waste facilities must compile, under RCRA sections 3002 and 3004, a biennial report of information on location, amount, and description of hazardous waste generated and how it was managed. EPA uses this information to understand the population of the regulated community and to expand its database of information for rulemaking and compliance with statutory requirements. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15.

The EPA would like to solicit comments to:

(i) 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;

(ii) 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;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) 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.

Burden Statement: EPA estimates that 15,430 facilities will complete the 1999 Hazardous Waste Report, resulting in an estimated respondent burden of 152, 725 hours annually, and an estimated cost to respondents of $6,415,568 annually. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Matthew Hale,

Acting Director, Office of Solid Waste.

[FR Doc. 98–27389 Filed 10–9–98; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–00252; FRL–6038–3]

Toxics Data Reporting Committee of the National Advisory Council for Environmental Policy and Technology; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Under the Federal Advisory Committee Act, EPA is providing notice of a meeting of the Toxics Data Reporting (TDR) Committee of the National Advisory Council for Environmental Policy and Technology (NACEPT). This will be the seventh meeting of the TDR Committee, whose mission is to provide advice to EPA regarding the Agency's Toxics Release Inventory (TRI) Program.

DATES: The public meeting will take place on October 21–22, 1998, from 8:30 a.m. to 5 p.m. Written and electronic comments in response to this notice should be received on or before October 14, 1998.

ADDRESSES: The meeting will be held at the Sheraton Suite Hotel, 801 North Saint Asaph St., Alexandria, VA, (703) 836–4700.

All comments should be sent in triplicate to: OPPT Document Control Officer (7407), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Rm. G–099, East Tower, Washington, DC 20460. Each comment must bear the docket control number OPPTS–00252.

Comments and data may also be submitted electronically to: oppt.ncic@epa.gov. Follow the instructions under Unit II. of this document.

No Confidential Business Information (CBI) should be submitted through e-mail. All comments which contain information claimed as CBI must be clearly marked as such. Three sanitized copies of any comments containing information claimed as CBI must also be submitted and will be placed in the public record for this action. Persons submitting information on any portion of which they believe is entitled to treatment as CBI by EPA must assert a business confidentiality claim in accordance with 40 CFR 2.203(b) for each such portion. This claim must be made at the time that the information is submitted to EPA. If a submitter does not assert a confidentiality claim at the time of submission, EPA will consider this as a waiver of any confidentiality claim and the information may be made available to the public by EPA without further notice to the submitter.

FOR FURTHER INFORMATION CONTACT: Cassandra Vail, telephone: (202) 260–0675, fax number: (202) 401–8142, e-mail: vail.cassandra@epa.gov or Larry Reisman, telephone: (202) 260–2301, fax number: (202) 401–8142, e-mail: reisman.larry@epa.gov

SUPPLEMENTARY INFORMATION:

I. Background

At the 2–day meeting, the TDR Committee will review and discuss drafts of their reports to EPA. The TDR Committee will also review the issues for discussion in the upcoming meetings.

Information on availability of meeting summaries from previous TDR Committee meetings will be available on the TRI Home Page. The address of the TRI Home Page is http://www.epa.gov/opptintr/tri. This information can be found under the heading ''TRI Stakeholder Dialogue.'' In addition, the agenda for the October 21–22 TDR Committee meeting will also be available at this same site prior to the meeting. Oral presentations or statements by interested parties will be limited to 5 minutes. Interested parties are encouraged to contact Cassandra Vail, to schedule presentations before the TDR Committee.

II. Public Record and Electronic Submissions

The official record for this notice, as well as the public version, has been established for this action under docket control number OPPTS–00252 (including comments and data submitted electronically as described in this unit). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 12 noon to 4 p.m., Monday through Friday, excluding legal holidays in the official record. The official record is located in the TSCA Nonconfidential Information Center, Rm. NE B–607, 401 M St., SW., Washington, DC.

Electronic comments can be sent directly to EPA at:

oppt.ncic@epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect 5.1/6.1 or ASCII file format. All comments and data in electronic form must be identified by the docket control number OPPTS–00252. Electronic comments on this action may be filed online at many Federal Depository Libraries.

List of Subjects

Environmental protection.

Dated: October 6, 1998.

Cassandra Vail,

Designated Federal Official, Office of Pollution Prevention and Toxics.

[FR Doc. 98–27399 Filed 10–9–98; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6175–9]

Announcement of National Drinking Water Advisory Council Benefits Working Group Open Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Under section 10(a)(2) of Pub. L. 92–423, ''The Federal Advisory Committee Act,'' notice is hereby given that a conference call for the Benefits Working Group of the National Drinking Water Advisory Council (NDWAC) established under the Safe Drinking Water Act, as amended (42 U.S.C. S300f *et seq.*), will be held on October 27, 1998 from 2:00 p.m. until 3:30 p.m. EDT. The conference call meeting location will be in the Carson Room at the Environmental Protection Agency (EPA) Education Center, 401 M Street, SW, Washington DC 20460. The meeting is open to the public but conference lines and/or seating will be limited and access will be granted on a first-come, first-served basis.

The purpose of this conference call is to review a draft report of advice and recommendations to NDWAC, based on discussions of the working group during its September 25, 1998 meeting. The meeting is open to the public to observe and statements will be taken from the public as time allows.

For more information, please contact, John Bennett, Designated Federal Officer, Benefits Working Group, U.S. EPA, Office of Ground Water and Drinking Water (4607), 401 M Street SW, Washington, D.C. 20460. The telephone number is 202–260–0446, fax 202–260–3762, and e-mail address bennett.johnb@epamail.epa.gov.

Dated: October 6, 1998.

Charlene E. Shaw,

Designated Federal Officer, National Drinking Water Advisory Council.

[FR Doc. 98–27405 Filed 10–9–98; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) being Reviewed by the Federal Communications Commission

October 6, 1998.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Persons wishing to comment on this information collection should submit comments December 14, 1998. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commission, Room 234, 1919 M St., N.W., Washington, DC 20554 or via internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection contact Les Smith at 202–418–0217 or via internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Approval Number: 3060–0835.

Title: Ship Inspection Certificates.

Form Numbers: FCC 806, FCC 824, FCC 827, and FCC 829.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; Not-for-profit institutions; State, Local or Tribal government(s).

Number of Respondents: 3,730.

Estimate Time Per Response: 5 minutes.

Frequency of Response: Recordkeeping; On occasion reporting requirements; Third party disclosure.

Total Annual Burden: 313 hours.

Estimated Cost to Respondents: $0.

Needs and Uses: The Commission adopted Rules that privatized ship inspections of ships subject to inspection requirements of the Communications Act or Safety Convention. The Rules require this inspection to be conducted by an FCC-licensed technician. This change reduces the administrative burden on the public and the Commission. To ensure that vessel safety is not adversely affected by this proposal, the Commission adopted Rules that private sector technicians certify that the ship passed an inspection and issue the ship a safety certificate.

The Communications Act requires that the Commission must inspect the radio installation of large cargo ships and certain passenger ships at least once a year to ensure that the radio installation is in compliance with the requirements of the Communications Act. Additionally, the Communications Act requires the inspection of small passenger ships at least one every five years. The Safety Convention (to which the United States is a signatory) also requires an annual inspection, but permits an Administration to entrust the inspections to either surveyors nominated for the purpose or to organizations recognized by it. Therefore, the United States can have other entities conduct the radio inspection of vessels for compliance with the Safety Convention. The Commission adopted rules that FCC-licensed technicians provide a summary of the results of the inspection in the ship's log and furnish the vessel with a ship inspection safety certificate.

The purpose of the information is to ensure that the inspection was successful so that passengers and crew members of certain United Sates ships have access to distress communications in an emergency.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 98–27352 Filed 10–9–98; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

[Report No. AUC–98–21–B (Auction No. 21); DA 98–1879]

Auction of Location and Monitoring Service Licenses; Auction Notice and Filing Requirements for 528 Multilateration Licenses Scheduled for December 15, 1998; Minimum Opening Bids and Other Auction Procedural Issues

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: On August 13, 1998, the Wireless Telecommunications Bureau (''Bureau'') released a Public Notice, seeking comment on the establishment of reserve prices or minimum opening bids for the Location and Monitoring Service (''LMS'') auction, in accordance with the Balanced Budget Act of 1997. In addition, the Bureau sought comment on a number of procedures to be used in the LMS auction. The Bureau received comments in response to its Public Notice. This Public Notice announces the procedures and minimum opening bids for the upcoming LMS auction. The Commission will hold an auction for 528 multilateration LMS licenses to operate in the 902–928 MHz band.

DATES: The Location and Monitoring Service auction will begin on December 15, 1998.

ADDRESSES: See the text of the Public Notice and related attachments for information regarding important addresses.

FOR FURTHER INFORMATION CONTACT: Kathy Garland or Kenneth Burnley, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, at (202) 418–0660. More complete details about this auction are contained in a Bidder Information Package. To place an order for a Bidder Information Package, contact the FCC National Call Center at (888) CALL–FCC ((888) 225–5322, press option #2 at the prompt).

SUPPLEMENTARY INFORMATION: This is a summary of a Public Notice released on September 23, 1998, and corrected by a subsequent Public Notice released on October 7, 1998. The complete text of this Public Notice is available in its entirety, including attachments, for inspection and copying during normal business hours in the FCC Reference Center, 1919 M Street, N.W., Room 239, Washington, D.C., and also may be purchased from the Commission's copy contractor, International Transcription Services, (202) 857–3800, fax (202) 857–3805, 1231 20th Street, N.W., Washington, D.C. 20036. In addition, copies of the Public Notice may be retrieved from the FCC World Wide Web Auctions site at http://www.fcc.gov/wtb/auctions.

Synopsis of the Public Notice

A. Introduction

On August 13, 1998, the Wireless Telecommunications Bureau (''Bureau'') released ''Location and Monitoring Service Spectrum Auction Scheduled for December 15, 1998; Comment Sought on Reserve Prices or Minimum Opening Bids and Other Auction Procedural Issues,'' *Public Notice,* DA 98–1616 (rel. August 13, 1998), 63 FR 44456 (August 19, 1998) (''*LMS Public Notice*''), seeking comment on the establishment of reserve prices or minimum opening bids for the Location and Monitoring Service (''LMS'') auction, in accordance with the Balanced Budget Act of 1997. The Bureau also sought comment on a number of procedures to be used in the LMS auction. The Bureau received comments in response to its Public Notice. By this Public Notice, the Bureau announces the procedures and minimum opening bids for the upcoming LMS auction. The Federal Communications Commission (''FCC'' or ''Commission'') will hold an auction for 528 multilateration LMS licenses to operate in the 902–928 MHz band. Three blocks of spectrum are allocated for multilateration LMS systems:

(1) Block A—904.000–909.750 MHz and 927.750–928.000 MHz
(2) Block B—919.750–921.750 MHz and 927.500–927.750 MHz
(3) Block C—921.750–927.250 MHz and 927.250–927.500 MHz

One license will be awarded for each of these three spectrum blocks in each of 176 Economic Areas (EAs) designated for LMS. The 176 EAs designated for the LMS auction comprise the following areas: (1) the continental United States, Hawaii and Alaska (Alaska to be licensed in a single area); (2) Guam and the Northern Mariana Islands (to be licensed in a single area); (3) Puerto Rico and the U.S. Virgin Islands (to be licensed in a single area); (4) American Samoa; and (5) the Gulf of Mexico.

The auction will begin on December 15, 1998. The initial schedule for bidding will be announced by public notice at least one week before the start of the auction. Unless otherwise announced, bidding will be conducted on each business day until bidding has stopped on all licenses. The LMS auction will utilize simultaneous multiple round bidding. Bidding will be permitted only from remote locations, either electronically (by computer) or telephonically. The following are pertinent pre-auction deadlines:

Auction Seminar—October 30, 1998
Short Form Application (FCC Form 175)—November 16, 1998; 5:30 p.m.ET
Upfront Payments (via wire transfer)—November 30, 1998; 6:00 p.m. ET
Orders for Remote Bidding Software—December 1, 1998; 5:30 p.m. ET
Mock Auction—December 10, 1998

The following are pertinent telephone contacts:

FCC National Call Center—(888) CALL–FCC ((888) 225–5322) or (717) 338–2888 (direct dial)

For Bidder Information Packages, General Auction Information, and Seminar Registration, press option #2 at the prompt. Hours of service: 8 a.m.—5:30 p.m. ET.

FCC Technical Support Hotline—(202) 414–1250 (voice), (202) 414–1255 (text telephone (TTY))

Hours of service: 8 a.m.—6 p.m. ET, Monday—Friday; 9 a.m.—5 p.m. ET, weekend of November 14–15.

List of attachments contained in the Public Notice released on September 23, 1998:

Attachment A—Summary of LMS Licenses to be Auctioned, Upfront Payments, Minimum Opening Bids
Attachment B—Guidelines for Completion of FCC Forms 175 and 159, and Exhibits
Attachment C—Electronic Filing and Review of FCC Form 175
Attachment D—Summary Listing of Documents from the Commission and the Wireless Telecommunications Bureau Addressing Application of the Anti-Collusion Rules

3. *Due Diligence:* Potential bidders are reminded that LMS operates in the 902–928 MHz frequency band. This band is allocated for primary use by Federal Government radiolocation systems. Next in order of priority are Industrial, Scientific and Medical devices. Federal Government fixed and mobile and LMS systems are secondary to both of these uses. The remaining uses of the 902–928 MHz band include licensed amateur radio operations and unlicensed Part 15 equipment, both of which are secondary to all other uses of the band. Part 15 low power devices include, but are not limited to, those used for automatic meter reading, inventory control, package tracking and shipping control, alarm services, local area networks, Internet access, and cordless telephones. The amateur radio service is used by technically inclined private citizens to engage in self-training, information exchange, and radio experimentation. The Commission's band plan permits secondary operations across the entire band by users of unlicensed Part 15 devices and amateur licensees. At the same time, the band plan separates non-multilateration from multilateration LMS systems in all but one subband so as to avert interference. The Commission has also established limitations on LMS systems'

interconnection with the public switched network and set forth a number of technical requirements intended to ensure successful coexistence of all the services authorized to operate in the band.

4. Potential bidders should be aware that certain applications (including those for modification), waiver requests, petitions for reconsideration and applications for review are pending before the Commission that relate to particular incumbent multilateration LMS licensees. Resolution of these matters could have an impact on the availability of spectrum for EA licensees. In addition, while the Commission will continue to act on pending applications, requests and petitions, some of these matters may not be resolved by the time of the auction. Licensing information is contained in the Commission's licensing database, which is available for inspection in the Wireless Telecommunications Bureau's Public Reference Rooms, located at 2025 M Street, N.W., Room 5608, Washington, D.C. 20554, and 1270 Fairfield Road, Gettysburg, PA 17325. Potential bidders may search for information regarding LMS licensees on the World Wide Web at http://www.fcc.gov/wtb. In particular, information can be accessed by downloading databases by selecting ''WTB Database Files'' (which can be accessed (http://www.fcc.gov/wtb/databases.html), or searching on-line by selecting ''Search WTB Databases'' (http://gullfoss.fcc.gov:8080/cgi-bin/ws.exe/beta/genmen/index.hts). Any telephone inquires regarding accessing this data should be directed to the Technical Support Hotline at (202) 414–1250 (voice) or (202) 414–1255 (text telephone (TTY)).

5. The Commission makes no representations or guarantees regarding the accuracy or completeness of information that has been provided by incumbent licensees and incorporated into the database. Potential bidders are strongly encouraged to physically inspect any sites located in or near the geographic area for which they plan to bid. Those wishing to participate in the auction must:

- Submit a short form application (FCC Form 175) by November 16, 1998;
- Submit a sufficient upfront payment and an FCC Remittance Advice Form (FCC Form 159) by November 30, 1998; and
- Comply with all provisions outlined in the Bidder Information Package.

6. *Prohibition of Collusion:* To ensure the competitiveness of the auction process, the Commission's Rules prohibit applicants for the same geographic license area from communicating with each other during the auction about bids, bidding strategies, or settlements. This prohibition begins with the filing of short-form applications, and ends on the down payment due date. To comply with this rule, bidders competing for the same license(s) are encouraged not to use the same individual authorized bidder. A violation of the anti-collusion rule could occur if an individual acts as the authorized bidder for two or more competing applicants, and conveys information concerning the substance of bids or bidding strategies between the bidders he/she is authorized to represent in the auction. Also, if the authorized bidders are different individuals employed by the same organization (*e.g.*, law firm or consulting firm), a violation could similarly occur. In such instances, the Bureau strongly encourages applicants to certify on their applications that precautionary steps (*e.g.*, establishing a ''Chinese wall'') have been taken to prevent communication between authorized bidders and that applicants and their bidding agents will comply with the anti-collusion rule. *See, e.g.*, ''Wireless Telecommunications Bureau Responds to Questions About the Local Multipoint Distribution Service Auction,'' *Public Notice*, 13 FCC Rcd 341 (1998); In re Application of Nevada Wireless for a License to Provide 800 MHz Specialized Mobile Radio Service in the Farmington, NM–CO Economic Area (EA–155) Frequency Band A, *Memorandum Opinion and Order*, 13 FCC Rcd 11973, 11977, para. 11 (1998) (''*Nevada Wireless*''). The Bureau, however, cautions that merely filing a certifying statement as part of an application will not outweigh specific evidence that collusive behavior has occurred nor will it preclude the initiation of an investigation when warranted. *See Nevada Wireless*, 13 FCC Rcd at 11978, para. 13 (1998). In the LMS auction, for example, the rule would apply to any applicants bidding for the same EA. Therefore, applicants that apply to bid for ''all markets'' would be precluded from communicating with all other applicants after filing the FCC Form 175. However, applicants may enter into bidding agreements *before* filing their FCC Form 175 short-form applications, as long as they disclose the existence of the agreement(s) in their Form 175 short-form applications. *See* 47 CFR 1.65. By signing their FCC Form 175 short form applications, applicants are certifying their compliance with 47 CFR 1.2105(c). In addition, § 1.65 of the Commission's Rules requires an applicant to *maintain* the accuracy and completeness of information furnished in its pending application and to notify the Commission within 30 days of any substantial change that may be of decisional significance to that application. Thus, § 1.65 requires an auction applicant to notify the Commission of any violation of the anti-collusion rules upon learning of such violation. Bidders are therefore required to make such notification to the Commission immediately upon discovery.

7. *Bidder Information Package:* More complete details about this auction are contained in a Bidder Information Package. The Commission will provide one copy to each company free of charge. Additional copies may be ordered at a cost of $16.00 each, including postage, payable by Visa or Master Card, or by check payable to ''Federal Communications Commission'' or ''FCC.'' To place an order, contact the FCC National Call Center at (888) CALL–FCC ((888) 225–5322, press option #2 at the prompt). Prospective bidders that have already contacted the FCC at this number expressing an interest in this auction will receive a Bidder Information Package in approximately four weeks, and need not call again unless they wish to order additional copies.

8. *Relevant Authority:* Prospective bidders must familiarize themselves thoroughly with the Commission's Rules relating to the Location and Monitoring Service, contained in Title 47, Part 90 of the Code of Federal Regulations, and those relating to application and auction procedures, contained in Title 47, Part 1 of the Code of Federal Regulations. In addition, prospective bidders must be thoroughly familiar with the procedures, terms and conditions contained in Amendment of Part 90 of the Commission's Rules to Adopt Regulations for Automatic Vehicle Monitoring Systems, *Report and Order*, PR Docket No. 93–61, 60 FR 15248 (March 23, 1995) (''*LMS Report and Order*''); Amendment of Part 90 of the Commission's Rules to Adopt Regulations for Automatic Vehicle Monitoring Systems, *Memorandum Opinion and Order and Further Notice of Proposed Rule Making*, PR Docket No. 93–61, 62 FR 52078 (October 6, 1997) (''*Memorandum Opinion and Order and Further Notice of Proposed Rule Making*''); Amendment of the Commission's Rules to Adopt Regulations for Automatic Vehicle Monitoring Systems, *Second Report and Order*, 63 FR 40659 (July 30, 1998) (''*LMS Second Report and Order*''); Part

90, Subpart M of the Commission's Rules concerning Transportation Infrastructure Radio Service; Subpart X of the Commission's Rules concerning Competitive Bidding Procedures; and Part 1, Subpart Q of the Commission's Rules concerning Competitive Bidding Proceedings.

9. The terms contained in the Commission's Rules, relevant orders, public notices and bidder information package are not negotiable. The Commission may amend or supplement the information contained in our public notices or the bidder information package at any time, and will issue public notices to convey any new or supplemental information to bidders. It is the responsibility of all prospective bidders to remain current with all Commission Rules and with all public notices pertaining to this auction. Copies of most Commission documents, including public notices, can be retrieved from the FCC Internet node via anonymous ftp @ftp.fcc.gov or the FCC World Wide Web site at http://www.fcc.gov/wtb/auctions. Additionally, documents may be obtained for a fee by calling the Commission's copy contractor, International Transcription Service, Inc. (ITS), at (202) 857–3800.

10. *Bidder Alerts:* All applicants must certify on their FCC Form 175 applications under penalty of perjury that they are legally, technically, financially and otherwise qualified to hold a license, and not in default on any payment for Commission licenses (including down payments) or delinquent on any non-tax debt owed to any Federal agency. Prospective bidders are reminded that submission of a false certification to the Commission is a serious matter that may result in severe penalties, including monetary forfeitures, license revocations, exclusion from participation in future auctions, and/or criminal prosecution.

11. The FCC makes no representations or warranties about the use of this spectrum for particular services. Applicants should be aware that an FCC auction represents an opportunity to become an FCC licensee in this service, subject to certain conditions and regulations. An FCC auction does not constitute an endorsement by the FCC of any particular services, technologies or products, nor does an FCC license constitute a guarantee of business success. Applicants should perform their individual due diligence before proceeding as they would with any new business venture.

12. As is the case with many business investment opportunities, some unscrupulous entrepreneurs may attempt to use the LMS auction to deceive and defraud unsuspecting investors. Common warning signals of fraud include the following:

- The first contact is a ''cold call'' from a telemarketer, or is made in response to an inquiry prompted by a radio or television infomercial.
- The offering materials used to invest in the venture appear to be targeted at IRA funds, for example by including all documents and papers needed for the transfer of funds maintained in IRA accounts.
- The amount of the minimum investment is less than $25,000.
- The sales representative makes verbal representations that: (a) the Internal Revenue Service (''IRS''), Federal Trade Commission (''FTC''), Securities and Exchange Commission (''SEC''), FCC, or other government agency has approved the investment; (b) the investment is not subject to state or federal securities laws; or (c) the investment will yield unrealistically high short-term profits. In addition, the offering materials often include copies of actual FCC releases, or quotes from FCC personnel, giving the appearance of FCC knowledge or approval of the solicitation.

Information about deceptive telemarketing investment schemes is available from the FTC at (202) 326–2222 and from the SEC at (202) 942–7040. Complaints about specific deceptive telemarketing investment schemes should be directed to the FTC, the SEC, or the National Fraud Information Center at (800) 876–7060. Consumers who have concerns about specific LMS proposals may also call the FCC National Call Center at (888) CALL–FCC ((888) 225–5322).

13. Licensees must comply with the Commission's rules regarding the National Environmental Policy Act (NEPA). The construction of a wireless antenna facility is a federal action and licensees must comply with the Commission's NEPA rules for each wireless facility. *See* 47 CFR 1.1305–1.1319. The Commission's NEPA rules require that, among other things, licensees consult with expert agencies having NEPA responsibilities, including the U.S. Fish and Wildlife Service, the State Historic Preservation Office, the Army Corp of Engineers and the Federal Emergency Management Agency (through the local authority with jurisdiction over floodplains). Licensees must prepare environmental assessments for wireless facilities that may have a significant impact in or on wilderness areas, wildlife preserves, threatened or endangered species or designated critical habitats, historical or archaeologic sites, Indian religious sites, floodplains, and surface features. Licensees must also prepare environmental assessments for wireless facilities that include high intensity white lights in residential neighborhoods or excessive radiofrequency emission.

B. Eligibility for Small and Very Small Business Provisions

As described above, this auction offers one license for each of three spectrum blocks in each of the 176 Economic Areas (EAs) designated for LMS. Our goal in adopting special small business provisions is to promote and facilitate the participation of small businesses in the LMS auction and in the provision of this and other commercial mobile radio services.

15. *Determination of Revenues.* For purposes of determining which entities qualify as very small businesses or small businesses, the Commission will consider the gross revenues of the applicant, its controlling interests, and the affiliates of the applicant and its controlling interests. Once principals or entities with a controlling interest are determined, only the revenues of those principals or entities will be counted in determining small business eligibility. The term ''controlling interest'' includes both *de facto* and *de jure* control of the applicant. Typically, *de jure* control is evidenced by ownership of at least 50.1 percent of an entity's voting stock. *De facto* control is determined on a case-by-case basis. The following are some common indicia of control:

- The entity constitutes or appoints more than 50 percent of the board of directors or management committee;
- The entity has authority to appoint, promote, demote, and fire senior executives that control the day-to-day activities of the licensee; or
- The entity plays an integral role in management decisions.

16. *Very Small or Small Business Consortiums.* A consortium of small businesses or very small businesses is a conglomerate organization formed as a joint venture between or among mutually independent business firms, each of which *individually* satisfies the definition of very small or small business in 47 CFR 90.1103(b)(1) or (2). Thus, each consortium member must disclose its gross revenues along with those of its affiliates, controlling interests, and controlling interests' affiliates. The Bureau notes that although the gross revenues of the consortium members will not be aggregated for purposes of determining eligibility for very small or small business credits, this information must

be provided to ensure that each individual consortium member qualifies for any bidding credit awarded to the consortium.

17. *Application Showing.* Applicants should note that they will be required to file supporting documentation as Exhibit C to their FCC Form 175 short form applications to establish that they satisfy the eligibility requirements to qualify as a very small business or small business (or consortiums of very small or small businesses) for this auction. Specifically, for the LMS auction, applicants applying to bid as very small or small businesses (or consortiums of very small or small businesses) will be required to file as Exhibit C to their FCC Form 175 short form applications, all information required under 47 CFR 1.2105(a) and 1.2112(a). In addition, these applicants must disclose, *separately and in the aggregate,* the gross revenues for the preceding three years of each of the following: (1) The applicant; (2) the applicant's affiliates; (3) the applicant's controlling interests; and (4) the affiliates of the applicant's controlling interests. Certification that the average gross revenues for the preceding three years do not exceed the applicable limit is not sufficient. A statement of the total gross revenues for the preceding three years is also insufficient. The applicant must provide separately for itself, its affiliates, and its controlling interests, a schedule of gross revenues for *each* of the preceding three years, as well as a statement of total average gross revenues for the three-year period. If the applicant is applying as a consortium of very small or small businesses, this information must be provided for each consortium member.

18. *Bidding Credits.* Qualifying LMS applicants are eligible for a bidding credit that represents the amount by which a bidder's winning bids are discounted. The size of an LMS bidding credit depends on the average gross revenues for the preceding three years of the bidder and its controlling interests and affiliates:

- A bidder with average gross revenues not to exceed $15 million for the preceding three years receives a 25 percent discount on its winning bids for LMS licenses; and,
- A bidder with average gross revenues not to exceed $3 million for the preceding three years receives a 35 percent discount on its winning bids for LMS licenses.

Bidding credits are not cumulative: qualifying applicants receive either the 25 percent or the 35 percent bidding credit, but not both. The definitions of very small business and small business (or consortiums of very small or small businesses) (including calculation of average gross revenues) are set forth in 47 CFR 90.1103(b).

19. LMS bidders should note that unjust enrichment provisions apply to winning bidders that use bidding credits and subsequently assign or transfer control of their licenses to an entity not qualifying for the same levels of bidding credits. Finally, LMS bidders should also note that there are no installment payment plans in the LMS auction.

C. Pre-Auction Procedures

20. *Short-Form Application (FCC Form 175)—Due November 16, 1998.* In order to be eligible to bid in this auction, applicants must first submit an FCC Form 175 application. This application must be received at the Commission by 5:30 p.m. ET on November 16, 1998. Late applications will not be accepted. There is no application fee required when filing an FCC Form 175. However, to be eligible to bid, an applicant must submit an upfront payment.

21. *Filing Options.* Auction applicants are strongly encouraged to file their applications electronically in order to take full advantage of the greater efficiencies and convenience of electronic filing, bidding and access to bidding data. For example, electronic filing enables the applicant to: (a) receive interactive feedback while completing the application; and (b) receive immediate acknowledgment that the FCC Form 175 has been submitted for filing. In addition, only those applicants that file electronically will have the option of bidding electronically. However, manual filing (via hard copy) is also permitted. Please note that manual filers will not be permitted to bid electronically and therefore *must bid telephonically,* unless the FCC Form 175 is amended electronically prior to the resubmission date for incomplete or deficient applications. The following is a brief description of each filing method.

22. *Electronic Filing.* Applicants wishing to file electronically may generally do so on a 24-hour basis beginning October 26, 1998. The window for filing the FCC Form 175 electronically will remain open until 5:30 p.m. ET on November 16, 1998. Applicants are strongly encouraged to file early, and applicants are responsible for allowing adequate time for filing their applications. Applicants may update or amend their electronic applications multiple times until the filing deadline of November 16, 1998. Applicants who file electronically must press the ''Submit Form 175'' button on the ''Submit'' page of the electronic form to successfully submit their FCC Form 175s. Information about installing and running the FCC Form 175 application software is included in Attachment C to this Public Notice. Technical support is available at (202) 414–1250 (voice) or (202) 414–1255 (text telephone (TTY)); the hours of service are 8 a.m.–6 p.m. ET, Monday–Friday, and 9 a.m.–5 p.m. ET, the weekend of November 14–15.

23. *Manual Filing.* Auction applicants will be permitted to file their FCC Form 175 applications in hard copy. When any manually filed FCC Form 175 and 175–S exceeds five pages in length, the FCC requires that all attachments be submitted on a 3.5-inch diskette, or the entire application be filed in a microfiche version. Manual filers must use the August 1998 version of FCC Form 175 and FCC Form 175–S (if necessary). Earlier versions of the FCC Form 175 will not be accepted for filing. Copies of the FCC Form 175 can be obtained by calling the Commission's Forms Distribution Center at (800) 418–FORM ((800) 418–3676) (outside Washington, D.C.) or (202) 418–FORM ((202) 418–3676) (in the Washington area). Copies of the FCC Form 175 can also be obtained via Fax-On-Demand at (202) 418–0177 (the document retrieval number for the FCC Form 175 is 000175, and 001751 for the FCC Form 175–S), or downloaded from the Commission's World Wide Web site at http://www.fcc.gov/formpage.html. If applicants have any questions concerning availability of the FCC Form 175, they should call the FCC Records Management Branch at (202) 418–0210.

24. Manual applications must be submitted by hand delivery (including private ''overnight'' courier) or by U.S. mail (certified mail with return receipt recommended), addressed to: FCC Form 175 Filing, Auction No. 21, Federal Communications Commission, Wireless Telecommunications Bureau, Auctions & Industry Analysis Division, 1270 Fairfield Road, Gettysburg, PA 17325–7245.

Note: Manual applications delivered to any other location or applications sent via facsimile will not be accepted.

25. *Completion of the FCC Form 175.* Applicants should carefully review 47 CFR 1.2105, and must complete all items on the FCC Form 175 (and Form 175–S, if applicable). Instructions for completing the FCC Form 175 are in Attachment B of this Public Notice. Note again that applicants who file electronically must press the ''Submit Form 175'' button on the ''Submit'' page to successfully submit their FCC Form 175. Failure to sign a manually filed

FCC Form 175 will result in dismissal of the application and loss of the ability to participate in the auction. Only original signatures will be accepted for manually filed applications.

26. *Electronic Review of FCC Form 175.* The FCC Form 175 review software may be used to review and print applicants' FCC Form 175 applications. In other words, applicants that file electronically may review their own completed FCC Form 175. Applicants may also view other applicants' completed FCC Form 175s after the filing deadline has passed and the FCC has issued a public notice explaining the status of the applications. For this reason, it is important that applicants do not include their Taxpayer Identification Numbers (TINs) on any Exhibits to their FCC Form 175 applications. There is a fee of $2.30 per minute for accessing this system.

27. *Application Processing and Minor Corrections.* After the deadline for filing the FCC Form 175 applications has passed, the FCC will process all timely submitted applications to determine which are acceptable for filing, and subsequently will issue a public notice identifying: (1) those applications accepted for filing (including FCC account numbers and the licenses for which they applied); (2) those applications rejected; and (3) those applications which have minor defects that may be corrected, and the deadline for filing such corrected applications.

28. As described more fully in the Commission's Rules, after the November 16, 1998, short form filing deadline, applicants may make only minor corrections to their FCC Form 175 applications. Applicants will not be permitted to make major modifications to their applications (*e.g.*, change their license selections, change the certifying official or change control of the applicant). *See* 47 CFR 1.2105.

29. *Upfront Payments—Due November 30, 1998.* In order to be eligible to bid in the auction, applicants must submit an upfront payment accompanied by an FCC Remittance Advice Form (FCC Form 159). Manual filers must use the July 1997 version of FCC Form 159. Electronic filers of the FCC Form 175 will have access to an electronic version of Form 159 after completing the FCC Form 175. Earlier versions of this form will not be accepted. All upfront payments must be received at Mellon Bank in Pittsburgh, PA, by 6:00 p.m. ET on November 30, 1998.

Please note that:

- All payments must be made in U.S. dollars.
- All payments must be made by wire transfer.
- Upfront payments for Auction No. 21 go to a lockbox number different from the ones used in previous FCC auctions, and different from the lockbox number to be used for post-auction payments.
- Failure to deliver the upfront payment by the November 30, 1998 deadline will result in dismissal of the application and disqualification from participation in the auction.

30. *Making Auction Payments by Wire Transfer.* Wire transfer payments must be received by 6:00 p.m. ET on November 30, 1998. To avoid untimely payments, applicants should discuss arrangements (including bank closing schedules) with their banker several days before they plan to make the wire transfer, and allow sufficient time for the transfer to be initiated and completed before the deadline. Applicants will need the following information:

ABA Routing Number: 043000261
Receiving Bank: Mellon Pittsburgh
BNF: FCC/AC 910–0198
OBI Field: (Skip one space between each information item)
''AUCTIONPAY''
Taxpayer Identification No. (same as FCC Form 159, block 26)
Payment Type Code (enter ''ALMU'')
FCC Code 1 (same as FCC Form 159, block 23A: ''21'')
Payer Name (same as FCC Form 159, block 2)
Lockbox No. # 358410

Note: The BNF and Lockbox number are specific to the upfront payments for this auction; do not use BNF or Lockbox numbers from previous auctions.

31. Applicants must fax a completed FCC Form 159 to Mellon Bank at (412) 236–5702 at least one hour before placing the order for the wire transfer (but on the same business day). On the cover sheet of the fax, write ''Wire Transfer—Auction Payment for Auction Event No. 21.'' Bidders may confirm receipt of their upfront payment at Mellon Bank by contacting their sending financial institution.

32. *FCC Form 159.* Each upfront payment must be accompanied by a completed FCC Remittance Advice Form (FCC Form 159). Proper completion of FCC Form 159 is critical to ensuring correct credit of upfront payments. Detailed instructions for completion of FCC Form 159 will be included in the Bidder Information Package.

33. *Amount of Upfront Payments.* The Bureau will reduce the proposed upfront payments per MHz-pop for the LMS auction but retain the previously proposed floors for the upfront payments. After considering comments and subsequent discussions, the Bureau agrees with commenters that LMS is a unique and restricted niche service that will be provided to smaller segments of the population. Based on this assessment, and the Bureau's decision to reduce minimum opening bids (*see* paragraphs 65–66, *infra*), the Bureau believes that a reduction of the proposed upfront payments is reasonable. Further, based on information provided in these discussions, the Bureau will adopt values that are slightly lower than one commenter's (Comtrak) proposed upfront payments. Specifically, the Bureau will adopt the following levels of upfront payments for each LMS license:

(1) Block A—$0.00075*MHz*Pop (rounded up to the next dollar and no less than $2,850 per license)
(2) Block B—$0.00075*MHz*Pop (rounded up to the next dollar and no less than $2,500 per license)
(3) Block C—$0.00075*MHz*Pop (rounded up to the next dollar and no less than $2,800 per license)

These upfront payments represent the deposits required to qualify to bid on LMS licenses in Auction No. 21. The Bureau finds that amounts higher than these might serve as a barrier to participation in the auction, and that upfront payments lower than these might encourage frivolous auction participation and insincere bidding.

34. Please note that upfront payments are not attributed to specific licenses, but instead will be translated to bidding units to define a bidder's maximum bidding eligibility. For Auction No. 21, the amount of the upfront payment will be translated into bidding units on a one-to-one basis, *e.g.*, a $25,000 upfront payment provides the bidder with 25,000 bidding units. The total upfront payment defines the maximum amount of bidding units on which the applicant will be permitted to bid (including standing high bids) in any single round of bidding. Thus, an applicant does not have to make an upfront payment to cover all licenses for which the applicant has selected on FCC Form 175, but rather to cover the maximum number of bidding units that are associated with licenses the bidder wishes to place bids on and hold high bids on at any given time.

35. In order to be able to place a bid on a license, in addition to having specified that license on the FCC Form 175, a bidder must have an eligibility level that meets or exceeds the number

of bidding units assigned to that license. At a minimum, an applicant's total upfront payment must be enough to establish eligibility to bid on at least one of the licenses applied for on the FCC Form 175, or else the applicant will not be eligible to participate in the auction.

36. In calculating the upfront payment amount, an applicant should determine the *maximum* number of bidding units it may wish to bid on in any single round, and submit an upfront payment covering that number of bidding units. Bidders should check their calculations carefully as there is no provision for increasing a bidder's maximum eligibility after the upfront payment deadline.

Note: An applicant may, on its FCC Form 175, apply for every license being offered, but its actual bidding in any round will be limited by the bidding units reflected in its upfront payment.

37. *Applicant's Wire Transfer Information for Purposes of Refunds.* Because experience with prior auctions has shown that in most cases wire transfers provide quicker and more efficient refunds than paper checks, the Commission will use wire transfers for all Auction No. 21 refunds. To avoid delays in processing refunds, applicants should include wire transfer instructions with any refund request they file; they may also provide this information in advance by faxing it to the FCC Billings and Collections Branch, ATTN: Linwood Jenkins or Geoffrey Idika, at (202) 418–2843. Please include the following information:

Name of Bank
ABA Number
Account Number to Credit
Correspondent Bank (if applicable)
ABA Number
Account Number
Contact and Phone Number

(Applicants should also note that implementation of the Debt Collection Improvement Act of 1996 requires the FCC to obtain a Taxpayer Identification Number (TIN) before it can disburse refunds.) Eligibility for refunds is discussed in paragraph 94, *infra.*

38. *Auction Registration.* Approximately ten days before the auction, the Commission will issue a public notice announcing all qualified bidders for the auction. Qualified bidders are those applicants whose FCC Form 175 applications have been accepted for filing and that have timely submitted upfront payments sufficient to make them eligible to bid on at least one of the licenses for which they applied.

39. All qualified bidders are automatically registered for the auction. Registration materials will be distributed prior to the auction by two separate overnight mailings, each containing part of the confidential identification codes required to place bids. These mailings will be sent only to the contact person at the applicant address listed in the FCC Form 175.

40. Applicants that do not receive both registration mailings will not be able to submit bids. Therefore, any qualified applicant that has not received both mailings by noon on Wednesday, December 9, 1998 should contact the FCC National Call Center at (888) CALL–FCC ((888) 225–5322, press option #2 at the prompt). Receipt of both registration mailings is critical to participating in the auction and each applicant is responsible for ensuring it has received all of the registration material.

41. Qualified bidders should note that lost login codes, passwords or bidder identification numbers can be replaced only by appearing *in person* at the FCC Auction Headquarters located at 2 Massachusetts Avenue, N.E., Washington, D.C. 20002. Only an authorized representative or certifying official, as designated on an applicant's FCC Form 175, may appear in person with two forms of identification (one of which must be a photo identification) in order to receive replacement codes.

42. *Remote Electronic Bidding Software.* Qualified bidders that file or amend the FCC Form 175 electronically are allowed to bid electronically, but must purchase remote electronic bidding software for $175.00 by December 1, 1998. (Auction software is tailored to a specific auction, so software from prior auctions will not work for Auction No. 21.) A software order form is included in the Bidder Information Package.

43. *Auction Seminar.* On October 30, 1998, the FCC will sponsor a seminar for the LMS auction at the Ana Hotel, located at 2401 M Street, N.W., Washington, D.C. The seminar will provide attendees with information about pre-auction procedures, conduct of the auction, FCC remote bidding software, and the LMS service and auction rules.

44. To register, complete the registration form to be included in the upcoming Bidder Information Package. The registration form will include details about the time and location of the seminar. Registrations are accepted on a first-come, first-served basis.

45. *Mock Auction.* All applicants whose FCC Form 175 and 175–S have been accepted for filing will be eligible to participate in a mock auction beginning December 10, 1998. The mock auction will enable applicants to become familiar with the electronic software prior to the auction. Free demonstration software will be available for use in the mock auction. Participation by all bidders is strongly recommended. Details will be announced by public notice.

D. Auction Event

46. The first round of the auction will begin on December 15, 1998. The initial round schedule will be announced in a Public Notice listing the qualified bidders, to be released approximately 10 days before the start of the auction.

47. *Auction Structure—Simultaneous Multiple Round Auction.* The 528 multilateration LMS licenses will be awarded through a single, simultaneous multiple round auction. Unless otherwise announced, bids will be accepted on all licenses in each round of the auction. This approach, the Bureau believes, allows bidders to take advantage of any synergies that exist among licenses and is most administratively efficient.

48. *Maximum Eligibility and Activity Rules.* The amount of the upfront payment submitted by a bidder would determine the initial maximum eligibility (as measured in bidding units) for each bidder. The amount of the upfront payment submitted by a bidder determines the initial maximum eligibility (in bidding units) for each bidder. Note again that upfront payments are not attributed to specific licenses, but instead will be translated into bidding units to define a bidder's initial maximum eligibility. The total upfront payment defines the maximum number of bidding units on which the applicant will initially be permitted to bid. There is no provision for increasing a bidder's maximum eligibility during the course of an auction, as described under ''Auction Stages,'' set forth in paragraph 55, *infra.*

49. In order to ensure that the auction closes within a reasonable period of time, an activity rule requires bidders to bid actively throughout the auction, rather than wait until the end before participating. Bidders are required to be active on a specific percentage of their maximum eligibility during each round of the auction.

50. A bidder is considered active on a license in the current round if it is either the high bidder at the end of the previous bidding round and does not withdraw the high bid in the current round, or if it submits an acceptable bid in the current round (see ''Minimum Accepted Bids,'' paragraph 67 , *infra*). A bidder's activity level in a round is the sum of the bidding units associated with

licenses on which the bidder is active. The minimum required activity level is expressed as a percentage of the bidder's maximum bidding eligibility, and increases as the auction progresses.

51. *Activity Rule Waivers and Reducing Eligibility.* Each bidder will be provided five activity rule waivers that may be used in any round during the course of the auction. Use of an activity rule waiver preserves the bidder's current bidding eligibility despite the bidder's activity in the current round being below the required minimum level. An activity rule waiver applies to an entire round of bidding and not to a particular license.

52. The FCC auction system assumes that bidders with insufficient activity would prefer to use an activity rule waiver (if available) rather than lose bidding eligibility. Therefore, the system will automatically apply a waiver (known as an ''automatic waiver'') at the end of any round where a bidder's activity level is below the minimum required unless: (1) there are no activity rule waivers available; or (2) the bidder overrides the automatic application of a waiver by reducing eligibility, thereby meeting the minimum requirements.

53.A bidder with insufficient activity that wants to reduce its bidding eligibility rather than use an activity rule waiver must affirmatively override the automatic waiver mechanism during the round by using the reduce eligibility function in the software. In this case, the bidder's eligibility is permanently reduced to bring the bidder into compliance with the activity rules as described in ''Auction Stages'' (*see* paragraph 55, *infra*). Once eligibility has been reduced, a bidder will not be permitted to regain its lost bidding eligibility.

54. Finally, a bidder may proactively use an activity rule waiver as a means to keep the auction open without placing a bid. If a bidder submits a proactive waiver (using the proactive waiver function in the bidding software) during a round in which no bids are submitted, the auction will remain open and the bidder's eligibility will be preserved. An automatic waiver invoked in a round in which there are no new valid bids or withdrawals will not keep the auction open.

55. *Auction Stages.* The Bureau will conduct the auction in stages and employ an activity rule. Further, in each round of Stage One, a bidder desiring to maintain its current eligibility will be required to be active on licenses encompassing at least 80 percent of its current bidding eligibility. In each round of Stage Two, a bidder desiring to maintain its current eligibility will be required to be active on at least 90 percent of its current bidding eligibility. Finally, a bidder in Stage Three, in order to maintain eligibility, will be required to be active on 98 percent of its current bidding eligibility.

56. The FCC reserves the discretion to further alter the activity percentages before and/or during the auction. The following are the proposed activity levels for each stage of the auction:

Stage One: In each round of the first stage of the auction, a bidder desiring to maintain its current eligibility is required to be active on licenses encompassing at least 80 percent of its current bidding eligibility. Failure to maintain the requisite activity level will result in a reduction in the bidder's bidding eligibility in the next round of bidding (unless an activity rule waiver is used). During Stage One, reduced eligibility for the next round will be calculated by multiplying the current round activity by five-fourths (5/4).

Stage Two: In each round of the second stage, a bidder desiring to maintain its current eligibility is required to be active on 90 percent of its current bidding eligibility. During Stage Two, reduced eligibility for the next round will be calculated by multiplying the current round activity by ten-ninths (10/9).

Stage Three: In each round of the third stage, a bidder desiring to maintain its current eligibility is required to be active on 98 percent of its current bidding eligibility. In this final stage, reduced eligibility for the next round will be calculated by multiplying the current round activity by fifty-fortyninths (50/49).

Caution: Since activity requirements increase in each auction stage, bidders must carefully check their current activity during the bidding round of the first round following a stage transition. This is especially critical for bidders that have standing high bids and do not plan to submit new bids. In past auctions, some bidders have inadvertently lost bidding eligibility or used an activity rule waiver because they did not reverify their activity status at stage transitions. Bidders may check their activity against the required minimum activity level by using the bidding software's bidding module.

57. *Stage Transitions.* The auction will start in Stage One. Under the FCC's general guidelines it will advance to the next stage (*i.e.*, from Stage One to Stage Two, and from Stage Two to Stage Three) when, in each of three consecutive rounds of bidding, the high bid has increased on 10 percent or less of the licenses being auctioned (as measured in bidding units). However, the Bureau will retain the discretion to regulate the pace of the auction by announcement. This determination will be based on a variety of measures of bidder activity, including, but not limited to, the auction activity level, the percentages of licenses (as measured in bidding units) on which there are new bids, the number of new bids, and the percentage increase in revenue. The Bureau believes that these stage transition rules, having proven successful in prior auctions, are appropriate for use in the LMS auction.

58. *Auction Stopping Rules.* Barring extraordinary circumstances, bidding will remain open on all licenses until bidding stops on every license. Thus, the auction will close for all licenses when one round passes during which no bidder submits a new acceptable bid on any license, applies a proactive waiver, or withdraws a previous high bid.

59. The Bureau retains the discretion, however, to keep an auction open even if no new acceptable bids or proactive waivers are submitted, and no previous high bids are withdrawn. In this event, the effect will be the same as if a bidder had submitted a proactive waiver. Thus, the activity rule will apply as usual, and a bidder with insufficient activity will either lose bidding eligibility or use an activity rule waiver (if it has any left).

60. Further, in its discretion, the Bureau reserves the right to declare that the auction will end after a specified number of additional rounds (''special stopping rule''). If the FCC invokes this special stopping rule, it will accept bids in the final round(s) only for licenses on which the high bid increased in at least one of the preceding specified number of rounds. The FCC intends to exercise this option only in extreme circumstances, such as where the auction is proceeding very slowly, where there is minimal overall bidding activity, or where it appears likely that the auction will not close within a reasonable period of time. Before exercising this option, the FCC is likely to attempt to increase the pace of the auction by, for example, moving the auction into the next stage (where bidders would be required to maintain a higher level of bidding activity), increasing the number of bidding rounds per day, and/or increasing the amount of the minimum bid increments for the limited number of licenses where there is still a high level of bidding activity.

61. Adoption of these rules, the Bureau believes, is most appropriate for the LMS auction because our experience in prior auctions demonstrates that the simultaneous stopping rule balanced the

interests of administrative efficiency and maximum bidder participation. The substitutability between and among licenses in different geographic areas and the importance of preserving the ability of bidders to pursue backup strategies support the use of a simultaneous stopping rule.

62. *Auction Delay, Suspension, or Cancellation.* By public notice or by announcement during the auction, the Bureau may delay, suspend or cancel the auction in the event of natural disaster, technical obstacle, evidence of an auction security breach, unlawful bidding activity, administrative or weather necessity, or for any other reason that affects the fair and competitive conduct of competitive bidding. In such cases, the Bureau, in its sole discretion, may elect to: resume the auction starting from the beginning of the current round; resume the auction starting from some previous round; or cancel the auction in its entirety. Network interruption may cause the Bureau to delay or suspend the auction. The Bureau emphasizes that exercise of this authority is solely within the discretion of the Bureau, and its use is not intended to be a substitute for situations in which bidders may wish to apply their activity rule waivers.

63. *Round Structure.* The initial bidding schedule will be announced by public notice at least one week before the start of the auction, and will be included in the registration mailings. The round structure for each bidding round contains a single bidding round followed by the release of the round results.

64. The FCC has discretion to change the bidding schedule in order to foster an auction pace that reasonably balances speed with the bidders' need to study round results and adjust their bidding strategies. The FCC may increase or decrease the amount of time for the bidding rounds and review periods, or the number of rounds per day, depending upon the bidding activity level and other factors.

65. *Reserve Price or Minimum Opening Bid.* The Bureau will adopt minimum opening bids for each of the licenses in the LMS auction that are reducible at the discretion of the Bureau. Commenters, however, have persuaded the Bureau that its proposed levels are significantly too high. Therefore, the Bureau will reduce the price per MHz-pop proposed in the *LMS Public Notice,* but retain the proposed floors for the minimum opening bids. Congress has enacted a presumption that unless the Commission determines otherwise, minimum opening bids or reserve prices are in the public interest. Based on the Bureau's experience in using minimum opening bids in the 800 MHz Specialized Mobile Radio and LMDS auctions, the Bureau believes that minimum opening bids speed the course of the auction and ensure that valuable assets are not sold for nominal prices, without unduly interfering with the efficient assignment of licenses. Accordingly, the Bureau adopts the following revised formulae for calculating minimum opening bids:

(1) Block A—$0.0008*MHz*Pop (rounded up to the next dollar and no less than $2,850 per license)
(2) Block B—$0.0008*MHz*Pop (rounded up to the next dollar and no less than $2,500 per license)
(3) Block C—$0.0008*MHz*Pop (rounded up to the next dollar and no less than $2,800 per license)

The revised formulae presented here best meet the objectives of our auction authority in establishing reasonable minimum opening bids. The Bureau has noted in the past that the reserve price and minimum opening bid provision is not a requirement to maximize auction revenue but rather a protection against assigning licenses at unacceptably low prices. In addition, the Bureau must balance the revenue raising objective against the Bureau's other public interest objectives in setting the minimum bid level. LMS is a restricted service with unique dynamics and recognizes that LMS winning bidders are prohibited from using non-vehicular location service except where the primary purpose is to locate vehicles. In addition, LMS auction winners must share and accept interference from other services. LMS operates in the 902–928 MHz frequency band. The band is allocated for primary use by Federal Government radiolocation systems. Next in order of priority are Industrial, Scientific and Medical devices. Federal Government fixed and mobile and LMS systems are secondary to both of these uses. The remaining uses of the 902–928 MHz band include licensed amateur radio operations and unlicensed Part 15 equipment, both of which are secondary to all other uses of the band. The Commission's band plan permits secondary operations across the entire band by users of unlicensed Part 15 devices and amateur licensees. All of these facts, together with projections of the likely revenues and costs of providing multilateration LMS service, convince the Bureau that the proposed minimum opening bids should be substantially reduced. In sum, the Bureau finds that these minimum opening bids will speed the course of the auction and ensure that valuable assets are not sold for nominal prices without unduly interfering with the efficient assignment of licenses.

66. Minimum opening bids are reducible at the discretion of the Bureau. This will allow the Bureau flexibility to adjust the minimum opening bids if circumstances warrant. The Bureau emphasizes, however, that such discretion will be exercised, if at all, sparingly and early in the auction, *i.e.,* before bidders lose all waivers and begin to lose substantial eligibility. During the course of the auction, the Bureau will not entertain any bidder requests to reduce the minimum opening bid on specific licenses.

67. *Minimum Accepted Bids.* The Bureau will use an exponential smoothing methodology to calculate minimum bid increments and retains the discretion to change the minimum bid increment if circumstances so dictate. For every license that receives a bid, the bid increment for the next round for that license will be established as a percentage increment that is determined using the exponential smoothing formula.

68. *Exponential Smoothing.* The exponential smoothing formula calculates the bid increment based on a weighted average of the activity received on each license in the current and all previous rounds. This methodology will tailor the bid increment for each license based on activity, rather than setting a global increment for all licenses. For every license that receives a bid, the bid increment for the next round for that license will be established as a percentage increment that is determined using the exponential smoothing formula.

69. Using exponential smoothing, the calculation of the percentage bid increment for each license will be based on an activity index, which is calculated as the weighted average of the current activity and the activity index from the previous round. The activity index at the start of the auction (round 0) will be set at 0. The current activity index is equal to a weighting factor times the number of new bids received on the license in the current bidding period plus one minus the weighting factor times the activity index from the previous round. The activity index is then used to calculate a percentage increment by multiplying a minimum percentage increment by one plus the activity index with that result being subject to a maximum percentage increment.

70. In the 220 MHz Service auction the increment ranged from a minimum of 0.10 percent to a maximum of 0.20

percent. The proposal for the LMS auction follows this precedent. In addition, that increment will ensure the auction is conducted at a reasonable pace and will result in reasonable prices for LMS spectrum. Accordingly, the Bureau will initially set the weighting factor at 0.5, the minimum percentage increment at 0.1, and the maximum percentage increment at 0.2.

Equations

$A_i = (C * B_i) + ((1-C) * A_{i-1})$
I_i = smaller of $((1 + A_i) * N)$ and M
Where:
A_i = activity index for the current round (round i)
C = activity weight factor
B_i = number of bids in the current round (round i)
A_{i-1} = activity index from previous round (round $i-1$), A_0 is 0
I_i = percentage bid increment for the current round (round i)
N = minimum percentage increment
M = maximum percentage increment

Under the exponential smoothing methodology, once a bid has been received on a license, the minimum acceptable bid for that license in the following round will be the new high bid plus the dollar amount associated with the percentage increment (variable I_i from above times the high bid). This result will be rounded to the nearest thousand if it is over 10,000 or to the nearest hundred if it is under 10,000.

Examples

License 1

C=0.5, N = 0.1, M = 0.2

Round 1 (2 new bids, high bid = $1,000,000)
1. Calculation of percentage increment using exponential smoothing:
   $A_1 = (0.5 * 2) + (0.5 * 0) = 1$
   The smaller of $I_1 = (1 + 1) * 0.1 = 0.2$ or 0.2 (the maximum percentage increment)
2. Minimum bid increment using the percentage increment (I_1 from above)
   0.2 * $1,000,000 = $200,000
3. Minimum acceptable bid for round 2 = 1,200,000

Round 2 (3 new bids, high bid = $2,000,000)
1. Calculation of percentage increment using exponential smoothing:
   $A_2 = (0.5 * 3) + (0.5 * 1) = 2$
   The smaller of $I_2 = (1 + 2) * 0.1 = 0.3$ or 0.2 (the maximum percentage increment)
2. Minimum bid increment using the percentage increment is (I_2 from above)
   0.2 * $2,000,000 = $400,000
3. Minimum acceptable bid for round 3 = $2,400,000

Round 3 (1 new bid, high bid = $2,400,000)
1. Calculation of percentage increment using exponential smoothing:
   $A_3 = (0.5 * 1) + (0.5 * 2) = 1.5$
   The smaller of $I_3 = (1 + 1.5) * 0.1 =$ 0.25 or 0.2 (the maximum percentage increment)
2. Minimum bid increment using the percentage increment (I_3 from above)
   0.2 * $2,400,000 = $480,000
3. Minimum acceptable bid for round 4 = $2,880,000

71. *Bidding.* Each bid will be date- and time-stamped when it is entered into the FCC computer system. All bidding will take place either through the automated bidding software or by telephonic bidding. There will be no on-site bidding during Auction No. 21. The bidding software requires each bidder to login to the FCC auction system during the bidding round using the FCC account number, bidder identification number, and the confidential security codes provided in the registration materials.

72. *High Bids.* Each bid will be date- and time-stamped when it is entered into the FCC computer system. In the event of tie bids, the Commission will identify the high bidder on the basis of the order in which bids are received by the Commission, starting with the earliest bid. The bidding software allows bidders to make multiple submissions in a round. As each bid is individually date- and time-stamped according to when it was submitted, bids submitted by a bidder earlier in a round will have an earlier date- and time-stamp than bids submitted later in a round.

73. *Bidding.* During a bidding round, a bidder may submit bids for as many licenses for which it is eligible, as well as withdraw high bids from previous bidding rounds, remove bids placed in the same bidding round, or permanently reduce eligibility. Bidders also have the option of making multiple submissions and withdrawals in each bidding round. If a bidder submits multiple bids for a single license in the same round, the system takes the last bid entered as that bidder's bid for the round, and the date- and time-stamp of that bid reflect the latest time the bid was submitted.

74. Please note that all bidding will take place either through the automated bidding software or by telephonic bidding. (Telephonic bid assistants are required to use a script when handling bids placed by telephone. Telephonic bidders are therefore reminded to allow sufficient time to bid, by placing their calls well in advance of the close of a round, because four to five minutes are necessary to complete a bid submission.)

75. A bidder's ability to bid on specific licenses in the first round of the auction is determined by two factors: (1) the licenses applied for on FCC Form 175; and (2) the upfront payment amount deposited. The bid submission screens will be tailored for each bidder to include only those licenses for which the bidder applied on its FCC Form 175. A bidder also has the option to further tailor its bid submission screens to call up specified groups of licenses.

76. The bidding software requires each bidder to login to the FCC auction system during the bidding round using the FCC account number, bidder identification number, and the confidential security codes provided in the registration materials. Bidders are strongly encouraged to download and print bid confirmations *after* they submit their bids.

77. The bid entry screen of the Automated Auction System software for the LMS auction allows bidders to place multiple increment bids which will let bidders increase high bids from one to nine bid increments. A single bid increment is defined as the difference between the standing high bid and the minimum acceptable bid for a license.

78. To place a bid on a license, the bidder must enter a whole number between 1 and 9 in the bid increment multiplier (Bid Mult) field. This value will determine the amount of the bid (Amount Bid) by multiplying the bid increment multiplier by the bid increment and adding the result to the high bid amount according to the following formula:

Amount Bid = High Bid + (Bid Mult * Bid Increment)

Thus, bidders may place a bid that exceeds the standing high bid by between one and nine times the bid increment. For example, to bid the minimum acceptable bid, which is equal to one bid increment, a bidder will enter ''1'' in the bid increment multiplier column and press submit.

79. For any license on which the FCC is designated as the high bidder (*i.e.,* a license that has not yet received a bid in the auction or where the high bid was withdrawn and a new bid has not yet been placed), bidders will be limited to bidding only the minimum acceptable bid. In both of these cases no increment exists for the licenses, and bidders should enter ''1'' in the Bid Mult field. Note that, in these cases, any whole number between 1 and 9 entered in the

multiplier column will result in a bid value at the minimum acceptable bid amount. Finally, bidders are cautioned in entering numbers in the Bid Mult field because, as explained in the following section, a high bidder that withdraws its standing high bid from a previous round, even if mistakenly or erroneously made, is subject to bid withdrawal payments.

80. *Bid Removal and Bid Withdrawal Procedures.* Before the close of a bidding round, a bidder has the option of removing any bids placed in that round. By using the ''remove bid'' function in the software, a bidder may effectively ''unsubmit'' any bid placed within that round. A bidder removing a bid placed in the same round is not subject to withdrawal payments. Removing a bid will affect a bidder's activity for the round in which it is removed. This procedure will enhance bidder flexibility and may serve to expedite the course of the auction.

82. Once a round closes, a bidder may no longer remove a bid. However, in the next round, a bidder may withdraw standing high bids from previous rounds using the ''withdraw bid'' function (assuming that the bidder has not exhausted its withdrawal allowance). A high bidder that withdraws its standing high bid from a previous round is subject to the bid withdrawal payments specified in 47 CFR 1.2104(g) and 1.2109. The procedure for withdrawing a bid and receiving a withdrawal confirmation is essentially the same as the bidding procedure described in ''High Bids'' (*see* paragraph 72, *supra*).

82. In previous auctions, the Bureau has detected bidder conduct that, arguably, may have constituted strategic bidding through the use of bid withdrawals. While the Bureau continues to recognize the important role that bid withdrawals play in an auction, *i.e.*, reducing risk associated with efforts to secure various geographic area licenses in combination, the Bureau concludes that, for the LMS auction, adoption of a limit on their use to two rounds is the most appropriate outcome. By doing so the Bureau believes it strikes a reasonable compromise that will allow bidders to use withdrawals. The Bureau's decision on this issue is based upon its experience in prior auctions, particularly the PCS D, E and F block auction, 800 MHz SMR auction, and LMDS auction, and is in no way a reflection of the Bureau's view regarding the likelihood of any speculation or ''gaming'' in the LMS auction.

83. The Bureau will therefore limit the number of rounds in which bidders may place withdrawals to two rounds. These rounds will be at the bidder's discretion and there will be no limit on the number of bids that may be withdrawn in either of these rounds. Withdrawals will still be subject to the bid withdrawal payments specified in 47 CFR 1.2104(g) and 1.2109. Bidders should note that abuse of the Commission's bid withdrawal procedures could result in the denial of the ability to bid on a market.

84. If a high bid is withdrawn, the license will be offered in the next round at the second highest bid price, which may be less than, or equal to, in the case of tie bids, the amount of the withdrawn bid, without any bid increment. The FCC will serve as a ''place holder'' on the license until a new acceptable bid is submitted on that license.

85. *Bid Removal and Bid Withdrawal Calculation.* Generally, a bidder that withdraws a standing high bid during the course of an auction will be subject to a payment equal to the lower of: (1) the difference between the net withdrawn bid and the subsequent net winning bid; or (2) the difference between the gross withdrawn bid and the subsequent gross winning bid for that license. *See* 47 CFR 1.2104(g) and 1.2109. No withdrawal payment will be assessed if the subsequent winning bid exceeds the withdrawn bid.

86. *Round Results.* The bids placed during a round are not published until the conclusion of that bidding period. After a round closes, the FCC will compile reports of all bids placed, bids withdrawn, current high bids, new minimum accepted bids, and bidder eligibility status (bidding eligibility and activity rule waivers), and post the reports for public access.

87. Reports reflecting bidders' identities and bidder identification numbers for Auction No. 21 will be available before and during the auction. Thus, bidders will know in advance of this auction the identities of the bidders against which they are bidding.

88. *Round Results and Auction Announcements.* The FCC will use auction announcements to announce items such as schedule changes and stage transitions. All FCC auction announcements will be available on the FCC remote electronic bidding system, as well as the Internet and the FCC Bulletin Board System.

89. *Other Matters.* As noted above, after the short-form filing deadline, applicants may make only minor changes to their FCC Form 175 applications. For example, permissible minor changes include deletion and addition of authorized bidders (to a maximum of three) and revision of exhibits. Filers should make these changes on-line, and submit a letter to Amy Zoslov, Chief, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, Federal Communications Commission, 2025 M Street, N.W., Room 5202, Washington, D.C. 20554 (and mail a separate copy to Kenneth Burnley, Auctions and Industry Analysis Division), briefly summarizing the changes. Questions about other changes should be directed to Kenneth Burnley of the FCC Auctions and Industry Analysis Division at (202) 418–0660.

E. Post-Auction Procedures

90. *Down Payments and Withdrawn Bid Payments.* After bidding has ended, the Commission will issue a public notice declaring the auction closed, identifying the winning bids and bidders for each license, and listing withdrawn bid payments due.

91. Within ten business days after release of the auction closing notice, each winning bidder must submit sufficient funds (in addition to its upfront payment) to bring its total amount of money on deposit with the Government to 20 percent of its net winning bids (actual bids less any applicable bidding credits). *See* 47 CFR 1.2107(b). In addition, by the same deadline all bidders must pay any withdrawn bid amounts due under 47 CFR 1.2104(g), as discussed in ''Bid Removal and Bid Withdrawal'' (see paragraphs 80–85, *supra*). (Upfront payments are applied first to satisfy any withdrawn bid liability, before being applied toward down payments.)

92. *Long-Form Application.* Within ten business days after release of the auction closing notice, winning bidders must submit a properly completed long-form application and required exhibits for each LMS license won through the auction. Winning bidders that are small businesses or very small businesses must include an exhibit demonstrating their eligibility for bidding credits. *See* 47 CFR 1.2112(b). Further filing instructions will be provided to auction winners at the close of the auction.

93. *Default and Disqualification.* Any high bidder that defaults or is disqualified after the close of the auction (*i.e.*, fails to remit the required down payment within the prescribed period of time, fails to submit a timely long-form application, fails to make full payment, or is otherwise disqualified) will be subject to the payments described in 47 CFR 1.2104(g)(2). In addition, if a default or disqualification involves gross misconduct, misrepresentation, or bad faith by an applicant, the Commission may declare the applicant and its principals

ineligible to bid in future auctions, and may take any other action that it deems necessary, including institution of proceedings to revoke any existing licenses held by the applicant. *See* 47 CFR 1.2109(d).

94. *Refund of Remaining Upfront Payment Balance.* All applicants that submitted upfront payments but were not winning bidders for a LMS license may be entitled to a refund of their remaining upfront payment balance after the conclusion of the auction. No refund will be made unless there are excess funds on deposit from that applicant after any applicable bid withdrawal payments have been paid. Bidders that drop out of the auction completely may be eligible for a refund of their upfront payments before the close of the auction. However, bidders that reduce their eligibility and remain in the auction are not eligible for partial refunds of upfront payments until the close of the auction. Qualified bidders that have exhausted all of their activity rule waivers, have no remaining bidding eligibility, and have not withdrawn a high bid during the auction must submit a written refund request which includes wire transfer instructions, a Taxpayer Identification Number (''TIN''), and a copy of their bidding eligibility screen print, to: Federal Communications Commission, Billings and Collections Branch, Attn: Regina Dorsey or Linwood Jenkins, 1919 M Street, N.W., Room 452, Washington, D.C. 20554.

95. Bidders can also fax their request to the Billings and Collections Branch (202) 418–2843. Once the request has been approved, a refund will be sent to the address provided on the FCC Form 159.

Note: Refund processing generally takes up to two weeks to complete. Bidders with questions about refunds should contact Linwood Jenkins or Geoffrey Idika at (202) 418–1995.

Federal Communications Commission.

Amy Zoslov,

Chief, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau.

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BILLING CODE 6712–01–P

FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

Uniform Interagency Trust Rating System

AGENCY: Federal Financial Institutions Examination Council.

ACTION: Notice.

SUMMARY: The Federal Financial Institutions Examination Council (FFIEC) is revising the Uniform Interagency Trust Rating System (UITRS), commonly referred to as the trust rating system. The revisions update the rating system to reflect changes that have occurred in the fiduciary services industry and in supervisory policies and procedures since the rating system was first adopted in 1978. The changes revise the definitions for the numerical ratings to conform to the language and tone of the Uniform Financial Institutions Rating System (UFIRS) rating definitions, commonly referred to as the CAMELS rating system; reformat and clarify the component rating descriptions; reorganize the account administration and conflicts of interest components into a new component addressing compliance; emphasize the quality of risk management processes in each of the rating components, particularly in the management component; add language in composite rating definitions to parallel the changes in the component rating descriptions; and explicitly identify the types of risk that are considered in assigning component ratings.

The term ''financial institution'' refers to those FDIC insured depository institutions whose primary Federal supervisory agency is represented on the FFIEC. Uninsured trust companies that are chartered by the OCC, members of the Federal Reserve System, or subsidiaries of registered bank holding companies or insured depository institutions are also covered by this notice. The Federal supervisory agencies participating in this notice are: the Board of Governors of the Federal Reserve System (FRB), the Federal Deposit Insurance Corporation (FDIC), the Office of the Comptroller of the Currency (OCC), and the Office of Thrift Supervision (OTS).

DATES: Effective October 13, 1998.

FOR FURTHER INFORMATION CONTACT:

FRB: William R. Stanley, Supervisory Trust Analyst, Specialized Activities, (202) 452–2744, Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System, Mail Stop 175, 20th and C Streets, NW, Washington, D.C. 20551

FDIC: John F. Harvey, Trust Review Examiner, (202) 898–6762, Division of Supervision, Federal Deposit Insurance Corporation, Room F2078, 550 17th Street, NW, Washington, D.C. 20429.

OCC: Laurie A. Edlund, National Bank Examiner, (202) 874–3828, Division of Asset Management, Office of the Comptroller of the Currency, 250 E Street, SW, Mail Stop 7–7, Washington, D.C., 20219.

OTS: Larry A. Clark, Senior Manager, Compliance and Trust Programs, (202) 906–5628, Gary C. Jackson, Program Analyst, (202) 906–5653, Compliance Policy, Office of Thrift Supervision, 1700 G Street, NW, Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION:

Background information

On February 17, 1998, the FFIEC published a notice in the **Federal Register** (February Notice), 63 FR 7802, requesting comment on proposed revisions to the Uniform Interagency Trust Rating System (UITRS). The UITRS is an internal supervisory examination rating system used by the Federal supervisory agencies for evaluating the administration of fiduciary activities of financial institutions and uninsured trust companies on a uniform basis and for identifying those institutions requiring special supervisory attention. The UITRS was adopted on September 21, 1978 by the Office of the Comptroller of the Currency (OCC), the Federal Deposit Insurance Corporation (FDIC), and the Board of Governors of the Federal Reserve System (FRB), and in 1988 by the Federal Home Loan Bank Board, predecessor agency to the Office of Thrift Supervision (OTS).

Under the UITRS, each institution is assigned a composite rating based on an evaluation and rating of essential components of an institution's fiduciary activities. The composite rating reflects the overall condition of an institution's fiduciary activities and is used by the Federal supervisory agencies to monitor aggregate trends in the overall administration of fiduciary activities. Under the former UITRS, each financial institution or trust company was assigned a composite rating based on an evaluation and rating of six essential components of an institution's fiduciary activities. These components addressed: the capability of management; the adequacy of operations, controls and audits; the management of fiduciary assets; the adequacy of account administration practices; the adequacy of practices relating to self-dealing and conflicts of interest; and the quality and level of earnings. Both the composite and component ratings are assigned on a 1 to 5 numerical scale. A 1 indicates the strongest performance and management practices, and the least degree of supervisory concern, while a 5 indicates the weakest performance and management practices and,

therefore, the highest degree of supervisory concern.

The UITRS has proven to be an effective way for the Federal supervisory agencies to determine the condition of an institution's fiduciary activities. A number of changes, however, have occurred in the fiduciary industry and in supervisory policies and procedures since the rating system was first adopted. As a result, the FFIEC is making certain enhancements to the rating system, but is retaining its basic framework. The UITRS enhancements:

- Realign the UITRS rating definitions to bring them in line with UFIRS.
- Reduce the component rating categories from six to five, combining the Account Administration and Conflicts of Interest components into a new Compliance component.
- Require Earnings to be rated only in institutions with more than $100 million in total trust assets, and in all non-deposit trust companies. An earnings rating is not required for the remaining institutions (those institutions not required to file Schedule E [1]); however, each Federal supervisory agency has the option of requiring the earnings of these institutions to be rated using the alternate rating definitions where applicable.
- Explicitly refer to the quality of risk management processes in the management component, and the identification of risk elements within the composite and component rating definitions.

Comments Received and Changes Made

The FFIEC received two public comments from industry trade associations regarding the proposed revisions to the UITRS. Both commenters generally favored the changes made, in particular the emphasis on risk management, the changes to the UITRS to conform to the language and tone of the UFIRS, and the considerations given to the earnings component when evaluating a small trust department.

Examiners field tested the revised rating system during 61 bank and thrift fiduciary examinations conducted between February and May 1998. The examiners provided comments regarding the revised rating system. Examiner response was generally favorable, and no significant problems or unanticipated rating differences were encountered between the former and updated UITRS. Some of the examiner comments recommended clarifying changes to various aspects of the revised rating system.

The FFIEC carefully considered each comment and examiner response and made certain changes. The following discussion describes the comments received (both through public comment and agency field testing) and changes made to the UITRS in response to those comments. The updated UITRS is included at the end of this Notice.

February Notice Specific Questions

In addition to requesting general comments regarding the proposed system, the FFIEC invited comments on four specific questions:

(1) Does the proposal capture the essential risk areas of the fiduciary services industry?

The majority of the responses to this question were positive, and no changes were made.

(2) Does the proposed management component adequately assess the quality of the board of directors' and management's oversight regarding its fiduciary responsibility and its ability to identify and manage all areas of risk involved in the exercise of its fiduciary powers?

The majority of the responses to this question were positive, and no changes were made.

(3) Are there any components which should be added to or deleted from the proposal?

The majority of the responses received regarding the components were favorable. A number of examiners recommended strengthening the conflict of interest section of the Compliance component. Several examiners also requested clarification of the application of the optional earnings rating to the Earnings component. These concerns are addressed later in this Notice.

(4) Are the definitions for the individual components and the composite numerical ratings in the proposal consistent with the language and tone of the UFIRS definitions?

The majority of the responses to this question were positive. The agencies received several examiner comments recommending changes to address minor inconsistencies in wording throughout the UITRS. Many of these minor wording changes were made to improve the consistency of the rating system.

Compliance Component

The February notice combined the former Account Administration and Conflicts of Interest components into a new Compliance component. The new component assesses the institution's compliance with the terms of governing instruments, applicable laws and regulations, sound fiduciary principles, and internal policies and procedures. In addition, the new component addresses compliance with applicable laws, regulations, and internal policies and procedures on a broader, institution-wide basis by focusing on compliance and strategic risk.

Several examiners expressed concern that the new rating component de-emphasizes the seriousness of self-dealing and conflicts of interest. The FFIEC emphasizes that self-dealing and other conflicts of interest, and the associated risks to the institution, continue to be areas of great importance and concern. The intent of the new Compliance component was not to de-emphasize the seriousness or importance of self-dealing or other conflicts of interest. Accordingly, the description of the new component and its rating definitions has been revised and expanded to clarify the importance of these issues.

Earnings Component

Under the former UITRS, an Earnings rating was required for all institutions. The February notice proposed several changes to the Earnings component. An earnings rating would be required for institutions with more than $100 million in total trust assets (as reported on FFIEC 001 Schedule A, line 18, column F) and for non-deposit trust companies. An earnings rating would not be required for the remaining institutions (those institutions not required to file Schedule E of FFIEC 001); however, each Federal supervisory agency would have the option of requiring the earnings of these institutions to be rated using either the rating definitions designated for Schedule E filers or, in accordance with the agency's implementing guidelines, the definitions for the alternate ratings.

The majority of the comments received on the Earnings component changes were positive; however, several examiners requested that the FFIEC clarify various aspects of this component. In response, the FFIEC added an evaluation factor section for the alternate earnings rating, and separated the two rating definitions. In addition, each agency will issue implementing guidance addressing the

[1] Schedule E is the Trust Income Statement of the FFIEC Annual Report of Trust Assets (FFIEC 001). Schedule E is required to be filed by each financial institution with total trust assets of more than $100 million as reported on line 18, column F of Schedule A, and by all non-deposit trust companies, whether or not they report any assets on Schedule A.

applicability of the Earnings rating to its supervised institutions.

Implementation Date

The FFIEC recommends that the Federal supervisory agencies implement the updated UITRS January 1, 1999. This date ensures that institutions with examinations commenced in 1999 will be assessed under the updated UITRS.

Text of the Revised Uniform Interagency Trust Rating System

Uniform Interagency Trust Rating System

Introduction

The Uniform Interagency Trust Rating System (UITRS) was adopted on September 21, 1978 by the Office of the Comptroller of the Currency (OCC), the Federal Deposit Insurance Corporation (FDIC), and the Board of Governors of the Federal Reserve System (FRB), and in 1988 by the Federal Home Loan Bank Board, predecessor agency to the Office of Thrift Supervision (OTS). Over the years, the UITRS has proven to be an effective internal supervisory tool for evaluating the fiduciary activities of financial institutions on a uniform basis and for identifying those institutions requiring special attention.

A number of changes have occurred in both the banking industry and the Federal supervisory agencies' policies and procedures which prompted a review and revision of the 1978 rating system. The revisions to the UITRS:

- Realign the UITRS rating definitions to bring them in line with the Uniform Financial Institutions Rating System (UFIRS).
- Reduce the component rating categories from six to five, combining the Account Administration and Conflicts of Interest components into a new Compliance component.
- Require Earnings to be rated only in institutions with more than $100 million in total trust assets, and in all non-deposit trust companies. An earnings rating is not required for the remaining institutions (those institutions not required to file FFIEC 001 Schedule E);[2] however, each Federal supervisory agency has the option of requiring the earnings of these institutions to be rated using the alternate rating definitions where applicable.
- Explicitly refer to the quality of risk management processes in the management component, and the identification of risk elements within the composite and component rating definitions.

These revisions are intended to promote and complement efficient examination processes. The revisions update the rating system but retain its basic framework. Consequently, the revised rating system will not result in additional regulatory burden to institutions or require additional policies or processes.

The UITRS considers certain managerial, operational, financial and compliance factors that are common to all institutions with fiduciary activities. Under this system, the supervisory agencies endeavor to ensure that all institutions with fiduciary activities are evaluated in a comprehensive and uniform manner, and that supervisory attention is appropriately focused on those institutions exhibiting weaknesses in their fiduciary operations.

Overview

Under the UITRS, the fiduciary activities of financial institutions are assigned a composite rating based on an evaluation and rating of five essential components of an institution's fiduciary activities. These components address the following: the capability of management; the adequacy of operations, controls and audits; the quality and level of earnings; compliance with governing instruments, applicable law (including self-dealing and conflicts of interest laws and regulations), and sound fiduciary principles; and the management of fiduciary assets.

Composite and component ratings are assigned based on a 1 to 5 numerical scale. A 1 is the highest rating and indicates the strongest performance and risk management practices and the least degree of supervisory concern. A 5 is the lowest rating and indicates the weakest performance and risk management practices and, therefore, the highest degree of supervisory concern. Evaluation of the composite and components considers the size and sophistication, the nature and complexity, and the risk profile of the institution's fiduciary activities.

The composite rating generally bears a close relationship to the component ratings assigned. However, the composite rating is not derived by computing an arithmetic average of the component ratings. Each component rating is based on a qualitative analysis of the factors comprising that component and its interrelationship with the other components. When assigning a composite rating, some components may be given more weight than others depending on the situation at the institution. In general, assignment of a composite rating may incorporate any factor that bears significantly on the overall administration of the financial institution's fiduciary activities. Assigned composite and component ratings are disclosed to the institution's board of directors and senior management.

The ability of management to respond to changing circumstances and to address the risks that may arise from changing business conditions, or the initiation of new fiduciary activities or products, is an important factor in evaluating an institution's overall fiduciary risk profile and the level of supervisory attention warranted. For this reason, the management component is given special consideration when assigning a composite rating.

The ability of management to identify, measure, monitor, and control the risks of its fiduciary operations is also taken into account when assigning each component rating. It is recognized, however, that appropriate management practices may vary considerably among financial institutions, depending on the size, complexity and risk profiles of their fiduciary activities. For less complex institutions engaged solely in traditional fiduciary activities and whose directors and senior managers are actively involved in the oversight and management of day-to-day operations, relatively basic management systems and controls may be adequate. On the other hand, at more complex institutions, detailed and formal management systems and controls are needed to address a broader range of activities and to provide senior managers and directors with the information they need to supervise day-to-day activities.

All institutions are expected to properly manage their risks. For less complex institutions engaging in less risky activities, detailed or highly formalized management systems and controls are not required to receive strong or satisfactory component or composite ratings.

The following two sections contain the composite rating definitions, and the descriptions and definitions for the five component ratings.

Composite Ratings

Composite ratings are based on a careful evaluation of how an institution conducts its fiduciary activities. The

[2] Schedule E is the Trust Income Statement of the FFIEC Annual Report of Trust Assets (FFIEC 001). Schedule E is required to be filed by each financial institution with total trust assets of more than $100 million as reported on line 18, column F of Schedule A, and by all non-deposit trust companies, whether or not they report any assets on Schedule A.

review encompasses the capability of management, the soundness of policies and practices, the quality of service rendered to the public, and the effect of fiduciary activities upon the soundness of the institution. The five key components used to assess an institution's fiduciary activities are: the capability of management; the adequacy of operations, controls and audits; the quality and level of earnings; compliance with governing instruments, applicable law (including self-dealing and conflicts of interest laws and regulations), and sound fiduciary principles; and the management of fiduciary assets. The composite ratings are defined as follows:

Composite 1. Administration of fiduciary activities is sound in every respect. Generally all components are rated 1 or 2. Any weaknesses are minor and can be handled in a routine manner by management. The institution is in substantial compliance with fiduciary laws and regulations. Risk management practices are strong relative to the size, complexity, and risk profile of the institution's fiduciary activities. Fiduciary activities are conducted in accordance with sound fiduciary principles and give no cause for supervisory concern.

Composite 2. Administration of fiduciary activities is fundamentally sound. Generally no component rating should be more severe than 3. Only moderate weaknesses are present and are well within management's capabilities and willingness to correct. Fiduciary activities are conducted in substantial compliance with laws and regulations. Overall risk management practices are satisfactory relative to the institution's size, complexity, and risk profile. There are no material supervisory concerns and, as a result, the supervisory response is informal and limited.

Composite 3. Administration of fiduciary activities exhibits some degree of supervisory concern in one or more of the component areas. A combination of weaknesses exists that may range from moderate to severe; however, the magnitude of the deficiencies generally does not cause a component to be rated more severely than 4. Management may lack the ability or willingness to effectively address weaknesses within appropriate time frames. Additionally, fiduciary activities may reveal some significant noncompliance with laws and regulations. Risk management practices may be less than satisfactory relative to the institution's size, complexity, and risk profile. While problems of relative significance may exist, they are not of such importance as to pose a threat to the trust beneficiaries generally, or to the soundness of the institution. The institution's fiduciary activities require more than normal supervision and may include formal or informal enforcement actions.

Composite 4. Fiduciary activities generally exhibit unsafe and unsound practices or conditions, resulting in unsatisfactory performance. The problems range from severe to critically deficient and may be centered around inexperienced or inattentive management, weak or dangerous operating practices, or an accumulation of unsatisfactory features of lesser importance. The weaknesses and problems are not being satisfactorily addressed or resolved by the board of directors and management. There may be significant noncompliance with laws and regulations. Risk management practices are generally unacceptable relative to the size, complexity, and risk profile of fiduciary activities. These problems pose a threat to the account beneficiaries generally and, if left unchecked, could evolve into conditions that could cause significant losses to the institution and ultimately undermine the public confidence in the institution. Close supervisory attention is required, which means, in most cases, formal enforcement action is necessary to address the problems.

Composite 5. Fiduciary activities are conducted in an extremely unsafe and unsound manner. Administration of fiduciary activities is critically deficient in numerous major respects, with problems resulting from incompetent or neglectful administration, flagrant and/or repeated disregard for laws and regulations, or a willful departure from sound fiduciary principles and practices. The volume and severity of problems are beyond management's ability or willingness to control or correct. Such conditions evidence a flagrant disregard for the interests of the beneficiaries and may pose a serious threat to the soundness of the institution. Continuous close supervisory attention is warranted and may include termination of the institution's fiduciary activities.

Component Ratings

Each of the component rating descriptions is divided into three sections: a narrative description of the component; a list of the principal factors used to evaluate that component; and a description of each numerical rating for that component. Some of the evaluation factors are reiterated under one or more of the other components to reinforce the interrelationship among components. The listing of evaluation factors is in no particular order of importance.

Management. This rating reflects the capability of the board of directors and management, in their respective roles, to identify, measure, monitor and control the risks of an institution's fiduciary activities. It also reflects their ability to ensure that the institution's fiduciary activities are conducted in a safe and sound manner, and in compliance with applicable laws and regulations. Directors should provide clear guidance regarding acceptable risk exposure levels and ensure that appropriate policies, procedures and practices are established and followed. Senior fiduciary management is responsible for developing and implementing policies, procedures and practices that translate the board's objectives and risk limits into prudent operating standards.

Depending on the nature and scope of an institution's fiduciary activities, management practices may need to address some or all of the following risks: reputation, operating or transaction, strategic, compliance, legal, credit, market, liquidity and other risks. Sound management practices are demonstrated by: active oversight by the board of directors and management; competent personnel; adequate policies, processes, and controls that consider the size and complexity of the institution's fiduciary activities; and effective risk monitoring and management information systems. This rating should reflect the board's and management's ability as it applies to all aspects of fiduciary activities in which the institution is involved.

The management rating is based upon an assessment of the capability and performance of management and the board of directors, including, but not limited to, the following evaluation factors:

- The level and quality of oversight and support of fiduciary activities by the board of directors and management, including committee structure and adequate documentation of committee actions.
- The ability of the board of directors and management, in their respective roles, to plan for, and respond to, risks that may arise from changing business conditions or the introduction of new activities or products.
- The adequacy of, and conformance with, appropriate internal policies, practices and controls addressing the operations and risks of significant fiduciary activities.
- The accuracy, timeliness, and effectiveness of management information and risk monitoring systems appropriate for the institution's size, complexity, and fiduciary risk profile.
- The overall level of compliance with laws, regulations, and sound fiduciary principles.

- Responsiveness to recommendations from auditors and regulatory authorities.
- Strategic planning for fiduciary products and services.
- The level of experience and competence of fiduciary management and staff, including issues relating to turnover and succession planning.
- The adequacy of insurance coverage.
- The availability of competent legal counsel.
- The extent and nature of pending litigation associated with fiduciary activities, and its potential impact on earnings, capital, and the institution's reputation.
- The process for identifying and responding to fiduciary customer complaints.

Ratings. A rating of 1 indicates strong performance by management and the board of directors and strong risk management practices relative to the size, complexity and risk profile of the institution's fiduciary activities. All significant risks are consistently and effectively identified, measured, monitored, and controlled. Management and the board are proactive, and have demonstrated the ability to promptly and successfully address existing and potential problems and risks.

A rating of 2 indicates satisfactory management and board performance and risk management practices relative to the size, complexity and risk profile of the institution's fiduciary activities. Moderate weaknesses may exist, but are not material to the sound administration of fiduciary activities, and are being addressed. In general, significant risks and problems are effectively identified, measured, monitored, and controlled.

A rating of 3 indicates management and board performance that needs improvement or risk management practices that are less than satisfactory given the nature of the institution's fiduciary activities. The capabilities of management or the board of directors may be insufficient for the size, complexity, and risk profile of the institution's fiduciary activities. Problems and significant risks may be inadequately identified, measured, monitored, or controlled.

A rating of 4 indicates deficient management and board performance or risk management practices that are inadequate considering the size, complexity, and risk profile of the institution's fiduciary activities. The level of problems and risk exposure is excessive. Problems and significant risks are inadequately identified, measured, monitored, or controlled and require immediate action by the board and management to protect the assets of account beneficiaries and to prevent erosion of public confidence in the institution. Replacing or strengthening management or the board may be necessary.

A rating of 5 indicates critically deficient management and board performance or risk management practices. Management and the board of directors have not demonstrated the ability to correct problems and implement appropriate risk management practices. Problems and significant risks are inadequately identified, measured, monitored, or controlled and now threaten the continued viability of the institution or its administration of fiduciary activities, and pose a threat to the safety of the assets of account beneficiaries. Replacing or strengthening management or the board of directors is necessary.

Operations, Internal Controls & Auditing. This rating reflects the adequacy of the institution's fiduciary operating systems and internal controls in relation to the volume and character of business conducted. Audit coverage must assure the integrity of the financial records, the sufficiency of internal controls, and the adequacy of the compliance process.

The institution's fiduciary operating systems, internal controls, and audit function subject it primarily to transaction and compliance risk. Other risks including reputation, strategic, and financial risk may also be present. The ability of management to identify, measure, monitor and control these risks is reflected in this rating.

The operations, internal controls and auditing rating is based upon, but not limited to, an assessment of the following evaluation factors:

Operations and Internal Controls, including the adequacy of:

- Staff, facilities and operating systems;
- Records, accounting and data processing systems (including controls over systems access and such accounting procedures as aging, investigation and disposition of items in suspense accounts);
- Trading functions and securities lending activities;
- Vault controls and securities movement;
- Segregation of duties;
- Controls over disbursements (checks or electronic) and unissued securities;
- Controls over income processing activities;
- Reconciliation processes (depository, cash, vault, sub-custodians, suspense accounts, etc.);
- Disaster and/or business recovery programs;
- Hold-mail procedures and controls over returned mail; and,
- Investigation and proper escheatment of funds in dormant accounts.

Auditing, including:

- The independence, frequency, quality and scope of the internal and external fiduciary audit function relative to the volume, character and risk profile of the institution's fiduciary activities;
- The volume and/or severity of internal control and audit exceptions and the extent to which these issues are tracked and resolved; and
- The experience and competence of the audit staff.

Ratings. A rating of 1 indicates that operations, internal controls, and auditing are strong in relation to the volume and character of the institution's fiduciary activities. All significant risks are consistently and effectively identified, measured, monitored, and controlled.

A rating of 2 indicates that operations, internal controls and auditing are satisfactory in relation to the volume and character of the institution's fiduciary activities. Moderate weaknesses may exist, but are not material. Significant risks, in general, are effectively identified, measured, monitored, and controlled.

A rating of 3 indicates that operations, internal controls or auditing need improvement in relation to the volume and character of the institution's fiduciary activities. One or more of these areas are less than satisfactory. Problems and significant risks may be inadequately identified, measured, monitored, or controlled.

A rating of 4 indicates deficient operations, internal controls or audits. One or more of these areas are inadequate or the level of problems and risk exposure is excessive in relation to the volume and character of the institution's fiduciary activities. Problems and significant risks are inadequately identified, measured, monitored, or controlled and require immediate action. Institutions with this level of deficiencies may make little provision for audits, or may evidence weak or potentially dangerous operating practices in combination with infrequent or inadequate audits.

A rating of 5 indicates critically deficient operations, internal controls or audits. Operating practices, with or without audits, pose a serious threat to the safety of assets of fiduciary accounts. Problems and significant risks are inadequately identified, measured, monitored, or controlled and now threaten the ability of the institution to continue engaging in fiduciary activities.

Earnings. This rating reflects the profitability of an institution's fiduciary activities and its effect on the financial condition of the institution. The use and adequacy of budgets and earnings projections by functions, product lines and clients are reviewed and evaluated.

Risk exposure that may lead to negative earnings is also evaluated.

An evaluation of earnings is required for all institutions with fiduciary activities. An assignment of an earnings rating, however, is required only for institutions that, at the time of the examination, have total trust assets of more than $100 million, or are a non-deposit trust company (those institutions that would be required to file Schedule E of FFIEC 001).

For institutions where the assignment of an Earnings rating is not required by the UITRS, the Federal supervisory agency has the option to assign an earnings rating using an alternate set of ratings. A rating will be assigned in accordance with implementing guidelines adopted by the supervisory agency. The definitions for the alternate ratings are included in the revised UITRS and may be found in the section immediately following the definitions for the required ratings.

The evaluation of earnings is based upon, but not limited to, an assessment of the following factors:

- The profitability of fiduciary activities in relation to the size and scope of those activities and to the overall business of the institution.
- The overall importance to the institution of offering fiduciary services to its customers and local community.
- The effectiveness of the institution's procedures for monitoring fiduciary activity income and expense relative to the size and scope of these activities and their relative importance to the institution, including the frequency and scope of profitability reviews and planning by the institution's board of directors or a committee thereof.

For those institutions for which a rating of earnings is mandatory, additional factors should include the following:

- The level and consistency of profitability, or the lack thereof, generated by the institution's fiduciary activities in relation to the volume and character of the institution's business.
- Dependence upon non-recurring fees and commissions, such as fees for court accounts.
- The effects of charge-offs or compromise actions.
- Unusual features regarding the composition of business and fee schedules.
- Accounting practices that contain practices such as (1) unusual methods of allocating direct and indirect expenses and overhead, or (2) unusual methods of allocating fiduciary income and expense where two or more fiduciary institutions within the same holding company family share fiduciary services and/or processing functions.
- The extent of management's use of budgets, projections and other cost analysis procedures.
- Methods used for directors' approval of financial budgets and/or projections.
- Management's attitude toward growth and new business development.
- New business development efforts, including types of business solicited, market potential, advertising, competition, relationships with local organizations, and an evaluation by management of risk potential inherent in new business areas.

Ratings. A rating of 1 indicates strong earnings. The institution consistently earns a rate of return on its fiduciary activities that is commensurate with the risk of those activities. This rating would normally be supported by a history of consistent profitability over time and a judgement that future earnings prospects are favorable. In addition, management techniques for evaluating and monitoring earnings performance are fully adequate and there is appropriate oversight by the institution's board of directors or a committee thereof. Management makes effective use of budgets and cost analysis procedures. Methods used for reporting earnings information to the board of directors, or a committee thereof, are comprehensive.

A rating of 2 indicates satisfactory earnings. Although the earnings record may exhibit some weaknesses, earnings performance does not pose a risk to the overall institution nor to its ability to meet its fiduciary obligations. Generally, fiduciary earnings meet management targets and appear to be at least sustainable. Management processes for evaluating and monitoring earnings are generally sufficient in relationship to the size and risk of fiduciary activities that exist, and any deficiencies can be addressed in the normal course of business. A rating of 2 may also be assigned to institutions with a history of profitable operations if there are indications that management is engaging in activities with which it is not familiar, or where there may be inordinately high levels of risk present that have not been adequately evaluated. Alternatively, an institution with otherwise strong earnings performance may also be assigned a 2 rating if there are significant deficiencies in its methods used to monitor and evaluate earnings.

A rating of 3 indicates less than satisfactory earnings. Earnings are not commensurate with the risk associated with the fiduciary activities undertaken. Earnings may be erratic or exhibit downward trends, and future prospects are unfavorable. This rating may also be assigned if management processes for evaluating and monitoring earnings exhibit serious deficiencies, provided the deficiencies identified do not pose an immediate danger to either the overall financial condition of the institution or its ability to meet its fiduciary obligations.

A rating of 4 indicates earnings that are seriously deficient. Fiduciary activities have a significant adverse effect on the overall income of the institution and its ability to generate adequate capital to support the continued operation of its fiduciary activities. The institution is characterized by fiduciary earnings performance that is poor historically, or faces the prospect of significant losses in the future. Management processes for monitoring and evaluating earnings may be poor. The board of directors has not adopted appropriate measures to address significant deficiencies.

A rating of 5 indicates critically deficient earnings. In general, an institution with this rating is experiencing losses from fiduciary activities that have a significant negative impact on the overall institution, representing a distinct threat to its viability through the erosion of its capital. The board of directors has not implemented effective actions to address the situation.

Alternate Rating of Earnings. Alternate ratings are assigned based on the level of implementation of four minimum standards by the board of directors and management.

These standards are:

- Standard No. 1—The institution has reasonable methods for measuring income and expense commensurate with the volume and nature of the fiduciary services offered.
- Standard No. 2—The level of profitability is reported to the board of directors, or a committee thereof, at least annually.
- Standard No. 3—The board of directors periodically determines that the continued offering of fiduciary services provides an essential service to the institution's customers or to the local community.
- Standard No. 4—The board of directors, or a committee thereof, reviews the justification for the institution to continue to offer fiduciary services even if the institution does not earn sufficient income to cover the expenses of providing those services.

Ratings. A rating of 1 may be assigned where an institution has implemented all four minimum standards. If fiduciary earnings are lacking, management views this as a cost of doing business as a full service institution and believes that the negative effects of not offering fiduciary services are more significant than the expense of administrating those services.

A rating of 2 may be assigned where an institution has implemented, at a minimum, at least three of the four standards. This rating may be assigned if the institution is not generating positive earnings or where formal

earnings information may not be available.

A rating of 3 may be assigned if the institution has implemented at least two of the four standards. While management may have attempted to identify and quantify other revenue to be earned by offering fiduciary services, it has decided that these services should be offered as a service to customers, even if they cannot be operated profitably.

A rating of 4 may be assigned if the institution has implemented only one of the four standards. Management has undertaken little or no effort to identify or quantify the collateral advantages, if any, to the institution from offering fiduciary services.

A rating of 5 may be assigned if the institution has implemented none of the standards.

Compliance. This rating reflects an institution's overall compliance with applicable laws, regulations, accepted standards of fiduciary conduct, governing account instruments, duties associated with account administration, and internally established policies and procedures. This component specifically incorporates an assessment of a fiduciary's duty of undivided loyalty and compliance with applicable laws, regulations, and accepted standards of fiduciary conduct related to self-dealing and other conflicts of interest.

The compliance component includes reviewing and evaluating the adequacy and soundness of adopted policies, procedures, and practices generally, and as they relate to specific transactions and accounts. It also includes reviewing policies, procedures, and practices to evaluate the sensitivity of management and the board of directors to refrain from self-dealing, minimize potential conflicts of interest, and resolve actual conflict situations in favor of the fiduciary account beneficiaries.

Risks associated with account administration are potentially unlimited because each account is a separate contractual relationship that contains specific obligations. Risks associated with account administration include: failure to comply with applicable laws, regulations or terms of the governing instrument; inadequate account administration practices; and inexperienced management or inadequately trained staff. Risks associated with a fiduciary's duty of undivided loyalty generally stem from engaging in self-dealing or other conflict of interest transactions. An institution may be exposed to compliance, strategic, financial and reputation risk related to account administration and conflicts of interest activities. The ability of management to identify, measure, monitor and control these risks is reflected in this rating. Policies, procedures and practices pertaining to account administration and conflicts of interest are evaluated in light of the size and character of an institution's fiduciary business.

The compliance rating is based upon, but not limited to, an assessment of the following evaluation factors:

- Compliance with applicable federal and state statutes and regulations, including, but not limited to, federal and state fiduciary laws, the Employee Retirement Income Security Act of 1974, federal and state securities laws, state investment standards, state principal and income acts, and state probate codes;
- Compliance with the terms of governing instruments;
- The adequacy of overall policies, practices, and procedures governing compliance, considering the size, complexity, and risk profile of the institution's fiduciary activities;
- The adequacy of policies and procedures addressing account administration;
- The adequacy of policies and procedures addressing conflicts of interest, including those designed to prevent the improper use of ''material inside information'';
- The effectiveness of systems and controls in place to identify actual and potential conflicts of interest;
- The adequacy of securities trading policies and practices relating to the allocation of brokerage business, the payment of services with ''soft dollars'' and the combining, crossing, and timing of trades;
- The extent and permissibility of transactions with related parties, including, but not limited to, the volume of related commercial and fiduciary relationships and holdings of corporations in which directors, officers, or employees of the institution may be interested;
- The decision making process used to accept, review, and terminate accounts; and,
- The decision making process related to account administration duties, including cash balances, overdrafts, and discretionary distributions.

Ratings. A rating of 1 indicates strong compliance policies, procedures and practices. Policies and procedures covering conflicts of interest and account administration are appropriate in relation to the size and complexity of the institution's fiduciary activities. Accounts are administered in accordance with governing instruments, applicable laws and regulations, sound fiduciary principles, and internal policies and procedures. Any violations are isolated, technical in nature and easily correctable. All significant risks are consistently and effectively identified, measured, monitored and controlled.

A rating of 2 indicates fundamentally sound compliance policies, procedures and practices in relation to the size and complexity of the institution's fiduciary activities. Account administration may be flawed by moderate weaknesses in policies, procedures or practices. Management's practices indicate a determination to minimize the instances of conflicts of interest. Fiduciary activities are conducted in substantial compliance with laws and regulations, and any violations are generally technical in nature. Management corrects violations in a timely manner and without loss to fiduciary accounts. Significant risks are effectively identified, measured, monitored, and controlled.

A rating of 3 indicates compliance practices that are less than satisfactory in relation to the size and complexity of the institution's fiduciary activities. Policies, procedures and controls have not proven effective and require strengthening. Fiduciary activities may be in substantial noncompliance with laws, regulations or governing instruments, but losses are no worse than minimal. While management may have the ability to achieve compliance, the number of violations that exist, or the failure to correct prior violations, are indications that management has not devoted sufficient time and attention to its compliance responsibilities. Risk management practices generally need improvement.

A rating of 4 indicates an institution with deficient compliance practices in relation to the size and complexity of its fiduciary activities. Account administration is notably deficient. The institution makes little or no effort to minimize potential conflicts or refrain from self-dealing, and is confronted with a considerable number of potential or actual conflicts. Numerous substantive and technical violations of laws and regulations exist and many may remain uncorrected from previous examinations. Management has not exerted sufficient effort to effect compliance and may lack the ability to effectively administer fiduciary activities. The level of compliance problems is significant and, if left unchecked, may subject the institution to monetary losses or reputation risk. Risks are inadequately identified, measured, monitored and controlled.

A rating of 5 indicates critically deficient compliance practices. Account administration is critically deficient or incompetent and there is a flagrant disregard for the terms of the governing instruments and interests of account beneficiaries. The institution frequently engages in transactions that compromise

its fundamental duty of undivided loyalty to account beneficiaries. There are flagrant or repeated violations of laws and regulations and significant departures from sound fiduciary principles. Management is unwilling or unable to operate within the scope of laws and regulations or within the terms of governing instruments and efforts to obtain voluntary compliance have been unsuccessful. The severity of noncompliance presents an imminent monetary threat to account beneficiaries and creates significant legal and financial exposure to the institution. Problems and significant risks are inadequately identified, measured, monitored, or controlled and now threaten the ability of management to continue engaging in fiduciary activities.

Asset Management. This rating reflects the risks associated with managing the assets (including cash) of others. Prudent portfolio management is based on an assessment of the needs and objectives of each account or portfolio. An evaluation of asset management should consider the adequacy of processes related to the investment of all discretionary accounts and portfolios, including collective investment funds, proprietary mutual funds, and investment advisory arrangements.

The institution's asset management activities subject it to reputation, compliance and strategic risks. In addition, each individual account or portfolio managed by the institution is subject to financial risks such as market, credit, liquidity, and interest rate risk, as well as transaction and compliance risk. The ability of management to identify, measure, monitor and control these risks is reflected in this rating.

The asset management rating is based upon, but not limited to, an assessment of the following evaluation factors:

- The adequacy of overall policies, practices and procedures governing asset management, considering the size, complexity and risk profile of the institution's fiduciary activities.
- The decision making processes used for selection, retention and preservation of discretionary assets including adequacy of documentation, committee review and approval, and a system to review and approve exceptions.
- The use of quantitative tools to measure the various financial risks in investment accounts and portfolios.
- The existence of policies and procedures addressing the use of derivatives or other complex investment products.
- The adequacy of procedures related to the purchase or retention of miscellaneous assets including real estate, notes, closely held companies, limited partnerships, mineral interests, insurance and other unique assets.
- The extent and adequacy of periodic reviews of investment performance, taking into consideration the needs and objectives of each account or portfolio.
- The monitoring of changes in the composition of fiduciary assets for trends and related risk exposure.
- The quality of investment research used in the decision-making process and documentation of the research.
- The due diligence process for evaluating investment advice received from vendors and/or brokers (including approved or focus lists of securities).
- The due diligence process for reviewing and approving brokers and/or counter parties used by the institution.

This rating may not be applicable for some institutions because their operations do not include activities involving the management of any discretionary assets. Functions of this type would include, but not necessarily be limited to, directed agency relationships, securities clearing, non-fiduciary custody relationships, transfer agent and registrar activities. In institutions of this type, the rating for Asset Management may be omitted by the examiner in accordance with the examining agency's implementing guidelines. However, this component should be assigned when the institution provides investment advice, even though it does not have discretion over the account assets. An example of this type of activity would be where the institution selects or recommends the menu of mutual funds offered to participant directed 401(k) plans.

Ratings. A rating of 1 indicates strong asset management practices. Identified weaknesses are minor in nature. Risk exposure is modest in relation to management's abilities and the size and complexity of the assets managed.

A rating of 2 indicates satisfactory asset management practices. Moderate weaknesses are present and are well within management's ability and willingness to correct. Risk exposure is commensurate with management's abilities and the size and complexity of the assets managed. Supervisory response is limited.

A rating of 3 indicates that asset management practices are less than satisfactory in relation to the size and complexity of the assets managed. Weaknesses may range from moderate to severe; however, they are not of such significance as to generally pose a threat to the interests of account beneficiaries. Asset management and risk management practices generally need to be improved. An elevated level of supervision is normally required.

A rating of 4 indicates deficient asset management practices in relation to the size and complexity of the assets managed. The levels of risk are significant and inadequately controlled. The problems pose a threat to account beneficiaries generally, and if left unchecked, may subject the institution to losses and could undermine the reputation of the institution.

A rating of 5 represents critically deficient asset management practices and a flagrant disregard of fiduciary duties. These practices jeopardize the interests of account beneficiaries, subject the institution to losses, and may pose a threat to the soundness of the institution.

Dated: October 7, 1998

Keith J. Todd,

Executive Secretary, Federal Financial Institutions Examination Council.

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BILLING CODE 6210–01–P 25%, 6720–01–P 25%, 6714–01–P 25%, 4810–33–P 25%

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 October 27, 1998.

A. Federal Reserve Bank of Chicago (Philip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690-1413:

1. Steven J. Harms, LeMars, Iowa; Richard H. Harms, Brunsville, Iowa; Beth Ann Rollinger, Brunsville, Iowa; and Carol M. Schmitz, Brunsville, Iowa; all to retain voting shares of Brunsville Bancorporation, Inc., Brunsville, Iowa, and thereby indirectly retain voting shares of First State Bank, Brunsville, Iowa. Beth Ann Rollinger and Carol M. Schmitz also have applied to acquire more than 25 percent of Brunsville Bancorporation.

2. Steven J. Harms, LeMars, Iowa; Richard H. Harms, Brunsville, Iowa; Beth Ann Rollinger, Brunsville, Iowa; and Carol M. Schmitz, Brunsville, Iowa; all to retain voting shares of Merrill Bancorporation, Inc., Merrill, Iowa, and thereby indirectly retain voting shares of Farmers State Bank, Merrill, Iowa.

B. Federal Reserve Bank of Kansas City (D. Michael Manies, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. Walter David Scott, Amy Scott Willer, Sandra Scott Parker, and James A. Hansen, all of Omaha, Nebraska; and Karen Scott Dixon, Leawood, Kansas; to acquire voting shares of Ashland Bancshares, Inc., Ashland, Nebraska, and thereby indirectly acquire Sapp City Bank, Omaha, Nebraska.

Board of Governors of the Federal Reserve System, October 6, 1998.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 98–27334 Filed 10–9–98; 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 November 6, 1998.

A. Federal Reserve Bank of Richmond (A. Linwood Gill III, Assistant Vice President) 701 East Byrd Street, Richmond, Virginia 23261-4528:

1. City Holding Company, Charleston, West Virginia; to merge with Horizon Bancorp, Inc., Beckley, West Virginia, and thereby indirectly acquire Bank of Raleigh, Beckley, West Virginia; First National Bank of Marlinton, Marlinton, West Virginia; Greenbrier Valley National Bank, Lewisburg, West Virginia; National Bank of Summers, Hinton, West Virginia; and The Twentieth Street Bank, Huntington, West Virginia.

B. Federal Reserve Bank of Atlanta (Lois Berthaume, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303-2713:

1. Community Spirit Bancshares, Inc., Belmont, Mississippi; to become a bank holding company by acquiring 100 percent of the voting shares of Community Spirit Bank, Belmont, Mississippi (in organization).

2. The Weatherford Foundation of Red Bay, AL, Inc., and Independent Bancshares, Inc., both of Red Bay, Alabama; to acquire 100 percent of the voting shares of Community Spirit Bancshares, Inc., Belmont, Mississippi (in organization), and thereby indirectly acquire Community Spirit Bank - Mississippi, Belmont, Mississippi (in organization).

C. Federal Reserve Bank of Chicago (Philip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690-1413:

1. CDS Bancorp, Inc., Spirit Lake, Iowa; to become a bank holding company by acquiring 100 percent of the voting shares of First Bank & Trust, Spirit Lake, Iowa.

2. Ida Grove Bancshares, Inc., Ida Grove, Iowa; to acquire 90 percent of the voting shares of First State Bank, Churdan, Iowa.

D. Federal Reserve Bank of Kansas City (D. Michael Manies, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. Community Bancshares, Inc., ESOP, Neosho, Missouri; to acquire an additional 21.72 percent for a pro forma total of 50 percent of the voting shares of Community Bancshares, Inc., Neosho, Missouri, and thereby indirectly acquire Community Bank & Trust, Neosho, Missouri.

Board of Governors of the Federal Reserve System, October 6, 1998.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 98–27333 Filed 10–9–98; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies; Correction

This notice corrects a notice (FR Doc. 98-26477) published on page 53058 of the issue for Friday, October 2, 1998.

Under the Federal Reserve Bank of San Francisco heading, the entry for Santa Barbara Bancorp, Santa Barbara, California, is revised to read as follows:

A. Federal Reserve Bank of San Francisco (Maria Villanueva, Manager of Analytical Support, Consumer Regulation Group) 101 Market Street, San Francisco, California 94105-1579:

1. Santa Barbara Bancorp, Santa Barbara, California; to merge with Pacific Capital Bancorp, Salinas, California, and thereby indirectly acquire First National Bank of Central California, Monterey, California, and South Valley National Bank, Morgan Hill, California.

Comments on this application must be received by October 29, 1998.

Board of Governors of the Federal Reserve System, October 6, 1998.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 98–27335 Filed 10–9–98; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 27, 1998.

A. Federal Reserve Bank of Atlanta (Lois Berthaume, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303-2713:

1. Community Financial Group, Inc., Nashville, Tennessee; to engage *de novo* through its subsidiary, American Growth Finance, Inc., Dallas, Texas, a *de novo* joint venture, and thereby engage in making, acquiring, and servicing loans or other extensions of credit, pursuant to § 225.28(b)(1) of Regulation Y.

Board of Governors of the Federal Reserve System, October 6, 1998.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 98–27332 Filed 10–9–98; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL TRADE COMMISSION

Premerger Notification: Reporting and Waiting Period Requirements

AGENCY: Federal Trade Commission.

ACTION: Notice of adoption of formal interpretation and request for comments.

SUMMARY: The Premerger Notification Office (''PNO'') of the Federal Trade Commission (''FTC''), with the concurrence of the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice (''DOJ''), is adopting a Formal Interpretation of the Hart-Scott-Rodino Act, which requires certain persons planning certain mergers, consolidations, or other acquisitions to report information about the proposed transactions to the FTC and DOJ. The Interpretation concerns the reportability of certain transactions involving a Limited Liability Company (''LLC''), a relatively new form of entity authorized by state statutes. Under the Interpretation, the formation of an LLC will be reportable if it will unite two or more pre-existing businesses under common control. Similarly, acquisitions of existing LLC membership interests will be reportable if they would have the effect of uniting two or more pre-existing businesses under common control.

DATES: The effective date is December 14, 1998. Comments must be submitted on or before November 12, 1998.

ADDRESSES: Send written comments to Joseph G. Krauss, Assistant Director for the Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Joseph G. Krauss, Assistant Director for the Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, DC 20580. Telephone: (202) 326–2713. Thomas F. Hancock, Attorney, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, DC 20580. Telephone: (202) 326–2946.

SUPPLEMENTARY INFORMATION: The text of Formal Interpretation Number 15 is set out below:

Formal Interpretation Number 15

Formal Interpretation Pursuant to § 803.30 of the Premerger Notification Rules, 16 CFR 803.30, Concerning the Reporting Requirements for the Formation of Certain Limited Liability Companies (''LLCs'') and for Acquisitions of Membership Interests in Certain Existing LLCs.

This is a Formal Interpretation pursuant to § 803.30 of the Premerger Notification Rules (''the rules''), 16 CFR 803.30, and 801.2(d) of the rules, 16 CFR 801.2(d). The rules implement Section 7A of the Clayton Act, 15 U.S.C. 18a, which was added by sections 201 and 202 of the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (''the act'').

The act requires the parties to certain mergers, acquisitions, and other business combinations to file reports with the FTC and the DOJ and to wait a specified period of time before consummating the transaction. The purpose of the act and the rules is to ensure that such transactions receive meaningful scrutiny under the antitrust laws, with the possibility of an effective remedy for violations, prior to consummation.

The LLC [1] is a relatively new form of business organization which is neither a partnership nor a corporation but a hybrid legal entity which combines certain desirable features of both partnerships and corporations. Specifically, an LLC is taxed as a partnership but shields its members from liability as a corporation shields its shareholders. The first LLC statute was passed in 1977 by Wyoming [2] and a trickle of other states followed. The use of LLCs expanded significantly after 1988 when the Internal Revenue Service (''IRS'') concluded that an LLC organized under the Wyoming statute was taxable as a partnership.[3] By 1993 all 51 jurisdictions had LLC laws of one form or another.

When it first encountered these types of organizational structures, the PNO concluded that as ''companies'' LLCs are ''entities'' within the meaning of § 801.1(a)(2), 16 CFR 801.1(a)(2), and that, until it had more experience with them, the PNO would deem LLCs to be corporations. Initially, therefore, § 801.40 of the rules, 16 CFR 801.40, ''Formation of joint venture or other corporations,'' governed the formation of LLCs and an interest in an LLC was treated as a voting security for HSR purposes.

On further analysis, the PNO concluded that this initial approach was inadequate. LLCs at the time were primarily used as a vehicle for the creation of start-up businesses. The PNO's treatment of LLCs resulted in requiring HSR filings in a large number of transactions that did not raise antitrust concerns. Furthermore, the PNO determined that in most LLCs the interest held by the members of the LLC was more like a partnership interest than that of a voting security interest. Consequently, in 1994, the PNO began to informally advise parties that the treatment of LLCs' for reporting purposes would depend on a determination of whether the interest acquired in the LLC was more like a voting security interest or more like a partnership interest.[4]

This subsequent treatment of LLCs has not been completely satisfactory. The use of LLCs has changed from primarily being a vehicle for start-up enterprises to being used now more frequently to combine competing businesses under common control. Indeed, the Commission's litigation staff has investigated several transactions raising potential antitrust concerns involving the formation of LLCs. In these transactions, previously separate

[1] This Formal Interpretation applies only to the reportability of the formation of certain LLCs and of acquisitions of interests in certain existing LLCs. The position of the FTC staff on the status and treatment under the act of other non-corporate entities such as partnerships remains unchanged.

[2] *Wyo. Stat.* §§ 17–15–101 to –135 (Supp. 1989).

[3] Rev. Rul. 88–76, 1988–2 C.B. 360, 361.

[4] Specifically, the formation of an LLC was treated as potentially reportable only *if* the LLC had a group which functioned like a board of directors *and* the LLC ownership interest resulted in the holder appointing person(s) other than its employees, officers, or directors (or those of entities controlled by the holder or its ultimate parent entity) to that group. In such cases, the LLC interest was treated as a voting security interest. In all other instances, LLC interests were treated as partnership interests and the acquisition of these interests was not reportable (unless the acquiring person would hold 100 percent of the interests as a result of the acquisition).

businesses were combined under common control when they were contributed to a single, newly-formed LLC. Nevertheless, the creation of the LLC to combine competing businesses under common control was not reportable under the PNO's current treatment. The union of competing businesses under common control is of obvious potential antitrust concern. Since the current approach to LLCs has not been useful in requiring filings for those transactions that are the most likely to have anticompetitive effects, the PNO staff has decided to revise its approach to LLCs to be more consistent with the intent of the act.

This Formal Interpretation, therefore, changes the PNO's treatment of LLCs as follows: The formation of an LLC which brings two or more pre-existing separately controlled businesses under common control (*i.e.* an interest entitling one party to 50 percent of the profits of the LLC or 50 percent of the assets of the LLC upon dissolution) is now reportable if the HSR size-of-person and size-of-transaction requirements are met. The formation of all other LLCs will be treated like the formation of a partnership and their reportability will be determined according to the partnership rule. The current analysis used to determine whether an LLC interest acquired is more like a voting security or a partnership interest will no longer be used.

The combination of businesses into a new LLC under common control is the functional equivalent of a merger or consolidation. Such combinations, like other unions of businesses under common control, are subject to the act. § 801.2(d)(1)(i) of the rules, 16 CFR 801.2(d)(1)(i), states that ''[m]ergers and consolidations are transactions subject to the act * * *'' Although combinations of businesses in LLCs are not mergers or consolidations in the strictest sense because they do not involve corporations,[5] they are substantively similar. As it was originally promulgated in 1978, § 801.2(d)(1)(i), 16 CFR 801.2(d)(1)(i), stated that ''[a] merger, consolidation, or other transaction combining all or any part of the business of two or more persons shall be an acquisition subject to the act * * *'' (emphasis added).[6] A similar rationale has long been used to require filings for acquisitions of non-profit corporations which, like LLCs, do not issue voting securities.[7] Imposing a filing requirement on the parties to such transactions promotes the basic purpose of the act and the rules, namely, to give the antitrust enforcement agencies advance notice of, and an opportunity to oppose, transactions which may violate the antitrust laws.

Furthermore, when a person contributes a business to an LLC to be controlled by another, such transfer is the functional equivalent of an acquisition of the assets of that business and should be so treated for HSR purposes. Reportable acquisitions of non-profit corporations are also reported as asset acquisitions for the same reason. Consequently, assuming the size-of-person and size-of-transaction tests are met, contributors to combinations of businesses in LLCs should report as if they were acquiring the assets to be contributed to the LLC by the other contributor(s).

Although § 801.40 of the rules, 16 CFR 801.40, which governs the reporting of the formation of corporate joint ventures and other new corporations, is not directly applicable to combinations of businesses in LLCs because LLCs are not corporations and do not issue voting securities, the principles embodied in § 801.40—especially in § 801.40(c)—are applicable here. The value of the assets of the new LLC for size-of-person test purposes should be determined in accordance with § 801.40(c). Parties required to file should complete Item 5(d) of the Notification and Report Form for Certain Mergers and Acquisitions. Like a new corporation under § 802.41 of the rules, 16 CFR 802.41, the new LLC need not file notification (but each contributor who meets the size-of-person test may need to do so). Typically, there would be no acquired person filing, as in the case of the formation of corporate joint ventures. The waiting period will not begin until all parties required to file have filed and are in compliance (cf. § 803.10(a)(2) of the rules, 16 CFR 803.10(a)(2)).

A ''business'' is defined for purposes of this Interpretation the same as an ''operating unit'' for purposes of § 802.1(a) of the rules, 16 CFR 802.1(a), namely, ''* * * assets that are operated * * * as a business undertaking in a particular location or for particular products or services, even though those assets may not be organized as a separate legal entity.'' For purposes of this Formal Interpretation, the contribution to an LLC of an interest in intellectual property, such as a patent, a patent license, know-how, and so forth, which is exclusive against all parties including the grantor, is the contribution of a business, whether or not the intellectual property has generated any revenues.

This new treatment of LLCs also affects the reportability of the acquisition of membership interests in existing LLCs. The acquisition of existing membership interests will be potentially reportable in two situations. Any person which acquires (or, as a result of an acquisition, will hold) a controlling interest in an existing LLC (*i.e.* an interest entitling it to 50 percent of the profits or 50 percent of the assets upon dissolution) may be required to file because such a transaction may bring two or more separate businesses under common control. Whether a filing is necessary when a person acquires a controlling interest in an existing LLC would depend on whether the acquiring person also has a business and whether the size of person and size of transaction criteria of the act are met. In situations where the acquisition of a membership interest in an LLC does not result in the combination of existing businesses under common control, the acquisition of such membership interest will be treated like the acquisition of a partnership interest. If any person subsequently acquires (or, as a result of an acquisition, will hold) 100 percent of the interests in that LLC, and has not previously filed for and consummated the acquisition of control of that LLC, that person will then be deemed to be acquiring the assets of that LLC and so may be required to file at that time.

Some of the considerations for why the formation of certain LLCs (and the acquisition of certain LLC interests) should be reportable may apply equally well to partnerships. The formation of a partnership is not reportable;[8] the position of the PNO is that acquisitions of partnership interests which do not result in one person's holding 100

[5] See, *e.g.*, 19 W. Fletcher, *Cyclopedia of the Law of Private Corporations* § 3:141 (perm. ed.1994). Mergers and consolidations are defined as transactions in which all constituent corporations (in the case of consolidations) or all but one (in the case of mergers) lose their separate legal identities as part of the transaction. When two or more businesses are united in an LLC, they do not lose their legal identities in this sense, but they do cease to be separate and independent.

[6] 43 FR 33539, July 31, 1978. This language does not appear in the current version of § 801.2(d). In 1983, this provision was changed to clarify and change the treatment of mergers and consolidations under the rules and this particular wording was eliminated. There is no indication that this change was intended to narrow the scope of § 801.2(d), however. According to the Statement of Basis and Purpose to the 1983 changes, 48 FR 34430, July 29, 1983, the Commission sought to make clear that mergers and consolidations are treated as acquisitions of voting securities and to change § 801.2(d) to enable the parties to a merger to determine which is the acquiring person and which is the acquired person.

[7] See, *The Premerger Notification Practice Manual,* ABA, 1991 ed., Interp. #109.

[8] § 801.40, 16 CFR 801.40.

percent of the interests in a partnership is non-reportable. The PNO believes that the current treatment of partnerships should remain unchanged for the time being. The treatment of partnerships was originally adopted, in part, because of the difficulty of monitoring compliance with HSR reporting obligations since many partnerships can be formed informally or through implication in many typical business arrangements. Furthermore, there has been no suggestion that partnerships are being used in any greater frequency now to combine competing businesses. In addition, a change in treatment of partnerships would likely require filings in a large number of transactions that do not raise any antitrust concern. Consequently, any change in the treatment of partnerships at this time appears premature.

In 1987, when the Commission promulgated § 801.1(b)(1)(ii) of the rules which allows a partnership to be controlled by another entity, the Commission reiterated this position on the reportability of acquisitions of partnership interests. It stated, however, that it would reconsider this issue from time to time to see whether any revision in this position is appropriate. See 52 FR 20058, 20061 (May 29, 1987). Accordingly, in connection with the adoption of this Formal Interpretation, the PNO is asking for comments on whether partnerships should be treated the same as LLCs with regard to formation, acquisition, or both. The PNO may in the future change its treatment of partnerships based on the comments received.

The following examples are an integral part of this Formal Interpretation:

1. ''A'' and ''B'' both plan to contribute their widget businesses to a new LLC in which each will acquire a 50 percent interest. This acquisition would be reportable if the size-of-person and size-of-transaction tests are met using the analysis in § 801.40(c) of the rules.

2. In Example 1, above, the result would be the same if ''A'' and ''B'' each intended to transfer its widget business into its own LLC, LA and LB, and ''A'' planned to take a 50 percent interest in LB and ''B'' a 50 percent interest in LA. In each case, two businesses would be coming under common control. Note, however, that the result may be different if ''A'' and ''B'' each get a 49 percent interest in the other's LLC. There, two businesses are not being united under common control. However, if the Commission concluded that this technical lack of common control was being used as an avoidance device it would apply the act and rules to the substance of the transaction pursuant to § 801.90 of the rules, 16 CFR 801.90.

3. Suppose ''A'' will contribute its widget business and ''B'' will contribute cash for operating capital to a new LLC. This would not be reportable if ''A'' will be the only controlling person because it does not unite two or more businesses. If ''B'' is also to be a controlling person and is engaged in a business, it will be reportable by ''B.''

4. Suppose that ''A'' proposes to consolidate its widget business, which it has conducted in two subsidiaries and a division, into a newly-formed LLC in which it will hold a 60 percent membership interest. This would not be reportable because, although separate businesses are being combined, they were not under separate control prior to the transaction.

5. Suppose that in year 1 ''A'' and ''B'' each contributes its widget business to a newly-created LLC, that the transaction was deemed to be reportable, that filings were made and the waiting period observed. Then, in year 5, ''C'' proposes to acquire ''B's'' interest which constitutes a controlling interest in the LLC. Assume that ''C'' is engaged in a business or businesses. The acquisition by ''C'' is potentially reportable because it unites under common control the business of the LLC and ''C's'' businesses, which were separate.

6. Suppose ''A,'' ''B,'' and ''C'' form a new LLC in which ''A'' will have a 60 percent interest and ''B'' and ''C'' each will have 20 percent interests. ''A,'' a large, international pharmaceutical company, contributes $100 million in cash. ''B'' contributes licenses to several patents which it will also continue to use to manufacture various drugs. ''C'' will contribute licenses which are exclusive even against itself for several drugs which are still at the testing stage and which have never been marketed. ''A'' has a potential reporting obligation for the formation of this LLC. With a 60 percent interest, ''A'' will control the LLC and it has its own business. Since the licenses ''B'' will contribute are not exclusive as against it, they do not constitute a business. The licenses being contributed by ''C'' do constitute a business, however, even though they have not generated any revenue, and this business is being brought under the control of ''A'' with ''A''s own business when the new LLC is formed.

7. Suppose ''A'' and ''B'' are both regional grocery store chains which do their data processing in-house. ''A's'' data processing unit does work only for ''A'' and ''B's'' only for ''B.'' ''A'' and ''B'' decide to contribute the assets used in their data processing operations to a new jointly-controlled LLC which will provide data processing services to ''A'' and ''B.'' Assume the size tests are met. This would not be reportable because the assets used to provide such management and administrative support services do not constitute businesses. Cf § 802.1(d)(4) of the rules and Examples 10 and 11, 16 CFR 802.1(d)(4). This would be the case even if the new LLC intends to begin offering data processing services to third parties, since this would be beginning a new business rather than uniting existing businesses. Note however, that the result would be different if ''A'' or ''B'' had used its equipment to provide data processing services to others prior to contributing it to the new LLC for then it would be an existing business. The result would also be different if ''A'' and ''B'' were engaged in manufacturing and the assets to be contributed to the new LLC were used in part of a manufacturing process.

* * * * *

Request for Comments

The Federal Trade Commission staff asks for comments on this Formal Interpretation and may further modify its approach to LLCs based on the comments it receives. The staff would particularly like Commenters to address the following two issues:

A. Burden

The staff has assumed that compliance with this Formal Interpretation would not be unduly burdensome on any party or class of parties. The staff requests comments on the issue of the burden of compliance. Commenters who believe that the Formal Interpretation does create a special burden by, for example, significantly increasing the number of filings should describe the burden in detail.

B. Partnerships

At the time of the promulgation of the so-called partnership control rule, 16 CFR 801.1(b)(1)(ii), in 1987, the Commission stated that it might at some time in the future re-visit the subject of partnerships to see if it might be appropriate to revise the staff position that acquisitions which do not confer on the acquiring person 100 percent of the interests in a partnership are not reportable. The Commission suggested that, instead, it might make the acquisition of control of a partnership reportable. See 52 FR 20058, 20061 (May 29, 1987). Is this an appropriate time to do this? More specifically, is there a reason why partnerships and LLCs should be treated the same? Are

partnerships, for example, also being used increasingly to combine existing businesses? What factors influence the choice of creating a partnership versus an LLC?

Donald S. Clark,

Secretary.

[FR Doc. 98–27355 Filed 10–9–98; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 97E–0012]

Determination of Regulatory Review Period for Purposes of Patent Extension; Rimadyl

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for Rimadyl and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that animal drug product.

ADDRESSES: Written comments and petitions should be directed to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Brian J. Malkin, Office of Health Affairs (HFY–20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–6620.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For animal drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the animal drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for an animal drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(4)(B).

FDA recently approved for marketing the animal drug product Rimadyl (carprofen). Rimadyl is indicated for the relief of pain and inflammation in dogs. Rimadyl was shown to be clinically effective for the relief of signs associated with osteoarthritis in dogs. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for Rimadyl (U.S. Patent No. 4,264,500) from Pfizer Inc., and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated January 22, 1997, FDA advised the Patent and Trademark Office that this animal drug product had undergone a regulatory review period and that the approval of Rimadyl represented the first permitted commercial marketing or use of the product. Shortly thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for Rimadyl is 6,572 days. Of this time, 5,910 days occurred during the testing phase of the regulatory review period, 662 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 512(j) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360b(j)) became effective:* October 30, 1978. The applicant claims August 23, 1979, as the date the investigational new animal drug application (INAD) became effective. However, FDA records indicate that the date of FDA's letter assigning a number to the INAD was October 30, 1978, which is considered to be the effective date for the INAD.

2. *The date the application was initially submitted with respect to the animal drug product under section 512(b) of the act:* January 3, 1995. The applicant claims December 29, 1994, as the date the new animal drug application (NADA) for Rimadyl (NADA 141–053) was initially submitted. However, a review of FDA records reveals that the date of FDA's official acknowledgement letter assigning a number to NADA 141–053 was January 3, 1995, which is considered to be the initially submitted date for NADA 141–053.

3. *The date the application was approved:* October 25, 1996. FDA has verified the applicant's claim that NADA 141–053 was approved on October 25, 1996.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,095 days of patent term extension.

Anyone with knowledge that any of the dates as published is incorrect may, on or before December 14, 1998, submit to the Dockets Management Branch (address above) written comments and ask for a redetermination. Furthermore, any interested person may petition FDA, on or before April 12, 1999, for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch (address above) in three copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 28, 1998.

Thomas J. McGinnis,

Deputy Associate Commissioner for Health Affairs.

[FR Doc. 98–27285 Filed 10–9–98; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 98F–0871]

Servo Deldon BV; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Servo Deldon BV has filed a petition proposing that the food additive regulations be amended to provide for the safe use of polyethylene glycol monoisotridecyl ether sulfate, sodium salt as a component of coatings on paper and paperboard intended for use in contact with dry food.

FOR FURTHER INFORMATION CONTACT: Mark A. Hepp, Center for Food Safety and Applied Nutrition (HFS–215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3098.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a food additive petition (FAP 8B4630) has been filed by Servo Deldon BV, c/o Keller and Heckman LLP, 1001 G St. NW., suite 500 West, Washington, DC 20001. The petition proposes to amend the food additive regulations in § 176.180 *Components of paper and paperboard in contact with dry food* (21 CFR 176.180) to provide for the safe use of polyethylene glycol monoisotridecyl ether sulfate, sodium salt as a component of coatings on paper and paperboard intended for use in contact with dry food.

The agency has determined under 21 CFR 25.32(i) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Dated: October 1, 1998.

Laura M. Tarantino,

Acting Director, Office of Premarket Approval, Center for Food Safety and Applied Nutrition.

[FR Doc. 98–27356 Filed 10–9–98; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 97E–0367]

Determination of Regulatory Review Period for Purposes of Patent Extension; Normiflo®

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for Normiflo® and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product.

ADDRESSES: Written comments and petitions should be directed to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Brian J. Malkin, Office of Health Affairs (HFY–20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–6620.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human drug product Normiflo® (ardeparin sodium). Normiflo® is indicated for the prevention of deep venous thrombosis which may lead to pulmonary embolism following knee replacement surgery. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for Normiflo® (U.S. Patent No. 4,757,057) from Pharmacia & Upjohn Aktiebolag, and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated November 7, 1997, FDA advised the Patent and Trademark Office that this human drug product had undergone a regulatory review period and that the approval of Normiflo® represented the first permitted commercial marketing or use of the product. Shortly thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for Normiflo® is 3,503 days. Of this time, 1,883 days occurred during the testing phase of the regulatory review period, while 1,620 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355) became effective:* October 22, 1987. The applicant claims September 21, 1987, as the date the investigational new drug application (IND) became effective. However, FDA records indicate that the IND effective date was October 22, 1987, which was 30 days after FDA receipt of the IND.

2. *The date the application was initially submitted with respect to the human drug product under section 505 of the act:* December 16, 1992. The applicant claims February 28, 1992, as the date the new drug application (NDA) for Normiflo® (NDA 20–227) was initially submitted. However, FDA records indicate that NDA 20–227 was incomplete. FDA refused this application and notified the applicant of this fact by letter dated April 20, 1992. The completed NDA was then submitted on December 16, 1992, which

is considered to be the NDA initially submitted date.

3. *The date the application was approved:* May 23, 1997. FDA has verified the applicant's claim that NDA 20–227 was approved on May 23, 1997.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,820 days of patent term extension.

Anyone with knowledge that any of the dates as published is incorrect may, on or before December 14, 1998, submit to the Dockets Management Branch (address above) written comments and ask for a redetermination. Furthermore, any interested person may petition FDA, on or before April 12, 1999, for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch (address above) in three copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 28, 1998.

Thomas J. McGinnis,

Deputy Associate Commissioner for Health Affairs.

[FR Doc. 98–27286 Filed 10–9–98; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 98E–0489]

Determination of Regulatory Review Period for Purposes of Patent Extension; Corlopam®

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for Corlopam® and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product.

ADDRESSES: Written comments and petitions should be directed to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Brian J. Malkin, Office of Health Affairs (HFY–20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–6620.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human drug product Corlopam® (fenoldopam mesylate). Corlopam® is indicated for the in-hospital, short-term (up to 48 hours) use in the management of severe hypertension when rapid, but quickly reversible, emergency reduction of blood pressure is clinically indicated, including malignant hypertension with deteriorating end-organ function. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for Corlopam® (U.S. Patent No. 4,197,297) from Neurex Corp., and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated September 8, 1998, FDA advised the Patent and Trademark Office that this human drug product had undergone a regulatory review period and that the approval of Corlopam® represented the first permitted commercial marketing or use of the product. Shortly thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for Corlopam® is 5,081 days. Of this time, 1,873 days occurred during the testing phase of the regulatory review period, while 3,208 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355) became effective:* October 28, 1983. The applicant claims October 6, 1983, as the date the investigational new drug application (IND) became effective. However, FDA records indicate that the IND effective date was October 28, 1983, which was 30 days after FDA receipt of the IND.

2. *The date the application was initially submitted with respect to the human drug product under section 505 of the act:* December 12, 1988. FDA has verified the applicant's claim that the new drug application (NDA) for Corlopam® (NDA 19–922) was initially submitted on December 12, 1988.

3. *The date the application was approved:* September 23, 1997. FDA has verified the applicant's claim that NDA 19–922 was approved on September 23, 1997.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 730 days of patent term extension.

Anyone with knowledge that any of the dates as published is incorrect may, on or before December 14, 1998, submit to the Dockets Management Branch (address above) written comments and

ask for a redetermination. Furthermore, any interested person may petition FDA, on or before April 12, 1999, for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch (address above) in three copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 28, 1998.

Thomas J. McGinnis,

Deputy Associate Commissioner for Health Affairs.

[FR Doc. 98–27357 Filed 10–9–98; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 97E–0087]

Determination of Regulatory Review Period for Purposes of Patent Extension; Ray Threaded Fusion Cage™

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for Ray Threaded Fusion Cage™ and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that medical device.

ADDRESSES: Written comments and petitions should be directed to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Brian J. Malkin, Office of Health Affairs (HFY–20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–6620.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For medical devices, the testing phase begins with a clinical investigation of the device and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the device and continues until permission to market the device is granted. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a medical device will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(3)(B).

FDA recently approved for marketing the medical device Ray Threaded Fusion Cage™. Ray Threaded Fusion Cage™ is indicated for use with autogenous bone graft in patients with degenerative disk disease (DDD) at one or two levels from L2 to S1. These DDD patients may also have up to Grade 1 spondylolisthesis at the involved level(s). Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for Ray Threaded Fusion Cage™ (U.S. Patent No. 4,961,740) from United States Surgical Corp., and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated April 11, 1997, FDA advised the Patent and Trademark Office that this medical device had undergone a regulatory review period and that the approval of Ray Threaded Fusion Cage™ represented the first permitted commercial marketing or use of the product. Shortly thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for Ray Threaded Fusion Cage™ is 1,861 days. Of this time, 1,357 days occurred during the testing phase of the regulatory review period, while 504 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date a clinical investigation involving this device was begun*: September 27, 1991. The applicant claims that the investigational device exemption (IDE) required under section 520(g) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360j(g)) for human tests to begin became effective on November 15, 1991. However, FDA records indicate that the IDE was determined substantially complete for clinical studies to have begun on September 27, 1991, which represents the IDE effective date.

2. *The date the application was initially submitted with respect to the device under section 515 of the act (21 U.S.C. 360e)*: June 14, 1995. FDA has verified the applicant's claim that the premarket approval application (PMA) for Ray Threaded Fusion Cage™ (PMA P950019) was initially submitted June 14, 1995.

3. *The date the application was approved*: October 29, 1996. FDA has verified the applicant's claim that PMA P950019 was approved on October 29, 1996.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 742 days of patent term extension.

Anyone with knowledge that any of the dates as published is incorrect may, on or before December 14, 1998, submit to the Dockets Management Branch (address above) written comments and ask for a redetermination. Furthermore, any interested person may petition FDA, on or before April 12, 1999, for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch (address above) in three copies (except that individuals may submit single copies) and identified with the

docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 28, 1998.

Thomas J. McGinnis,

Deputy Associate Commissioner for Health Affairs.

[FR Doc. 98–27284 Filed 10–9–98; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 98E–0230]

Determination of Regulatory Review Period for Purposes of Patent Extension; Wiktor® Prime Coronary Stent System

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for Wiktor® Prime Coronary Stent System and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that medical device.

ADDRESSES: Written comments and petitions should be directed to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Brian J. Malkin, Office of Health Affairs (HFY–20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–6620.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For medical devices, the testing phase begins with a clinical investigation of the device and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the device and continues until permission to market the device is granted. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a medical device will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(3)(B).

FDA recently approved for marketing the medical device Wiktor® Prime Coronary Stent System. Wiktor® Prime Coronary Stent System is indicated for the treatment of abrupt or threatened closure in patients with failed interventional therapy in native coronary arteries and bypass graft vessels. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for Wiktor® Prime Coronary Stent System (U.S. Patent No. 4,886,062) from Medtronic, Inc., and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated June 19, 1998, FDA advised the Patent and Trademark Office that this medical device had undergone a regulatory review period and that the approval of Wiktor® Prime Coronary Stent System represented the first permitted commercial marketing or use of the product. Shortly thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for Wiktor® Prime Coronary Stent System is 2,489 days. Of this time, 2,066 days occurred during the testing phase of the regulatory review period, while 423 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date a clinical investigation involving this device was begun*: September 5, 1990. FDA has verified the applicant's claim that the date the investigational device exemption (IDE) required under section 520(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(g)) for human tests to begin became effective September 5, 1990.

2. *The date the application was initially submitted with respect to the device under section 515 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e)*: May 1, 1996. The applicant claims April 30, 1996, as the date the premarket approval application (PMA) for Wiktor® Prime Coronary Stent System (PMA P960010) was initially submitted. However, FDA records indicate that PMA P960010 was submitted on May 1, 1996.

3. *The date the application was approved*: June 27, 1997. FDA has verified the applicant's claim that PMA P960010 was approved on June 27, 1997.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,347 days of patent term extension.

Anyone with knowledge that any of the dates as published is incorrect may, on or before December 14, 1998, submit to the Dockets Management Branch (address above) written comments and ask for a redetermination. Furthermore, any interested person may petition FDA, on or before April 12, 1999, for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch (address above) in three copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 28, 1998.

Thomas J. McGinnis,

Deputy Associate Commissioner for Health Affairs.

[FR Doc. 98–27392 Filed 10–9–98; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[HCFA–1099–N]

RIN 0528–AJ21

Medicare Program; October 28, 1998, Meeting of the Competitive Pricing Advisory Committee

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of meeting.

SUMMARY: This notice announces a public meeting of the Competitive Pricing Advisory Committee (the CPAC) on October 28, 1998. Section 4012 of the Balanced Budget Act of 1997 requires the Secretary of the Department of Health and Human Services (the Secretary) to create the CPAC. The CPAC meets periodically and makes recommendations to the Secretary concerning the designation of areas for inclusion in the Medicare+Choice competitive pricing demonstration project and suggests appropriate research designs for implementing the project.

DATES: The meeting is scheduled for October 28, 1998, from 9 a.m. until 5:30 p.m.

ADDRESSES: The meeting will be held at Loews Annapolis Hotel, 126 West Street, Annapolis, Maryland 21401.

FOR FURTHER INFORMATION CONTACT: Lu Zawistowich, Sc.D., Executive Director, Competitive Pricing Advisory Committee, Health Care Financing Administration, 7500 Security Boulevard C4–14–17, Baltimore, Maryland 21244–1850, (410) 786–6451.

SUPPLEMENTARY INFORMATION: Section 4011 of the Balanced Budget Act of 1997, (BBA) (Public Law 105–33) requires the Secretary of the Department of Health and Human Services (the Secretary) to establish a demonstration project under which payments to Medicare+Choice organizations in designated areas are determined in accordance with a competitive pricing methodology.

Section 4012 of the BBA requires the Secretary to appoint a Competitive Pricing Advisory Committee (the CPAC). The CPAC will meet periodically to make recommendations to the Secretary concerning the designation of areas for inclusion in the project and appropriate research design for implementing the project.

The CPAC consists of 15 individuals who are independent actuaries; experts in competitive pricing and the administration of the Federal Employees Health Benefit Program; and representatives of health plans, insurers, employers, unions, and beneficiaries. In accordance with section 4012(a)(5) of the BBA, the CPAC will terminate on December 31, 2004.

The CPAC held its first meeting on May 7, 1998, its second meeting on June 24 and 25, 1998, and its third meeting on September 23 and 24, 1998. The CPAC members are: James Cubbin, Executive Director, General Motors Health Care Initiative; Robert Berenson, M.D., Director, Center for Health Plans and Providers, HCFA; John Bertko, CEO and Senior Actuary, PM-Squared Inc.; Dave Durenberger, Senior Health Policy Fellow, University of St. Thomas and Founder of Public Policy Partners; Gary Goldstein, M.D., CEO, The Oschner Clinic; Samuel Havens, Healthcare Consultant and Chairman of Health Scope/United; Margaret Jordan, Healthcare Consultant and CEO, The Margaret Jordan Group; Chip Kahn, CEO, The Health Insurance Association of America; Cleve Killingsworth, President, Health Alliance Plan; Nancy Kichak, Director, Office of Actuaries, Office of Personnel Management; Len Nichols, Principal Research Associate, The Urban Institute; Robert Reischauer, Senior Fellow, The Brookings Institute; John Rother, Director, Legislation and Public Policy, American Association of Retired Persons; Andrew Stern, President, Service Employees International Union, AFL-CIO; and Jay Wolfson, Director, The Florida Information Center, University of South Florida. The Chairperson is James Cubbin and the Co-Chairperson is Robert Berenson, M.D.

The agenda will include a discussion and preliminary selection of demonstration sites, development of evaluation questions and data requirements, and recommendations for Area Advisory Committee discussions.

Individuals or organizations that wish to make 5-minute oral presentations on the agenda issues should contact Lu Zawistowich, Sc.D., CPAC Executive Director, Health Care Financing Administration, 7500 Security Boulevard C4–14–17, Baltimore, Maryland 21244–1850, (410) 786–6451, by 12 noon, October 21, 1998. The number of oral presentations may be limited by the time available. A written copy of the oral remarks should be submitted to the Executive Director no later than 12 noon, October 23, 1998. Anyone who is not scheduled to speak may submit written comments to the Executive Director by 12 noon, October 23, 1998.

The meeting is open to the public, but attendance is limited to the space available.

(Section 4012 of the Balanced Budget Act of 1997, Public Law 105–33 (42 U.S.C. 1395w–23 note) and section 10(a) of Public Law 92–463 (5 U.S.C. App.2, section 10(a))

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: October 6, 1998.

Nancy-Ann Min DeParle,

Administrator,

Health Care Financing Administration.

[FR Doc. 98–27515 Filed 10–9–98; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Comment Request

In compliance with the requirement for opportunity for public comment on proposed data collection projects (section 3506(c)(2)(A) of Title 44, United States Code, as amended by the Paperwork Reduction Act of 1995, Pub. L. 104–13), the Health Resources and Services Administration (HRSA) publishes periodic summaries of proposed projects being developed for submission to OMB under the Paperwork Reduction Act of 1995. To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, call the HRSA Reports Clearance Officer on (301) 443–1891.

Comments Are Invited On

(a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: Survey of Provider Practices in Retrieving Statewide Authorized Newborn Screening Results NEW

The ability of the primary care pediatrician to access rapidly the results of mandated State newborn screening test results for their patients may suffer from poor communication from the State newborn screening system. The purpose of this preliminary survey is:

(1) To determine current practices of primary care pediatricians in retrieving results of Statewide newborn screening tests;

(2) To assess the effectiveness and timeliness of State newborn screening systems in providing results to the primary care pediatrician; and,

(3) To assess the satisfaction of primary care pediatricians with the communication and retrieval aspects of the mandated State newborn screening system.

This survey is being conducted in order to obtain more direct information regarding current practices as they impact on the primary care providers ability to access, retrieve and document the results of newborn screening. The study population will consist of 4,000 randomly selected board certified primary care pediatricians who are members of the American Academy of Pediatrics. An assessment of current practices in retrieving results of Statewide newborn screening will be accomplished using a self-administered mail questionnaire.

The estimated respondent burden is as follows:

Type of respondent	Number of respondents	Responses per respondent	Hours per response	Total burden hours
Pediatricians	4,000	1	8 minutes	533

Send comments to Susan G. Queen, Ph.D., HRSA Reports Clearance Officer, Room 14–33, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received within 60 days of this notice.

Dated: October 5, 1998.

Jane Harrison,

Director, Division of Policy Review and Coordination.

[FR Doc. 98–27287 Filed 10–9–98; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Sickle Cell Disease Advisory Committee.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: Sickle Cell Disease Advisory Committee.

Date: November 13, 1998.

Time: 9:00 AM to 5:00 PM.

Agenda: To discuss recommendations on the implementation and evaluation of the NHLBI sickle cell disease program.

Place: National Institutes of Health, Two Rockledge Center, Conference Room 9104, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Elaine Sloand, MD, Acting Director, Division of Blood Diseases and Resources, National Heart, Lung, and Blood Institute, Two Rockledge Center, Suite 10160, 6701 Rockledge Drive, Bethesda, MD 20892, (301/435–0080.

(Catalogue of Federal Domestic Assistance Program Nos. 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: October 5, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–27381 Filed 10–9–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; 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 552(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 of Neurological Disorders and Stroke Special Emphasis Panel.

Date: October 14, 1998.

Time: 1:00 PM to 2:00 PM.

Agenda: To review and evaluate contract proposals.

Place: National Institute of Neurological Disorders and Stroke, Federal Building, Room 9C10, 7550 Wisconsin Avenue, Bethesda, MD 20892–9175, (Telephone Conference Call).

Contact Person: Phillip F. Wiethorn, Scientific Review Administrator, Scientific Review Branch, Division of Extraumural Activities, NINDS, National Institutes of Health, PHS, DHHS, Federal Building, Room 9C10, 7550 Wisconsin Avenue, Bethesda, MD 20892, 301–496–9223.

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. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: October 5, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–27382 Filed 10–9–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4385–D–01]

Designation of Senior Procurement Executive and Revocation and Delegation of Procurement Authority

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of designation of Senior Procurement Executive and revocation and delegation of procurement authority.

SUMMARY: In this Notice, the Secretary of Housing and Urban Development transfers the designation of Senior Procurement Executive from the Assistant Secretary for Administration

to the Chief Procurement Officer, and transfers all procurement authority for the Department to the Chief Procurement Officer.

EFFECTIVE DATE: October 6, 1998.

FOR FURTHER INFORMATION CONTACT: Edward L. Girovasi, Jr., Director, Policy and Field Operations Division, Office of Procurement and Contracts, Room 5262, 451 7th Street SW., Washington, DC 20410, (202) 708–0294 (this is not a toll-free number). 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: HUD is implementing a major agency-wide improvement effort. The details of this reform effort are set forth in the HUD 2020 Management Reform Plan, which was published in the **Federal Register** on August 12, 1997 (62 FR 43204). The reforms are directed toward: (1) empowering people and communities to improve themselves; and (2) restoring the public trust in the Department's programs and operations.

As part of Secretary Cuomo's efforts to redesign the contract performance process to improve management oversight and operations, the Secretary recently created the position of Chief Procurement Officer. The Chief Procurement Officer, who will report directly to the Deputy Secretary, will be responsible for all Departmental procurement activities and for leading the implementation of contracting best practices and reforms.

This Notice presents a major step toward reforming the Department's procurement activities. In this Notice, the Secretary of Housing and Urban Development revokes the Notice of Delegation of Authority published in the **Federal Register** on April 15, 1994 (59 FR 18276), which designated the Assistant Secretary for Administration as the Department's Senior Procurement Executive, and which delegated all procurement authority for the Department to the Assistant Secretary for Administration. The Secretary of Housing and Urban Development then designates the Chief Procurement Officer as the Department's Senior Procurement Executive and delegates all procurement authority for the Department to the Chief Procurement Officer.

Accordingly, the Secretary of Housing and Urban Development hereby revokes, designates and delegates as follows:

Section A. Authority Revoked

This document revokes the Notice of Delegation of Authority published in the **Federal Register** on April 15, 1994 (59 FR 18276), which designated the Assistant Secretary for Administration as the Department's Senior Procurement Executive, and which delegated all procurement authority for the Department to the Assistant Secretary for Administration.

Section B. Designation and Delegation of Authority

The Chief Procurement Officer is herein designated as the Department's Senior Procurement Executive, and is authorized to exercise all duties, responsibilities, and powers of the Secretary with respect to Departmental procurement. The authority delegated to the Chief Procurement Officer includes the following duties, responsibilities and powers:

1. Authority to enter into, administer, and/or terminate all procurement contracts and interagency agreements within the Department and make related determinations and findings. Included within the authority delegated herein is the authority to order debarment, suspension, and/or limited denial of participation sanctions, pursuant to HUD regulations at 24 CFR part 24.

2. Responsibility for procurement program development, including:

(a) Implementation of procurement initiatives, best practices, and reforms;

(b) In coordination with the Office of Federal Procurement Policy, determination of specific areas where Government-wide performance standards should be established and applied, and development of Government-wide procurement policies, regulations, and standards;

(c) Establishment and maintenance of an evaluation program for all procurement activities within the Department;

(d) Development of programs to enhance the professionalism of the Department's procurement work force, including the establishment of educational, training and experience requirements for procurement personnel; and,

(e) Development of all Departmental procurement policy, regulations and procedures.

Section C. Authority To Issue Rules and Regulations

The Chief Procurement Officer is authorized to issue such rules and regulations as may be necessary to carry out the authority delegated under Section B.

Section D. Authority To Redelegate

The Chief Procurement Officer is authorized to redelegate to qualified employees of the Department any of the authority delegated under Section B.

Authority: 41 U.S.C. 414(2) and (3); Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: October 6, 1998.

Andrew Cuomo,

Secretary.

[FR Doc. 98–27313 Filed 10–9–98; 8:45 am]

BILLING CODE 4210–32–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4386–D–01]

Revocation and Redelegation of Procurement Authority

AGENCY: Office of the Chief Procurement Officer, HUD.

ACTION: Notice of revocation and redelegation of procurement authority.

SUMMARY: In this Notice, the Chief Procurement Officer revokes all current redelegations of procurement authority and redelegates procurement authority to the Director, Office of Procurement and Contracts. The Director, Office of Procurement and Contracts further redelegates certain procurement authority to each Director, Field Contracting Operations.

EFFECTIVE DATE: October 6, 1998.

FOR FURTHER INFORMATION CONTACT: Edward L. Girovasi, Jr., Director, Policy and Field Operations Division, Office of Procurement and Contracts, Room 5262, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; telephone (202) 708–0294 (this is not a toll-free number). 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: HUD is implementing a major agency-wide improvement effort. The details of this reform effort are set forth in the HUD 2020 Management Reform Plan, which was published in the **Federal Register** on August 12, 1997 (62 FR 43204). The reforms are directed toward: (1) empowering people and communities to improve themselves; and (2) restoring the public trust in the Department's programs and operations.

In an accompanying Notice published elsewhere in today's **Federal Register**, the Secretary of HUD transfers the designation of Senior Procurement Executive from the Assistant Secretary for Administration to the Chief Procurement Officer, and transfers all Departmental procurement authority to

the Chief Procurement Officer. In this Notice, the Chief Procurement Officer revokes all existing procurement authority previously redelegated, including the Notice of Revocation and Redelegation of Procurement Authority published in the **Federal Register** on August 4, 1995 (60 FR 39963), and with respect to the Government National Mortgage Association (GNMA), the Notice of Redelegation of Procurement Authority, published in the **Federal Register** on April 15, 1994 (59 FR 18277). The Chief Procurement Officer then redelegates this authority to the Director, Office of Procurement and Contracts, with authority to make further redelegations to qualified headquarters and field staff. The Director, Office of Procurement and Contracts further redelegates certain authority to each Director, Field Contracting Operations.

While this Notice revokes GNMA's procurement authority with respect to GNMA's programmatic functions, this Notice does not preclude or limit the authority of GNMA to enter into and enforce its non-procurement agreements with the issuers of mortgage-backed securities, to guarantee such securities and to exercise its ownership rights in the mortgages constituting the trust or pool against which the securities are issued, as authorized under section 306(g) of the National Housing Act (12 U.S.C. 1721) and 24 CFR part 300 *et seq.*

As a result of these changes, all operational contracting activities, except simplified acquisitions and contract ordering, will be performed by Office of Procurement and Contracts staff in headquarters and field offices. Consolidating all operational activity within a single office, which reports directly to the Chief Procurement Officer, will assure that the Department's procurement reform initiatives and policies are implemented in a consistent manner.

Accordingly, the Chief Procurement Officer revokes and redelegates authority, and the Director, Office of Procurement and Contracts further redelegates authority as follows:

Section A. Authority Revoked

This document revokes the Notice of Revocation and Redelegation of Procurement Authority published in the **Federal Register** on August 4, 1995 (60 FR 39963), which had previously redelegated all Departmental procurement authority. Included within the authority revoked by the present document is procurement authority with respect to GNMA's programmatic functions, which had been redelegated to the President of GNMA in the Notice of Redelegation of Procurement Authority, published in the **Federal Register** on April 15, 1994 (59 FR 18277), and was left unchanged by the August 4, 1995 **Federal Register** notice.

Section B. Authority Redelegated

The Chief Procurement Officer, designated as the Department's Senior Procurement Executive, redelegates to the Director, Office of Procurement and Contracts, designated as the Department's principal Contracting Officer, the power and authority to:

1. Enter into, administer, and/or terminate all procurement contracts and interagency agreements for property and services required by the Department (including the placement of paid advertisements in newspapers) and make related determinations and findings;

2. Order debarment, suspension, and/or limited denial of participation sanctions, pursuant to HUD regulations at 24 CFR part 24; and

3. Further redelegate the following authority which has been redelegated in this notice, to the headquarters and field personnel identified below, provided they meet experience, education, and training requirements established by the Chief Procurement Officer:

(a) The authority identified in Section B.1. above, to qualified headquarters Office of Procurement and Contracts personnel by way of Certificates of Appointment;

(b) The authority identified in Section B.1. above, and the authority to order limited denial of participation sanctions identified in Section B.2. above, to the Directors, Field Contracting Operations; and

(c) To qualified Departmental employees, the authority to engage in the following purchasing procedures:

(i) Simplified acquisitions (FAR Part 13);

(ii) Issuance of orders under contracts established by other Government sources (FAR Part 8, e.g., GSA Federal Supply Schedules) or under pre-priced indefinite-delivery contracts established by the Department; and

(iii) Purchases using the Governmentwide Commercial Credit Card system in accordance with the Department's directives governing credit card purchasing. Authority redelegated to the Commercial Credit Card Program Administrator may be further redelegated by the Program Administrator to qualified headquarters employees for purchases within the micropurchase threshold established in FAR Part 13.

Section C. Authority Further Redelegated

The Director, Office of Procurement and Contracts, hereby designates each Director, Field Contracting Operations as a Contracting Officer and redelegates to each Director, Field Contracting Operations the power and authority, subject to any limitations imposed by the Chief Procurement Officer, to:

1. Enter into, administer, and/or terminate all procurement contracts and interagency agreements for property and services required by the Department (including the placement of paid advertisements in newspapers) and make related determinations and findings with regard to: activities within his or her Field Contracting Operations service area; or, activities which may be national in scope or which cover more than one Field Contracting Operations service area when specifically delegated by the Director, Office of Procurement and Contracts;

2. Order a limited denial of participation sanction, pursuant to HUD regulations at 24 CFR 24.700;

3. Further redelegate the award and administration of an individual or class of procurement contracts or interagency agreements to another Director, Field Contracting Operations, with the concurrence of the Director, Office of Procurement and Contracts;

4. Further redelegate, by way of Certificates of Appointment, the authority redelegated in paragraph C.1., above, to Field Contracting Operations personnel, provided that they meet experience, education, and training requirements established by the Chief Procurement Officer; and

5. Further redelegate the following authority which has been redelegated in this notice, to qualified Departmental employees within the service area of the Field Contracting Operations:

(a) Simplified acquisitions (FAR Part 13);

(b) Issuance of orders under contracts established by other Government sources (FAR Part 8, e.g. GSA Federal Supply Schedules) or under pre-priced indefinite-delivery contracts established by the Department; and

(c) Purchases using the Governmentwide Commercial Credit Card system, in accordance with the Department's directives governing credit card purchasing. Authority redelegated to the Director, Administrative Service Center, and Director, Administrative Resources Division may be further redelegated by those Directors to qualified field personnel within the service area for purchases within the micropurchase threshold established in FAR Part 13.

Section D. No Authority To Further Redelegate

Except as provided above, the authority redelegated in Sections B and C, above, do not include the authority to further redelegate.

Authority: Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: October 6, 1998.

V. Stephen Carberry,

Chief Procurement Officer.

Craig E. Durkin,

Director, Office of Procurement and Contracts.

[FR Doc. 98–27314 Filed 10–9–98; 8:45 am]

BILLING CODE 4210–32–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Information Collection Submitted to the Office of Management and Budget (OMB) for Approval Under the Paperwork Reduction Act

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The information collection requirements to issue a user permit by the Fish and Wildlife Service (Service) for access to units of the National Wildlife Refuge System outside Alaska have been submitted to OMB for approval under the provisions of the Paperwork Reduction Act of 1995. The Service may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB Control Number. Copies of specific information collection requirements, related forms and explanatory material may be obtained by contacting the Service Information Collection Clearance officer at the address and/or phone numbers listed below.

DATES: Comments must be submitted on or before November 12, 1998.

ADDRESSES: Comments and suggestions on specific requirements should be sent directly to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of the Interior Desk Officer, 725–17th Street, NW., Washington, DC 20503; and a copy to the Service's Information Collection Clearance Officer, U.S. Fish and Wildlife Service, [MS 222 ARLSQ], 1849 C Street, NW., Washington, DC 20240, or electronically at: mullenr@fws.gov.

FOR FURTHER INFORMATION CONTACT: Leslie A. Marler, Management Analyst, Division of Refuges, 703/358–2397.

SUPPLEMENTARY INFORMATION: The Service submitted the following proposed information collection clearance requirement to OMB for review and approval under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden, including the validity of the methodology and assumptions used; (3) ways to enhance quality, utility, and clarity of the information to be collected; and, (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

The issuance of a Permit by the Fish and Wildlife Service for access to units of the National Wildlife Refuge System outside of Alaska is authorized by: the National Wildlife Refuge System Administration Act (16 U.S.C. 668dd—668ee) as amended; and the Refuge Recreation Act, (16 U.S.C. 460K); and, as implemented by regulations in 50 CFR 25, subpart D.

The information requested prior to issuing the Permit is required to obtain a benefit, and will assist the Service in administering System programs in accordance with the above statutory authorities. The Improvement Act requires that a wildlife dependent recreational use or any other uses of a refuge that, in the sound professional judgment of the Director, will not materially interfere with or detract from the fulfillment of the mission of the System or the purposes for which the refuge was established. The information is needed by the Service to make this determination before a permit can be issued.

The permit is required for any person entering a national wildlife refuge, unless otherwise provided under the provisions of 50 CFR, subchapter C. The permittee must abide by all the terms and conditions set forth in the permit.

Information collected in submitting an application for a permit, prior to issuing a permit, may be used to evaluate and conclude the eligibility of, or merely document, permit applicants. The Service will require the use of permits as a condition in new and revised regulations pursuant to the Refuge Improvement Act.

The Service will provide Special Use Permit forms as requested by interested citizens. Responses to information collection is required to obtain a Refuge Special Use Permit. The required written forms and/or verbal application information will be used by the Service to ensure that the applicant is eligible to receive a Permit.

Title: United States Department of the Interior, Fish and Wildlife Service, Special Use Permit.

Bureau form number: 3–1383.

Frequency of collection: Several each day.

Description of respondents: Individuals or households; State, local, or Tribal governments; businesses or other for profit and not-for-profit institutions.

Number of respondents: 10,000.

Estimated completion time: The reporting burden for FWS Form 3–1383 (Special Use Permit) is estimated to be 30 minutes.

Burden estimate: 5,000 hours.

Dated: August 12, 1998.

Cathy Short,

Acting Assistant Director for Refuges and Wildlife.

[FR Doc. 98–27342 Filed 10–9–98; 8:45 am]

BILLING CODE 4310–55–U

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK 042 06 1220 00]

Notice of Closure of Campbell Tract

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of closure of Campbell Tract to:

1. Use of motor vehicles except on designated roads
2. Use of firearms, air guns, paint guns, archery equipment, traps or snares
3. Dogs and domesticated animals not on a leash
4. Building fires
5. Camping
6. Consumption of alcohol
7. Use or possession of fireworks
8. Building structures or shelters
9. Constructing trails.

SUMMARY: Closure of all lands and waters, within the 730 acre Campbell Tract, Anchorage Field Office, to the use of motor vehicles, firearms, archery, traps, unleashed dogs, campfires, camping, consumption of alcohol, fireworks, building of structures, unauthorized trail construction. This

closure is being established to provide for consistency with existing municipal ordinances on adjacent park lands, and for implementation of visitor safety and resource protection policies as established in the Campbell Tract Facility Management Plan.

EXCLUSIONS: All federal, state and municipal employees engaged in official duties, authorized users under special permit.

EFFECTIVE DATE: These closures on Campbell Tract are effectiveNovember 20, 1998 and will remain in effect until amended or rescinded by the authorized officer.

ADDRESSEES: for further information contact Nick Douglas, Field Manager, Bureau of Land Management (BLM), Anchorage Field Office, 6881 Abbott Loop Road, Anchorage, Alaska 99507.

FOR FURTHER INFORMATION CONTACT: Nancy Stimson, 907–267–1278.

SUPPLEMENTARY INFORMATION: Authority for these closures is contained in CFR Title 43, Part 8360, Subparts 8365.1, 83651–6.

Dated: October 5, 1998.

Tom Allen,

State Director, Alaska.

[FR Doc. 98–27323 Filed 10–9–98; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UT–048–1220–00]

Notice of Intent To Amend Plan

AGENCY: Bureau of Land Management, Interior

ACTION: Notice of Intent to prepare a proposed plan amendment for the Escalante Management Framework Plan

SUMMARY: This notice is to advise the public that the Bureau of Land Management proposes to amend the Escalante Management Framework Plan (MFP) to re-allocate forage in certain allotments of the Escalante area of the Grand Staircase-Escalante National Monument.

DATES: The comment period on the proposed amendment will commence with publication of this notice. Comments are due within 30 days from the date of publication of this notice.

FOR FURTHER INFORMATION CONTACT: Gregg Christensen, Area Manager, Escalante Resource Area, 755 West Main, P. O. Box 225, Escalante, Utah 84726, 801–826–4291.

SUPPLEMENTARY INFORMATION: Two permittees have voluntarily relinquished either part or all of their grazing privileges. The proposed action is to close the Escalante River, Phipps, Saltwater Creek and Steep Creek allotments and close portions of the Big Bowns Bench, Deer Creek, and McGath Point allotments to grazing and re-allocate the AUMs for wildlife, watershed conservation, riparian and fisheries. It is also proposed that adjustments in the carrying capacity may be implemented in the Moody and Wagon Box Mesa allotments. An environmental assessment will be prepared by an interdisciplinary team to analyze the impacts of this proposal and alternatives.

Dated: October 6, 1998.

Douglas M. Koza,

Acting State Director.

[FR Doc. 98–27375 Filed 10–9–98; 8:45 am]

BILLING CODE 4310–DQ–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–030–08–1010–00–1784]

Southwest Resource Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice; Resource Advisory Council meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act (5 USC), notice is hereby given that the Southwest Resource Advisory Council (Southwest RAC) will meet in Paonia, Colorado.

DATES: The meeting will be on Thursday, November 12, 1998.

ADDRESSES: For additional information, contact Roger Alexander, Bureau of Land Management (BLM), Montrose District Office, 2465 South Townsend Avenue, Montrose, Colorado 81401; telephone 970–240–5335; TDD 970–240–5366; e-mail r2alexan@co.blm.gov

SUPPLEMENTARY INFORMATION: The November 12, 1998, meeting will begin at 9:00 a.m. at the Senior Citizens Center, 106 3rd Street, in Paonia, Colorado. The morning agenda will include public comment at 9:30 a.m. followed by an update on the Bowie coal lease application. The afternoon agenda will include discussions on BLM's grazing permit renewal process and how rapid assessment is being used to assess the standards for public land health.

All Resource Advisory Council meetings are open to the public. Interested persons may make oral statements to the Council, or written statements may be submitted for the Council's consideration. If necessary, a per-person time limit may be established by the Montrose District Manager.

Summary minutes for Council meetings are maintained in the Montrose District Office and on the Internet at http://www.co.blm.gov/mdo/mdo__sw__rac.htm and are available for public inspection and reproduction within thirty (30) days following each meeting.

Dated: October 5, 1998.

Roger Alexander,

Public Affairs Specialist.

[FR Doc. 98–27317 Filed 10–9–98; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UT–912–0777–30]

Resource Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Resource Advisory Council meeting.

SUMMARY: The Utah Bureau of Land Management's Resource Advisory Council (RAC) has scheduled a meeting for November 5–6, 1998, in Cedar City, Utah. On November 5, a field tour is planned to see the deer winter range treatment at the Parowan Front; water quality improvements at the Beaver River Watershed; Greenville Bench improvements; a follow-up on the results of the fire rehabilitation in the Mineral Mountains; implementation of the Standards and Guidelines, Prairie Dog HCP-relocation; and wild horse issues. The tour will depart from the Bureau of Land Management's Cedar City Field Office at 8:00 a.m.

On November 6, 1 half-day meeting will be held at the Southern Utah University's Charles Hunter Conference Center. Topics of discussion are as follows: Introduction of new members; Land Exchanges—Tortoise and SITLA; Dixie RMP; GSENM update; 3809 Mining Regulations; and an Update on RAC Subgroup (Comb Wash) report.

A public comment period is scheduled for November 6, from 8:00–8:30 a.m. Anyone wishing to address the Council or attend this meeting should contact Sherry Foot, Bureau of Land Management, at (801) 539–4195. Resource Advisory Council Meetings are open to the pubic; however, transportation, meals, and overnight

accommodations are the responsibility of the participating public.

FOR FURTHER INFORMATION CONTACT: Should you have any additional questions or concerns, contact Sherry Foot, Special Programs Coordinator, Bureau of Land Management, at (801) 539–4195.

Dated: October 5, 1998.

G. William Lamb,

State Director.

[FR Doc. 98–27376 Filed 10–9–98; 8:45 am]

BILLING CODE 4310–DQ–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–989–1050–00–P]

Filing of Plats of Survey; Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The plats of survey of the following described lands are scheduled to be officially filed in the Wyoming State Office, Cheyenne, Wyoming, thirty (30) calendar days from the date of this publication.

Sixth Principal Meridian, Wyoming

T. 44 N., R. 75 W., accepted September 28, 1998
T. 45 N., R. 76 W., accepted September 28, 1998
T. 50 N., R. 66 W., accepted September 28, 1998
T. 50 N., R. 67 W., accepted September 28, 1998
T. 45 N., R. 74 W., accepted September 28, 1998
T. 46 N., R. 74 W., accepted September 28, 1998
T. 46 N., R. 75 W., accepted September 28, 1998
T. 47 N., R. 74 W., accepted September 28, 1998
T. 48 N., R. 74 W., accepted September 28, 1998
T. 52 N., R. 71 W., accepted September 28, 1998
T. 53 N., R. 71 W., accepted September 28, 1998
T. 52 N., R. 72 W., accepted September 28, 1998
T. 40 N., R. 81 W., accepted September 28, 1998

Sixth Principal Meridian, Nebraska

T. 9 N., R. 13 W., accepted September 28, 1998
T. 9 N., R. 14 W., accepted September 28, 1998
T. 8 N., R. 15 W., accepted September 28, 1998
T. 9 N., R. 15 W., accepted September 28, 1998
T. 8 N., R. 16 W., accepted September 28, 1998
T. 12 N., R. 12 W., accepted September 28, 1998
T. 24 N., R. 10 E., accepted September 28, 1998

If protests against a survey, as shown on any of the above plats, are received prior to the official filing, the filing will be stayed pending consideration of the protest(s) and/or appeal(s). A plat will not be officially filed until after disposition of protest(s) and/or appeal(s).

These plats will be placed in the open files of the Wyoming State Office, Bureau of Land Management, 5353 Yellowstone Road, Cheyenne, Wyoming, and will be available to the public as a matter of information only. Copies of the plats will be made available upon request and prepayment of the reproduction fee of $1.10 per copy.

A person or party who wishes to protest a survey must file with the State Director, Bureau of Land Management, Cheyenne, Wyoming, a notice of protest prior to thirty (30) calendar days from the date of this publication. If the protest notice did not include a statement of reasons for the protest, the protestant shall file such a statement with the State Director within thirty (30) calendar days after the notice of protest was filed.

The above-listed plats represent dependent resurveys, subdivision of sections.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, P.O. Box 1828, 5353 Yellowstone Road, Cheyenne, Wyoming 82003.

Dated: September 30, 1998.

John P. Lee,

Chief Cadastral Survey Group.

[FR Doc. 98–27281 Filed 10–9–98; 8:45 am]

BILLING CODE 4310–22–M

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Intent to Repatriate Cultural Items from Oregon in the Possession of the Museum of Indian Arts and Culture, Laboratory of Anthropology, Museum of New Mexico, Santa Fe, NM

AGENCY: National Park Service, DOI.

ACTION: Notice.

Notice is hereby given under the Native American Graves Protection and Repatriation Act, 43 CFR 10.10 (a)(3), of the intent to repatriate cultural items from Oregon in the possession of the Museum of Indian Arts and Culture, Laboratory of Anthropology, Museum of New Mexico, Santa Fe, NM which meet the definition of ''unassociated funerary object'' under Section 2 of the Act.

The cultural items are 96 glass trade beads.

Before 1937, these cultural items were removed from a Native American grave near Oregon City, OR by person(s) unknown. In 1937, these cultural items were donated to the Laboratory of Anthropology by an unknown donor. In 1947, the Laboratory of Anthropology became part of the Museum of New Mexico. The human remains from this burial were not donated to the Museum, and their disposition is unknown.

Based on the type and condition of these cultural items, the burial from which they were removed has been dated to first half of the nineteenth century. During the nineteenth century, the area surrounding Oregon City, OR was inhabited by the Santiam Calapooia, the Tualatin Calapooia, the Clowewlla of the Tumwater, and the Northern Molalla, or Clackamas Chinook. In 1855, these communities were confederated and relocated to Grand Ronde, OR, and are now identified as the Confederated Tribes of the Grand Ronde Community of Oregon.

Based on the above-mentioned information, officials of the Museum of Indian Arts and Culture/Laboratory of Anthropology, Museum of New Mexico have determined that, pursuant to 43 CFR 10.2 (d)(2)(ii), these cultural items are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of an Native American individual. Officials of the Museum of Indian Arts and Culture/ Laboratory of Anthropology, Museum of New Mexico have also determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity which can be reasonably traced between these items and the Confederated Tribes of the Grand Ronde Community of Oregon.

This notice has been sent to officials of the Confederated Tribes of the Grand Ronde Community of Oregon. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these objects should contact Patricia House, Director, Museum of Indian Arts and Cultures/ Laboratory of Anthropology, Museum of New Mexico, P.O. Box 2087, Santa Fe, NM 87504–2087; telephone: (505) 827–6344 before November 12, 1998. Repatriation of these objects to the Confederated Tribes of the Grand Ronde Community of Oregon may begin after

that date if no additional claimants come forward.

Dated: October 1, 1998.

Francis P. McManamon,

Departmental Consulting Archeologist, Manager, Archeology and Ethnography Program.

[FR Doc. 98–27319 Filed 10–9–98; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects from Pecos Valley, NM in the Possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA; and the Robert S. Peabody Museum of Archaeology, Phillips Academy, Andover, MA.

AGENCY: National Park Service, DOI.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects from Pecos Valley, NM in the possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA; and the Robert S. Peabody Museum of Archaeology, Phillips Academy, Andover, MA.

A detailed assessment of the human remains was made by Peabody Museum of Archaeology and Ethnology and Robert S. Peabody Museum of Archaeology professional staff in consultation with representatives of the Apache Tribe of Oklahoma, the Comanche Tribe of Oklahoma, the Hopi Tribe, the Jicarilla Apache Tribe, the Kiowa Tribe, the Mescalero Apache Tribe, the Navajo Nation, Pueblo of Cochiti, the Pueblo of Jemez, Pueblo of Santo Domingo, the Pueblo of Zuni, and the Wichita and Affiliated Tribes.

Between 1915-1929, human remains representing four individuals were recovered from Dick's Pueblo during excavations conducted under the auspices of Phillips Academy by Alfred Vincent Kidder. No known individuals were identified. The one associated funerary object is a ceramic vessel and bone tube.

Based on ceramic types recovered at the site, Dick's Pueblo was occupied during the late precontact period, 1300-1450 A.D.; and based on archeological evidence, including ceramic analysis and evidence of abandonment concurrent with the emergence of Pecos Pueblo suggesting migration from Dick's Pueblo to the Pecos Pueblo as part of a pattern of coalescence of all Pecos Valley sites to the Pecos Pueblo; Dick's Pueblo is known to be ancestral to Pecos Pueblo. Continuities of material culture, historical evidence, ethnographic evidence, and oral tradition provided during consultation by representatives of the Pueblo of Jemez indicate that Pecos Pueblo is a continuing and distinct social, political, and religious division within the Pueblo of Jemez.

Between 1915-1929, human remains representing 115 individuals were recovered from the Forked Lightning Pueblo during excavations conducted under the auspices of Phillips Academy by Alfred Vincent Kidder. No known individuals were identified. The 27 associated funerary objects include bone awls, bone tubes, a bone whistle, stone axes, a medicine stone, a paint stone, a shrine stone, a ceramic olla, ceramic vessels, medicine outfits, projectile points, and modified faunal remains.

Based on the ceramic types recovered at the site, Forked Lightning Pueblo was occupied during the late precontact period, 1175-1400 A.D.; and, based on archeological evidence, including ceramic analysis and evidence of abandonment concurrent with the emergence of Pecos Pueblo suggesting migration from Forked Lightning Pueblo to the Pecos Pueblo as part of a pattern of coalescence of all Pecos Valley sites to the Pecos Pueblo; Forked Lightning Pueblo is known to be ancestral to Pecos Pueblo. Continuities of material culture, historical evidence, ethnographic evidence, and oral tradition provided during consultation by representatives of the Pueblo of Jemez indicate that Pecos Pueblo is a continuing and distinct social, political, and religious division within the Pueblo of Jemez. Additionally, collections from the Forked Lightning Pueblo are recognized and still used by religious leaders from the Pueblo of Jemez.

Between 1915-1929, human remains representing four individuals were recovered from Loma Lothrop during excavations conducted under the auspices of Phillips Academy by Alfred Vincent Kidder. No known individuals were identified. The two associated funerary objects are a bone awl and a ceramic vessel.

Based on the ceramic types recovered at the site, Loma Lothrop was occupied during the late precontact period, 1315-1450 A.D.; and, based on archeological evidence, including ceramic analysis and evidence of abandonment concurrent with the emergence of Pecos Pueblo suggesting migration from Loma Lothrop to the Pecos Pueblo as part of a pattern of coalescence of all Pecos Valley sites to the Pecos Pueblo; Loma Lothrop is known to be ancestral to Pecos Pueblo. Continuities of material culture, historical evidence, ethnographic evidence, and oral tradition provided during consultation by representatives of the Pueblo of Jemez indicate that Pecos Pueblo is a continuing and distinct social, political, and religious division within the Pueblo of Jemez.

Between 1915-1929, human remains representing 11 individuals were recovered from Rowe Pueblo during excavations conducted under the auspices of Phillips Academy by Alfred Vincent Kidder. No known individuals were identified. The six associated funerary objects include ceramic vessels and a ceramic pipe.

Based on the ceramic types recovered at the site, Rowe Pueblo was occupied during the late precontact period, 1250-1450 A.D.; and, based on archeological evidence, including ceramic analysis and evidence of abandonment concurrent with the emergence of Pecos Pueblo suggesting migration from Rowe Pueblo to the Pecos Pueblo as part of a pattern of coalescence of all Pecos Valley sites to the Pecos Pueblo; Rowe Pueblo is known to be ancestral to Pecos Pueblo. Continuities of material culture, historical evidence, ethnographic evidence, and oral tradition provided during consultation by representatives of the Pueblo of Jemez indicate that Pecos Pueblo is a continuing and distinct social, political, and religious division within the Pueblo of Jemez.

Between 1915-1929, human remains representing 1,788 individuals were recovered from Pecos Pueblo and mission church sites during excavations conducted under the auspices of Phillips Academy by Alfred Vincent Kidder. No known individuals were identified. The 498 associated funerary objects include ceramic vessels, bone awls, bone beads, effigies, bone tubes, ceramic fragments, projectile points, stone scrapers, chipped stone implements, a red paint stone, stone pendants, shell pendants, ceramic ladles, ceramic pipes, wrappings, soil samples, antler tools, faunal bone implements, stone knives, stone drills, pieces of obsidian, lumps of paint, hammerstones, stone shaft straighteners, a stone palette, faunal remains, fossils, a piece of copper ore, polishing stones, and textiles.

Between 1915-1929, 19 cultural items were recovered from three caches in Pecos Pueblo during excavations conducted by Phillips Academy under the direction of Alfred Vincent Kidder.

These associated funerary objects include four anthropomorphic figures, one piece of china, eight ground and pecked stones, and six other items including lime covered quartz, volcanic stones, and a possible plume holder.

Based on consultation evidence presented by representatives of the Pueblo of Jemez, the four anthropomorphic figures were made exclusively for burial in these caches and are intended to represent human remains. Consultation evidence further indicates that the remaining 15 cultural items were intentionally placed with the six figures as associated funerary objects.

Based on the ceramic types recovered from this site, Pecos Pueblo was occupied into the historic period 1300-1700. Historic records document occupation at the site until 1838 when the last inhabitants left the Pueblo and went to the Pueblo of Jemez. In 1936, an Act of Congress recognized the Pueblo of Jemez as a ''consolidation'' and ''merger'' of the Pueblo of Pecos and the Pueblo of Jemez; this Act further recognizes that all property, rights, titles, interests, and claims of both Pueblos were consolidated under the Pueblo of Jemez.

Further evidence supporting a shared group identity between the Pecos and Jemez pueblos emerges in numerous aspects of present-day Jemez life. The 1992-1993 Pecos Ethnographic Project (unrelated to NAGPRA) states: ''[T]he cultural evidence of Pecos living traditions are 1) the official tribal government position of a Second Lieutenant/Pecos Governor; 2) the possession of the Pecos Pueblo cane of office; 3) the statue and annual feast day of Porcingula (Nuestra Senora de los Angeles) on August 2; 4) the Eagle Watchers' Society; 5) the migration of Pecos people in the early nineteenth century; 6) the knowledge of the Pecos language by a few select elders.'' (Levine 1994:2-3)

Based on the above mentioned information, officials of the Peabody Museum of Archaeology and Ethnology and the Robert S. Peabody Museum of Archaeology have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of 1,922 individuals of Native American ancestry. Officials of the Peabody Museum of Archaeology and Ethnology and the Robert S. Peabody Museum of Archaeology have also determined that, pursuant to 43 CFR 10.2 (d)(2), the 534 objects listed above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Officials of the Robert S. Peabody Museum of Archaeology have also determined that, pursuant to 43 CFR 10.2 (d)(2), the 19 objects from the three caches at Pecos Pueblo listed above are reasonably believed to have been made exclusively to be placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the Peabody Museum of Archaeology and Ethnology and the Robert S. Peabody Museum of Archaeology have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity which can be reasonably traced between these Native American human remains and associated funerary objects and the Pueblo of Jemez.

This notice has been sent to officials of the Apache Tribe of Oklahoma, the Comanche Tribe of Oklahoma, the Hopi Tribe, the Jicarilla Apache Tribe, the Kiowa Tribe, the Mescalero Apache Tribe, the Navajo Nation, Pueblo of Cochiti, the Pueblo of Jemez, Pueblo of Santo Domingo, the Pueblo of Zuni, and the Wichita and Affiliated Tribes. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact Barbara Issac, Repatriation Coordinator, Peabody Museum of Archaeology and Ethnology, 11 Divinity Ave., Cambridge, MA 022138; telephone (617) 495-2254; or James W. Bradley, Director, Robert S. Peabody Museum of Archaeology, Phillips Academy, Andover, MA 01810; telephone: (978) 749-4490, before November 12, 1998. Repatriation of the human remains and associated funerary objects to the Pueblo of Jemez may begin after that date if no additional claimants come forward.

Dated: October 2, 1998.

Francis P. McManamon,

Departmental Consulting Archeologist, Manager, Archeology and Ethnography Program.

[FR Doc. 98–27320 Filed 10–9–98; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Intent to Repatriate Cultural Items from the Pecos Valley, NM in the Possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA, and the Robert S. Peabody Museum of Archaeology, Phillips Academy, Andover, MA

AGENCY: National Park Service, DOI.

ACTION: Notice.

Notice is hereby given under the Native American Graves Protection and Repatriation Act, 43 CFR 10.10 (a)(3), of the intent to repatriate cultural items in the possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA, and the Robert S. Peabody Museum of Archaeology, Phillips Academy, Andover, MA which meet the definition of ''unassociated funerary object'' under Section 2 of the Act.

The 488 cultural items are ceramic vessels, ceramic fragments, medicine bundle contents, stone drills, bone flutes, shell tinklers, shell ornaments, shell necklaces, a concretion, bone whistles, a crystal, a bone button, effigies, pipes, bone beads, projectile points, stone scrapers, bead bracelets, turquoise pendants, shell pendants, worked shell, cordage, fossils, a clay ball, wrappings, bone tubes, bone knives, stone drills, pieces of obsidian, stone axes, polishing stones, hammerstones, shell fragments, flint chips, pebbles, wooden and copper crosses, a brush, lumps of paint, textiles, buffalo hair, moccasins, sandals, pieces of copper ore and lead ore, bone awls, and a stone pendant.

Between 1915-1929, 33 of these cultural items were recovered during the excavations of Dick's Pueblo, Forked Lightning Pueblo, Loma Lothrop, and Rowe Pueblo conducted by Alfred Vincent Kidder under the auspices of Phillips Academy, Andover, MA.

Between 1915-1929, 455 cultural items were recovered during the excavation of Pecos Pueblo conducted by Alfred Vincent Kidder under the auspices of Phillips Academy, Andover, MA.

Excavation records indicate the human remains with whom these objects were associated were not collected. Based on archaeological evidence resulting from the work of A.V. Kidder (1958) and more recent research by Linda S. Cordell (1998), as well as expert opinion of traditional religious leaders at the Pueblo of Jemez, there is a preponderance of evidence that the pueblos of Dick's Ruin, Forked Lightning, Loma Lothrop, and Rowe Pueblo coalesced at Pecos Pueblo during the 14th century.

Based on the ceramic types recovered from this site, Pecos Pueblo was occupied into the historic period 1300-1700. Historic records document occupation at the site until 1838 when the last inhabitants left the Pueblo and went to the Pueblo of Jemez. In 1936, an Act of Congress recognized the Pueblo of Jemez as a ''consolidation'' and ''merger'' of the Pueblo of Pecos and the Pueblo of Jemez; this Act further

recognizes that all property, rights, titles, interests, and claims of both Pueblos were consolidated under the Pueblo of Jemez.

Further evidence supporting a shared group identity between the Pecos and Jemez pueblos emerges in numerous aspects of present-day Jemez life. The 1992-1993 Pecos Ethnographic Project (unrelated to NAGPRA) states: ''[T]he cultural evidence of Pecos living traditions are 1) the official tribal government position of a Second Lieutenant/Pecos Governor; 2) the possession of the Pecos Pueblo cane of office; 3) the statue and annual feast day of Porcingula (Nuestra Senora de los Angeles) on August 2; 4) the Eagle Watchers' Society; 5) the migration of Pecos people in the early nineteenth century; 6) the knowledge of the Pecos language by a few select elders.'' (Levine 1994:2-3)

Based on the above mentioned information, officials of the Peabody Museum of Archaeology and Ethnology and the Robert S. Peabody Museum of Archaeology have determined that, pursuant to 43 CFR 10.2 (d)(2)(ii), these 488 cultural items are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of an Native American individual. Officials of the Peabody Museum of Archaeology and Ethnology and the Robert S. Peabody Museum of Archaeology have also determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity which can be reasonably traced between these items and the Pueblo of Jemez.

This notice has been sent to officials of the Apache Tribe of Oklahoma, the Comanche Tribe of Oklahoma, the Hopi Tribe, the Jicarilla Apache Tribe, the Kiowa Tribe, the Mescalero Apache Tribe, the Navajo Nation, Pueblo of Cochiti, the Pueblo of Jemez, Pueblo of Santo Domingo, the Pueblo of Zuni, and the Wichita and Affiliated Tribes. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these objects should contact Barbara Issac, Repatriation Coordinator, Peabody Museum of Archaeology and Ethnology, 11 Divinity Ave., Cambridge, MA 022138; telephone (617) 495-2254; or James W. Bradley, Director, Robert S. Peabody Museum of Archaeology, Phillips Academy, Andover, MA 01810; telephone: (978) 749–4490 before November 12, 1998. Repatriation of these objects to the Pueblo of Jemez may begin after that date if no additional claimants come forward.

Dated: October 2, 1998.

Francis P. McManamon,

Departmental Consulting Archeologist, Manager, Archeology and Ethnography Program.

[FR Doc. 98–27321 Filed 10–9–98; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

4.5 Foot Spillway Gate Extensions, Glen Canyon Dam

AGENCY: Bureau of Reclamation, Interior.

ACTION: Decision to postpone installation.

SUMMARY: Based upon recommendations from the Adaptive Management Work Group (AMWG), the Secretary of the Interior has decided to postpone the permanent installation of the 4.5 foot spillway gate extensions on Glen Canyon Dam. During this postponement, the operation of the dam, as stated in the Record of Decision, shall be in accordance with the Annual Operating Plan (AOP) process and shall not include the reservation of storage to compensate for space that would have been created by the installation of the spillway gate extensions.

SUPPLEMENTARY INFORMATION: Since large dam releases have significant impacts on downstream resources, the Glen Canyon Dam Environmental Impact Statement (GCDEIS) contained recommendations on restricting the frequency of large releases above powerplant capacity, citing two options for controlling such releases. The Record Of Decision (ROD) for the GCDEIS selected the option of installing spillway gate extensions rather than the option of providing a greater vacant storage space buffer to reduce the frequency of powerplant bypasses.

GCDEIS and Grand Canyon Protection Act (GCPA) Conclusions Regarding Powerplant Bypasses

The majority of the Glen Canyon Environmental Studies (GCES) Phase 1 research work took place in the mid-1980's, when the releases from Glen Canyon Dam were at an all time high since the construction of the dam. These flood flows were radically different than historic releases and caused such large downstream effects that they greatly influenced the GCES recommendations. On page 83 of the final GCES Phase 1 report, the first and foremost conclusion was that ''Adverse downstream consequences are caused primarily by sustained flood releases significantly greater than powerplant capacity and by fluctuating releases'', noting the erosive effect of floods on sand deposits and vegetation. Generally, these conclusions suggested the elimination or reduction of flood flows.

In the committee report accompanying the GCPA legislation, the Congress continued this thinking on adverse impacts by stating that ''Flood releases from the dam erode beaches used by recreational rafters and campers. The river's now reduced sediment loads are inadequate to replenish beaches, even if flood releases occur once every twenty years. Flood releases destroy riparian vegetation and birds.'' The Act did not specify remedial measures, but seemed to imply that even the aggressive spill avoidance strategy that had been implemented to reduce spill frequency might be insufficient.

These conclusions produced the GCDEIS decision to reduce the return period of powerplant bypasses above 45,000 cfs to no more than an average of 1 in 100 years. The option of installing the spillway gate extensions was selected as part of the preferred alternative instead of the option of targeting an additional 750,000 acre-feet of vacant storage space when the reservoir filled in July. The extensions were determined to be 4.5 feet in height, in contrast to the 8-foot high extensions installed during 1983. Additional questions about the need to reduce the frequency of powerplant bypasses and the desired magnitude and impacts of sustained high releases during extreme flood years now provide impetus to re-examine the original decision that an additional 750,000 acre-feet of vacant storage space is needed through the installation of the gate extensions.

The Evolution of Understanding Regarding High Releases

Despite the enormous beaches created by the 1983 spill event, the general thinking at that time was that there was a very limited supply of sediment below Glen Canyon Dam and that spills destructively moved much of this sediment out of the Grand Canyon. During the high flow years of 1984–1986, the main channel sediment storage was likely much lower than prior to 1983, and the deposition rate during the 1984–1986 spills was lower as a result. Sediment experts then believed that the river downstream of the dam was in a sediment-starved condition. Sediment supply thus became one of the primary driving

forces behind ecological recommendations for changing powerplant operations.

Based upon continuing research, including evaluation of the Beach Habitat Building Flow (BHBF), sediment researchers now believe that flood flows counteract the possible adverse impacts that fluctuations have on beach erosion, thus rebuilding the deposits that would eventually slough back into the eddies, regardless of the nature of the powerplant operations. Some suggested that more frequent floods could allow higher levels of fluctuations.

The Agreement Contained in the 1996 AOP

With this evolving positive view towards spills, a desire for a test of the GCDEIS BHBF was expressed by the Transition Work Group beginning in 1994. The Basin States strongly opposed this request for a purposeful powerplant bypass because the 1968 Colorado River Basin Project Act requires avoiding anticipated spills, interpreted as powerplant bypasses. This opposition created an impasse that blocked such a test.

Additional discussions between members of the Transition Work Group and the Basin States resulted in a proposal for a modification of the GCDEIS preferred alternative, that of moving BHBF from years of low reservoir conditions (when spills would not be required for hydrologic reasons) to years of high reservoir conditions and high inflows. Thus a BHBF would occur in years when there was an expectation of having a hydrological induced spill. This agreement was institutionalized in the 1996 AOP for the Colorado River and signed by the Secretary of the Interior in December 1995. A subsequent BHBF test was conducted in April 1996, confirming the hypothesis that high flows could rebuild sandbar deposits. In December 1996, the GCDEIS Record of Decision was assigned by the Secretary of the Interior and included this modification to the preferred alternative.

Impacts of Using Spillway Gate Extensions

GCDEIS Expectations Related To Spillway Gate Extensions

The Colorado River Simulation System (CRSS) modeling,which formed the hydrologic basis for many of the GCDEIS decisions, determined that bypasses were rare events, and if a small amount of buffer space were provided, releases greater than 45,000 cfs could be avoided. Since it uses a monthly time step, the CRSS model could not really estimate the peak bypass release other than to average the release over the month in which it occurred. Thus some judgment was used in estimating the frequency of releases greater than 45,000 cfs.

The Limited Value of the Spillway Gate Extensions

The GCDEIS commitment to install the 4.5-foot extensions would produce about 750,000 acre-feet of surcharge storage space above the normal maximum water surface of 3700 feet. While this is a large amount of reservoir space, it is small in comparison to either average April—July inflow which is about 7.8 MAF or the 2.1 MAF forecast error term for June 1 (5 percent exceedence level). A buffer of this size would affect primarily moderately high years in which bypasses were on the range of several hundred thousand acre-feet. Such bypasses could be reduced or eliminated entirely by storing the excess inflow behind the gate extensions until it could be released through the powerplant.

Inflow volumes of extremely high inflow years such as 1983 or 1984 had return periods of about 1 in 100 years. These are the types of years which would produce releases in excess of 45,000 cfs, perhaps for an extended period of time as occurred in 1983. The volume of bypasses in these types of years are very large, 3.4 MAF in 1983 and 1.0 MAF in 1984. The greatest determining factor in the amount of bypass is the forecast error associated with high inflow years.

In contrast, moderately high inflow years such as 1985, 1986, and 1995 would cause bypasses of about 100,000 to 800,000 acre-feet using current operating practices. These bypass volumes could be released through the outlet tubes in 3 to 25 days, thus limiting total releases to 45,000 cfs or less. During these types of years, it would be very unlikely that use of the spillways would be required.

The Need to Reduce the Frequency of Powerplant Bypasses

Current thinking among sediment experts is that, given high flow conditions resulting from large runoff years, releases above 25,000 cfs should be preceded by BHBFs. The BHBF should be greater in magnitude than the highest expected future release. This not only moves sediment higher on beaches away from future releases, but also coarsens the main channel bed which reduces future sediment transport. Some sediment experts believe that there is sufficient regeneration of main channel sediment supplies to allow BHBFs in all years that such events would be allowed by the 1996 agreement, even every year if possible. Longer duration spills may have different effects than the short duration BHBFs, so additional sediment transport modeling would help clarify the allowable frequency of such spills.

The Positive Value of the Spillway Gate Extensions

Although the extensions are not required to limit spillway use to the 1 in 100 year return period cited in the GCDEIS, some limited value can be gained from their installation during years in which peak releases would be less than 45,000 cfs. In these cases, if the total bypass volume was expected to be 750,000 acre-feet or less, then the entire expected bypasses could be stored behind the extensions and released later in the summer. This might produce some environmental benefits by not releasing greater than 30,000 cfs if such releases would cause ecological harm. However, it would also carry the dam safety risks associated with purposefully storing more water in the reservoir than was assumed during the design of the spillways. If an extremely rare high inflow event occurred, it could conceivably overtop the dam, even with full use of the spillways.

It appears from this discussion, that only inflow years with a return period of about 1 in 100 years would force the use of the spillways and release more than 45,000 cfs. Reclamation believes that current operating practices under the AOP would initiate high powerplant releases and bypasses early enough as required to safely operate the dam, thus meeting the intent of the GCDEIS provision without requiring either the additional storage buffer or the spillway gate extensions.

Decision

Based upon the analysis and comments received from the AMWG the Secretary of the Interior has decided to postpone permanent installation of the 4.5 foot spillway gate extensions. During the postponement period, operation of the dam, as stated in the Record of Decision, shall be in accordance with the AOP process and shall not include reservation of storage to compensate for that space that would have been created by the gate extensions. Also, Reclamation will report annually to the technical Work Group and AMWG on the effect of not installing the gate extensions on: (1) The probability of meeting BHBF triggering criteria and (2) the probability of limiting spills greater than 45,000 cfs to a 1 in 100 frequency.

Dated: October 6, 1998.

R. Steve Richardson,

Acting Commissioner, Bureau of Reclamation.

[FR Doc. 98–27345 Filed 10–9–98; 8:45 am]

BILLING CODE 4310–94–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 96–18]

Alan L. Ager, D.P.M.; Revocation of Registration

On December 13, 1995, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Alan L. Ager, D.P.M., (Respondent) of Nicasio, California, notifying him of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration, AA5561243, and deny any pending applications for renewal of such registration as a practitioner under 21 U.S.C. 823(f), for reason that his continued registration would be inconsistent with the public interest pursuant to 21 U.S.C. 824(a)(4).

By letter dated January 17, 1995, Respondent filed a request for a hearing, and following prehearing procedures, a hearing was held in San Francisco, California on December 10 and 11, 1996, before Administrative Law Judge Mary Ellen Bittner. At the hearing, the Government called witnesses to testify and introduced documentary evidence, however Respondent did not introduce any evidence. After the hearing, the Government was the only party to submit proposed findings of fact, conclusions of law and argument. On April 6, 1998, Judge Bittner issued her Opinion and Recommended Ruling, Findings of Fact, Conclusions of Law and Decision, recommending that Respondent's DEA Certificate of Registration be revoked. Neither party filed exceptions to her decision, and on May 8, 1998, Judge Bittner transmitted the record of these proceedings to the Acting Deputy Administrator.

The Acting Deputy Administrator has considered the record in its entirety, and pursuant to 21 CFR 1316.67, hereby issues his final order based upon findings of fact and conclusions of law as hereinafter set forth. The Acting Deputy Administrator adopts, in full, the Opinion and Recommended Ruling, Findings of Fact, Conclusions of Law and Decision of the Administrative Law Judge, and his adoption is in no manner diminished by any recitation of facts, issues and conclusions herein, or of any failure to mention a matter of fact or law.

The Acting Deputy Administrator finds that Respondent is registered with DEA as a practitioner to handle controlled substances in Schedules II–V. The only controlled substance at issue in these proceedings is marijuana which is a Schedule I controlled substance.

On September 2, 1993, DEA and state law enforcement agents participated in the eradication of marijuana at several previously identified sites in Marin County, California. Thereafter, the agents conducted an aerial surveillance of Respondent's property since there was intelligence information that marijuana was being grown there and one of the state agents wanted to determine the general layout of the property for future thermal imaging. While flying over Respondent's property, the agents saw marijuana growing in a shed-like structure on the property that had a semitransparent roof. The agents identified the marijuana plants due to their distinctive brilliant green color.

A search warrant was obtained and executed at Respondent's property on September 2 and 3, 1993. The search revealed 317 marijuana plants in the shed-like structure, 712 marijuana plants in a barn-like structure, and 150 marijuana plants in a structure that was constructed with bales of hay and a white plastic sheeting roof, for a total of 1,719 marijuana plants. The agents also discovered electrical lines and fans in the haystack structure. Fans are used to facilitate the movement of carbon dioxide to the plants which encourages growth and to simulate wind which encourages stronger stalks. In addition, the agents found 75 high intensity discharge lamps in the barn. Lamps such as these are used to simulate sunlight and to facilitate the growth of the plants.

The power company was called to the property to turn off the electricity, and an inspection revealed two illegal electrical bypasses. The power company estimated the electricity stolen via the bypasses was worth $421,000.00, including interest.

A search of Respondent's residence revealed a 30-gallon garbage can containing ''shake'' material (the stalks and stems from marijuana plants), a plastic container of ground marijuana leaves, marijuana residue on a desk, half-smoked marijuana cigarettes in an ashtray, several boxes of rolling paper, several books on marijuana cultivation, a 12-gauge shotgun and $12,000.00 cash. The agents also found a key to the barn on Respondent's person.

During the execution of the search warrant, one of the agents interviewed Respondent's ex-wife. She stated that Respondent had been growing marijuana at his residence for 14 years; that the bulk of the family income came from marijuana sales; and that a friend of Respondent's hooked up the electrical bypasses.

Random samples of the plants were taken from all three buildings and analyzed. All of the samples were found to contain marijuana.

On September 22, 1993, Respondent was indicted in the United States District Court for the Northern District of California and charged under 21 U.S.C. 841(a)(1) with manufacturing and possessing marijuana with intent to distribute. On January 31, 1995, a Superseding Information charged Respondent with structuring currency transactions in violation of 32 U.S.C. 5324(3) and 5322(a). Specifically, the Information charged that Respondent did ''structure and assist in structuring * * * currency transactions with one or more domestic financial institutions, by causing approximately $129,100.00 in currency (all of which constituted the proceeds of marijuana trafficking) to be deposited in, exchange and credited to bank accounts at various banks * * *.'' Pursuant to a plea agreement, Respondent pled guilty to currency structuring and agreed to forfeit $129,100.00. On April 25, 1995, Respondent was convicted of the charge and was placed on probation for a term of three years, ordered to forfeit $129,000.00, ordered to perform 600 hours of community service, and fined $10,000.00.

On August 19, 1996, a local deputy sheriff participated in an aerial overflight of Respondent's property. He identified marijuana plants due to their distinctive green color. The plants were growing at the bottom of a slope on the property. Two subsequent flyovers by the deputy sheriff and others confirmed the deputy's opinion that marijuana was growing on Respondent's property. On September 11, 1996, a search warrant was executed at Respondent's property which revealed a total of 135 marijuana plants. These plants were subsequently analyzed which confirmed that the plants were marijuana. A search of Respondent's residence revealed dried marijuana and ''shake'' material.

On September 16, 1996, Respondent was charged in a criminal complaint with violation of California Health and Safety Code Section 11358, a felony, for the willful and unlawful planting, cultivating, harvesting, drying and processing of marijuana. There is no evidence in the record of these

proceedings as to the disposition of these charges.

Pursuant to 21 U.S.C. 823(f) and 824(a)(4), the Deputy Administrator may revoke a DEA Certificate of Registration and deny and pending applications, if he determines that the continued registration would be inconsistent with the public interest. Section 823(f) requires that the following factors be considered:

(1) The recommendation of the appropriate State licensing board or professional disciplinary authority.

(2) The applicant's experience in dispensing, or conducting research with respect to controlled substances.

(3) The applicant's conviction record under Federal or State laws relating to the manufacture, distribution, or dispensing of controlled substances.

(4) Compliance with applicable State, Federal, or local laws relating to controlled substances.

(5) Such other conduct which may threaten the public health or safety. These factors are to be considered in the disjunctive; the Deputy Administrator may rely on any one or a combination of factors and may give each factor the weight he deems appropriate in determining whether a registration should be revoked or an application for registration be denied. see Henry J. Schwartz, Jr., M.D., Docket No. 88–42, 54 FR 16,422 (1989).

As to factor one, there is no evidence that any action has been taken against Respondent's license to practice medicine or handle controlled substances in California. However, the Acting Deputy Administrator agrees with Judge Bittner's finding that this factor is not dispositive ''inasmuch as state licensure is a necessary but not sufficient condition for DEA registration.''

There is also no evidence regarding Respondent's experience in dispensing or conducting research with Schedule II–V controlled substances, the schedules that he's registered to handle. In addition, there is no evidence that Respondent has ever been convicted of a crime related specifically to the handling of controlled substances.

But, there is more than ample evidence that Respondent failed to comply with Federal and State laws relating to controlled substances. He operated an elaborate and sophisticated marijuana cultivation enterprise on his property in 1993. Then in 1996, following the dismantling of this operation, his arrest and conviction, Respondent continued to cultivate marijuana and was again arrested and charged for this conduct.

Respondent's blatant disregard for the laws relating to controlled substances clearly justifies the revocation of his DEA Certificate of Registration. At the hearing, Respondent offered no explanation for his conduct nor any assurances that he will no longer engage in the illegal manufacture of marijuana. As Judge Bittner and Government counsel note, a negative inference may be drawn from Respondent's silence. See Raymond A. Carlson, M.D., 53 FR 7425 (1988). Therefore, the Acting Deputy Administrator agrees with Judge Bittner's conclusion that Respondent's continued registration would be inconsistent with the public interest.

Accordingly, the Acting Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 C.F.R. 0.100(b) and 0.104, hereby orders that DEA Certificate of Registration AA5561243, previously issued to Alan L. Ager, D.P.M., be, and it hereby is, revoked. The Acting Deputy Administrator further orders that any pending applications for the renewal of such registration, be, and they hereby are, denied. This order is effective November 12, 1998.

Dated: October 5, 1998.

Donnie R. Marshall,

Acting Deputy Administrator.

[FR Doc. 98–27378 Filed 10–9–98; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 98–19]

Garth A.A. Clark, M.D.; Revocation of Registration

On January 8, 1998, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Garth A.A. Clark, M.D. (Respondent) of Texas notifying him of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration BC2334364, and deny any pending applications for registration pursuant to 21 U.S.C. 823(f) and 824(a)(3), for reason that he is not currently authorized to handle controlled substances in the State of Texas.

By letter dated March 22, 1998, Respondent filed a request for a hearing, and the matter was docketed before Administrative Law Judge Gail A. Randall. On April 2, 1998, the Government filed a Motion for Summary Disposition alleging that Respondent's request for a hearing was not timely filed and as a result, Judge Randall does not have jurisdiction over this matter. In addition, the Government alleged that Respondent is no longer authorized by the State of Texas to dispense, prescribe, administer or otherwise handle controlled substances. Judge Randall issued an Order dated April 8, 1998, wherein she provided Respondent until April 27, 1998, to respond to the Government's motion. Respondent did not file such a response.

On May 6, 1998, Judge Randall issued her Opinion and Recommended Ruling, concluding that she did have jurisdiction in this matter; finding that Respondent lacked authorization to handle controlled substances in Texas; granting the Government's Motion for Summary Disposition; and recommending that Respondent's DEA Certificate of Registration be revoked. Neither party filed exceptions to her opinion, and on June 18, 1998, Judge Randall transmitted the record of these proceedings to the Acting Deputy Administrator.

The Acting Deputy Administrator has considered the record in its entirety, and pursuant to 21 CFR 1316.67, hereby issues his final order based upon findings of fact and conclusions of law as hereinafter set forth. The Acting Deputy Administrator adopts, in full, the Opinion and Recommended Ruling of the Administrative Law Judge.

The Acting Deputy Administrator finds that the Government argued that Respondent did not file a timely request for a hearing. The Order to Show Cause was served on Respondent on February 20, 1998, and advised Respondent that pursuant to 21 CFR 1301.43(a), he could request a hearing within 30 days from the date of receipt of the order. Respondent's request for a hearing was dated March 22, 1998, but was not filed with DEA until March 26, 1998. Therefore, the Government argues that Respondent's request for a hearing was filed three days late, and as a result Respondent should be deemed to have waived his opportunity for a hearing pursuant to 21 CFR 1301.43(d). Judge Randall agreed with the Government's calculation that the request for a hearing was filed late. She noted however that Respondent was not represented by counsel, and that he prepared the request for a hearing on March 22, 1998, within the allotted time. Judge Randall also found that the Government would not be prejudiced by accepting Respondent's request for a hearing.

Pursuant to 21 CFR 1316.47(b), ''[t]he Administrative Law Judge, upon request and showing of good cause, may grant

a reasonable extension of the time allowed for response to an Order to Show Cause.'' Therefore, Judge Randall found ''(1) that the Respondent's letter dated March 22, 1998, is deemed as a request to accept a late filing, (2) that three days is a reasonable extension of time to file this request, and (3) that the Respondent has subsequently requested a hearing in this matter within that reasonable time.'' The Acting Deputy Administrator agrees with Judge Randall's conclusion that she had jurisdiction in this matter.

As to the merits of this case, the Acting Deputy Administrator finds that on February 11, 1997, the Texas State Board of Medical Examiners (Board) issued an order temporarily suspending Respondent's license to practice medicine in the State of Texas. Subsequently, on February 18, 1997, the Texas Department of Public Safety canceled his state controlled substance registration.

In his request for a hearing, Respondent argued that his medical license was unjustly suspended by the Board. He requested that DEA postpone taking any action against his DEA registration ''until the temporary suspension of [his] Texas license is further adjudicated.'' However, Respondent did not deny that he is not currently authorized to handle controlled substances in Texas.

The DEA does not have statutory authority under the Controlled Substances Act to issue or maintain a registration if the applicant or registrant is without authority to handle controlled substances in the state in which he conducts his business. 21 U.S.C. 802(21) 823(f) and 824(a)(3). This prerequisite has been consistently upheld. See Romeo J. Perez, M.D., 62 FR 16,193 (1997); Demetris A. Green, M.D., 61 FR 60,728 (1996); Dominick A. Ricci, M.D., 58 FR 51,104 (1993).

Here it is clear that Respondent is not currently authorized to handled controlled substances in Texas, where he is registered with DEA. Since Respondent lacks this state authority, he is not entitled to a DEA registration in that state.

In light of the above, Judge Randall properly granted the Government's Motion for Summary Disposition. It is well settled that where there is no material question of fact involved, there is no need for a plenary, administrative hearing. Congress did not intend for administrative agencies to perform meaningless tasks. Gilbert Ross, M.D., 61 FR 8664 (1996); Philip E. Kirk, M.D., 48 FR 32,887 (1983), aff'd sub nom Kirk v. Mullen, 749 F.2d 297 (6th Cir. 1984). As Judge Randall noted, ''[h]ere, there is no dispute concerning the material fact that the Respondent currently lacks state authority to handle controlled substances in Texas.''

Accordingly, the Acting Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104, hereby orders that DEA Certificate of Registration BC2334364, previously issued to Garth A.A. Clark, M.D., be, and it hereby is, revoked. The Acting Deputy Administrator further orders that any pending applications for renewal of such registration, be, and they hereby are, denied. This order is effective November 12, 1998.

Dated: October 6, 1998.

Donnie R. Marshall,

Acting Deputy Administrator.

[FR Doc. 98–27379 Filed 10–9–98; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Office of the Secretary

Advisory Council on Employee Welfare and Pension Benefit Plans Notice of Renewal

In accordance with the provisions of the Federal Advisory Committee Act and Office of Management and Budget Circular A–63 and after consultation with the General Services Administration (GSA), the Secretary of Labor has determined that the renewal of the Advisory Council on Employee Welfare and Pension Benefit Plans is in the public interest in connection with the performance of duties imposed on the Department of section 512(a)(1) of the Employee Retirement Income Security Act of 1974 (ERISA).

The Advisory Council on Employee Welfare and Pension Benefit Plans shall advise the Secretary of Labor on technical aspects of the provisions of ERISA and shall provide reports and/or recommendations by November 14 of each year on its findings to the Secretary of Labor.

The Council shall be composed of fifteen members appointed by the Secretary. Not more the eight members of the Council shall be of the same political party. Three of the members shall be representatives of employee organizations, at least one whom shall be representative of any organization members of which are participants in a multiemployer plan); three of the members shall be representatives of employers (at least one of whom shall be representative of employers maintaining or contributing to multiemployer plans); three members shall be representatives appointed from the general public (one of whom shall be a person representing those receiving benefits from a pension plan); and there shall be one representative each from the fields of insurance, corporate trust, actuarial counseling, investment counseling, investment management, and the accounting field.

The Advisory Council will report to the Assistant Secretary of the Pension and Welfare Benefits Administration. It will function solely as an advisory body and in compliance with the provisions of the Federal Advisory Committee Act, and its charter will be filed under the Act. For further information, contact Sharon K. Morrissey, Executive Secretary, Advisory Council on Employee Welfare and Pension Benefit Plans, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210, telephone (202) 219–8921.

Signed at Washington, DC, this 5th day of October, 1998.

Alexis M. Herman,

Secretary of Labor.

[FR Doc. 98–27377 Filed 10–9–98; 8:45 am]

BILLING CODE 4510–29–M

MERIT SYSTEMS PROTECTION BOARD

Opportunity To File Amicus Briefs in Bracey v. Office of Personnel Management, MSPB Docket No. DC–831E–97–0643–I–1, and Wilson v. Office of Personnel Management, MSPB Docket No. AT–844E–97–0645–I–1

AGENCY: Merit Systems Protection Board.

ACTION: The Merit Systems Protection Board has requested an advisory opinion from the Director of the Office of Personnel Management (OPM) concerning the interpretation of regulations promulgated by OPM. The Board is providing interested parties with an opportunity to submit amicus briefs on the same questions raised in the request to OPM. The Board's request to OPM is reproduced below:

''Pursuant to 5 U.S.C. 1204(e)(1)(A), the Merit Systems Protection Board requests an advisory opinion concerning the interpretation of regulations promulgated by the Office of Personnel management.

''*Background.* The appellants in the above-captioned cases became unable to perform the duties of their most recently-held positions of record because of medical conditions. In each case the employing agency provided the

appellant with light duty, and in each case the light duty assignment ended due to a wide-ranging reduction in force that was not directed specifically at eliminating light-duty assignments. The Office of Personnel Management (OPM) denied the appellants' applications for disability retirement on the ground that the employing agencies had 'accommodated' the appellants' medical conditions.

''*Applicable regulations.* The Bracey appeal arises under the Civil Service Retirement System (CSRS). The governing CSRS regulations promulgated by OPM provide in pertinent part that an individual is entitled to a disability annuity only if, inter alia: He or she, 'while employed in a position subject to the [CSRS],' became 'disabled because of a medical condition, resulting in a service deficiency in performance, conduct, or attendance, or if there is no actual service deficiency, the disabling medical condition must be incompatible with either useful and efficient service or retention in the position'; and the employing agency is 'unable to accommodate the disabling medical condition in the position held or in an existing vacant position.' 5 CFR 831.1203(a)(2), (4).

''For purposes of the CSRS regulations, *disabled* means: unable * * * because of disease or injury, to render useful and efficient service in the employee's current position, or in a vacant position in the same agency at the same grade or pay level for which the individual is qualified for reassignment.

''5 CFR 831.1202. *Accommodation* means: an adjustment made to an employee's job or work environment that enables the employee to perform the duties of the position. Reasonable accommodation may include modifying the worksite; adjusting the work schedule; restructuring the job; obtaining or modifying equipment or devices; providing interpreters, readers, or personal assistants; and reassigning or retraining the employee.

''Id. *Vacant position* means: an unoccupied position of the same grade or pay level and tenure for which the employee is qualified for reassignment that is located in the same commuting area and is serviced by the same appointing authority of the employing agency.

''Id. The Wilson appeal arises under the Federal Employees' Retirement System (FERS). The governing FERS regulations promulgated by OPM differ somewhat from the CSRS regulations quoted above. The FERS regulations provide in pertinent part that an individual is entitled to a disability annuity only if, inter alia: He or she, 'while employed in a position subject to FERS,' became 'disabled because of a medical condition, resulting in a deficiency in performance, conduct, or attendance, or if there is no such deficiency, the disabling medical condition must be incompatible with either useful and efficient service or retention in the position'; '[a]ccomodation of the disabling medical condition in the position held' is 'unreasonable'; and the individual did 'not * * * decline[] an offer of reassignment to a vacant position.' 5 CFR 844.103(a)(2), (4), (5).

''5 CFR 844.102. *Accommodation* means: a reasonable adjustment made to an employee's job or work environment that enables the employee to perform the duties of the position. Accommodation may include modifying the worksite; adjusting the work schedule; restructuring the job; obtaining or modifying equipment or devices; providing interpreters, readers, or personal assistants; and retraining the employee.

''Id. *Vacant position* means: an unoccupied position of the same grade or pay level and tenure for which the employee is qualified for reassignment that is located in the same commuting area and, except in the case of a military reserve technician, is serviced by the same appointing authority of the employing agency.

''Id. *Request for an advisory opinion.* The Board requests an advisory opinion on the following related questions concerning the above-quoted regulations:

''(1) Is a light-duty assignment considered a 'position' under the CSRS and FERS regulatory definitions of 'disabled,' 'accommodation,' and 'vacant position,' when the light-duty assignment does not constitute an established position in the employing agency?

''(2) If an employee covered by the CSRS cannot perform the duties of his or her position of record or any established position in the employing agency, is a light-duty assignment an 'accommodation' under 5 CFR 831.1203(a)(4)?

''(3) If an employee covered by FERS cannot perform the duties of his or her position of record or any established position in the employing agency, is a light-duty assignment a 'reasonable accommodation' under 5 CFR 844.103(a)(4)?''

DATES: All briefs in response to this notice shall be filed with the Clerk of the Board on or before November 12, 1998.

ADDRESSES: All briefs should include the case names and docket numbers noted above (*Bracey* v. *Office of Personnel Management,* MSPB Docket No. DC–831E–97–0643–I–1, and *Wilson* v. *Office of Personnel Management,* MSPB Docket No. AT–844E–97–0645–I–1) and be entitled ''Amicus Brief.'' Briefs should be filed with the Office of the Clerk, Merit Systems Protection Board, 1120 Vermont Avenue, NW, Washington, DC 20419. Parties wishing to obtain copies of the initial decisions in *Bracey* and *Wilson* should contact one of the individuals listed below.

FOR FURTHER INFORMATION CONTACT:

Shannon McCarthy, Deputy Clerk of the Board, or Matthew Shannon, Counsel to the Clerk, (202) 653–7200.

Dated: October 5, 1998.

Robert E. Taylor,

Clerk of the Board.

[FR Doc. 98–27283 Filed 10–9–98; 8:45 am]

BILLING CODE 7400–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts; Leadership Initiatives Advisory Panel

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), as amended, notice is hereby given that a meeting of the Leadership Initiatives Advisory Panel (Open Studio section) to the National Council on the Arts will be held on October 16, 1998. The panel will meet via teleconference from 2:00 p.m. to 3:30 p.m. in Room 617 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW, Washington, DC 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of May 14, 1998, these sessions will be closed to the public pursuant to subsection (c)(4)(6) and (9)(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Ms. Kathy Plowitz-Worden, Panel Coordinator, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5691.

Dated: October 7, 1998.

Kathy Plowitz-Worden,

Panel Coordinator, National Endowment for the Arts.

[FR Doc. 98–27419 Filed 10–9–98; 8:45 am]

BILLING CODE 7537–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Developmental Mechanisms; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Advisory Panel for Developmental Mechanisms (1141).

Date and Time: October 21–23, 1998, 8:30 a.m. to 5:00 p.m.

Place: Room 390, NSF, 4201 Wilson Boulevard, Arlington, VA.

Type of Meeting: Part-Open.

Contact Person: Dr. Judith Plesset and Dr. Judith Verbeke, Program Directors, Developmental Mechanisms, Room 685, Division of Integrative Biology & Neurosciences, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230, Telephone: (703) 306–1417.

Purpose of meeting: to provide advice and recommendations concerning proposals submitted to NSF for financial support.

Mintues: May be obtained from the contact persons listed above.

Agenda: Open Session: October 21, 1998; 4:00 p.m. to 5:00 p.m., to discuss goals and assessment procedures. Closed Session: October 21, 1998; 9:00 a.m. to 4:00 p.m.; October 22, 1998; 8:30 a.m. to 5:00 p.m., October 23, 1998; 8:30 a.m. to 12:00 p.m.—to review and evaluate Developmental Mechanisms proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary of confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Reason for Late Notice: Notice was received on time but misplaced.

Dated: October 7, 1998.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 98–27372 Filed 10–9–98; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Committee on Equal Opportunities in Science and Engineering; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended) the National Science Foundation announces the following meeting:

Name: Committee on Equal Opportunities in Sciences and Engineering (1173).

Date and Time: October 29–30, 1998, 8:00 a.m.–5:00 p.m.

Type of Meeting: Open.

Place: Hilton Hotel, 950 North Stafford Street, Arlington, VA, (703) 528–6000.

Contact Person: Darryl G. Gorman, CEOSE Executive Secretary, (703) 306–1395, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Minutes: May be obtained from the contact person listed above.

Purpose of Committee: To provide advice to the Foundation concerning options that would enable all Americans to participate fully in our scientific and technological democracy.

Agenda

Thursday, October 29, (Arlington Hilton Hotel, Room TBD)

8:00 am—Breakfast reception with NSF Staff
8:30 am—Welcome and Introductions, Dr. Arturo Bronson
  Approval of June 1998 Minutes
9:00 am—Congressional Report
  Congressional Staff Representative, Mr. Joel Widder
9:45 am—Break
10:00 am—Human Resource Development at NSF—Human Resources Development Task Force
  Dr. Joseph Bordogna
  Ms. Linda Massaro
  Mr. Larry Rudolph
  Dr. Wanda E. Ward
  Dr. Luther S. Williams
11:30 am—Educating for the Future (NSF Investment Theme)
  Dr. Luther S. Williams
12:00 Noon—Working Lunch
12:00 Noon—GPRA Update
  Dr. Judith Sunley
12:30 pm—Report to Congress: Updates & Discussion
  Dr. Arturo Bronson
  Dr. George Castro
  Dr. Lesia Crumpton
1:00 pm—Educational Activities within Research Centers, NSF Panel (e.g., STCs, CIRE, ERCs, MSRCs, CREST, PACI)
2:00 pm—Overview of Office of Integrative Activities
  Dr. Nathaniel Pitts
3:00 pm—Break
3:15 pm—Break-out Subgroups on Report to Congress
5:30 pm—Adjournment for the Day

Friday, October 30

8:30 am—Report of CEOSE Groups
9:00 am—Capacity Building: ''Empowerment'', Cost Sharing, Information Infrastructure
  Dr. Eric Jolly, NSF Staff
10:00 am Break
10:15 am White House Executive Orders (EOs) (EOs Directors/Chairs to be invited)
11:30 am Disabilities Issues
  Dr. Lawrence Scadden
12 Noon Working Lunch
1:00 pm Federal Agencies' Best Practices
  Dr. Betty White NASA
2:00 pm Meeting with Director and Deputy Director
  Dr. Rita Colwell
  Dr. Joseph Bordogna
3:00 pm Report to Congress Sub-Groups Reconvene
5:00 pm Adjournment

Dated: October 5, 1998.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 98–27371 Filed 10–9–98; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–352 and 353]

Philadelphia Electric Company; Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Philadelphia Electric Company (the licensee) to withdraw its May 3, 1996, application for proposed amendment to Facility Operating License Nos. NPF–39 and NPF–85 for the Limerick Generating Station, Units 1 and 2, located in Montgomery and Chester Counties, Pennsylvania.

The proposed amendment would have revised the frequency of testing the Standby Gas Treatment System and the Reactor Enclosure Recirculation System.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on December 4, 1996 (61 FR 64391). However, by letter dated September 11, 1998, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated May 3, 1996, as supplemented November 10, 1997, and the licensee's letter dated September 11, 1998, which withdrew the application for license amendment. The above documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Pottstown Public Library, 500 High Street, Pottstown, PA 19464.

Dated at Rockville, Maryland, this 1st day of October 1998.

For the Nuclear Regulatory Commission.

Bartholomew C. Buckley,

Senior Project Manager, Project Directorate I–2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 98–27347 Filed 10–9–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–498 and 499]

STP Nuclear Operating Company, South Texas Project, Units 1 and 2; Confirmatory Order Modifying License, Effective Immediately

I

STP Nuclear Operating Company, (the Licensee) is the holder of Facility Operating License Nos. NPF–76 and NPF–80, which authorizes operation of South Texas Project, Units 1 and 2, located in Matagorda County, TX.

II

The staff of the U.S. Nuclear Regulatory Commission (NRC) has been concerned that Thermo-Lag 330–1 fire barrier systems installed by licensees may not provide the level of fire endurance intended and that licensees that use Thermo-Lag 330–1 fire barriers may not be meeting regulatory requirements. During the 1992 to 1994 timeframe, the NRC staff issued Generic Letter (GL) 92–08, ''Thermo-Lag 330–1 Fire Barriers'' and subsequent requests for additional information that requested licensees to submit plans and schedules for resolving the Thermo-Lag issue. The NRC staff has obtained and reviewed all licensees' corrective plans and schedules. The staff is concerned that some licensees may not be making adequate progress toward resolving the plant-specific issues, and that some implementation schedules may be either too tenuous or too protracted. For example, several licensees informed the NRC staff that their completion dates had slipped by 6 months to as much as 3 years. For plants that have completion action scheduled beyond 1997, the NRC staff has discussed with these licensees the progress of the licensees' corrective actions and the extent of licensee management attention regarding completion of Thermo-Lag corrective actions. South Texas Project, Units 1 and 2, are two of the plants whose schedule extends beyond 1997.

Based on the information submitted by STP Nuclear Operating Company, the NRC staff has concluded that the schedules presented by STP Nuclear Operating Company are reasonable. This conclusion is based on (1) the amount of installed Thermo-Lag, (2) the complexity of the plant-specific fire barrier configurations and issues, (3) the need to perform certain plant modifications during outages as opposed to those that can be performed while the plant is at power, and (4) integration with other significant, but unrelated issues that STP Nuclear Operating Company is addressing at its plant. In order to remove compensatory measures such as fire watches, it has been determined that resolution of the Thermo-Lag corrective actions by STP Nuclear Operating Company must be completed in accordance with current STP Nuclear Operating Company schedules. By letter dated June 15, 1998, the NRC staff notified STP Nuclear Operating Company of its plan to incorporate STP Nuclear Operating Company's schedule commitment into a requirement by issuance of an order and requested consent from the Licensee. By letter dated June 25, 1998, the Licensee provided its consent to issuance of a Confirmatory Order.

III

The Licensee's commitment as set forth in its letter of June 25, 1998, is acceptable and is necessary for the NRC to conclude that public health and safety are reasonably assured. To preclude any schedule slippage and to assure public health and safety, the NRC staff has determined that the Licensee's commitment in its June 25, 1998, letter be confirmed by this Order. The Licensee has agreed to this action. Based on the above, and the Licensee's consent, this Order is immediately effective upon issuance.

IV

Accordingly, pursuant to sections 103, 161b, 161i, 161o, 182, and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR Part 50, *it is hereby ordered*, effective immediately, that:

STP Nuclear Operating Company shall complete final implementation of Thermo-Lag 330–1 fire barrier corrective actions at South Texas Project, Units 1 and 2, described in the STP Nuclear Operating Company submittals to the NRC dated December 20, 1995, August 26, 1996, November 6, 1996, and July 7, 1997, as modified and summarized by the letters of April 15, 1998, and June 4, 1998, by the end of 1998, excluding those corrective actions which are the subject of the pending deviation request from Appendix R, Section II.G.2.c, dated September 14, 1995, as supplemented by letters dated November 6, 1996, May 22, 1997, August 4, 1997, and April 15, 1998, for NRC staff review and approval pursuant to License Condition 2.E of a change to the approved fire protection program. A schedule for completion of any corrective actions associated with this request will be determined separately.

The Director, Office of Nuclear Reactor Regulation, may relax or rescind, in writing, any provisions of this Confirmatory Order upon a showing by the Licensee of good cause.

V

Any person adversely affected by this Confirmatory Order, other than the Licensee, may request a hearing within 20 days of its issuance. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and include a statement of good cause for the extension. Any request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Attention: Chief, Rulemakings and Adjudications Staff, Washington, D.C. 20555. Copies of the hearing request shall also be sent to the Director, Office of Nuclear Reactor Regulation, U. S. Nuclear Regulatory Commission, Washington, D. C. 20555, to the Deputy Assistant General Counsel for Enforcement at the same address, to the Regional Administrator, NRC Region IV, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas, 76011 and to the Licensee. If such a person requests a hearing, that person shall set forth with particularity the manner in which his/her interest is adversely affected by this Order and shall address criteria set forth in 10 CFR 2.714(d).

If a hearing is requested by a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any such hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Confirmatory Order should be sustained.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 20 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received. An answer or a request for hearing shall not stay the immediate effectiveness of this Order.

Dated at Rockville, Maryland this 2nd day of October 1998.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 98–27346 Filed 10–9–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–387 and 50–388]

Pennsylvania Power & Light Company and Alleghany Electric Cooperative, Inc, Susquehana Steam Electric Station, Units 1 and 2; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License Nos. NPF–14 and NPF–22, issued to Pennsylvania Power & Light Company (the licensee), for operation of the Susquehanna Steam Electric Station (SSES), Units 1 and 2, located in Luzerne County, Pennsylvania.

Environmental Assessment

Identification of the Proposed Action

The proposed action would authorize changes to the Final Safety Analysis Report (FSAR) for the facility. Specifically, the proposed action would authorize changes to the FSAR to reflect the change in the design basis of the offgas system to a detonation resistant design.

The proposed action is in accordance with the licensee's application for amendment dated March 16, 1998, as supplemented May 22, August 10, and September 17, 1998. Technical details were provided by the licensee in an earlier letter dated February 9, 1998.

The Need for the Proposed Action

With the planned implementation of hydrogen water chemistry at SSES Units 1 and 2 to enhance protection of the reactor vessel internals from intergranular stress corrosion cracking, transients resulting in high hydrogen concentration and potential explosions in the offgas system could occur. Therefore, it is necessary to evaluate the offgas system piping design to verify that it is designed to withstand such hydrogen explosions, and incorporate detonation resistance in the design basis.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed action. No impact on the status of the Operating Licenses (OLs) or the continued operation of the SSES is foreseen. The NRC staff has reviewed the licensee's calculations and responses to request for additional information submitted by letters dated February 9, May 22, August 10, and September 17, 1998, that support the licensee's conclusion that the offgas system is designed to withstand the effects of hydrogen explosions.

The assumptions, methodology, peak pressure model, and the piping model used for piping stress analyses are acceptable. The staff concurred with the results of the submitted analyses and concluded that the licensee's evaluation of the SSES offgas components provides reasonable assurance that the components can withstand a hydrogen detonation without piping pressure boundary failure. The licensee has stated that failure of the offgas system instrumentation poses no personnel hazard, and backup radiation monitoring and alarm instrumentation is available and prompt operator action under existing procedures to prevent exceeding occupational and offsite dose requirements would be taken in the event of a hydrogen detonation. The radiological consequences due to a gaseous waste system leak or failure described in the existing accident analysis sections of the FSAR include the release of offgas system radioactivity without processing by the offgas treatment system, thus, bounding the failure of the offgas system piping event.

The proposed change will not increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in the allowable occupational or public radiation exposure. Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action involves physical features of the plant. However, it does not significantly affect nonradiological plant effluents and has no other environmental impact. Accordingly, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

Since the Commission has concluded there is no significant environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact need not be evaluated. As an alternative to the proposed action, the staff considered denial of the proposed action (no-action alternative). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for SSES, Units 1 and 2.

Agencies and Persons Consulted

In accordance with its stated policy, on September 23, 1998, the staff consulted with the Pennsylvania State official, Mr. M. Maingi of the Pennsylvania Department of Environmental Protection Bureau, Division of Nuclear Safety, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

Based upon the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated March 16, 1998, as supplemented by letters dated May 22, August 10, and September 17, 1998, and also by letter dated February 9, 1998, which are available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, PA 18701.

Dated at Rockville, Maryland, this 5th day of October 1998.

For the Nuclear Regulatory Commission.

Victor Nerses,

Senior Project Manager, Project Directorate I–2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 98–27348 Filed 10–9–98; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–13574]

Issuer Delisting; Notice of Application To Withdraw From Listing and Registration; (Johns Manville International Group, Inc., 10⅞% Senior Notes due 2004)

October 6, 1998.

Johns Manville International Group, Inc. (''Company'') has filed an application with the Securities and Exchange Commission (''Commission''), pursuant to Section 12(d) of the

Securities Exchange Act of 1934 (''Act'') and Rule 12d2–2(d) promulgated thereunder, to withdraw the above specified security (''Security'') from listing and registration on the New York Stock Exchange, Inc. (''NYSE'' or ''Exchange'').

The reasons cited in the application for withdrawing the Security from listing and registration include the following:

The Security is listed for trading on the NYSE. The Security is not listed on any other exchange.

On May 8, 1998, the Company completed a tender offer and consent solicitation with respect to the Security. The consent solicitation resulted in substantial amendments to the Indenture governing the Security. Among other things, the amendments removed from the Indenture a convenant of the Company to deliver to Security holders reports required to be filed with the Commission or substantially equivalent reports if the Company was no longer required to file such reports with the Commission. In its offering/solicitation document, the Company advised the Security holders that it anticipated that the Security would be delisted from the NYSE after the offer. Holders of approximately 97.5% of the Security tendered their Security and consented to the proposed amendments to the Indenture.

The Company believes that its application to withdraw the Security from listing and registration on the NYSE should be granted for the following primary reasons.

1. The aggregate principal of the Security that remains issued and outstanding is small. Only $2,525,000 of the original $400,000,000 in the Security remains outstanding after completion of the tender offer. The Company intends to redeem these remaining Securities on December 15, 1999.

2. The Security is held by a small number of holders. The Company believes that as of September 11, 1998, there was one record holder and 27 beneficial holders of the Security. The Company believes that it would be impractical to locate these Security holders at the present time.

3. The Company believes that there is essentially no trading in, and therefore no market for, the Security that remains outstanding. The NYSE informed the Company on August 27, 1998, that, except for limited trading in February and March, there has been no reported trading in the Security over the last 12 months. Because of the small number of holders, the Company believes that it is unlikely that there will be any significant public interest in trading the Security on the NYSE in the future.

The Company has notified the NYSE of its intent to delist the Security and the NYSE has verbally informed the Company that it will not object to the delisting of the Security.

Any interested person may, on or before October 28, 1998, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 98–27359 Filed 10–9–98; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–40523; International Series Release No. 1160; File No. SR–DTC–97–22]

Self-Regulatory Organizations; The Depository Trust Company; Order Approving a Proposed Rule Change Relating to Establishing an Omnibus Account at the Canadian Depository for Securities

October 6, 1998.

On October 30, 1997, The Depository Trust Company (''DTC'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change (File No. SR–DTC–97–22) pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'').[1] Notice of the proposal was published in the **Federal Register** on February 20, 1998.[2] The Commission received no comment letters in response to the filing. For the reasons discussed below, the Commission is approving the proposed rule change.

I. Description

Currently, DTC maintains a link with The Canadian Depository for Securities (''CDS'') that allow a CDS participant to establish an account at DTC or to use CDS's omnibus account at DTC. The Link permits CDS participants to process book-entry transactions with other DTC participants. In addition, the link permits CDS and its participants to use DTC's custody, clearance, and settlement services for transactions involving securities eligible in both systems. However, the current link limits book-entry deliveries from a CDS participant to a DTC counterparty by requiring that the securities be physically held at DTC. As a result, a CDS participant is unable to deliver to a DCT account securities held in its account at CDS by book-entry movement.[3]

Occasionally, a CDS participant attempting to settle a trade with DTC counterparty has sufficient inventory in its account at CDS to settle the transaction but does not have sufficient inventory in its DTC account. When this occurs, the CDS participant must physically withdraw the securities from CDS and must physically deposit them at DTC.[4] The costs and risks associated with physically withdrawing and transporting certificates for the purpose of redepositing them at DTC, which also involves reregistration of the certificates into DTC nominee name, can be significant. In addition, the time involved in making physical movements can cause a CDS participant to not deliver securities to DTC in time for settlement and to incur certain expenses associated with its failure to deliver.

The rule change allows DTC to establish an omnibus account at CDS in order to create a two-way interface between CDS and DTC. As a result of the two-way interface, there will be no need to physically move certificates between DTC and CDS in order to settle transactions. Using the interface, a CDS participant will be able to settle a cross-border transaction with a DTC counterparty by making a book-entry delivery from its participant account at CDS to the DTC omnibus account at CDS.[5] The CDS participant will identify whic DTC participant account should be credited with the position, and DTC will immediately credit the position to the

[1] 15 U.S.C. 78s(b)(1)

[2] Securities Exchange Act Release No. 39657 (February 12, 1998), 63 FR 8725.

[3] CDS participants sometimes represent U.S. investors or U.S. intermediaries that are in turn also adversely affected.

[4] As of October 1, 1997, new deposit procedures provide CDS participants same-day credit at DTC for securities deposited through DTC's deposit facilities in CDS offices in Vancouver, Toronto, Montreal, and Calgary. CDS, on behalf of DTC, arranges for the reregistration of Canadian securities into DTC's nominee name prior to sending them to DTC.

[5] All book-entry movements of security positions into or out of the DTC omnibus account at CDS will be on a free basis and not on an against payment basis.

receiving DTC participant account on DTC's books. The receiving DTC participant can then redeliver the position on a free basis or on an against payment basis within DTC . The securities, though, will remain at CDS. DTC and CDS will conduct automated, daily reconciliation to ensure their books balance.

To minimize any subsequent physical movement of securities that could occur between DTC and CDS, DTC and CDS will engage in weekly meeting. The netting will reduce on an omnibus basis the number of securities in the same issue held by each depository on behalf of the other.

CDS will provide subcustody services such as income collection, maturity presentments, and reorganization processing on securities held in DTC's omnibus account at CDS in accordance with CDS procedures (as DTC currently provides for securities held by DTC on behalf of CDS). Whether DTC is holding its underlying inventory in Canada or in the U.S., DTC services to participants will be the same as currently provided.

II. Discussion

Section 17A(b)(3)(F)[6] of the Act requires that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions. The Commission believes that DTC's rule change is consistent with DTC's obligations under the Act because the two-way link should help reduce the number failed trades and should help reduce the need for physical movements of Canadian securities among CDS, DTC, and Canadian transfer agents. As a result, trades in Canadian securities can be cleared and settled more efficiently, and DTC participants can avoid the expenses associated with failed trades and physically moving securities.

III. Conclusion

On the basis of the foregoing, the Commission finds that the proposal is consistent with the requirements of the Act and in particular with the requirements of Section 17A of the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (File No. SR–DTC–97–22) be, and hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[7]

[6] 15 U.S.C. 78q–1(b)(3)(F).

[7] 17 CFR 200.30–3(a)(12).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–27360 Filed 10–9–98; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–40519; File No. SR–NASD–98–53]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change To Include Closed-End Funds in Nasdaq's Mutual Fund Quotation System

October 5, 1998.

I. Introduction

On July 24, 1998, the National Association of Securities Dealers, Inc. (''NASD'') through its wholly-owned subsidiary, The Nasdaq Stock Market, Inc. (''Nasdaq''), filed with the Securities and Exchange Commission (''SEC'' or ''Commission), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend NASD Rule 6800 to include closed-end funds on Nasdaq's Mutual Fund Quotation System (''MFQS'' or ''Service''). The proposed rule change and Amendment No. 1[3] were published for comment in the **Federal Register** on September 4, 1998.[4] The Commission received one comment on the proposal. This order approves the proposed rule change, as amended.

II. Description of the Proposal

The proposed rule change amends NASD Rule 6800 to establish minimum requirements for the inclusion of closed-end funds in Nasdaq's MFQS. Presently, the MFQS collects daily price and related data for open-end funds and money market funds, and publicly disseminates the information to the news media and market data vendors. To assist the news media and market data vendors in determining which funds have the broadest appeal to the investing public, Nasdaq divides the participating funds into two separate lists: the ''News Media List'' and the ''Supplemental List.'' Open-end funds on the News Media List are eligible for inclusion in the fund tables of newspapers nationwide, as well as for dissemination over Nasdaq's Level 1 data feed service distributed by market data vendors. Open-end funds on the Supplemental List are disseminated over Nasdaq's Level 1 data feed service, thus providing significant visibility for funds that do not qualify for the News Media List. NASD Rule 6800 contains initial inclusion (minimum eligibility) requirements for both the News Media List and the Supplemental List, and contains maintenance (continued inclusion) requirements for the News Media List.

In the past, closed-end funds expressed an interest in being able to enter their daily prices into the Service for dissemination to the newspapers, market data vendors, and news wires. However, prior to the proposed rule change, closed-end funds were ineligible for inclusion in the MFQS under NASD Rule 6800 because the MFQS application did not accommodate some of the data attributes needed for closed-end funds. Recently, Nasdaq re-designed and upgraded the MFQS. The improved Service will be able to support the data attributes necessary to support closed-end funds and is expected to be implemented in the third quarter of 1998. Accordingly, Nasdaq proposes to add new standards for the inclusion of closed-end funds in the MFQS to Rule 6800.[5]

The proposed standards contain initial inclusion requirements for the News Media List and the Supplemental List, and maintenance requirements for the News Media List. Specifically, the criteria for the News Media List will be $100 million in assets for initial inclusion and $60 million in assets for maintenance. The criteria for initial inclusion in the Supplemental List will be $10 million or two full years of operation; there will be no maintenance requirement for the Supplemental List.[6] The proposed initial inclusion and maintenance requirements for the News Media List for closed-end funds are higher than the current requirements for open-end funds because the asset base of a closed-end fund is fixed upon initiation whereas the asset base of an open-end fund often starts small and grows over time; thus, closed-end funds

[1] 15 U.S.C. 78s(b)(1).

[2] 17 U.S.C. 240.19b–4.

[3] *See* Letter from Robert E. Aber, Senior Vice President and General Counsel, Office of the General Counsel, Nasdaq, to Katherine England, Assistant Director, Division of Market Regulation (''Division''), Commission, dated August 26, 1998 (''Amendment No. 1'').

[4] Securities Exchange Act Release No. 40380 (August 27, 1998), 63 FR 47336.

[5] Under the improved MFQS, Nasdaq plans to disseminate on a daily basis a closed-end fund's net asset value and closing share price (as applicable). Additionally, Nasdaq will disseminate information relating to a fund's unallocated distributions. Each fund will provide the aforementioned information to Nasdaq on a daily basis through an interface of the MFQS.

[6] This is consistent with the current standards for the Supplemental List for open-end funds. *See* NASD Rule 6800.

tend to have higher initial asset bases than open-end funds.

The proposed rule change also makes a technical amendment to NASD Rule 6800 clarifying that there is a single News Media List, not multiple lists, as the current rule language suggests.

III. Comments

The Commission received a comment letter from the Investment Company Institute (''ICI'') strongly supporting the proposed rule change to include closed-end funds in Nasdaq's MFQS.[7] The ICI agreed with the NASD that investor protection and the public interest would be served by disseminating closed-end fund pricing information on a daily basis and in a manner similar to open-end funds. The ICI believes that the inclusion of closed-end fund information in the MFQS will allow closed-end fund shareholders and investment professionals to track closed-end fund investments on a more timely basis. The ICI also stated that it may be appropriate for Nasdaq to consider lowering the initial inclusion and maintenance requirements for closed-end funds in the future if newspapers are willing to include additional closed-end fund information.

IV. Discussion

Upon careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities association. The Commission believes that the proposed rule change is consistent with Section 15A(b)(6) of the Act,[8] in that it is designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts and practices, to foster cooperation and coordination with persons engaged in regulating and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.[9] The Commission believes that the proposed rule change should increase the transparency of closed-end fund prices and increase investor confidence by making valuable pricing information more readily available to investors.

Previously, the technological limitations of the MFQS prevented Nasdaq from disseminating the Net Asset Value for closed-end funds to newspapers and market vendors, thus the task of disseminating this information to various data vendors by telephone, telefacsimile, or electronic mail fell upon the individual closed-end funds.[10] Now that the MFQS has been redesigned and upgraded, the Commission believes that investors and the closed-end funds will benefit from a centralized dissemination of the Net Asset Values and prices for closed-end funds. Through participation in the MFQS, the affected closed-end funds should be able to have this valuable information distributed to investors more easily and efficiently. As a result, the Commission believes that the proposal may increase the transparency of closed-end fund prices. Furthermore, the Commission believes the Service may help affected funds reduce the costs associated with distributing Net Asset Value information to various entities by telephone, telefacsimile, or electronic mail.

With respect to the proposed initial inclusion and maintenance requirements, the Commission believes that the NASD has provided appropriate initial inclusion requirements for both the News Media List and the Supplemental List, and maintenance requirements for the News Media List which should provide greater exposure for closed-end fund pricing information than was previously available.[11] In addition, under the proposed standards, certain closed-end funds that may not have their value printed due to limited print space should be able to avoid the higher annual fee for the News Media List by being on the Supplemental List. Finally, the Commission believes that the technical amendment to NASD Rule 6800 clarifying that there is a single, and not multiple, News Media List is reasonable and consistent with the Act.

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[12] that the proposed rule change, as amended, (SR–NASD–98–53) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[13]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–27306 Filed 10–9–98; 8:45 am]

BILLING CODE 8010–01–M

[7] *See* letter from Amy B.R. Lancellotta, Senior Counsel, Investment Company Institute to Jonathan G. Katz, Secretary, Office of the Secretary, Commission, dated September 24, 1998.

[8] 15 U.S.C. 78*o*–3(b)(6).

[9] In approving this rule, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[10] Telephone conversation between John Malitzis, Senior Attorney, Office of the General Counsel, Nasdaq, and Marc McKayle, Attorney, Division, Commission (September 30, 1998).

[11] Nasdaq has represented that under the proposed standards approximately 78% of the closed-end funds would be eligible for the News Media List which may be printed in the newspaper either in part or in its entirety. *See* Securities Exchange Act Release No. 40380 (August 27, 1998), 63 FR 47336 (September 4, 1998).

[12] 15 U.S.C. 78s(b)(2).

[13] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Reports, Forms and Recordkeeping Requirements

AGENCY: Office of the Secretary, DOT.

ACTION: Notice.

SUMMARY: This notice lists those forms, reports, and recordkeeping requirements imposed upon the public which were transmitted by the Department of Transportation to the Office of Management and Budget (OMB) for its approval in accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). Section 3507 of Title 44 of the United States Code, requires that agencies prepare a notice for publication in the **Federal Register**, listing information collection request submitted to OMB for approval or renewal under that Act. OMB reviews and approves agency submissions in accordance with criteria set forth in that Act. In carrying out its responsibilities, OMB also considers public comments on the proposed forms and the reporting and recordkeeping requirements. OMB approval of an information collection requirement must be renewed at least once every three years.

The **Federal Register** Notice with a 60-day comment period soliciting comments on information collection 2120–0034 was published on August 5, 1998 [63 FR 41890].

DATES: Comments on this notice must be received on or before November 12, 1998.

FOR FURTHER INFORMATION CONTACT: Copies of the DOT information collection requests submitted to OMB may be obtained from Ms. Judith Street, Federal Aviation Administration, Corporate Information Division, ABC–100, 800 Independence Ave., SW., (202) 267–9895, Washington, DC 20591.

SUPPLEMENTARY INFORMATION:

Federal Aviation Administration (FAA)

(1) *Title:* Medical Standards and Certification.

OMB Control Number: 2120–0034.

Form(s): FAA Forms 8500–7, 8500–8, 8500–14, 8500–20.

Type of Request: Revision of a currently approved collection.

Affected Public: Persons desiring medical certificates.

Abstract: This information for the medical certification of airmen is collected under the authority of 49 U.S.C. 40113, 44701, 44501, 44702, 44709, 45303, and 80111. The airman medical certification program is implemented by Title 14, Code of Federal Regulations (CFR) parts 61 and 67 (14 CFR parts 61 and 67). Using four forms to collect information, the Federal Aviation Administration (FAA) determines if applicants are medically qualified to perform the duties associated with the class of airman medical certificate sought. The forms used are: FAA form 8500–7, Report of Eye Evaluation; FAA Form 8500–8, Application for Airman Medical Certificate or Airman Medical and Student Pilot Certificate; FAA Form 8500–14, Ophthalmological Evaluation for Glaucoma; FAA Form 8500–20, Medical Exemption Petition (Operational Questionnaire).

Estimated Burden: The estimated total annual burden is 899,463 hours.

Addresses: Written comments on the DOT information collection request should be forwarded, within 30 days of publication, to Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10102, Washington, DC 20503, ATTN: FAA Desk Officer. If you anticipate submitting substantive comments, but find that more than 10 days from the date of publication are needed to prepare them, please notify the OMB official of your intent immediately.

Comments are invited on: 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; the accuracy of the Department's estimate of the burden of the proposed information collections; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication.

Issued in Washington, DC, on October 6, 1998.

Phillip A. Leach,

Clearance Officer, United States Department of Transportation.

[FR Doc. 98–27340 Filed 10–9–98; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Approval of Amendment to Noise Compatibility Program; Fort Worth Meacham Airport; Fort Worth, TX

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the amendment to the noise compatibility program submitted by the city of Fort Worth under the provisions of Title 49, USC, Chapter 475 and CFR Part 150. These findings are made in recognition of the description of Federal and nonfederal responsibilities in Senate Report No. 96–52 (1980). On August 11, 1994, the FAA determined that the noise exposure maps submitted by the city of Fort Worth under Part 150 were in compliance with applicable requirements. On February 7, 1995, the Administrator approved the noise compatibility program. On September 18, 1998, the Administrator approved an amendment to the noise compatibility program. All of the amendment recommendations of the program were approved.

EFFECTIVE DATE: The effective date of the FAA's approval of the amendment to Fort Worth Meacham airport noise compatibility program is September 18, 1998.

FOR FURTHER INFORMATION CONTACT: Mike Nicely, Department of Transportation, Federal Aviation Administration, 2601 Meacham Boulevard, Fort Worth, Texas, 76137, (817) 222–5606. Documents reflecting this FAA action may be reviewed at this same location.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval to the amendment to the noise compatibility program for Fort Worth Meacham Airport, effective September 18, 1998.

Under Title 49 U.S.C., Section 47504 (hereinafter referred to as ''Title 49''), an airport operator who has previously submitted a noise exposure map may submit to the FAA a noise compatibility program which sets forth the measures taken or proposed by the airport operator for the reduction of existing noncompatible land uses within the area covered by the noise exposure maps. Title 49 requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport noise compatibility program developed in accordance with Federal Aviation Regulations (FAR) Part 150 is a local program, not a Federal Program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measures should be recommended for action. The FAA's approval or disapproval of FAR Part 150 program recommendations is measured according to the standards expressed in Part 150 and Title 49 and is limited to the following determinations:

a. The amendment to the noise compatibility program was developed in accordance with the provisions and procedures of FAR part 150;

b. Program measures are reasonably consistent with achieving the goals of reducing existing noncompatible land uses around the airport and preventing the introduction of additional noncompatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal Government; and

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to FAA's approval of an airport noise compatibility program are delineated in FAR Part 150, section 150.5 Approval is not a determination concerning he acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all

measures covered by the program are eligible for grant-in-aid funding from the FAA. Where Federal funding is sought, requests for project grants must be submitted to the FAA Airports Division Office in Fort Worth, Texas.

The city of Fort Worth submitted to the FAA on August 4, 1994, the noise exposure maps, descriptions, and other documentation produced during the noise compatibility planning study conducted from November, 1991 through July, 1994. The Fort Worth Meacham Airport noise exposure maps were determined by FAA to be in compliance with applicable requirements on August 11, 1994. Notice of this determination was published in the **Federal Register** on August 18, 1994.

The amendment to the Fort Worth Meacham study contains a proposed noise compatibility program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions from the date of study completion. It was requested that the FAA evaluate and approve this material as an amendment to the noise compatibility program as described in Title 49. The FAA began its review of the program on April 9, 1998 and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of new flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period shall be deemed to be an approval of such program.

The submitted program contained two proposed actions for noise mitigation off the airport. The FAA completed its review and determined that the procedural and substantive requirements of Title 49 and FAR Part 150 have been satisfied. The overall program, therefore, was approved by the Administrator effective September 18, 1998.

Outright approval was granted for all of the specific program elements included in the requested amendment. The following program elements of the airport were fully approved:

a. Purchase noise sensitive sites—fee simple.

b. Obtain avigation easements.

These determinations are set forth in detail in a Record of Approval endorsed by the Administrator on September 18, 1998. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available at the FAA office listed above and at the Fort Worth Department of Aviation offices.

Issued in Fort Worth, Texas, on September 22, 1998.

Naomi L. Saunders,

Manager, Airports Division.

[FR Doc. 98–27034 Filed 10–9–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

The Federal Aviation Administration (FAA) Satellite Operational Implementation Team (SOIT) Hosted Forum on the Capabilities of the Global Positioning System (GPS)/Wide Area Augmentation System (WAAS) and Local Area Augmentation System (LAAS)

AGENCY: Federal Aviation Administration.

ACTION: Notice of meeting.

SUMMARY: The FAA SOIT will be hosting a public forum to discuss the FAA's GPS approvals and WAAS/LAAS operational implementation plans. This meeting will be held in conjunction with a regularly scheduled meeting of the FAA SOIT and in response to aviation industry requests to the FAA Administrator. Formal presentations by the FAA will be followed by a question and answer session. Those planning to attend are invited to submit proposed discussion topics.

DATES: November 16–17, 1998, 9:00 a.m.–5:00 p.m.

ADDRESSES: Washington, DC. The specific location will be selected based on number of registrants. Meeting details will be sent to all registrants in October. Tentative location is the FAA building, 800 Independence Avenue, SW, Washington, DC.

POINT OF CONTACT: Registration and submission of suggested discussion topics may be made to Mr. Steven Albers, phone (202) 267–7301, fax (202) 267–5086, or e-mail at steven.albers@faa.gov.

SUPPLEMENTARY INFORMATION: Open to the aviation industry with attendance limited to space available. Participants are requested to register their intent to attend this meeting by October 30, 1998. Names, affiliations, telephone and facsimile numbers should be sent to the point of contact listed.

Dated: September 22, 1998.

Hank Cabler,

SOIT Co-Chairman.

[FR Doc. 98–27363 Filed 10–9–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

Actions on Exemption Applications

AGENCY: Research and Special Programs Administration, DOT.

ACTION: Notice of actions on exemption applications.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the actions on exemption applications in May–August 1998. The modes of transportation involved are identified by a number in the ''Nature of Application'' portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft. Application numbers prefixed by the letters EE represent applications for Emergency Exemptions. It should be noted that some of the sections cited were those in effect at the time certain exemptions were issued.

Issued in Washington, DC, on September 29, 1998.

J. Suzanne Hedgepeth,

Director, Office of Hazardous Materials Exemptions and Approvals.

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
MODIFICATION EXEMPTIONS				
3216–M	DOT–E 3216	E.I. DuPont de Nemours & Co., Inc., Wilmington, DE.	49 CFR 173.314(c)	To modify the exemption to provide for rail transportation as an additional mode.

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
4661–M	DOT–E 4661	Cyprus Foote Mineral Company, Kings Mountain, NC.	49 CFR 173.34(e)(1)	To modify the exemption to provide for Class 3 material as an additional class for transportation in DOT Specification 4BA240 cylinders with alternative retest procedures.
4844–M	DOT–E 4844	Kidde-Graviner Ltd., Berkshire, UK	49 CFR 173.301(i), 173.302	To modify the exemption to provide for rail, air and cargo vessel as additional modes of transportation for use in transporting non-DOT specification foreign made steel cylinders.
6971–M	DOT–E 6971	Chem Service, Inc., West Chester, PA.	49 CFR Parts 100–199	To modify exemption to provide for transportation by passenger aircraft as an additional mode for use in transporting small quantities of chemicals inside glass bottles packaged in metal boxes overpacked in strong wooden or fiberboard boxes.
8096–M	DOT–E 8096	Scott High Pressure Technology, Inc., Plumsteadville, PA.	49 CFR 173.302(a)(1), 173.304, 175.3, 178.42.	To modify the exemption to provide for an alternative material to be used in manufacturing non-DOT specification steel cylinders for use in transporting Division 2.2 material.
8299–M	DOT–E 8299	Pacific Scientific, Durate, CA	49 CFR 173.304(a)(1), 175.3, 178.44.	To reissue the exemption originally modified on an emergency basis to extend life limit of non-DOT specification pressure vessels used in special service for the transportation of compressed gases.
10677–M	DOT–E 10677	Primus AB, S–171 26 Solna, Sweden.	49 CFR 178.33	To modify the exemption to authorize a larger design container conforming to DOT Specification 2P, except for size, testing requirements and marking, for the transportation of a Division 2.1 material.
10784–M	DOT–E 10784	The United States Secret Service, Washington, DC.	49 CFR 173.25, 175.85, Part 107, Appendix B to Subpart B, Part 172, Subpart C.	To reissue an exemption originally issued on an emergency basis to authorize the shipment of first aid/trauma kits, containing oxygen in DOT Specification 3AA2015 cylinders, in the passenger compartment of commercial aircraft.
11058–M	DOT–E 11058	Spex Certiprep Inc., Metuchen, NJ	49 CFR 173.158(e)	To modify the exemption to provide for cellulose wading as absorbent material in combination packaging containing dilute nitric acid.
11344–M	DOT–E 11344	E.I. Dupont de Nemours & Co., Inc., Wilmington, DE.	49 CFR 174.67(i) and (j)	To modify the exemption to provide for tank cars, containing chlorine, Division 2.3, to remain standing with unloading connections attached without the physical presence of an unloader.
11375–M	DOT–E 11375	Oceaneering Space Systems, Houston, TX.	49 CFR 178.57	To modify the exemption to provide for several design changes to non-specification cylinder built to DOT-Specification 4L containing Division 2.2 material.
11396–M	DOT–E 11396	Laidlaw Environmental Services, Inc., Columbia, SC.	49 CFR 173.306(a)(3)	To modify the exemption to provide for cargo vessel as an additional mode of transportation for use in transporting various Class 3 material.

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
11624–M	DOT–E 11624	Laidlaw Environmental Services, Inc., Columbia, SC.	49 CFR 173.173(b)(2)	To modify the exemption to provide for cargo vessel as an additional mode of transportation for use in transporting various Class 3 material.
11703–M	DOT–E 11703	Walter Kidde Portable Equipment Company, Inc., Mebane, NC.	49 CFR 171.2(c), 173.301(h), 178.65.	To modify the exemption to provide for passenger aircraft as an additional mode of transportation for use in transporting Division 2.2 materials.
11790–M	DOT–E 11790	United States Enrichment Corporation (USEC), Bethesda, MD.	49 CFR 172.302(c)	To modify the exemption to provide for alternative material to be used in tubing of non-specification cylinders similar to DOT 5A and 5B specification cylinder without required markings for use in transporting uranium hexafluoride, Class 7.
11899–M	DOT–E 11899	Carleton Technologies, Inc., Orchard Park, NY.	49 CFR 178.65	To modify the exemption to authorize an altered design of the sealed high pressure gas cylinder system, equipped with twin pyrotechnic cutters, Division 1.4D, charged with Nitrogen, Division 2.2, to be offered for shipment as a Division 2.2.
11952–M	DOT–E	Department of Defense Falls Church, VA.	49 CFR 173.306(a)	To reissue the exemption originally issued on an emergency basis for use in transporting specially designed packaging consisting of a cylinder containing less than 7.22 cubic inches of nitrogen, compressed, Division 2.2.
11990–M	DOT–E 11990	Taylor-Wharton Coyne, Huntsville, AL.	49 CFR 173.201(c), 173.202(c), 173.302(a)(1), 173.304(a)(1), 175.3, 178.35–(e), 178.35–(f), 178.36–(a)(1), 178.36(b), 178.36–(g), 178.36–(j), 178.36–(m).	To modify the exemption to remove the Safety Device criteria under 7.a., 178.35(e) of the exemption.
12041–M	DOT–E 12041	General Electric Plastics, Pittsfield, MA.	49 CFR 173.182(c) (30)	To reissue the exemption originally issued on an emergency basis to use an alternate method of testing of certain cylinders for transporting Division 2.3 material.
12047–M	DOT–E 12047	True Drilling Company, Casper, WY.	49 CFR 171.2	To reissue the exemption originally issued on an emergency basis to transport flammable liquids in packages that are not presently authorized.
12055–M	DOT–E 12055	M.D. Cryogenics, Inc., Pearland, TX.	49 CFR ?	To reissue the exemption originally issued on an emergency basis to authorize the transportation of portable tanks that are incorrectly marked and are involved in offshore operations.
12070–M	DOT–E 12070	Boeing North American, Inc., Downey, CA.	49 CFR 173.62, Packing instruction 140.	To reissue the exemption originally issued on an emergency basis to authorize the transportation of a Kill Vehicle (KV) Assembly containing 1.4G explosives.
12092–M	DOT–E 12092	Matheson Gas Products, East Rutherford, NJ.	49 CFR 173.34(e)	To reissue the exemption originally issued on an emergency basis to use an alternate test method for cylinders rather than the hydrostatic test.

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
NEW EXEMPTIONS				
11232–N	DOT–E 11232	State of Alaska Dept. of Transp. & Public Fac. Juneau, AK.	49 CFR 172.101 and 176.905(1) ...	To authorize the transportation of limited quantity acetylene, Division 2.1, in permanently affixed 100 lb. bottles of state-owned maintenance/vehicles transported on passenger vessels for emergency repairs. (Mode 3)
11511–N	DOT–E 11511	Brenner Tank, Inc., Fond du Lac, WI.	49 CFR 178.345–19(c), 178.345–8(c).	To authorize the manufacture, mark and sale of piston carrying cargo tank motor vehicles similar to a DOT 407 in transporting certain hazardous materials. (Mode 1)
11537–N	DOT–E 11537	Babson Bros. Co., Romeoville, IL ..	49 CFR 177.834(h)	To authorize the transportation in commerce of certain Class 8 material in IBCs that are securely mounted to a flatbed trailer, but not removed for the vehicle prior to loading or unloading of container. (Mode 1)
11551–N	DOT–E 11551	The Fertilizer Institute, Washington, DC.	49 CFR 180.407(c)(h) (1)(ii)	To authorize an alternative testing procedure for MC–330 and MC–331 cargo tanks in dedicated anhydrous ammonia service. (Mode 1)
11646–N	DOT–E 11646	Barton Solvents, Inc., Des Moines, IA.	49 CFR 172.203(a), 172.301(c), 177.834(h).	To authorize the unloading of hazardous materials from drums and/or intermediate bulk containers without removal from motor vehicles. (Mode 1)
11722–N	DOT–E 11722	Citergaz SA, Civray, FR	49 CFR 178.36	To authorize the transportation in commerce of non-DOT specification cylinders comparable to 3AX for use in transporting various gases. (Modes 1, 2, 3)
11772–N	DOT–E 11772	Kleespie Tank & Petroleum Equipment, Morris, MN.	49 CFR 178.337–13(d)	To authorize alternative pads to be welded to shells attached to components of MC–331 cargo tanks used in transporting liquid petroleum and anhydrous ammonia. (Mode 1)
11782–N	DOT–E 11782	Aeronex, Inc., San Diego, CA	49 CFR 173.212	To authorize the transportation in commerce of non-specification cylinders constructed of 316L stainless steel for use in transporting a Division 4.2 material. (Mode 1)
11841–N	DOT–E 11841	Stephan Company, Northfield, IL ...	49 CFR 179.200–16	To authorize the transportation in commerce of tank cars equipped with alternative loading and unloading devices to be transported without required DOT exemption markings for use in the shipment of Class 9 material. (Mode 2)
11863–N	DOT–E 11863	Carrier Corp./d/b/a United Technologies Carrier, Syracuse, NY.	49 CFR 173.307(a)(4)	To authorize the manufacture, mark and sale of refrigeration machines containing up to 50 pounds of hazardous materials to be transported as not subject to the regulations. (Modes 1, 2, 3)
11882–N	DOT–E 11882	FMC Corporation, Philadelphia, PA	49 CFR 172.101, 173.244	To authorize the transportation in commerce of non-DOT specification packaging containing small quantities of high purity lithium metal for off-site cleaning. (Mode 1)

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
11911–N	DOT–E 11911	Transfer Flow, Inc., Chico, CA	49 CFR 178.700 thru 178.819	To authorize the manufacture, mark and sale of 50 gallon to 105 gallon refueling tanks as intermediate bulk containers a system for use in transporting various Class 3 hazardous materials. (Mode 1)
11915–N	DOT–E–11915	Lockheed Martin Aeronautical Systems Marietta, GA.	49 CFR 173.34(e)	To authorize an alternative maintenance/inspection program for certain DOT specification and non-DOT specification cylinders used as part of the engine and fire extinguishing systems on aircraft. (Modes 1, 2, 4, 5)
11916–N	DOT–E–11916	CP Industries, Inc., McKeesport, PA.	49 CFR 173.302(e)(2), (4) and 5, 173.34(e)(1), (3)(4).	To authorize the use of ultrasonic wall thickness retest method to re-qualify DOT–3AX, DOT–3AAX and DOT–3T cylinders and extend the retest period to 10 years for non-corrosive services. (Modes 1, 2, 3, 4)
11923–N	DOT–E–11923	Hoover Materials Handling Group, Inc., Beatrice.	49 CFR 178.705(c)(iv)(A)	To authorize the manufacture, marking and sale of metal intermediate bulk containers having specifications that do not meet minimum thickness requirements. (Modes 1, 2, 3)
11941–N	DOT–E–11941	Oxychem, Deer Park, TX	49 CFR 173.31 Retest Table 1, 173.31(c).	To authorize alternative retesting criteria for tanks cars used in chlorine service. (Mode 2)
11944–N	DOT–E–11944	Core Laboratories, Inc., Carrollton, TX.	49 CFR 173.302	To authorize the transportation in commerce of compressed natural gas in 4E240 cylinders. (Modes 2, 4)
11965–N	DOT–E 11965	J.R. Simplot Company, Edison, CA	49 CFR 174.67(i) & (j)	To authorize tank cars to remain connected during unloading of Class 8 material without the physical presence of an unloader. (Mode 2)
11966–N	DOT–E 11966	FMC Corporation, Philadelphia, PA	49 CFR 173.31(b)(6)(i)	To authorize the transportation in commerce of DOT 111A–60A1W2 aluminum tank cars equipped with half head shields instead of full for use in transporting Hydrogen peroxide aqueous solutions, Division 5.1. (Mode 2)
11968–N	DOT–E 11968	Air Liquide America Corporation, Houston, TX.	49 CFR 177.834(i)(3)	To authorize the unloading of Division 2.1 and 2.2 material from DOT Specification cargo tanks without the physical presence of an unloader. (Mode 1)
11970–N	DOT–E 11970	Exxon Chemical, Inc. Baytown, TX	49 CFR 172.101, 178.245–1(c)	To authorize the transportation in commerce of DOT-Specification 51 portable tanks equipped with a bottom outlet and no internal shutoff valve for use in transporting pyrophoric solids, inorganic, n.o.s., Division 4.2. (Modes 1, 2, 3)
11971–N	DOT–E 11971	Regional Airline Association, Washington, DC.	49 CFR 173.34(e)	To authorize an alternative retesting procedure for Specification 4DA and 4DS hermetically sealed cylinders which serves as components of aircraft systems. (Modes 1, 2)

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
11990–N	DOT–E 11990	Taylor-Wharton Coyne, Huntsville, AL.	49 CFR 173.201(c), 173.202(c), 173.302(a)(1), 173.304.(a)(1), 175.3, 178.35–(e), 178.35–(f), 178.36–(a)(1), 178.36(b), 178.36–(g), 178.36–(j), 178.36–(M).	To authorize the manufacture, mark and sale of non-DOT specification cylinders for transportation in commerce of gas and oil well samplings containing certain Division 2.1, 2.2 and Class 3 material. (Modes 1, 2, 3, 4)
12001–N	DOT–E 12001	Albermarle Corporation Baton Rouge, LA.	49 CFR 172.101, B14	To authorize the transportation in commerce of toxic liquid, corrosive, inorganic, n.o.s., Division 6.1, PIH Zone B, in uninsulated MC 330 or MC 331 tank trailers. (Mode 1)
12002–N	DOT–E 12002	Yellowstone Pipe Line Co., Thompson Falls, MT.	49 CFR 174.67(g)	To authorize the use of pressure as an alternative method of removing frozen liquid from tank car bottom outlets instead of steam and hot water. (Mode 2)
12005–N	DOT–E 12005	Boeing North American, Inc., Canoga Park, CA.	49 CFR 173.302	To authorize the transportation in commerce of a specially designed unit equipped with a cylinder charged with xenon gas, Division 2.2, as part of a space station project. (Mode 1)
12011–N	DOT–E 12011	Compagnie Des Containers Reservoirs, Paris, FR.	49 CFR 173.32b(b)	To authorize alternative internal inspection period of IMO Type 1 portable tanks used in dedicated service for the transportation of Division 6.1 material. (Modes 1, 2, 3)
12021–N	DOT–E 12021	Praxair, Inc., Tonawanda, NY	49 CFR 172.101(i)(3)	To authorize the transportation in commerce of dry metal catalyst classified as Division 4.2, to be transported in non-DOT specification bulk packaging. (Modes 1, 3)
12030–N	DOT–E 12030	East Penn Manufacturing Co., Inc., Lyon Station, PA.	49 CFR 173.159(h)	To authorize the transportation in commerce of battery fluid, acid, Class 8, in UN6HG composite packagings tested to Packing Group II test criteria with dry storage batteries, continuing no hazardous material, in UN 4G fiberboard boxes. The maximum gross weight will not exceed 81.5 pounds. (Modes 1, 3, 4)
12037–N	DOT–E 12037	The Carbide/Graphite Group, Inc., Louisville, KY.	49 CFR 173.35(b)	To authorize the transportation in commerce of Division 4.3 material in reused UN 13H4 lined woven polypropylene flexible intermediate bulk containers in truckload or carload lots. (Modes 1, 2)
12039–N	DOT–E 12039	Sun Company, Inc., Philadelphia, PA.	49 CFR 173.319(d)(2)	To authorize the transportation in commerce of liquid refrigerated liquid, Division 2.1, in DOT113C120W tank car tank at a higher pressure than presently authorized. (Mode 2)
12046–N	DOT–E 12046	Univ. of Colorado Health Sciences Center, Denver, CO.	49 CFR 171 to 178	To authorize the transportation in commerce of various hazardous materials in small quantities inside lab packs without required markings and labelling as essentially non-regulated. (Mode 1)
12053–N	DOT–E 12053	OZ Technology, Inc., Rathdrum, ID	49 CFR 173.306(a)(3)	To authorize the transportation in commerce of Hydro-carbon Blend B refrigerant gas, Division 2.1, in non-DOT specification containers similar to a DOT2Q cans with overpack. (Modes 1, 2, 3)

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
12056–N	DOT–E 12056	DOT/MTMC, Falls Church, VA	49 CFR 173.226, 173.336	To authorize the transportation in commerce of Division 6.1 material and Division 3.3 material, in propellant tanks designed to a military specification. (Modes 1, 3)
12065–N	DOT–E 12065	International Flavors & Fragrances (IFF–US) Hazlet, NJ.	49 CFR 173.120(c)(ii)	To authorize the use of a specially designed device to obtain flashpoint data for fragrance formulas. (Modes 1, 2, 3, 4, 5)
12066–N	DOT–E 12066	KMG Bernuth, Inc. Houston, TX	49 CFR 173.35(b)	To authorize the reuse of flexible IBCs for use in transporting IBCs for use in transporting pentachlororphenol, Division 6.1. (Mode 1)
12068–N	DOT–E 12068	United States Sea Launch GP, L.L.C. Long Beach, CA.	49 CFR 173.56, 173.60	To authorize the shipment of a rocket motor and components which have not been examined and approved as required in specially designed packagings and shipping configurations. (Modes 1, 3, 4)
12069–N	DOT–E 12069	Compagnie Des Containers Reservoirs, Paris, FR.	49 CFR 173.32b(b)	To authorize an alternative visual inspection schedule for certain DOT Specification IM 101 portable tanks used in dedicated service for the transportation in commerce of methlthiopropionic aldehyde (4-thiopentanal), Division 6.1. (Modes 1, 2, 3)
12074–N	DOT–E 12074	Van Hool NV, B–2500 Lier, Koningshooikt, GR.	49 CFR 178–245–1(a)	To manfuacture, mark and sale DOT Specification steel portable tanks designed, constructed and stamped in accordance with Division 2 of Section VIII of the ASME B&PV Code for use in transporting Division 2.1 and 2.2 material. (Modes 1, 2, 3)
12076–N	DOT–E 12076	The Valvoline Co., Kexington, KY ..	49 CFR 172.101	To authorize the transportation in commerce of automotive starting fluids products with alternative shipping name in order to use existing stock. (Mode 1)
12079–N	DOT–E 12079	ASAHI SEISAKUSHO CO., LTD, Saitama 339–0078, Japan.	49 CFR 173.301(h), 173.302(a)(1), 173.305(a), 173.34(a)(1).	To authorize the manufacture, mark and sale of non-DOT specification cylinders comparable to a DOT specification 3AA for use as a scuba diving cylinder containing a Division 2.2 gas. (Modes 1, 2, 3,4)
12083–N	DOT–E 12083	Northern Indiana Fuel & Light Co., Inc., Auburn, IN.	49 CFR 173.29(a)	To authorize the bulk transportation in commerce of residual quantities of Class 3 material to be transported in specially designed tanks. (Mode 1)
12100–N	DOT–E 12100	Tokico (USA), Inc., Berea, KY	49 CFR 172.200–202, 172.203–204, 172.300, 173.306(f)(1), 173.306(f)(2)(iii), 173.306(f)(3).	To authorize the transportation in commerce of gas struts charged by a mixture of nitrogen gas and hydraulic oil as essentially unregulated. (Modes 1, 2, 3, 4, 5)
EMERGENCY EXEMPTIONS				
EE 8299–M	DOT–E 8299	Pacific Scientific, Durate, CA	49 CFR 173.304(a)(1), 175.3, 178.44.	Authorizes the manufacture, marking and sale of non-DOT specification pressure vessels for shipment of a compressed gases. (modes 1, 2, 4, 5)
EE 12070–N	DOT–E 12070	Boeing Defense & Space Group, Downey, CA.	49 CFR 173.62, Packing instruction 140.	To authorize the emergency transportation of a Kill Vehicle (KV) Assembly containing 1.4G explosives. (Modes 1, 4)

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 12077–N	DOE–E 12077	Akzo Nobel Chemicals, Inc., Chicago, IL.	49 CFR 172.102(c)(7)(ii), SP T43 ..	To authorize the emergency one-time transportation in commerce of DOT Specification IM 101 portable tanks containing approximately 100 gallons of a Class 8, PG II (Hazard Zone B) material. (Mode 1)
EE 12078–N	DOT–E 12078	Valspar Corp., Minneapolis, MN	49 CFR 173.203	Request for an emergency exemption to authorize the one-time shipment of waste flammable liquid in non-DOT spec. drums. (Mode 1)
EE 12080–N	DOT–E 12080	Incendere, Inc., Norfolk, VA	49 CFR 173.24, 173.24a	Request for an emergency exemption to transport regulated medical waste in a bulk container that is not authorized. (Mode 1)
EE 12090–N	DOT–E 12090	Forcenergy, Inc., Anchorage, AK	49 CFR 172.101	Application for an emergency exemption to authorize the transportation in commerce of nitrogen in containers that exceed the quantity limitations when transported by aircraft. (Mode 4)
EE 12091–N	DOT–E 12091	Hapag-Lloyd (America) Inc., Piscataway, NJ	49 CFR 173.32b(b)	Request for an emergency exemption to transport an IM 101 type tank container that has not been visually inspected within the designated time for that tank. (Modes 1, 2, 3)
EE 12092–N	DOT–E 12092	Matheson Gas Products, East Rutherford, NJ	49 CFR 173.34(e)	Request for an emergency exemption to use an alternate test method for cylinders rather than the hydrostatic test. (Mode 1)
EE 12094–N	DOT–E 12094	Suburban Propane, Inc., Anchorage, AK	49 CFR 1234	To authorizes the emergency transportation of propane, Division 2.1, in DOT 51M portable tanks, that exceed the quantity limitations. (Mode 4)
EE 12095–N	DOT–E 12095	Railway Progress Institute, Alexandria, Va	49 CFR 172.301(c), 180.503, 180.509, 180.517	Emergency exemption that authorizes an alternative inspection and test program for any class DOT tank car, and any non-DOT tank carwhen such car, is used to transport hazardous material. (Mode 2)
EE 12107–N	DOT–E 120107	Toyota Motor Sales, Torrence, CA	49 CFR 100–180, except as provided in exemption	Request for an emergency exception to manufacture, mark and sale of certain shock absorbers, struts, stays and dampers for transportation in commerce as accumulators. (Modes 1, 2, 3, 4, 5)
EE 12108–N	DOT–E 12108	Jones Chemicals, LeRoy, NY	49 CFR 17173.24(f), 173.315(o)(2)	Request for an emergency exemption to authorize the transportation in commerce of a chlorine cargo tank with a ''C'' kit applied to a leaking value. (Mode 1)
EE 12110–N	DOT–E 12110	Jet Propulsion Laboratory Pasadena, CA	49 CFR 173.306(f)	Request for an emergency exemption to authorize the transportation in commerce of a deep space spacecraft with its xenon gas propellant tanks fully pressurized to 1048 psig and 90 psig respectively. (Mode 1)
EE 12112–N	DOT–E 12112	HRD Aero Systems, Inc., Valencia, CA	49 CFR 173.301(1)	Request for an emergency exemption to authorize the transportation in commerce of certain gases in copper cylinders of foreign manufacture. (Modes 1, 2, 3, 4, 5)

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 12113–N	DOT–E 12113	Bemis Co. Inc., Omaha, NE	49 CFR 178.3(a)(4)	Request for an emergency exemption for the transportation in commerce of bags (UN5M2) which were not marked to correct size specifications. (Mode 1)

	Denials
7879–M	Request by Halliburton Energy Services, Inc. Duncan, OK to modify exemption to provide for technical changes to the 3″ non-DOT specification seamless cylinders used for transport of bromine trifluoride denied July 6, 1998.
8757–M	Request by YZ Industries, Inc. Snyder, TX to modify exemption to provide for additional service pressure of 2,250 psi, alternative hydrostatic test of 4,500 psi and alternative markings denied May 18, 1998.
10581–N	Request by Luxfer UK Limited Nottingham, EN to authorize an alternation testing procedure for DOT 3AL cylinders for shipment of those hazardous materials presently authorized for shipment in DOT Specification 3AL cylinders denied May 4, 1998.
11254–M	Request by Schlumberger Oilfield Services Sugar Land, TX to modify exemption to provide for additional tool pallet models with a total explosive content not to exceed 200 pounds per pallet denied June 2, 1998.
11591–M	Request by Clearwater Distributors, Inc. Woodridge, NY to authorize the transportation of multiple portable tanks permanently affixed to the vehicle equipped with unloading rod for use in unloading Class 8 material denied August 25, 1998.
11667–M	Request by Weldship Corporation Bethlehem, PA to authorize the modification of personnel qualifications for retesting of DOT–3AAX and 3T cylinders denied June 2, 1998.
11686–M	Request by Bridgeview, Inc. Morgantown, PA to modify exemption to provide for several modifications to existing plastic bags denied August 14, 1998.
11872–M	Request by Polymet Alloys, Inc. Saginaw, AL to modify motion to provide for tarp covered vehicles for transportation of water reactive, solid, Division 4.3 in flexible intermediate bulk containers denied June 18, 1998.
12109–N	Request by Breed Technologies Lakeland, FL to modify motion to provide for tarp covered vehicles for transportation of water reactive, solid, Division 4.3 in flexible intermediate bulk containers denied July 23, 1998.

[FR Doc. 98–27341 Filed 10–9–98; 8:45 am]
BILLING CODE 4909–60–M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33665]

Twin Cities & Western Railroad Company—Trackage Rights Exemption—Minnesota Commercial Railway Company

Minnesota Commercial Railway Company has agreed to grant overhead trackage rights to Twin Cities & Western Railroad Company (TCW) on its rail line (the Subject Line), which is located entirely within the State of Minnesota. The rail line extends south from St. Anthony, where it connects with a line of railroad owned and operated by The Burlington Northern and Santa Fe Railway Company (BNSF), to Merriam Park, where it connects with a line of railroad owned and operated by the Soo Line Railroad Company, d/b/a Canadian Pacific Railway (CPR).

The transaction was scheduled to be consummated on or after September 30, 1998.

The purpose of the overhead trackage rights is to allow TCW to avoid severe congestion on the BNSF line, on which TCW has existing trackage rights, between St. Anthony and CPR's St. Paul Yard. Specifically, the trackage rights will permit TCW to enter St. Paul via the CPR line, in accordance with a TCW–CPR interchange agreement.

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Because this transaction involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33665, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Jo A. DeRoche, Esq., Weiner, Brodsky, Sidman & Kider, P.C., 1350 New York Avenue, NW, Suite 800, Washington, DC 20005–4797.

Board decisions and notices are available on our website at ''WWW.STB.DOT.GOV.''

Decided: October 5, 1998.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 98–27370 Filed 10–9–98; 8:45 am]
BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

Community Development Financial Institutions Fund Open Meeting of the Community Development Advisory Board

AGENCY: Community Development Financial Institutions Fund, Department of the Treasury.

ACTION: Notice of open meeting.

SUMMARY: This notice announces the next meeting of the Community Development Advisory Board (the ''Advisory Board''), which provides advice to the Director of the Community Development Financial Institutions Fund (the ''Fund'').

DATES: The next meeting of the Community Development Advisory Board will be held on Monday, October 26, 1998 at 10:00 a.m.

ADDRESSES: The meeting will be held at the Treasury Executive Institute, 1255 22nd Street, NW., Suite 500, Washington, DC.

FOR FURTHER INFORMATION CONTACT: The Community Development Financial Institutions Fund, U.S. Department of the Treasury, 601 13th Street, NW., Suite 200 South, Washington, DC 20005, (202) 622–8662 (this is not a toll free number).

SUPPLEMENTARY INFORMATION: Section 104(d) of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4703(d)) established the Community Development Advisory Board. The charter for the Advisory Board has been filed in accordance with the Federal Advisory Committee Act, as amended, (5 U.S.C. App.), and with the approval of the Secretary of the Treasury.

The function of the Advisory Board is to advise the Director of the Fund (who has been delegated the authority to administer the Fund) on the policies regarding the activities of the Fund. The Fund is a wholly owned corporation within the Department of the Treasury. The Advisory Board shall not advise the Fund on the granting or denial of any particular application. The Advisory Board shall meet at least annually.

It has been determined that this document is not a major rule as defined in Executive Order 12291 and that regulatory impact analysis therefore is not required. In addition, this document does not constitute a rule subject to the Regulatory Flexibility Act (5 U.S.C. Chapter 6).

The next meeting of the Advisory Board, all of which will be open to the public, will be held at the Treasury Executive Institute, located at 1255 22nd Street, NW., Suite 500, Washington, DC, on Monday, October 26 at 10:00 a.m. The room will accommodate 30 members of the public. Seats are available on a first-come, first-served basis. Participation in the discussions of the meeting will be limited to Advisory Board members and Department of the Treasury staff. Anyone who would like to have the Advisory Board consider a written statement must submit it to the Fund, at the address of the Fund specified above in the **FOR FURTHER INFORMATION CONTACT** section, by 4:00 p.m., Friday, October 23, 1998. Due to scheduling complications this notice is being published in the **Federal Register** less than 15 days prior to the date of the meeting.

The meeting will include: A report from Director Lazar on the activities of the CDFI Fund since the last Advisory Board meeting; reports from the newly formed Advisory Board subcommittees (Research and Evaluation, Native American Lending Study/Action Plan, and Outreach and Partnerships); a status report on the CDFI Fund's Impact Studies; and a report from Treasury Deputy Assistant Secretary Michael Barr regarding related Treasury activities (Electronic Funds Transfer, Individuals Development Accounts and Business Mentoring).

Authority: 12 U.S.C. 4703; Chapter X, Pub. L. 104–19, 109 Stat. 237.

Dated: October 7, 1998.

Ellen Lazar,

Director, Community Development Financial Institutions Fund.

[FR Doc. 98–27394 Filed 10–9–98; 8:45 am]

BILLING CODE 4810–70–P

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

Sunshine Act Meeting

The Board of Trustees of the Morris K. Udall Scholarship & Excellence in National Environmental Policy Foundation will hold a meeting beginning at 3:00 p.m. on Thursday, October 22, 1998, at the University of Arizona Swede Johnson Building, 1111 North Cherry Avenue, Tucson, AZ 85721.

The matters to be considered will include (1) A report on the U.S. Institute of Environmental Conflict Resolution; and (2) A report from the Udall Center for Studies and Public Policy and approval of the fiscal year 1999 budget. The meeting is open to the public.

CONTACT PERSON FOR MORE INFORMATION: Christopher L. Helms, 803 East First Street, Tucson, AZ 85719. Telephone (520) 670–5523.

Dated this 7th day of October, 1998.

Christopher L. Helms.

[FR Doc. 98–27487 Filed 10–8–98; 11:20 am]

BILLING CODE 6820–FN–M

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Cemeteries and Memorials, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice that a meeting of the Advisory Committee on Cemeteries and Memorials, authorized by 38 U.S.C. 2401, will be held Wednesday, October 28, 1998, at Florida National Cemetery, 6502 SW 102nd Avenue, Bushnell, FL 33513, and Thursday, October 29, 1998, at the Hawthorne Suites Hotel, 6435 Westwood Blvd., Orlando, FL 32821. On Wednesday, October 28, 1998, the meeting will convene at 9:00 a.m. (EST) and adjourn at 3;45 p.m. (EST). On Thursday, October 29, 1998, the meeting will convene at 8:00 a.m. (EST) and adjourn at 5:00 p.m. (EST).

This will be the committee's first meeting of fiscal year 1999. The purpose of the committee is to review the administration of VA's cemeteries and burial benefits program.

On Wednesday, October 28, there will be a business session at Florida National Cemetery. The committee will be updated on National Cemetery System (NCS) issues, briefed on operations at Florida National Cemetery and then given a tour of the cemetery.

On Thursday, October 29, at the Hawthorne Suites Hotel, in the Magnolia-A conference room there will be updates and discussions on cremation scatter areas, military honors, construction of and dedications for new cemeteries, NCS 25th Anniversary and the One VA conference.

The meeting will be open to the public. Those wishing to attend should contact Ms. Louise Ware, Special Assistant to the Acting Director, National Cemetery System, [phone (202) 273–7577] no later than 12 noon (EST), October 21, 1998.

Any interested person may attend, appear before, or file a statement with the Committee. Individuals wishing to appear before the Committee or wishing to file written statements to be submitted to the Committee should indicate this in a letter to the Acting Director, National Cemetery System (40), at 810 Vermont Avenue, NW, Washington, DC 20420. In any such letters, the writers must fully identify themselves and state the organization, association or person(s) they represent. In addition, to the extent practicable, letters should indicate the subject matter they want to discuss. Letters and written statements must be received by 12 noon (EST), October 21, 1998.

Oral presentations should be limited to 10 minutes in duration. Oral statements will be heard between 1:30 p.m. and 2:00 p.m. (EST), Thursday, October 29, 1998, at the Hawthorne Suites Hotel.

Dated: September 30, 1998.

By Direction of the Secretary.

Heyward Bannister,

Committee Management Officer.

[FR Doc. 98–27307 Filed 10–9–98; 8:45 am]

BILLING CODE 8320–01–M

Corrections

Federal Register

Vol. 63, No. 197

Tuesday, October 13, 1998

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 COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 970703166–8209–04; I.D. 060997A3]

RIN 0648–AH65

Fisheries of the Exclusive Economic Zone Off Alaska; License Limitation Program

Correction

In rule document 98–26186 beginning on page 52642 in the issue of Thursday, October 1, 1998, make the following corrections:

§ 679.4 [Corrected]

1. On page 52654, in the first column, in § 679.4, paragraph designation ''(i)'' should read ''(k)''.

§ 679.7 [Corrected]

2. On page 52657, in the second column, in § 679.7, paragraph designation ''(j)'' should read ''(i)''.

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[FRL-6169-5]

RIN 2060-AG77

Regulation of Fuels and Fuel Additives: Modification of the Covered Areas Provision for Reformulated Gasoline

Correction

In rule document 98–26006 beginning on page 52094, in the issue of Tuesday, September 29, 1998, make the following correction:

On page 52094, in the first column, in the second line from the bottom, ''2998'' should read ''1998''.

BILLING CODE 1505-01-D

FEDERAL TRADE COMMISSION

[File No. 972-3084]

Del Pharmaceuticals, Inc., et al.; Analysis to Aid Public Comment

Correction

In notice document 98–25845 beginning on page 51580 in the issue of Monday, September 28, 1998, make the following correction:

On page 51580, in the third column, under **ADDRESSES**, in the second line ''FCC'' should read ''FTC''.

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

RIN 1018–AD74

Extension of Comment Period: Migratory Bird Hunting Regulations Regarding Baiting and Baited Areas

Correction

In proposed rule document 98–26827 appearing on page 53635 in the issue of Tuesday, October 6, 1998, make the following correction:

On page 53635, in the third column, in the last paragraph, in the last line, ''October 31, 1998'' should read ''October 22, 1998''.

BILLING CODE 1505-01-D

Federal Register

Tuesday
October 13, 1998

Part II

Department of Veterans Affairs

38 CFR Part 17

Medical Care Collection or Recovery; Proposed Rule and Notice

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 17

RIN 2900–AJ30

Medical Care Collection or Recovery

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend VA's medical regulations concerning collection or recovery by VA for medical care or services provided or furnished to a veteran:

For a non-service connected disability for which the veteran is entitled to care (or the payment of expenses of care) under a health-plan contract;

For a non-service connected disability incurred incident to the veteran's employment and covered under a worker's compensation law or plan that provides reimbursement or indemnification for such care and services; or

For a non-service connected disability incurred as a result of a motor vehicle accident in a State that requires automobile accident reparations insurance.

Previously, by statute VA was authorized to charge ''reasonable costs'' for such care or services. However, amended statutory provisions now authorize VA to charge ''reasonable charges.'' Accordingly, this document proposes to establish methodology for charging ''reasonable charges'' consistent with the statutory amendment. Under the proposal, the charges billed using this methodology, as appropriate, would consist of inpatient facility charges, skilled nursing facility/sub-acute inpatient facility charges, outpatient facility charges, physician charges, and non-physician provider charges. Reasonable charges for outpatient dental care and prescription drugs not administered during treatment would continue to be billed using the existing cost-based methodology.

Pursuant to statutory authority, VA has the right to recover or collect the charges from a third party to the extent that a provider of the care or services would be eligible to receive payment therefor from that third party if the care or services had not been furnished by a department or agency of the United States. With respect to a third-party payer liable under a health plan contract, consistent with the statutory authority, the third-party payer would have the option of paying to the extent of its coverage, either the billed charges or the amount the third-party payer demonstrates it would pay for care or services furnished by providers other than entities of the United States for the same care or services in the same geographic area.

Using the methodology in this proposed rule, the data for calculating actual amounts for the various inpatient facility charges, skilled nursing facility/sub-acute inpatient facility charges, outpatient facility charges, and physician charges at individual VA facilities for the period August 1998 through September 1999 are set forth in a companion document published in the ''Notices'' section of this issue of the **Federal Register**.

Also, under the proposal, the regulations would be clarified to state specifically that billing methodology based on costs will continue to be applied to establish charges for medical care furnished in error or on tentative eligibility, furnished in a medical emergency, furnished to certain beneficiaries of the Department of Defense or other Federal agencies, furnished to pensioners of allied nations, and furnished to military retirees with chronic disability.

DATES: Comments must be received on or before December 14, 1998.

ADDRESSES: Mail or hand-deliver written comments to: Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Ave., NW, Room 1154, Washington, DC 20420. Comments should indicate that they are submitted in response to ''RIN: 2900–AJ30.'' All written comments received will be available for public inspection at the above address in the Office of Regulations Management, Room 1158, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays).

FOR FURTHER INFORMATION CONTACT: David Cleaver, VHA Office of Finance (174), Veterans Health Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273–8210. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION:

Background

This document proposes to amend VA's medical regulations which are set forth at 38 CFR part 17. More specifically, it is proposed to amend the regulations concerning collection or recovery by VA for medical care or services provided or furnished to a veteran:

(i) For a non-service connected disability for which the veteran is entitled to care (or the payment of expenses of care) under a health-plan contract;

(ii) For a non-service connected disability incurred incident to the veteran's employment and covered under a worker's compensation law or plan that provides reimbursement or indemnification for such care and services; or

(iii) For a non-service connected disability incurred as a result of a motor vehicle accident in a State that requires automobile accident reparations insurance.

Pub. L. 105–33 amended the statutory provisions (38 U.S.C. 1729) to authorize VA to bill ''reasonable charges'' instead of ''reasonable cost.'' In this regard, the legislative history for these amendments includes the following statement from the House Conference Report (H. Rep. No. 105–217, July 30, 1997, at pp. 974–975):

> These amendments would allow VA to move away from a cost-based medical care recovery system to one that more appropriately resembles market pricing for health care services; the Committee envisions VA would establish health care charges that would allow it to recover amounts needed to help preserve the viability of the health care system for all veterans and that also reflect the substantial advantages to VA patients both in having the quality services provided by that system available and in using them. The amendments reflect the expectation that VA would establish reasonable charges that are responsive to market prices—charges that are not constrained to recovery of costs, but which may yield net revenues. (The concept of ''market price'' here refers to the price for a service that is based on competition in open markets. When a substantial competitive demand exists for a service, its market price normally is determined using commercial practices, such as by reference to prevailing prices and payments in competitive markets for services the same or similar to those provided by the Government.)

Accordingly, this document proposes to establish methodology for charging ''reasonable charges'' consistent with the statutory amendment. Under the proposal, as appropriate, the amount billed using this methodology would consist of inpatient facility charges, skilled nursing facility/sub-acute inpatient facility charges, outpatient facility charges, physician charges, and non-physician provider charges.

Amount of Recovery or Collection—Third Party Liability

Under the provisions of 38 U.S.C. 1729, VA has the right to recover or collect its reasonable charges from a third party to the extent that the veteran or a provider of the care or services would be eligible to receive payment therefor from that third party if the care

or services had not been furnished by a department or agency of the United States. With respect to a third-party payer liable under a health plan contract, consistent with the statutory authority, the third-party payer would have the option of paying, to the extent of its coverage, either the billed charges or the amount the third-party payer demonstrates it would pay for care or services furnished by providers other than entities of the United States for the same care or services in the same geographic area.

General

One way to establish ''reasonable'' inpatient facility charges, skilled nursing facility/sub-acute inpatient facility charges, outpatient facility charges, physician charges, and non-physician provider charges would be to use available data to determine prevailing charges for services in the locality of each VA facility, and bill those prevailing charges. However, this is impractical because there is insufficient data for some services at a number of localities. Therefore, we are proposing formulas designed to establish baseline reasonable charges for each provided service, commensurate with charges in each local market, and to enable VA to project from the baseline the charges applicable to medical care and services provided during subsequent relevant periods.

We are proposing separate formulas for inpatient facility charges, skilled nursing facility/sub-acute inpatient facility charges, outpatient facility charges, physician charges, and non-physician provider charges. These formulas, developed for VA by Milliman & Robertson, Inc., Actuaries and Consultants, reflect inherent differences in the structure and available information for each of these categories of charges.

Inpatient Facility Charges

The proposed inpatient facility charges consist of per diem charges for room and board and for ancillary services that vary by VA facility and by diagnosis related group (DRG). These charges are calculated based on the following formula.

To establish a baseline, two nationwide average per diem charges for each DRG were calculated for Calendar Year 1995 (the latest available data), one from the Medicare Standard Analytical File 5% Sample and one from the MedStat claim database, a claim database of nationwide commercial insurance (two widely used data bases that, among other things, are used for analyzing industry charges). Results obtained from these two databases were then combined into a single weighted average per diem charge for each DRG. Using both databases in this way strengthens the statistical basis for the resulting nationwide average per diem charges by providing additional data for all DRGs, especially those that occur infrequently in one or the other database.

The resulting weighted average per diem charge for each DRG was then separated into its two components, a room and board component and an ancillary component. This was done to make subsequent calculations more accurate and to conform with standard industry billing practices. Consistent with billing practices of many providers, the resulting amounts for room and board and ancillary services for each DRG were then adjusted to reflect 80th percentile charges. Since the resulting nationwide 80th percentile charges represent amounts applicable for calendar year 1995, the formula includes trending provisions to update the charges to reflect appropriate economic changes for future periods. Finally, to account for locality variations, the formula provides for the trended nationwide 80th percentile charges for room and board and ancillary services to be multiplied by geographic area adjustment factors to set charges commensurate with the local market for each VA facility.

Skilled Nursing Facility/Sub-Acute Inpatient Facility Charges

Under the proposal, skilled nursing facility/sub-acute inpatient facility charges would be per diem charges that vary by VA facility. The proposed charges would cover care, including skilled rehabilitation services (e.g., physical therapy, occupational therapy, and speech therapy), that is provided in a nursing home or hospital inpatient setting, is provided under a physician's orders, and is performed by or under the general supervision of professional personnel such as registered nurses, licensed practical nurses, physical therapists, occupational therapists, speech therapists, and audiologists. The skilled nursing facility/sub-acute inpatient facility charges would incorporate charges for ancillary services associated with care provided in these settings. The proposed charges would be calculated based on the following formula.

To establish a baseline, a nationwide average per diem billed charge for skilled nursing facility care for July 1, 1998, was obtained from the 1998 Milliman & Robertson, Inc. Health Cost Guidelines, a publication that includes nationwide skilled nursing facility charges (skilled nursing facility charges are also representative of sub-acute inpatient facility charges). Consistent with billing practices of many providers, the nationwide average per diem billed charge then was adjusted to reflect the nationwide 80th percentile charge level. The resulting nationwide 80th percentile charges represent amounts applicable for calendar year 1998. Accordingly, the formula includes trending provisions to update the charges to reflect appropriate economic changes for future periods. The formula provides for the trended nationwide charges to be multiplied by geographic area adjustment factors to set charges commensurate with the local market for each VA facility.

Outpatient Facility Charges

Under the proposal, outpatient facility charges, as appropriate, will include separate charges for prosthetic devices and durable medical equipment that reflect actual costs to VA. It is industry practice to purchase the devices and provide them at actual cost. Accordingly, ''actual costs'' and ''reasonable charges'' are the same for prosthetic devices and durable medical equipment. Otherwise, the proposed outpatient facility charges consist of charges for outpatient facility services that vary by VA facility and by CPT procedure code. These charges are calculated based on the following formula.

Using the 1995 MedStat claims database of nationwide commercial insurance, the median billed facility charge was calculated for each CPT procedure code for which outpatient facility charges apply. All outpatient facility CPT procedure codes were then separated into outpatient facility CPT procedure code groups that were both subject-matter-related and statistically-related, resulting in 37 such groups. This step was designed to ensure that there were sufficient relevant data for each CPT procedure code, using the smallest number of groups necessary to obtain this information. Then, for each CPT procedure code in each of the 37 groups, consistent with billing practices of many providers, the median charge was adjusted to the 80th percentile. The formula includes trending provisions to update the 80th percentile charges to reflect appropriate economic changes for future periods. Using the resulting charges and 1998 practice expense relative value units (RVUs), the mathematical approximation methodology of least squares then was applied to the data for each outpatient facility CPT procedure code group to

derive two charge factors. The first factor represents the charge for each incremental RVU in the CPT procedure code group and the second factor represents a fixed amount adjustment for the CPT procedure code group. Then for each CPT procedure code, the outpatient facility RVU was multiplied by the incremental charge factor and the resulting charge was adjusted by the fixed amount.

The results constitute nationwide trended 80th percentile outpatient facility charges. The resulting charges then were multiplied by geographic area adjustment factors to set charges commensurate with the local market for each VA facility.

Also, the proposed rule contains special provisions for multiple surgical procedures performed during the same outpatient encounter by a provider or provider team. Charges for the second and subsequent surgical procedures during the same outpatient encounter are reduced consistent with industry practice.

Further, the proposed rule clarifies that outpatient facility charges would not be made for services customarily performed in an independent clinician's office since such services would not usually create significant outpatient facility expenses.

Physician Charges

The proposed physician charges consist of charges for the services of physicians which vary by VA facility and by CPT procedure code. These charges are calculated based on the following formula.

For each CPT procedure code except those for anesthesia and pathology, the total facility-adjusted RVU (sum of RVU components, with each component adjusted by the facility's geographic area adjustment factors) was multiplied by the facility-adjusted conversion factor (nationwide conversion factor multiplied by the facility's geographic area adjustment factor). This provides a charge for each CPT procedure code that reflects the local market for each VA facility. For CPT procedure codes other than those specifically addressed below in this paragraph, the calculations by which the total facility-adjusted RVUs were derived consist of separate calculations for physician work expense and physician practice expense to obtain more accurate charge components. The RVU calculations for radiology, pathology, and anesthesia differ from other physician charges to reflect industry practice. For radiology CPT procedure codes, the calculation of physician charges does not include separately identified technical component RVUs. For each anesthesia and pathology CPT procedure code, RVUs were multiplied by a nationwide conversion factor to obtain the nationwide charge. The nationwide charge was multiplied by a geographic area adjustment factor to obtain the physician charge for each anesthesia and pathology CPT procedure code at a particular VA facility. Separate calculations of RVUs also were required for CPT procedure codes which had only total RVUs (these CPT procedure codes do not have separate information for physician work expense and physician practice expense).

To obtain the conversion factors referred to in the preceding paragraph, CPT procedure codes were separated into physician CPT procedure code groups that were both subject-matter-related and statistically-related, resulting in 24 such groups. This step was designed to ensure that there were sufficient relevant data for each CPT procedure code, using the smallest number of groups necessary to obtain this information. Separate conversion factors were calculated for each of the 24 different physician CPT procedure code groups. Consistent with billing practices of many providers, the conversion factors, reflecting nationwide median physician charges, were then adjusted to reflect nationwide 80th percentile charges. The formula then provides for multiplying the resulting conversion factors by the appropriate geographic area adjustment factors to establish conversion factors commensurate with the local market for each VA facility.

The charges resulting from these calculations represent amounts applicable for 1996–1997, the latest available data (see paragraph (e)(3) of proposed § 17.101). Accordingly, the formula includes trending provisions to update the charges to reflect appropriate economic changes for future periods.

Certain Non-Physician Provider Charges

The proposal at § 17.101(f) includes non-physician provider charges for certain non-physician services covered by CPT procedure codes. The charges consist of percentages of physician charges. The percentages for a nurse practitioner, clinical nurse specialist, physician assistant, certified registered nurse anesthetist, clinical psychologist, and clinical social worker are based on Medicare percentages. The percentages for a podiatrist, chiropractor, dietitian, clinical pharmacist, and optometrist are based on the MedStat nationwide insurance database. We used the Medicare percentages when available because of their extensive use for billing and payment of claims. However, all of the percentages are consistent with industry practice.

Publication of Data for Calculating Actual Amounts for Inpatient Facility Charges, Skilled Nursing Facility/Sub-Acute Inpatient Facility Charges, Outpatient Facility Charges, and Physician Charges

We have set forth in a companion document published in the ''Notices'' section of this issue of the **Federal Register**, data (derived from the methodology explained above) for calculating inpatient facility charges, skilled nursing facility/sub-acute inpatient facility charges, outpatient facility charges, and physician charges at individual VA facilities. Should the methodology set forth in this proposal be adopted, the data in the companion document would be used for inpatient facility charges, skilled nursing facility/sub-acute inpatient facility charges, outpatient facility charges, and physician charges from the effective date of the final rule through September 1999. Accordingly, interested parties may wish to retain the ''Notices'' document for future reference. Under the proposal, VA would update annually in the ''Notices'' section of the **Federal Register** the data for calculating the charges at individual VA facilities.

Billing Reasonable Costs for Various Hospital Care or Medical Services not Covered Under Proposed § 17.101

The regulations at current § 17.101 (proposed § 17.102) contain provisions for billing reasonable costs for hospital care or medical services. Paragraph (h) includes the following methodology for billing for hospital care or medical services furnished veterans for non-service connected disabilities:

The method for computing the charges for medical care and services is based on the Cost Distribution Report, which sets forth the actual basic costs and per diem rates by type of inpatient care and outpatient visit. Factors for depreciation of buildings and equipment and Central Office overhead are added, based on accounting manual instructions. Additional factors are added for interest on capital investment and for standard fringe benefit costs covering government employee retirement and disability costs. The current year billing rates are projected on prior year actual rates by applying the budgeted percentage increase. In addition, based on the detail available in the Cost Distribution Report, VA intends to, on each bill break down the all-inclusive rate into its three principal components; namely, physician cost, ancillary services cost, and nursing, room and board cost. The rates generated by the foregoing methodology are the same rates prescribed by the Office of Management and

Budget and published in the **Federal Register** for use under the Federal Medical Care Recovery Act, 42 U.S.C. 2651–2653.

The adoption of this proposed rule would supersede these quoted provisions insofar as they relate to charges to third parties liable under health plan contracts, liable under worker's compensation laws or plans, or liable as a result of a motor vehicle accident when VA provides or furnishes hospital care or medical services to veterans for non-service connected disabilities. However, the proposal would amend the regulations to provide specifically that this billing methodology based on costs would continue to apply to charging for medical care furnished in error or on tentative eligibility, furnished in a medical emergency, furnished to beneficiaries of the Department of Defense or other Federal agencies, furnished to pensioners of allied nations, and furnished to military retirees with chronic disability.

Outpatient Dental Charges and Prescription Drugs not Administered During Treatment

The proposal at § 17.101(g) includes charges for outpatient dental care and prescription drugs not administered during treatment. Under the proposal, these charges would continue to be billed based on VA costs as set forth in proposed § 17.102. However, in the future, we intend to consider whether, based on information to be acquired, we should amend the regulations to reflect a different ''reasonable charge'' methodology for these charges.

Technical Changes

The proposed rule also proposes to make a number of technical amendments to the medical regulations for purposes of consistency.

Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), a collection of information is set forth in proposed 38 CFR 17.101(a)(2). Accordingly, under section 3507(d) of the Act, VA has submitted a copy of this rulemaking action to the Office of Management and Budget (OMB) for its review of the proposed collection of information.

OMB assigns a control number for each collection of information it approves. VA may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Comments on the proposed collection of information should be submitted to the Office of Management and Budget, Attention: Desk Officer for the Department of Veterans Affairs, Office of Information and Regulatory Affairs, Washington, DC 20503, with copies mailed or hand-delivered to: Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Ave., NW, Room 1154, Washington, DC 20420. Comments should indicate that they are submitted in response to ''RIN 2900–AJ30.''

Title: Submission of Evidence.

Summary of collection of information: Under the provisions of proposed § 17.101(a)(2), a third-party payer that is liable for reimbursing VA for health care VA provided to veterans with non-service-connected conditions continues to have the option of paying either the billed charges as described in proposed § 17.101 or the amount the health plan demonstrates it would pay to providers other than entities of the United States for the same care or services in the same geographic area. If the amount submitted for payment is less than the amount billed, VA will accept the submission as payment, subject to verification at VA's discretion. A VA employee having responsibility for collection of such charges may request that the third party payer submit evidence or information to substantiate the appropriateness of the payment amount (e.g., health plan policies, provider agreements, medical evidence, proof of payment to other providers demonstrating the amount paid for the same care and services VA provided).

Description of need for information and proposed use of information: This information would be needed to determine whether the third-party payer has met the test of properly demonstrating its equivalent private sector provider payment amount for the same care or services and within the same geographic area as provided by VA.

Description of likely respondents: Third-party payers who are liable under health plan contracts for reimbursing VA for healthcare it provides to veterans with non-service-connected conditions.

Estimated number of respondents: 400 per year.

Estimated frequency of responses: Once per year.

Estimated average burden per collection: 2 hours.

Estimated total annual reporting and recordkeeping burden: 800 hours.

The Department considers comments by the public on 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 collections 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 collection of information contained in this proposed rule between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication. This does not affect the deadline for the public to comment on the proposed regulations.

Regulatory Flexibility Act

The Secretary hereby certifies that this proposed rule would not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. This rulemaking proceeding mostly would affect large insurance companies. Further, the provisions of the proposed rule would not impose a significant economic impact on any entities since VA billing would not constitute a significant portion of an insurance company's business. Accordingly, pursuant to 5 U.S.C. 605(b), this proposed rule is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

OMB Review

This document has been reviewed by OMB pursuant to Executive Order 12866.

The Catalog of Federal Domestic Assistance numbers for the programs affected by this document are 64.005, 64.007, 64.008, 64,009, 64.010, 64.011, 64.012, 64.013, 64.014, 64.015, 64.016, 64.018, 64.019, 64.022, and 64.025.

List of Subjects in 38 CFR Part 17

Administrative practice and procedure, Alcohol abuse, Alcoholism, Claims, Day care, Dental health, Drug abuse, Foreign relations, Government contracts, Grant programs health, Grant

programs—veterans, Health care, Health facilities, Health professions, Health records, Homeless, Medical and dental schools, Medical devices, Medical research, Mental health programs, Nursing homes, Philippines, Reporting and recordkeeping requirements, Scholarships and fellowships, Travel and transportation expenses, Veterans.

Approved: September 21, 1998.

Togo D. West, Jr.,

Secretary of Veterans Affairs.

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

PART 17—MEDICAL

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

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

§§ 17.101 and 17.102 [Redesignated as §§ 17.102 and 17.101, respectively]

2. Sections 17.101 and 17.102 are redesignated as §§ 17.102 and 17.101, respectively.

3. Newly redesignated § 17.101 is revised to read as follows:

§ 17.101 Collection or recovery by VA for medical care or services provided or furnished to a veteran for a non-service connected disability.

(a)(1) *General.* This section covers collection or recovery by VA, under 38 U.S.C. 1729, for medical care or services provided or furnished to a veteran:

(i) For a non-service connected disability for which the veteran is entitled to care (or the payment of expenses of care) under a health-plan contract;

(ii) For a non-service connected disability incurred incident to the veteran's employment and covered under a worker's compensation law or plan that provides reimbursement or indemnification for such care and services; or

(iii) For a non-service connected disability incurred as a result of a motor vehicle accident in a State that requires automobile accident reparations insurance.

(2) *Amount of recovery or collection—third party liability.* A third-party payer liable under a health-plan contract has the option of paying either the billed charges described in this section or the amount the health-plan demonstrates is the amount it would pay for care or services furnished by providers other than entities of the United States for the same care or services in the same geographic area. If the amount submitted by the health plan for payment is less than the amount billed, VA will accept the submission as payment, subject to verification at VA's discretion in accordance with this section. A VA employee having responsibility for collection of such charges may request that the third party health plan submit evidence or information to substantiate the appropriateness of the payment amount (e.g., health plan or insurance policies, provider agreements, medical evidence, proof of payment to other providers in the same geographic area for the same care and services VA provided).

(3) *Methodology.* Based on the methodology set forth in this section, the charges billed will include, as appropriate, inpatient facility charges, skilled nursing facility/sub-acute inpatient facility charges, outpatient facility charges, physician charges, and non-physician provider charges. In addition, the charges billed for prosthetic devices and durable medical equipment provided on an outpatient basis will be VA's actual cost and the charges billed for prescription drugs not administered during treatment will bill a single nationwide average. Data for calculating actual amounts for inpatient facility charges, skilled nursing facility/sub-acute inpatient facility charges, outpatient facility charges, and physician charges will be published annually in the ''Notices'' section of the **Federal Register**.

(4) *Definitions.* For purposes of this section:

Consolidated MSA means a consolidated Metropolitan Statistical Area.

CPI means Consumer Price Index.

CPI–U means Consumer Price Index—All Urban Consumers.

CPI–W means Consumer Price Index—Urban Wage Earners and Clerical Workers.

CPT procedure code means a 5 digit-identifier for a specified physician service or procedure.

DRG means diagnosis related group.

Geographic area means Metropolitan Statistical Area (MSA) or the local market, if the VA facility is not located in an MSA.

RVU means relative value unit.

(b) *Inpatient facility charges.* When VA provides or furnishes inpatient services within the scope of care referred to in paragraph (a)(1) of this section, inpatient facility charges billed for such services will be determined in accordance with the provisions of this paragraph. Inpatient facility charges consist of per diem charges for room and board and for ancillary services that vary by VA facility and by DRG. These charges are calculated as follows:

(1) *Formula.* For each inpatient stay or portion thereof for which a particular DRG assignment applies, multiply the nationwide room and board per diem charge as set forth in paragraph (b)(2) of this section by the appropriate geographic area adjustment factor as set forth in paragraph (b)(3) of this section. The result constitutes the facility-specific room and board per diem charge. Also, for each inpatient stay, multiply the nationwide ancillary per diem charge as set forth in paragraph (b)(2) of this section by the appropriate geographic area adjustment factor as set forth in paragraph (b)(3) of this section. The result constitutes the facility-specific ancillary per diem charge. Then add the facility-specific room and board per diem charge to the facility-specific ancillary per diem charge. This constitutes the facility-specific combined per diem facility charge. Finally, multiply the facility-specific combined per diem facility charge by the number of days of inpatient care to obtain the total inpatient facility charge.

Note to paragraph (b)(1): If there is a change in a patient's condition and/or treatment during a single inpatient stay such that the DRG assignment changes (for example, a psychiatric patient who develops a medical or surgical problem), then the calculations will be made separately for each DRG, according to the number of days of care applicable for each DRG, and the total inpatient facility charge will be the sum of the total inpatient facility charges for the different DRGs.

(2) *Per diem charges.* To establish a baseline, two nationwide average per diem charges for each DRG are calculated for Calendar Year 1995, one from the Medicare Standard Analytical File 5% Sample and one from the MedStat claim database, a claim database of nationwide commercial insurance. Results obtained from these two databases are then combined into a single weighted average per diem charge for each DRG. The resulting weighted average per diem charge for each DRG is then separated into its two components, a room and board component and an ancillary component, with the amount for each component calculated to reflect the corresponding percentage set forth in paragraph (b)(2)(i) of this section. The resulting amounts for room and board and ancillary services for each DRG are then each multiplied by the final ratio set forth in paragraph (b)(2)(ii) of this section to reflect the 80th percentile charges. Finally, the resulting charges are each trended forward from their 1995 base to the effective time period for the charges, as set forth in paragraph (b)(2)(iii) of this section. The results

constitute the room and board per diem charge and the ancillary per diem charge.

(i) *Charge component percentages.* Using only those cases from the Medicare Standard Analytical File 5% Sample for which a distinction between room and board charges and ancillary charges can be determined, the percentage of the total charges for room and board compared to the combined total charges for room and board and ancillary services, and the percentage of the total charges for ancillary services compared to the combined total charges for room and board and ancillary services, are calculated by DRG.

(ii) *80th percentile.* Using the medical and surgical admissions in the Medicare Standard Analytical File 5% Sample, obtain for each consolidated MSA the ratio of the day-weighted 80th percentile semi-private room and board per diem charge to the average semi-private room and board per diem charge. The consolidated MSA ratios are averaged to obtain a final 80th percentile ratio.

(iii) *Trending forward.* For each DRG, the 80th percentile charges, representing calculations for calendar year 1995, are trended forward for the period August 1998 through September 1999, and for each 12-month period thereafter, beginning October 1, 1999, based on changes to the CPI. The projected total CPI trend from 1995 to the midpoint of the effective charge period is calculated as the composite of three components. The first component trends from 1995 to January 1997, using the Hospital Room component of the CPI–W for room and board charges and using the Other Hospital component of the CPI–W for ancillary charges. The second component trends from January 1997 to the latest available month, based on the Inpatient Hospital component of the CPI–U for room and board and ancillary charges. The third component trends from the latest available month to the midpoint of the effective charge period, based on the latest three-month average annual trend rate from the Inpatient Hospital component of the CPI–U. The projected total CPI trends are then applied to the 1995-base 80th percentile charges.

(3) *Geographic area adjustment factors.* For each VA facility location, the average per diem room and board charges and ancillary charges from the 1995 Medicare Standard Analytical File 5% Sample are calculated for each DRG. The DRGs are separated into two groups, surgical and non-surgical. For each of these groups of DRGs, for each geographic area, average room and board per diem charges and ancillary per diem charges are calculated for 1995, weighted by FY 1997 nationwide VA discharges and by average lengths of stay from the combined Medicare Standard Analytical File 5% Sample and the MedStat claim data base. This results in four average per diem charges for each geographic area: room and board for surgical DRGs, ancillary for surgical DRGs, room and board for non-surgical DRGs, and ancillary for non-surgical DRGs. Four corresponding national average per diem charges are obtained from the 1995 Medicare Standard Analytical File 5% Sample, weighted by FY 1997 nationwide VA discharges and by average lengths of stay from the combined Medicare Standard Analytical File 5% Sample and the MedStat claim data base. Four geographic area adjustment factors are then calculated for each geographic area by dividing each geographic area average per diem charge by the corresponding national average per diem charge.

(c) *Skilled nursing facility/sub-acute inpatient facility charges.* When VA provides or furnishes skilled nursing/sub-acute inpatient services within the scope of care referred to in paragraph (a)(1) of this section, skilled nursing facility/sub-acute inpatient facility charges billed for such services will be determined in accordance with the provisions of this paragraph. The skilled nursing facility/sub-acute inpatient facility charges are per diem charges that vary by VA facility. The facility charges cover care, including skilled rehabilitation services (e.g., physical therapy, occupational therapy, and speech therapy), that is provided in a nursing home or hospital inpatient setting, is provided under a physician's orders, and is performed by or under the general supervision of professional personnel such as registered nurses, licensed practical nurses, physical therapists, occupational therapists, speech therapists, and audiologists. The skilled nursing facility/sub-acute inpatient facility charges also incorporate charges for ancillary services associated with care provided in these settings. The charges are calculated as follows:

(1) *Formula.* For each stay, multiply the nationwide per diem charge as set forth in paragraph (c)(2) of this section by the appropriate geographic area adjustment factor as set forth in paragraph (c)(3) of this section. The result constitutes the facility-specific per diem charge. Finally, multiply the facility-specific per diem charge by the number of days of care to obtain the total skilled nursing facility/sub-acute inpatient facility charge.

(2) *Per diem charge.* To establish a baseline, a nationwide average per diem billed charge for July 1, 1998, was obtained from the 1998 Milliman & Robertson, Inc. Health Cost Guidelines, a publication that includes nationwide skilled nursing facility charges (Milliman & Robertson, Inc, 1305 5th Ave., Suite 3800, Seattle, WA 98101–2605). That average per diem billed charge is then multiplied by the 80th percentile adjustment factor set forth in paragraph (c)(2)(i) of this section to obtain a nationwide 80th percentile charge level. Finally, the resulting charge is trended forward to the effective time period for the charges, as set forth in paragraph (c)(2)(ii) of this section.

(i) *80th percentile.* Using the 1995 Medicare Standard Analytical File 5% Sample, the median per diem accommodation charge is calculated for each provider. For each State, the ratio of the 80th percentile of provider median charges to the average statewide charges for accommodations is calculated. The State ratios are averaged to produce a nationwide 80th percentile adjustment factor.

(ii) *Trending forward.* The 80th percentile charge, representing charge levels for July 1, 1998, is trended forward to the midpoint of the period August 1998 through September 1999, and to the midpoint of each 12-month period thereafter, beginning October 1, 1999, based on the projected change in Medicare reimbursement from the Annual Report of the Board of Trustees of the Federal Hospital Insurance Trust Fund (this report can be found on the Health Care Financing Administration Internet site at *http://www.hcfa.gov* under the headings ''Publications and Forms'' and ''Professional/ Technical Publications'').

(3) *Geographic area adjustment factors.* A ratio of the average per diem charge for each State to the nationwide average per diem charge is obtained (these ratios are set forth in the 1998 Milliman & Robertson, Inc. Health Cost Guidelines, a data base of nationwide commercial insurance charges and relative costs) (Milliman & Robertson, Inc., 1301 5th Ave., Suite 3800, Seattle, WA 98101–2605). The geographic area adjustment factor for charges for each VA facility is the ratio for the State in which the facility is located.

(d) *Outpatient facility charges.* When VA provides or furnishes outpatient services that are within the scope of care referred to in paragraph (a)(1) of this section and are not customarily performed in an independent clinician's office, the outpatient facility charges billed for such services will be

determined in accordance with the provisions of this paragraph. Except for prosthetic devices and durable medical equipment, whose charges will be made separately at actual cost to VA, charges for outpatient facility services will vary by VA facility and by CPT procedure code. These charges will be calculated as follows:

(1) *Formula.* For each outpatient facility charge CPT procedure code, multiply the nationwide charge as set forth in paragraph (d)(2) of this section by the appropriate geographic area adjustment factor as set forth in paragraph (d)(4) of this section. The result constitutes the facility-specific outpatient facility charge. When multiple surgical procedures are performed during the same outpatient encounter by a provider or provider team, the outpatient facility charges for such procedures will be reduced as set forth in paragraph (d)(5) of this section.

(2) *Nationwide 80th percentile charges by CPT procedure code.* For each CPT procedure code for which outpatient facility charges apply, the 1998 practice expense RVUs (these RVUs can be found in the *1998 St. Anthony's Complete RBRVS,* Relative Value Studies, Inc., St. Anthony Publishing, 11410 Isaac Newton Square, Reston, VA 20190) are used as the outpatient facility RVUs. For each CPT procedure code, the outpatient facility RVU is multiplied by the charge amount for each incremental RVU as set forth in paragraph (d)(3) of this section. The resulting charge is adjusted by a fixed charge amount as also set forth in paragraph (d)(3) of this section to obtain the nationwide 80th percentile charge.

(3) *Charge factor.* Using the 1995 MedStat claims database of nationwide commercial insurance, the median billed facility charge is calculated for each applicable CPT procedure code. All outpatient facility CPT procedure codes are then separated into one of the 37 outpatient facility CPT procedure code groups as set forth in paragraph (d)(3)(i) of this section. Then, for each CPT procedure code in each such group, the median charge is adjusted to the 80th percentile as set forth in paragraph (d)(3)(ii) of this section. The resulting 80th percentile charge for each CPT procedure code is trended forward to the effective time period for the charges as set forth in paragraph (d)(3)(iii) of this section. Using the resulting charges and the RVUs, the mathematical approximation methodology of least squares is applied to the data for each CPT procedure code group to derive two charge factors. The first factor represents the charge amount for each incremental RVU in the CPT procedure code group and the second factor represents a fixed charge amount adjustment for the CPT procedure code group.

(i) *Outpatient facility CPT procedure code groups.*

(A) Surgery—Integumentery System—Skin, Subcutaneous & Accessory Structures/Nails;

(B) Surgery—Integumentery System—Repair—Simple, Intermediate, Complex, Adjacent Tissue Transfer or Rearrangement;

(C) Surgery—Integumentery System—Not Otherwise Classified;

(D) Surgery—Musculoskeletal System—Not Otherwise Classified;

(E) Surgery—Musculoskeletal System—Limbs—Incisions/Excisions/Insertion/Removal;

(F) Surgery—Musculoskeletal System—Limbs—Shoulders/Humerus & Elbow/Pelvis & Hip Joint/Femur & Knee Joint—Other than Incisions/Excisions/Insertion/Removal;

(G) Surgery—Musculoskeletal System—Limbs—Forearm & Wrist—Other than Incisions/Excisions/Insertion/Removal;

(H) Surgery—Musculoskeletal System—Limbs—Tibia/Fibula & Ankle Joint'' Other than Incisions/Excisions/Insertion/Removal;

(I) Surgery—Musculoskeletal System—Limbs—Hand & Fingers/Foot & Toes—Other than Incisions/Excisions/Insertion/Removal;

(J) Surgery—Musculoskeletal System—Arthroscopy;

(K) Surgery—Respiratory System;

(L) Surgery—Cardiovascular System;

(M) Surgery—Hemic & Lymphatic Systems;

(N) Surgery—Digestive System—Not Otherwise Classified;

(O) Surgery—Digestive System—Endoscopy;

(P) Surgery—Urinary System;

(Q) Surgery—Male Genital System;

(R) Surgery—Laparoscopy/Hysteroscopy;

(S) Surgery—Maternity Care & Delivery;

(T) Surgery—Endocrine System;

(U) Surgery—Eye/Ocular Adnexa;

(V) Surgery—Auditory System;

(W) Radiology—Diagnostic—Head & Neck/Chest/Spine & Pelvis;

(X) Radiology—Diagnostic—Extremities/Abdomen/Gastrointestinal Tract/Urinary Tract/Gynecological & Obstetrical/Heart;

(Y) Radiology—Diagnostic—Aorta & Arteries/Veins & Lymphatics;

(Z) Radiology—Diagnostic Ultrasound;

(AA) Radiology—Radiation Oncology/Nuclear Medicine/Therapeutic;

(BB) Radiology—Diagnostic—CAT Scans;

(CC) Radiology—Diagnostic—Magnetic Resonance Imaging (MRI);

(DD) Medicine—Global—Not Otherwise Classified;

(EE) Medicine—Global—Dialysis;

(FF) Medicine—Technical Component—Gastroenterology;

(GG) Medicine—Technical Component—Cardiovascular;

(HH) Medicine—Technical Component—Pulmonary;

(II) Medicine—Technical Component—Neurology & Neuromuscular Procedures;

(JJ) Medicine—Observation Care; and

(KK) Medicine—Emergency.

(ii) *80th percentile.* For each of the 37 outpatient facility CPT procedure code groups set forth in paragraph (d)(3)(i) of this section, the median charge is increased by the ratio of the 80th percentile charge to median charge (the data for CPT procedure code groups listed at paragraphs (d)(3)(i)(DD), (EE), (JJ), and (KK) of this section are obtained from the MedStat database of nationwide charges; the data for the other groups are obtained from the Outpatient Facility UCR module of the Comprehensive Healthcare Payment System from MediCode, Inc., a 1997 release from a nationwide database of outpatient facility charges) (MediCode, Inc., 5225 Wiley Post Way, Suite 500, Salt Lake, UT 84116). To mitigate the impact of the variation in the intensity of services by CPT procedure code, the percent increase from the median to the 80th percentile in outpatient charges is compared to the percent increase from the median to the 80th percentile in inpatient semi-private room and board charges. Any percent increase in outpatient charges in excess of the inpatient semi-private room and board percent increase is multiplied by a factor of 0.50. The 80th percentile outpatient facility charge is reduced accordingly.

(iii) *Trending forward.* The charges for each CPT procedure code, representing calculations for calendar year 1995, are trended forward for the period August 1998 through September 1999, and for each 12-month period thereafter, beginning October 1, 1999, based on changes to the Outpatient Hospital component of the CPI–U. Actual CPI–U changes are used through the latest available month. The three-month average annual trend rate as of the latest available month is held constant to the midpoint of the effective charge period. The projected total CPI–U change from 1995 to this midpoint of the effective charge period is then applied to the 1995 80th percentile charges.

(4) *Geographic area adjustment factors.* For each VA outpatient facility

location, a single geographic area adjustment factor is calculated as the arithmetic average of the outpatient geographic area adjustment factor (this factor constitutes the ratio of the level of charges for each geographic area to the nationwide level of charges) published in the Milliman & Robertson, Inc. Health Cost Guidelines (Milliman & Robertson, Inc., 1301 5th Ave., Suite 3800, Seattle, WA 98101–2605), and a geographic area adjustment factor developed from the MediCode data. The MediCode-based geographic area adjustment factors are calculated as the ratio of the CPT-weighted average charge level for each VA outpatient facility location to the nationwide CPT-weighted average charge level.

(5) *Multiple surgical procedures.* When multiple surgical procedures are performed during the same outpatient encounter by a provider or provider team as indicated by multiple surgical CPT procedure codes, then the highest charge will be billed at 100% of the charges established under this section; the second highest charge will be billed at 25% of the charges established under this section; the third highest charge will be billed at 15% of the charges established under this section; and no outpatient facility charges will be billed for any additional surgical procedures.

(e) *Physician charges.* When VA provides or furnishes physician services within the scope of care referred to in paragraph (a)(1) of this section, physician charges billed for such services will be determined in accordance with the provisions of this paragraph. Physician charges consist of charges for professional services that vary by VA facility and by CPT procedure code. These charges are calculated as follows:

(1) *Formula.* For each CPT procedure code except those for anesthesia and pathology, multiply the total facility-adjusted RVU as set forth in paragraph (e)(2) of this section by the applicable facility-adjusted conversion factor (facility-adjusted conversion factors are expressed in monetary amounts) set forth in paragraph (e)(3) of this section to obtain the physician charge for each CPT procedure code at a particular VA facility. For each anesthesia and pathology CPT procedure code, multiply the nationwide physician charge as set forth in paragraph (e)(4) of this section by the geographic area adjustment factor as set forth in paragraph (e)(3)(iii) of this section to obtain the physician charge for each anesthesia and pathology CPT procedure code at a particular VA facility.

(2)(i) *Total facility-adjusted RVUs for physician services other than anesthesia, pathology, and specified CPT procedure codes.* The work expense and practice expense components of the RVUs for CPT procedure codes (other than anesthesia, pathology, and those CPT procedure codes set forth at paragraphs (e)(2)(ii) and (e)(2)(iii) of this section) are compiled (information concerning the RVUs and their components can be obtained from Veterans Health Administration, Office of Finance, Department of Veterans Affairs, 810 Vermont Ave., NW, Washington, DC 20420). For radiology CPT procedure codes, these compilations do not include separately identified technical component RVUs. For CPT procedure codes that generate an outpatient facility charge, the facility practice expense RVU is substitute for the non-facility practice expense RVU (information concerning facility practice expense RVUs can be obtained from Veterans Health Administration, Office of Finance, Department of Veterans Affairs, 810 Vermont Ave., NW, Washington, DC 20420). For Medicine and Surgery CPT procedure codes with separate professional and technical components that also generate an outpatient facility charge, only the professional component is compiled. The sum of the facility-adjusted work expense RVU as set forth in paragraph (e)(2)(i)(A) of this section and the facility-adjusted practice expense RVU as set forth in paragraph (e)(2)(i)(B) of this section equals the total facility-adjusted RVUs.

(A) *Facility-adjusted work expense RVUs.* For each CPT procedure code for each geographic area, the 1998 work expense RVU is multiplied by the 1998 Medicare work adjuster (0.917) and the results are further multiplied by the work expense 1998 Medicare Geographic Practice Cost Index. The result constitutes the facility-adjusted work expense RVU.

(B) *Facility-adjusted practice expense RVUs.* For each CPT procedure code for each geographic area, the 1998 practice expense RVU is multiplied by the practice expense 1998 Medicare Geographic Practice Cost Index. The result constitutes the facility-adjusted practice expense RVU.

(ii) *RVUs for specified CPT procedure codes.* For the following CPT procedure codes, obtain the nationwide 80th percentile billed charges from the nationwide commercial insurance data base compiled by the Health Insurance Association of America (Health Insurance Association of America, 555 13th Street, NW, Suite 600E, Washington, DC 20004): 20930, 20936, 22841, 48160, 48550, 54440, 79900, 80050, 80055, 80103, 80500, 80502, 85060, 85095, 85097, 85102, 86077, 86078, 86079, 86485, 86490, 86510, 86580, 86585, 86586, 86850, 86860, 86870, 86890, 86891, 86901, 86910, 86911, 86915, 86920, 86921, 86922, 86927, 86930, 86931, 86932, 86945, 86950, 86965, 86970, 86971, 86972, 86975, 86977, 86978, 86985, 88000, 88005, 88012, 88014, 88016, 88036, 88037, 88104, 88106, 88107, 88108, 88125, 88160, 88161, 88162, 88170, 88171, 88172, 88173, 88180, 88182, 88300, 88302, 88304, 88305, 88307, 88309, 88311, 88312, 88313, 88314, 88318, 88319, 88321, 88323, 88325, 88329, 88331, 88332, 88342, 88346, 88347, 88348, 88349, 88355, 88356, 88358, 88362, 88365, 89100, 89105, 89130, 89132, 89135, 89140, 89141, 89250, 89350, 89360, 92390, 92391, 94642, 94772, 99024, 99071, 99078, 99080, 99082, 99100, 99116, 99135, 99140, 99420, 99450, 99455, 99456. For the following CPT procedure codes, obtain the nationwide 80th percentile billed charges from the Medicare Standard Analytical File 5% Sample: 99070, M0076, M0300. Then divide the nationwide 80th percentile billed charges by the untrended nationwide conversion factor for the corresponding physician CPT procedure code group as set forth in paragraphs (e)(3) and (e)(3)(i). The resulting nationwide total RVUs are multiplied by the geographic adjustment factors as set forth in paragraph (e)(2)(iv) of this section to obtain the facility-specific total RVUs.

(iii) *RVUs for specified CPT procedure codes.* For the following list of CPT procedure codes, the nationwide total RVU is calculated by multiplying the 1998 Medicare work adjuster (0.917) by the work expense RVU and adding the practice expense RVU (the work expense RVU and the practice expense RVU for these CPT procedure codes can be found in the *1998 St. Anthony's Complete RBRVS,* Relative Value Studies, Inc., St. Anthony Publishing, 11410 Isaac Newton Square, Reston, VA 20190): 15824, 15825, 15826, 15828, 15829, 15876, 15877, 15878, 15879, 17380, 21088, 24940, 26587, 32850, 33930, 33940, 36415, 36468, 36469, 41820, 41821, 41850, 41870, 47133, 48554, 50300, 58974, 65760, 65765, 65767, 65771, 69090, 69710, 75556, 76092, 76140, 76350, 78608, 78609, 90700, 90701, 90702, 90703, 90704, 90705, 90706, 90707, 90708, 90709, 90710, 90711, 90712, 90713, 90714, 90716, 90717, 90718, 90179, 90720, 90721, 90724, 90725, 90726, 90727, 90728, 90730, 90732, 90733, 90735,

90737, 90741, 90742, 90744, 90745, 90746, 90747, 90882, 90889, 90989, 90993, 92531, 92532, 92533, 92534, 92551, 92559, 92560, 92590, 92591, 92592, 92593, 92594, 92595, 92992, 92993, 93760, 93762, 93784, 93786, 93788, 93790, 95120, 95125, 95130, 95131, 95132, 95133, 95134, 96110, 96545, 97545, 97546, 99000, 99001, 99002, 99025, 99050, 99052, 99054, 99056, 99058, 99075, 99090, 99190, 99191, 99192, 99288, 99358, 99359, 99360, 99361, 99362, 99371, 99372, 99373. The resulting nationwide total RVUs are multiplied by the geographic adjustment factors as set forth in paragraph (e)(2)(iv) of this section to obtain the facility-specific total RVUs.

(iv) *RVU geographic area adjustment factors for specified CPT procedure codes.* The geographic area adjustment factor for each facility location consists of the weighted average of the 1998 work expense and practice expense Medicare Geographic Practice Cost Indices for each facility location using charge data for representative CPT procedure codes statistically selected and weighted for work expense and practice expense.

(3) *Facility-adjusted 80th percentile conversion factors.* CPT procedure codes are separated into the following 24 physician CPT procedure code groups: allergy immunotherapy, allergy testing, anesthesia, cardiovascular, chiropractor, consults, emergency room visits and observation care, hearing/ speech exams, immunizations, inpatient visits, maternity/cesarean deliveries, maternity/non-deliveries, maternity/ normal deliveries, miscellaneous medical, office/home urgent care visits, outpatient psychiatry/alcohol and drug abuse, pathology, physical exams, physical medicine, radiology, surgery, therapeutic injections, vision exams, and well baby exams. For each of the 24 physician CPT procedure code groups, representative CPT procedure codes were statistically selected and weighted so as to give a weighted average RVU comparable to the weighted average RVU of the entire physician CPT procedure code group (the selected CPT procedure codes are set forth in the 1998 Milliman & Robertson, Inc., Health Cost Guidelines fee survey) (Milliman &n Robertson, Inc., 1301 5th Ave., Suite 3800, Seattle, WA 98101–2605). The 80th percentile charge for each selected CPT procedure code is obtained (this is contained in the nationwide commercial insurance data base compiled by the Health Insurance Association of America, 555 13th Street, NW, Suite 600E, Washington, DC 20004 (medical data for 5/1/96–4/30/97, including radiology and pathology; surgical data for 3/1/96-2/28/97; anesthesia data for 3/1/96-2/28/97)). A nationwide conversion factor (a monetary amount) is calculated for each physician CPT procedure code group as set forth in paragraph (e)(3)(i) of this section. The nationwide conversion factors for each of the 24 physician CPT procedure code groups are trended forward as set forth in paragraph (e)(3)(ii) of this section. The resulting amounts for each of the 24 groups are multiplied by geographic area adjustment factors as set forth in paragraph (3)(3)(iii) of this section, resulting in facility-adjusted 80th percentile conversion factors for each VA facility geographic area for the 24 physician CPT procedure code groups for the effective charge period.

(i) *Nationwide conversion factors.* Using the nationwide 80th percentile charges for the selected CPT procedure codes from paragraph (e)(3) of this section, a nationwide conversion factor is calculated for each of the 24 physician CPT procedure code groups by dividing the weighted average charge by the weighted average RVU. To correspond with the charge data, for medicine and surgery CPT procedure codes, the total RVUs are used even when separate professional and technical components are specified.

(ii) *Trending forward.* The nationwide conversion factor for each of the 24 physician CPT procedure code groups, representing charges for time periods detailed in paragraph (e)(3) of this section, are trended forward for the period August 1998 through September 1999, and for each 12-month period thereafter, beginning October 1, 1999, based on changes to the Physician component of the CPI–U. Actual CPI–U changes are used through the latest available month. The three-month average annual trend rate as of the latest available month is held constant to the midpoint of the effective charge period. The projected total CPI–U change from the midpoint of the source data collection period to the midpoint of the effective charge period is then applied to the 24 conversion factors.

(iii) *Geographic area adjustment factors.* Using the 80th percentile charges for the selected CPT procedure codes from paragraph (e)(3) of this section for each VA facility geographic area, a geographic area-specific conversion factor is calculated for each of the 24 physician CPT procedure code groups by dividing the weighted average charge by the weighted average facility-adjusted RVU. The resulting geographic area conversion factor for each facility geographic area for each physician CPT procedure code group is divided by the corresponding nationwide conversion factor as set forth in paragraph (e)(3)(i). The resulting ratios are the geographic area adjustment factors for each of the 24 physician CPT procedure code groups for each facility geographic area.

(4) *Nationwide 80th percentile charges for anesthesia and pathology CPT procedure codes.* The nationwide charges are calculated by multiplying the RVUs as set forth in paragraph (e)(4)(i) of this section for anesthesia CPT procedure codes and as set forth in paragraph (e)(4)(ii) of this section for pathology CPT procedure codes by the appropriate nationwide trended 80th percentile conversion factors as set forth in paragraph (e)(3) of this section.

(i) *RVUs for anesthesia.* The 1998 base unit value for each anesthesia CPT procedure code is compiled (the base unit values can be found in the *1998 St. Anthony's Complete RBRVS,* Relative Value Studies, Inc., St. Anthony Publishing, 11410 Isaac Newton Square, Reston, VA 20190). The average time unit value for each anesthesia CPT procedure code is compiled from a Health Care Financing Administration study concerning average time unit values for anesthesia CPT procedure codes (these values can be obtained from Veterans Health Administration, Office of Finance, Department of Veterans Affairs, 810 Vermont Ave., NW, Washington, DC 20420). For each anesthesia CPT procedure code introduced since the HCFA study, the time unit value is calculated as the average time unit value for all other anesthesia CPT procedure codes with the same base unit value. The sum of the anesthesia base unit value and the anesthesia time unit value equals the total anesthesia RVUs.

(ii) *RVUs for pathology.* For each pathology CPT procedure code, the 1998 Medicare payment amount is used as the RVU for the corresponding CPT procedure code (the payment amounts can be found on the Health Care Financing Administration public use files Internet site at *http://www.hcfa.gov/stats/pufiles.htm* under the heading ''Payment Rates/ Non-Institutional Providers'' and the title ''Clinical Diagnostic Laboratory Fee Schedule.''

(f) *Non-physician provider charges.* When the following non-physician providers provide or furnish VA care within the scope of care referred to in paragraph (a)(1) of this section, charges for that care covered by a CPT procedure code will be determined based on the following indicated percentages of the amount that would be charged if the care had been provided by a physician:

(1) Nurse practitioner: 85%.

(2) Clinical nurse specialist: 85%.
(3) Physician Assistant: 65% for assistance at surgery; 75% for other hospital care and 85% for other non-hospital care.
(4) Certified registered nurse anesthetist: 50% when physician supervised; 100% when not physician supervised.
(5) Clinical psychologist: 80%.
(6) Clinical social worker: 75%.
(7) Podiatrist: 95%.
(8) Chiropractor: 100%.
(9) Dietitian: 75%.
(10) Clinical pharmacist: 80%.
(11) Optometrist: 90%.

(g) *Outpatient dental care and prescription drugs not administered during treatment.* Notwithstanding other provisions of this section, when VA provides or furnishes outpatient dental care or prescription drugs not administered during treatment, within the scope of care referred to in paragraph (a)(1) of this section, charges billed separately for such care will be based on VA costs in accordance with the methodology set forth in § 17.102 of this part.

(Authority: 38 U.S.C. 101, 501, 1701, 1705, 1710, 1721, 1722, 1729)

§ 17.102 [Amended]

4. In newly redesignated § 17.102, the first sentence of the introductory text is amended by removing ''Charges'' and adding in its place ''Except as provided in § 17.101, charges'', paragraph (h) is amended by removing the heading and adding, in its place, ''Computation of charges.''; by removing paragraphs (h)(1), (2), and (4) through (6); and by removing ''(3) The method of computing the charges for medical care and services'' and by adding, in its place, ''The method for computing the charges under paragraphs (a), (b), (d), (f), and (g), and the last sentence of paragraph (c) of this section''.

[FR Doc. 98–26341 Filed 10–9–98; 8:45 am]
BILLING CODE 8320–01–U

DEPARTMENT OF VETERANS AFFAIRS

Medical Care Collection or Recovery

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In a companion document published in the ''Proposed Rules'' section of this issue of the **Federal Register**, we proposed to amend VA's medical regulations concerning collection or recovery by VA for medical care or services provided or furnished to a veteran:

(i) For a non-service connected disability for which the veteran is entitled to care (or the payment of expenses of care) under a health-plan contract;

(ii) For a non-service connected disability incurred incident to the veteran's employment and covered under a worker's compensation law or plan that provides reimbursement or indemnification for such care and services; or

(iii) For a non-service connected disability incurred as a result of a motor vehicle accident in a State that requires automobile accident reparations insurance.

The proposed rule includes methodology for establishing charges for VA medical care or services. Using this methodology, information for calculating proposed charge amounts at individual VA facilities for inpatient facility charges, skilled nursing facility/sub-acute inpatient facility charges, outpatient facility charges, and physician charges is set forth below.

If this methodology were adopted subsequently as a final rule, the applicable data in this document, designed for the period August 1998 through September 1999, would be used for the period from the effective date of the final rule through September 1999. Accordingly, interested parties may wish to retain this document for future reference.

FOR FURTHER INFORMATION CONTACT: David Cleaver, VHA Office of Finance (174), Veterans Health Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273–8210. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: The information for calculating proposed charge amounts at individual VA facilities for inpatient facility charges, skilled nursing facility/sub-acute inpatient facility charges, outpatient facility charges, and physician charges refers to Tables A through I which are included at the end of this document.

Inpatient Facility Charges

The methodology for inpatient facility charges is set forth in proposed § 17.101(b) of the companion document published in the ''Proposed Rules'' section of this issue of the **Federal Register**. Inpatient facility charges consist of per diem charges for room and board and for ancillary services that vary by VA facility and by DRG (diagnosis related group).

Method for Calculation—Inpatient Facility Charges

For each inpatient stay or portion thereof for which a particular DRG assignment applies, determine the DRG from the patient's clinical record. From Table A, determine whether the DRG is surgical or non-surgical and obtain the nationwide room and board per diem charge and the nationwide ancillary per diem charge. From Table B, obtain the room and board facility GAAF (geographic area adjustment factor) and the ancillary facility GAAF for either surgical or non-surgical DRGs, as appropriate. Multiply the nationwide room and board per diem charge by the appropriate GAAF to obtain the facility-specific room and board per diem charge. Multiply the nationwide ancillary per diem charge by the appropriate GAAF to obtain the facility-specific ancillary per diem charge. Add the facility-specific room and board per diem charge to the facility-specific ancillary per diem charge to obtain the facility-specific combined per diem facility charge. Multiply the facility-specific combined per diem facility charge by the number of days of inpatient care to obtain the total inpatient facility charge.

Example—Inpatient Facility Charges

Consider the charge for a patient with viral meningitis, DRG 021, who had a seven-day inpatient stay at the VA facility in Durham, NC.

Surgical/non-surgical indicator	Non-surgical
From Table A, for DRG 021:	
Nationwide room and board per diem charge	$611
Nationwide ancillary per diem charge	1,733
From Table B, for the VA facility in Durham, NC:	
Facility GAAF for non-surgical DRGs, room and board	0.79
Facility GAAF for non-surgical DRGs, ancillary	1.03

Calculations

Durham room and board per diem charge: $611×0.79=$483

Durham ancillary per diem charge: $1,733×1.03=$1,785

Durham combined per diem facility charge: $483+$1,785=$2,268

Durham total inpatient facility charge: $2,268×7 days=$15,876

Note: If there is a change in a patient's condition and/or treatment during an inpatient stay such that the DRG assignment changes (for example, a psychiatric patient who develops a medical or surgical problem), then the calculations will be made separately for each DRG, according to the number of days of care applicable for each DRG, and the total inpatient facility charge will be the sum of the total inpatient facility charges for the different DRGs.

Skilled Nursing Facility/Sub-acute Inpatient Facility Charges

The methodology for skilled nursing facility/sub-acute inpatient facility charges is set forth in proposed § 17.101(c) of the companion document published in the ''Proposed Rules'' section of this issue of the **Federal Register**. Skilled nursing facility/sub-acute inpatient facility charges consist of per diem charges that vary by VA facility. The nationwide all-inclusive skilled nursing facility/sub-acute inpatient facility per diem charge for the period August 1998 through September 1999 is $946.

Method for Calculation—Skilled Nursing Facility/Sub-Acute Inpatient Facility Charges

For each stay, multiply the nationwide per diem charge of $946 by the appropriate GAAF (geographic area adjustment factor) found in Table B to obtain the facility-specific per diem charge. Multiply the facility-specific per diem charge by the number of days of care to obtain the total skilled nursing facility/sub-acute inpatient facility charge.

Example—Skilled Nursing Facility/Sub-Acute Inpatient Facility Charges

Consider the charge for a 15-day skilled nursing facility stay at the VA facility in Boise, ID. The nationwide skilled nursing facility/sub-acute inpatient facility per diem charge is $946. The skilled nursing facility/sub-acute inpatient facility GAAF for Boise, found in Table B, is 0.92.

Calculations

Boise skilled nursing facility/sub-acute inpatient facility per diem charge: $946×0.92=$870

Boise total skilled nursing facility/sub-acute inpatient facility charge: $870×15 days=$13,050

Outpatient Facility Charges

The methodology for outpatient facility charges set forth in proposed § 17.101(d) of the companion document

published in the ''Proposed Rules'' section of this issue of the **Federal Register**. Outpatient facility charges consist of charges for outpatient facility services that vary by VA facility and by CPT procedure code.

Method for Calculation—Outpatient Facility Charges

For each outpatient procedure, as identified by CPT procedure code, for which an outpatient facility charge applies, multiply the nationwide charge found in Table C by the appropriate GAAF (geographic area adjustment factor) found in Table D to obtain the facility-specific outpatient facility charge. When multiple surgical procedures are performed during the same outpatient encounter by a provider or provider team, the outpatient facility charges for such procedures would be reduced as set forth in proposed § 17.101(d)(5) of the companion document published in the ''Proposed Rules'' section of this issue of the **Federal Register**.

Example—Outpatient Facility Charges

Consider the outpatient facility charge for CPT Code 12020, closure of split wound, at the VA facility in Denver, CO. The nationwide outpatient facility charge for CPT Code 12020, found in Table C, is $320.04. The outpatient facility GAAF for Denver, found in Table D, is 1.09.

Calculation

Denver outpatient facility charge for CPT Code 12020: $320.04×1.09=$348.84

Physician Charges

The methodology for physician charges is set forth in proposed § 17.101(e) of the companion document published in the ''Proposed Rules'' section of this issue of the **Federal Register**. Physician charges consist of charges for professional services that vary by VA facility and by CPT procedure code. For calculating physician charges, CPT procedure codes have been separated into three categories, each having a somewhat different method for calculating the charge.

Method for Calculation—Physician Charges for CPT Procedure Codes That Have Work Expense and Practice Expense RVUs (Relative Value Units)

For each CPT procedure code, obtain from Table E the physician CPT code group, the nationwide work expense RVU, the nationwide practice expense RVU, and the nationwide conversion factor. For a specific VA facility, obtain from Table H the Medicare physician work adjuster, the facility GAAF (geographic area adjustment factor) for work expense RVUs, the facility GAAF for practice expense RVUs, and the facility GAAF for the conversion factor for the physician CPT code group. Multiply the nationwide work expense RVU by the Medicare physician work adjuster and by the facility GAAF for work expense RVUs to obtain the facility-adjusted work expense RVU. Multiply the nationwide practice expense RVU by the facility GAAF for practice expense RVUs to obtain the facility-adjusted practice expense RVU. Add the facility-adjusted work expense RVU to the facility-adjusted practice expense RVU to obtain the total facility-adjusted RVU. Multiply the nationwide conversion factor by the facility GAAF for the conversion factor for the physician CPT code group to obtain the facility-adjusted conversion factor. Multiply the total facility-adjusted RVU by the facility-adjusted conversion factor to obtain the physician charge for each CPT procedure code at a particular VA facility.

Example—Physician Charges for CPT Procedure Codes That Have Work Expense and Practice Expense RVUs (Relative Value Units)

Consider the physician charge for CPT Code 99213, an office outpatient visit, at the VA facility in Seattle, WA. The data items required for calculating the charge are as follows:

Physician CPT code group	Office/ home/ urgent care visits
From Table E, for CPT Code 99213:	
Nationwide work expense RVU ..	0.67
Nationwide practice expense RVU	0.43
Nationwide conversion factor	$59.93
From Table H, for the VA facility in Seattle, WA:	
Medicare physician work adjuster	0.917
Facility GAAF for work expense RVUs	1.006
Facility GAAF for practice expense RVUs	1.079
Facility GAAF for the conversion factor for the Office/Home/Urgent Care Visits physician CPT code group	1.04

Calculations

Facility-adjusted work expense RVU: 0.67 x 0.917 x 1.006 = 0.618

Facility-adjusted practice expense RVU: 0.43 x 1.079 = 0.464

Total facility-adjusted RVU: 0.618 + 0.464 = 1.082

Facility-adjusted conversion factor: $59.93 x 1.04 = $62.33

Seattle physician charge for CPT Code 99213: 1.082 x $62.33 = $67.44

Method for Calculation—Physician Charges for CPT Procedure Codes for Anesthesia and Pathology

For each anesthesia and pathology CPT procedure code, multiply the nationwide physician charge found in Table F by the facility GAAF for the conversion factor for the physician CPT code group for anesthesia or pathology found in Table H to obtain the physician charge for each anesthesia and pathology CPT procedure code at a particular VA facility.

Example—Physician Charges for CPT Procedure Codes for Anesthesia and Pathology

Consider the physician charge for CPT Code 00120, anesthesia for ear surgery, at the VA facility in Atlanta (Decatur), GA. The nationwide physician charge for CPT Code 00120, found in Table F, is $921.24. The Atlanta (Decatur) GAAF for the conversion factor for the physician CPT code group for anesthesia, found in Table H, is 1.17.

Calculation

Atlanta (Decatur) physician charge for CPT Code 00120: $921.24 x 1.17 = $1,077.85

Method for Calculation—Physician Charges for CPT Procedure Codes That Have Total RVUs (Relative Value Units) Only

For each CPT procedure code, obtain from Table G the physician CPT code group, the nationwide total RVUs, and the nationwide conversion factor. For a specific VA facility, obtain from Table H the facility GAAF for the conversion factor for the physician CPT code group, and obtain from Table I the facility GAAF for RVUs for CPT codes with total RVUs only. Multiply the nationwide total RVUs by the facility GAAF for RVUs for CPT codes with total RVUs only to obtain the facility-adjusted total RVUs. Multiply the nationwide conversion factor by the facility GAAF for the conversion factor for the physician CPT code group to obtain the facility-adjusted conversion factor. Multiply the facility-adjusted total RVUs by the facility-adjusted conversion factor to obtain the physician charge for each CPT procedure code at a particular VA facility.

Example—Physician Charges for CPT Procedure Codes That Have Total RVUs (Relative Value Units) only

Consider the physician charge for CPT Code 93760, cephalic thermogram, at the VA facility in Tampa, FL. The data

items required for calculating the charge are as follows:

Physician CPT code group	Cardio-vascular
From Table G, for CPT Code 93760:	
Nationwide total RVUs	2.12
Nationwide conversion factor	$91.42
From Table H, for the VA facility in Tampa, FL:	
Facility GAAF for the conversion factor for the Cardiovascular physician CPT code group	.99
From Table I, for the VA facility in Tampa, FL:	
Facility GAAF for RVUs for CPT codes with total RVUs only	.96

Calculations

Facility-adjusted total RVUs: 2.12 x 0.96 = 2.0352

Facility-adjusted conversion factor: $91.42 x 0.99 = $90.5058

Tampa physician charge for CPT code 93760: 2.0352 x $90.5058 = $184.20

Approved: September 21, 1998.

Togo D. West, Jr.,

Secretary of Veterans Affairs.

TABLE A.—INPATIENT FACILITY NATIONWIDE PER DIEM CHARGES; BY DRG

[Diagnosis related group]

DRG	Description	Surgical/ Non-surgical indicator	Per diem charge	
			Room & board	Ancillary
001	Craniotomy Age >17 Except For Trauma	S	$1,075	$2,972
002	Craniotomy For Trauma Age >17	S	$1,120	$2,776
003	Craniotomy Age 0–17	S	$1,276	$3,463
004	Spinal Procedures	S	$777	$2,724
005	Extracranial Vascular Procedures	S	$849	$3,282
006	Carpal Tunnel Release	S	$626	$1,827
007	Periph & Cranial Nerve & Other Nerv Syst Proc W Cc	S	$778	$1,690
008	Periph & Cranial Nerve & Other Nerv Syst Proc W/O Cc	S	$679	$3,663
009	Spinal Disorders & Injuries	N	$687	$895
010	Nervous System Neoplasms W Cc	N	$690	$1,248
011	Nervous System Neoplasms W/O Cc	N	$753	$1,126
012	Degenerative Nervous System Disorders	N	$628	$727
013	Multiple Sclerosis & Cerebellar Ataxia	N	$613	$734
014	Specific Cerebrovascular Disorders Except Tia	N	$658	$1,123
015	Transient Ischemic Attack & Precerebral Occlusions	N	$712	$1,310
016	Nonspecific Cerebrovascular Disorders W Cc	N	$611	$1,129
017	Nonspecific Cerebrovascular Disorders W/O Cc	N	$596	$979
018	Cranial & Peripheral Nerve Disorders W Cc	N	$688	$1,204
019	Cranial & Peripheral Nerve Disorders W/O Cc	N	$643	$966
020	Nervous System Infection Except Viral Meningitis	N	$753	$1,535
021	Viral Meningitis	N	$611	$1,733
022	Hypertensive Encephalopathy	N	$755	$1,471
023	Nontraumatic Stupor & Coma	N	$590	$982
024	Seizure & Headache Age >17 W Cc	N	$797	$1,397
025	Seizure & Headache Age >17 W/O Cc	N	$735	$1,195
026	Seizure & Headache Age 0–17	N	$809	$1,399
027	Traumatic Stupor & Coma, Coma >1 Hr	N	$889	$1,663
028	Traumatic Stupor & Coma, Coma <1 Hr Age >17 W Cc	N	$810	$1,307
029	Traumatic Stupor & Coma, Coma <1 Hr Age >17 W/O Cc	N	$714	$985
030	Traumatic Stupor & Coma, Coma <1 Hr Age 0–17	N	$791	$1,243
031	Concussion Age >17 W Cc	N	$1,060	$1,613
032	Concussion Age >17 W/O Cc	N	$889	$1,259
033	Concussion Age 0–17	N	$1,029	$1,540
034	Other Disorders Of Nervous System W Cc	N	$713	$1,165
035	Other Disorders Of Nervous System W/O Cc	N	$751	$864
036	Retinal Procedures	S	$660	$4,311
037	Orbital Procedures	S	$822	$2,902
038	Primary Iris Procedures	S	$625	$1,396
039	Lens Procedures With Or Without Vitrectomy	S	$708	$2,553
040	Extraocular Procedures Except Orbit Age >17	S	$690	$2,282
041	Extraocular Procedures Except Orbit Age 0–17	S	$768	$2,540
042	Intraocular Procedures Except Retina, Iris & Lens	S	$646	$2,424
043	Hyphema	N	$570	$626
044	Acute Major Eye Infections	N	$676	$802
045	Neurological Eye Disorders	N	$692	$1,286
046	Other Disorders Of The Eye Age >17 W Cc	N	$640	$1,293
047	Other Disorders Of The Eye Age >17 W/O Cc	N	$927	$865
048	Other Disorders Of The Eye Age 0–17	N	$952	$1,539
049	Major Head & Neck Procedures	S	$864	$3,394
050	Sialoadenectomy	S	$762	$4,311
051	Salivary Gland Procedures Except Sialoadenectomy	S	$959	$3,228
052	Cleft Lip & Palate Repair	S	$941	$4,124
053	Sinus & Mastoid Procedures Age >17	S	$680	$2,815
054	Sinus & Mastoid Procedures Age 0–17	S	$894	$3,699

TABLE A.—INPATIENT FACILITY NATIONWIDE PER DIEM CHARGES; BY DRG—Continued

[Diagnosis related group]

DRG	Description	Surgical/ Non-surgical indicator	Per diem charge	
			Room & board	Ancillary
055	Miscellaneous Ear, Nose, Mouth & Throat Procedures	S	$915	$2,972
056	Rhinoplasty	S	$861	$3,720
057	T&A Proc, Except Tonsillectomy &/Or Adenoidectomy Only, Age >17	S	$679	$2,083
058	T&A Proc, Except Tonsillectomy &/Or Adenoidectomy Only, Age 0–17	S	$595	$1,824
059	Tonsillectomy &/Or Adenoidectomy Only, Age >17	S	$637	$3,028
060	Tonsillectomy &/Or Adenoidectomy Only, Age 0–17	S	$489	$2,325
061	Myringotomy W Tube Insertion Age >17	S	$541	$2,973
062	Myringotomy W Tube Insertion Age 0–17	S	$428	$2,355
063	Other Ear, Nose, Mouth & Throat O.R. Procedures	S	$1,003	$3,648
064	Ear, Nose, Mouth & Throat Malignancy	N	$620	$1,094
065	Dysequilibrium	N	$692	$1,174
066	Epistaxis	N	$726	$1,161
067	Epiglottitis	N	$743	$1,443
068	Otitis Media & Uri Age >17 W Cc	N	$603	$1,138
069	Otitis Media & Uri Age >17 W/O Cc	N	$593	$955
070	Otitis Media & Uri Age 0–17	N	$520	$952
071	Laryngotracheitis	N	$567	$1,267
072	Nasal Trauma & Deformity	N	$813	$1,793
073	Other Ear, Nose, Mouth & Throat Diagnoses Age >17	N	$689	$1,275
074	Other Ear, Nose, Mouth & Throat Diagnoses Age 0–17	N	$621	$1,150
075	Major Chest Procedures	S	$912	$2,797
076	Other Resp System O.R. Procedures W Cc	S	$784	$1,899
077	Other Resp System O.R. Procedures W/O Cc	S	$637	$2,051
078	Pulmonary Embolism	N	$655	$1,290
079	Respiratory Infections & Inflammations Age >17 W Cc	N	$654	$1,485
080	Respiratory Infections & Inflammations Age >17 W/O Cc	N	$628	$1,007
081	Respiratory Infections & Inflammations Age 0–17	N	$748	$1,685
082	Respiratory Neoplasms	N	$650	$1,347
083	Major Chest Trauma W Cc	N	$732	$1,229
084	Major Chest Trauma W/O Cc	N	$785	$1,074
085	Pleural Effusion W Cc	N	$729	$1,358
086	Pleural Effusion W/O Cc	N	$726	$1,227
087	Pulmonary Edema & Respiratory Failure	N	$704	$1,742
088	Chronic Obstructive Pulmonary Disease	N	$615	$1,234
089	Simple Pneumonia & Pleurisy Age >17 W Cc	N	$671	$1,284
090	Simple Pneumonia & Pleurisy Age >17 W/O Cc	N	$585	$1,015
091	Simple Pneumonia & Pleurisy Age 0–17	N	$578	$1,100
092	Interstitial Lung Disease W Cc	N	$632	$1,252
093	Interstitial Lung Disease W/O Cc	N	$615	$1,093
094	Pneumothorax W Cc	N	$648	$1,341
095	Pneumothorax W/O Cc	N	$578	$1,069
096	Bronchitis & Asthma Age >17 W Cc	N	$610	$1,195
097	Bronchitis & Asthma Age >17 W/O Cc	N	$585	$1,083
098	Bronchitis & Asthma Age 0–17	N	$628	$1,216
099	Respiratory Signs & Symptoms W Cc	N	$759	$1,765
100	Respiratory Signs & Symptoms W/O Cc	N	$716	$1,764
101	Other Respiratory System Diagnoses W Cc	N	$732	$1,430
102	Other Respiratory System Diagnoses W/O Cc	N	$644	$1,414
103	Heart Transplant	S	$1,258	$5,504
104	Cardiac Valve Procedures W Cardiac Cath	S	$1,134	$5,722
105	Cardiac Valve Procedures W/O Cardiac Cath	S	$1,168	$5,783
106	Coronary Bypass W Cardiac Cath	S	$1,051	$4,920
107	Coronary Bypass W/O Cardiac Cath	S	$1,118	$4,946
108	Other Cardiothoracic Procedures	S	$1,237	$5,118
109	No Longer Valid	N	$0	$0
110	Major Cardiovascular Procedures W Cc	S	$1,022	$3,695
111	Major Cardiovascular Procedures W/O Cc	S	$972	$3,478
112	Percutaneous Cardiovascular Procedures	S	$1,056	$4,797
113	Amputation For Circ System Disorders Except Upper Limb & Toe	S	$710	$1,703
114	Upper Limb & Toe Amputation For Circ System Disorders	S	$637	$1,270
115	Perm Pace Implnt W Ami, Hrt Fail Or Shock Or Acid Lead Or Gen Proc	S	$882	$2,955
116	Oth Perm Cardiac Pacemaker Implant Or Ptca W Coronary Artstent	S	$994	$5,218
117	Cardiac Pacemaker Revision Except Device Replacement	S	$878	$3,304
118	Cardiac Pacemaker Device Replacement	S	$1,181	$5,857
119	Vein Ligation & Stripping	S	$747	$1,895
120	Other Circulatory System O.R. Procedures	S	$725	$1,851
121	Circulatory Disorders W Ami & Major Comp Disch Alive	N	$1,085	$1,941
122	Circulatory Disorders W Ami W/O Major Comp Disch Alive	N	$1,062	$2,010

TABLE A.—INPATIENT FACILITY NATIONWIDE PER DIEM CHARGES; BY DRG—Continued

[Diagnosis related group]

DRG	Description	Surgical/ Non-surgical indicator	Per diem charge	
			Room & board	Ancillary
123	Circulatory Disorders W Ami, Expired	N	$1,333	$3,242
124	Circulatory Disorders Except Ami, W Card Cath & Complex Diag	N	$939	$2,572
125	Circulatory Disorders Except Ami, W Card Cath W/O Complexdiag	N	$835	$3,068
126	Acute & Subacute Endocarditis	N	$817	$1,512
127	Heart Failure & Shock	N	$735	$1,213
128	Deep Vein Thrombophlebitis	N	$591	$747
129	Cardiac Arrest, Unexplained	N	$1,057	$3,048
130	Peripheral Vascular Disorders W Cc	N	$655	$1,037
131	Peripheral Vascular Disorders W/O Cc	N	$629	$783
132	Atherosclerosis W Cc	N	$1,032	$1,851
133	Atherosclerosis W/O Cc	N	$1,050	$1,697
134	Hypertension	N	$726	$1,106
135	Cardiac Congenital & Valvular Disorders Age >17 W Cc	N	$871	$1,495
136	Cardiac Congenital & Valvular Disorders Age >17 W/O Cc	N	$744	$1,622
137	Cardiac Congenital & Valvular Disorders Age 0–17	N	$1,488	$2,613
138	Cardiac Arrhythmia & Conduction Disorders W Cc	N	$823	$1,345
139	Cardiac Arrhythmia & Conduction Disorders W/O Cc	N	$836	$1,289
140	Angina Pectoris	N	$898	$1,390
141	Syncope & Collapse W Cc	N	$841	$1,328
142	Syncope & Collapse W/O Cc	N	$846	$1,379
143	Chest Pain	N	$855	$1,717
144	Other Circulatory System Diagnoses W Cc	N	$758	$1,590
145	Other Circulatory System Diagnoses W/O Cc	N	$841	$1,841
146	Rectal Resection W Cc	S	$723	$2,123
147	Rectal Resection W/O Cc	S	$711	$1,924
148	Major Small & Large Bowel Procedures W Cc	S	$760	$2,210
149	Major Small & Large Bowel Procedures W/O Cc	S	$661	$1,833
150	Peritoneal Adhesiolysis W Cc	S	$704	$1,986
151	Peritoneal Adhesiolysis W/O Cc	S	$621	$1,573
152	Minor Small & Large Bowel Procedures W Cc	S	$745	$1,869
153	Minor Small & Large Bowel Procedures W/O Cc	S	$666	$1,801
154	Stomach, Esophageal & Duodenal Procedures Age >17 W Cc	S	$849	$2,571
155	Stomach, Esophageal & Duodenal Procedures Age >17 W/O Cc	S	$813	$2,948
156	Stomach, Esophageal & Duodenal Procedures Age 0–17	S	$688	$2,097
157	Anal & Stomal Procedures W Cc	S	$664	$1,807
158	Anal & Stomal Procedures W/O Cc	S	$595	$2,027
159	Hernia Procedures Except Inguinal & Femoral Age >17 W Cc	S	$688	$2,217
160	Hernia Procedures Except Inguinal & Femoral Age >17 W/O Cc	S	$646	$2,430
161	Inguinal & Femoral Hernia Procedures Age >17 W Cc	S	$638	$2,108
162	Inguinal & Femoral Hernia Procedures Age >17 W/O Cc	S	$670	$2,915
163	Hernia Procedures Age 0–17	S	$681	$2,379
164	Appendectomy W Complicated Principal Diag W Cc	S	$655	$2,153
165	Appendectomy W Complicated Principal Diag W/O Cc	S	$658	$1,944
166	Appendectomy W/O Complicated Principal Diag W Cc	S	$593	$2,292
167	Appendectomy W/O Complicated Principal Diag W/O Cc	S	$591	$2,427
168	Mouth Procedures W Cc	S	$802	$2,192
169	Mouth Procedures W/O Cc	S	$786	$3,312
170	Other Digestive System O.R. Procedures W Cc	S	$745	$2,091
171	Other Digestive System O.R. Procedures W/O Cc	S	$667	$1,984
172	Digestive Malignancy W Cc	N	$702	$1,298
173	Digestive Malignancy W/O Cc	N	$531	$1,177
174	G.I. Hemorrhage W Cc	N	$762	$1,500
175	G.I. Hemorrhage W/O Cc	N	$679	$1,237
176	Complicated Peptic Ulcer	N	$649	$1,424
177	Uncomplicated Peptic Ulcer W Cc	N	$633	$1,315
178	Uncomplicated Peptic Ulcer W/O Cc	N	$597	$1,409
179	Inflammatory Bowel Disease	N	$648	$1,180
180	G.I. Obstruction W Cc	N	$638	$1,217
181	G.I. Obstruction W/O Cc	N	$614	$935
182	Esophagitis, Gastroent & Misc Digest Disorders Age >17 W Cc	N	$648	$1,271
183	Esophagitis, Gastroent & Misc Digest Disorders Age >17 W/Occ	N	$604	$1,280
184	Esophagitis, Gastroent & Misc Digest Disorders Age 0–17	N	$482	$957
185	Dental & Oral Dis Except Extractions & Restorations, Age >17	N	$742	$1,561
186	Dental & Oral Dis Except Extractions & Restorations, Age 0–17	N	$779	$1,638
187	Dental Extractions & Restorations	N	$799	$1,561
188	Other Digestive System Diagnoses Age >17 W Cc	N	$706	$1,528
189	Other Digestive System Diagnoses Age >17 W/O Cc	N	$730	$1,472
190	Other Digestive System Diagnoses Age 0–17	N	$757	$1,632

TABLE A.—INPATIENT FACILITY NATIONWIDE PER DIEM CHARGES; BY DRG—Continued

[Diagnosis related group]

DRG	Description	Surgical/ Non-surgical indicator	Per diem charge	
			Room & board	Ancillary
191	Pancreas, Liver & Shunt Procedures W Cc	S	$858	$2,777
192	Pancreas, Liver & Shunt Procedures W/O Cc	S	$708	$1,966
193	Biliary Tract Proc Except Only Cholecyst W Or W/O C.D.E. Wcc	S	$867	$2,345
194	Biliary Tract Proc Except Only Cholecyst W Or W/O C.D.E. W/O Cc	S	$680	$2,073
195	Cholecystectomy W C.D.E. W Cc	S	$844	$2,795
196	Cholecystectomy W C.D.E. W/O Cc	S	$825	$2,132
197	Cholecystectomy Except By Laparoscope W/O C.D.E. W Cc	S	$737	$2,285
198	Cholecystectomy Except By Laparoscope W/O C.D.E. W/O Cc	S	$621	$2,362
199	Hepatobiliary Diagnostic Procedure For Malignancy	S	$767	$2,180
200	Hepatobiliary Diagnostic Procedure For Non-Malignancy	S	$776	$2,342
201	Other Hepatobiliary Or Pancreas O.R. Procedures	S	$791	$2,379
202	Cirrhosis & Alcoholic Hepatitis	N	$797	$1,560
203	Malignancy Of Hepatobiliary System Or Pancreas	N	$671	$1,323
204	Disorders Of Pancreas Except Malignancy	N	$634	$1,498
205	Disorders Of Liver Except Malig, Cirr, Alc Hepa W Cc	N	$698	$1,445
206	Disorders Of Liver Except Malig, Cirr, Alc Hepa W/O Cc	N	$558	$1,094
207	Disorders Of The Biliary Tract W Cc	N	$705	$1,627
208	Disorders Of The Biliary Tract W/O Cc	N	$729	$1,812
209	Major Joint & Limb Reattachment Procedures Of Lower Extremity	S	$654	$3,555
210	Hip & Femur Procedures Except Major Joint Age >17 W Cc	S	$700	$1,993
211	Hip & Femur Procedures Except Major Joint Age >17 W/O Cc	S	$694	$1,946
212	Hip & Femur Procedures Except Major Joint Age 0–17	S	$734	$2,087
213	Amputation For Musculoskeletal System & Conn Tissue Disorders	S	$741	$1,827
214	No Longer Valid	S	$0	$0
215	No Longer Valid	S	$0	$0
216	Biopsies Of Musculoskeletal System & Connective Tissue	S	$702	$1,615
217	Wnd Debrid & Skn Grft Except Hand, For Muscskelet & Conn Tiss Dis	S	$701	$1,700
218	Lower Extrem & Humer Proc Except Hip, Foot, Femur Age >17 Wcc	S	$674	$2,210
219	Lower Extrem & Humer Proc Except Hip, Foot, Femur Age >17 W/O Cc	S	$671	$2,718
220	Lower Extrem & Humer Proc Except Hip, Foot, Femur Age 0–17	S	$878	$3,085
221	No Longer Valid	S	$0	$0
222	No Longer Valid	S	$0	$0
223	Major Shoulder/Elbow Proc, Or Other Upper Extremity Proc Wcc	S	$631	$3,047
224	Shoulder, Elbow Or Forearm Proc,Exc Major Joint Proc, W/O Cc	S	$680	$3,589
225	Foot Procedures	S	$764	$2,278
226	Soft Tissue Procedures W Cc	S	$718	$1,962
227	Soft Tissue Procedures W/O Cc	S	$759	$2,779
228	Major Thumb Or Joint Proc,Or Oth Hand Or Wrist Proc W Cc	S	$699	$2,985
229	Hand Or Wrist Proc, Except Major Joint Proc, W/O Cc	S	$644	$3,169
230	Local Excision & Removal Of Int Fix Devices Of Hip & Femur	S	$1,074	$2,332
231	Local Excision & Removal Of Int Fix Devices Except Hip & Femur	S	$788	$2,773
232	Arthroscopy	S	$1,100	$2,533
233	Other Musculoskelet Sys & Conn Tiss O.R. Proc W Cc	S	$828	$2,465
234	Other Musculoskelet Sys & Conn Tiss O.R. Proc W/O Cc	S	$700	$3,157
235	Fractures Of Femur	N	$638	$701
236	Fractures Of Hip & Pelvis	N	$566	$667
237	Sprains, Strains, & Dislocations Of Hip, Pelvis & Thigh	N	$700	$1,040
238	Osteomyelitis	N	$644	$998
239	Pathological Fractures & Musculoskeletal & Conn Tiss Malignancy	N	$722	$1,042
240	Connective Tissue Disorders W Cc	N	$714	$1,314
241	Connective Tissue Disorders W/O Cc	N	$741	$740
242	Septic Arthritis	N	$642	$915
243	Medical Back Problems	N	$664	$966
244	Bone Diseases & Specific Arthropathies W Cc	N	$644	$894
245	Bone Diseases & Specific Arthropathies W/O Cc	N	$750	$791
246	Non-Specific Arthropathies	N	$678	$942
247	Signs & Symptoms Of Musculoskeletal System & Conn Tissue	N	$696	$913
248	Tendonitis, Myositis & Bursitis	N	$745	$1,026
249	Aftercare, Musculoskeletal System & Connective Tissue	N	$748	$1,267
250	Fx, Sprn, Strn & Disl Of Forearm, Hand, Foot Age >17 W Cc	N	$828	$1,055
251	Fx, Sprn, Strn & Disl Of Forearm, Hand, Foot Age >17 W/O Cc	N	$723	$1,208
252	Fx, Sprn, Strn & Disl Of Forearm, Hand, Foot Age 0–17	N	$1,368	$1,890
253	Fx, Sprn, Strn & Disl Of Uparm,Lowleg Ex Foot Age >17 W Cc	N	$699	$927
254	Fx, Sprn, Strn & Disl Of Uparm,Lowleg Ex Foot Age >17 W/Occ	N	$970	$1,129
255	Fx, Sprn, Strn & Disl Of Uparm,Lowleg Ex Foot Age 0–17	N	$1,179	$1,515
256	Other Musculoskeletal System & Connective Tissue Diagnoses	N	$801	$1,105
257	Total Mastectomy For Malignancy W Cc	S	$692	$2,842
258	Total Mastectomy For Malignancy W/O Cc	S	$646	$3,104

TABLE A.—INPATIENT FACILITY NATIONWIDE PER DIEM CHARGES; BY DRG—Continued

[Diagnosis related group]

DRG	Description	Surgical/ Non-surgical indicator	Per diem charge	
			Room & board	Ancillary
259	Subtotal Mastectomy For Malignancy W Cc	S	$858	$2,801
260	Subtotal Mastectomy For Malignancy W/O Cc	S	$796	$3,493
261	Breast Proc For Non-Malignancy Except Biopsy & Local Excision	S	$742	$4,539
262	Breast Biopsy & Local Excision For Non-Malignancy	S	$640	$1,961
263	Skin Graft &/Or Debrid For Skn Ulcer Or Cellulitis W Cc	S	$636	$1,279
264	Skin Graft &/Or Debrid For Skn Ulcer Or Cellulitis W/O Cc	S	$606	$1,135
265	Skin Graft &/Or Debrid Except For Skin Ulcer Or Cellulitisw Cc	S	$866	$2,283
266	Skin Graft &/Or Debrid Except For Skin Ulcer Or Cellulitisw/O Cc	S	$807	$2,344
267	Perianal & Pilonidal Procedures	S	$569	$2,256
268	Skin, Subcutaneous Tissue & Breast Plastic Procedures	S	$1,150	$2,571
269	Other Skin, Subcut Tiss & Breast Proc W Cc	S	$599	$1,382
270	Other Skin, Subcut Tiss & Breast Proc W/O Cc	S	$607	$1,888
271	Skin Ulcers	N	$516	$781
272	Major Skin Disorders W Cc	N	$628	$1,028
273	Major Skin Disorders W/O Cc	N	$591	$753
274	Malignant Breast Disorders W Cc	N	$688	$1,142
275	Malignant Breast Disorders W/O Cc	N	$1,191	$675
276	Non-Maligant Breast Disorders	N	$783	$1,167
277	Cellulitis Age >17 W Cc	N	$618	$899
278	Cellulitis Age >17 W/O Cc	N	$635	$727
279	Cellulitis Age 0–17	N	$571	$796
280	Trauma To The Skin, Subcut Tiss & Breast Age >17 W Cc	N	$761	$1,118
281	Trauma To The Skin, Subcut Tiss & Breast Age >17 W/O Cc	N	$660	$961
282	Trauma To The Skin, Subcut Tiss & Breast Age 0–17	N	$924	$1,355
283	Minor Skin Disorders W Cc	N	$718	$1,019
284	Minor Skin Disorders W/O Cc	N	$632	$958
285	Amputat Of Lower Limb For Endocrine, Nutrit, & Metabol Disorders	S	$683	$1,362
286	Adrenal & Pituitary Procedures	S	$911	$2,816
287	Skin Grafts & Wound Debrid For Endoc, Nutrit & Metab Disorders	S	$614	$968
288	O.R. Procedures For Obesity	S	$868	$3,251
289	Parathyroid Procedures	S	$755	$2,921
290	Thyroid Procedures	S	$744	$3,618
291	Thyroglossal Procedures	S	$645	$3,675
292	Other Endocrine, Nutrit & Metab O.R. Proc W Cc	S	$686	$1,959
293	Other Endocrine, Nutrit & Metab O.R. Proc W/O Cc	S	$639	$1,918
294	Diabetes Age >35	N	$650	$971
295	Diabetes Age 0–35	N	$663	$1,218
296	Nutritional & Misc Metabolic Disorders Age >17 W Cc	N	$716	$1,130
297	Nutritional & Misc Metabolic Disorders Age >17 W/O Cc	N	$675	$1,003
298	Nutritional & Misc Metabolic Disorders Age 0–17	N	$672	$1,056
299	Inborn Errors Of Metabolism	N	$515	$1,018
300	Endocrine Disorders W Cc	N	$775	$1,300
301	Endocrine Disorders W/O Cc	N	$864	$1,357
302	Kidney Transplant	S	$881	$6,011
303	Kidney, Ureter & Major Bladder Procedures For Neoplasm	S	$777	$2,436
304	Kidney, Ureter & Major Bladder Proc For Non-Neopl W Cc	S	$813	$2,446
305	Kidney, Ureter & Major Bladder Proc For Non-Neopl W/O Cc	S	$759	$2,329
306	Prostatectomy W Cc	S	$659	$1,696
307	Prostatectomy W/O Cc	S	$609	$2,397
308	Minor Bladder Procedures W Cc	S	$751	$2,064
309	Minor Bladder Procedures W/O Cc	S	$663	$2,989
310	Transurethral Procedures W Cc	S	$743	$2,212
311	Transurethral Procedures W/O Cc	S	$677	$2,622
312	Urethral Procedures, Age >17 W Cc	S	$967	$2,186
313	Urethral Procedures, Age >17 W/O Cc	S	$641	$1,917
314	Urethral Procedures, Age 0–17	S	$1,085	$2,529
315	Other Kidney & Urinary Tract O.R. Procedures	S	$753	$2,056
316	Renal Failure	N	$713	$1,428
317	Admit For Renal Dialysis	N	$795	$1,514
318	Kidney & Urinary Tract Neoplasms W Cc	N	$661	$1,285
319	Kidney & Urinary Tract Neoplasms W/O Cc	N	$565	$1,210
320	Kidney & Urinary Tract Infections Age >17 W Cc	N	$626	$1,060
321	Kidney & Urinary Tract Infections Age >17 W/O Cc	N	$612	$932
322	Kidney & Urinary Tract Infections Age 0–17	N	$564	$947
323	Urinary Stones W Cc, &/Or Esw Lithotripsy	N	$647	$2,024
324	Urinary Stones W/O Cc	N	$562	$1,640
325	Kidney & Urinary Tract Signs & Symptoms Age >17 W Cc	N	$702	$1,082
326	Kidney & Urinary Tract Signs & Symptoms Age >17 W/O Cc	N	$652	$1,307

TABLE A.—INPATIENT FACILITY NATIONWIDE PER DIEM CHARGES; BY DRG—Continued

[Diagnosis related group]

DRG	Description	Surgical/ Non-surgical indicator	Per diem charge	
			Room & board	Ancillary
327	Kidney & Urinary Tract Signs & Symptoms Age 0–17	N	$762	$1,221
328	Urethral Stricture Age >17 W Cc	N	$850	$1,385
329	Urethral Stricture Age >17 W/O Cc	N	$708	$1,972
330	Urethral Stricture Age 0–17	N	$2,464	$4,332
331	Other Kidney & Urinary Tract Diagnoses Age >17 W Cc	N	$776	$1,578
332	Other Kidney & Urinary Tract Diagnoses Age >17 W/O Cc	N	$725	$1,531
333	Other Kidney & Urinary Tract Diagnoses Age 0–17	N	$839	$1,711
334	Major Male Pelvic Procedures W Cc	S	$719	$2,847
335	Major Male Pelvic Procedures W/O Cc	S	$692	$2,759
336	Transurethral Prostatectomy W Cc	S	$652	$2,042
337	Transurethral Prostatectomy W/O Cc	S	$604	$2,133
338	Testes Procedures, For Malignancy	S	$701	$2,008
339	Testes Procedures, Non-Malignancy Age >17	S	$1,028	$2,122
340	Testes Procedures, Non-Malignancy Age 0–17	S	$1,061	$2,191
341	Penis Procedures	S	$763	$4,272
342	Circumcision Age >17	S	$502	$2,351
343	Circumcision Age 0–17	S	$214	$1,004
344	Other Male Reproductive System O.R. Procedures For Malignancy	S	$677	$2,908
345	Other Male Reproductive System O.R. Proc Except For Malignancy	S	$706	$2,104
346	Malignancy, Male Reproductive System, W Cc	N	$718	$1,240
347	Malignancy, Male Reproductive System, W/O Cc	N	$440	$1,083
348	Benign Prostatic Hypertrophy W Cc	N	$655	$1,249
349	Benign Prostatic Hypertrophy W/O Cc	N	$905	$1,413
350	Inflammation Of The Male Reproductive System	N	$574	$986
351	Sterilization, Male	N	$208	$476
352	Other Male Reproductive System Diagnoses	N	$714	$1,553
353	Pelvic Evisceration, Radical Hysterectomy & Radical Vulv	S	$691	$2,560
354	Uterine,Adnexa Proc For Non-Ovarian/Adnexal Malig W Cc	S	$755	$2,492
355	Uterine,Adnexa Proc For Non-Ovarian/Adnexal Malig W/O Cc	S	$635	$2,404
356	Female Reproductive System Reconstructive Procedures	S	$590	$2,395
357	Uterine & Adnexa Proc For Ovarian Or Adnexal Malignancy	S	$756	$2,358
358	Uterine & Adnexa Proc For Non-Malignancy W Cc	S	$656	$2,495
359	Uterine & Adnexa Proc For Non-Malignancy W/O Cc	S	$627	$2,594
360	Vagina, Cervix & Vulva Procedures	S	$658	$2,515
361	Laparoscopy & Incisional Tubal Interruption	S	$713	$3,323
362	Endoscopic Tubal Interruption	S	$863	$1,974
363	D&C, Conization & Radio-Implant, For Malignancy	S	$736	$2,008
364	D&C, Conization Except For Malignancy	S	$871	$2,035
365	Other Female Reproductive System O.R. Procedures	S	$779	$1,931
366	Malignancy, Female Reproductive System W Cc	N	$662	$1,365
367	Malignancy, Female Reproductive System W/O Cc	N	$533	$1,430
368	Infections, Female Reproductive System	N	$633	$1,208
369	Menstrual & Other Female Reproductive System Disorders	N	$974	$1,244
370	Cesarean Section W Cc	S	$730	$1,624
371	Cesarean Section W/O Cc	S	$717	$1,579
372	Vaginal Delivery W Complicating Diagnoses	N	$673	$1,862
373	Vaginal Delivery W/O Complicating Diagnoses	N	$626	$1,776
374	Vaginal Delivery W Sterilization &/Or D&C	S	$535	$2,725
375	Vaginal Delivery W O.R. Proc Except Steril &/Or D&C	S	$628	$2,915
376	Postpartum & Post Abortion Diagnoses W/O O.R. Procedure	N	$844	$971
377	Postpartum & Post Abortion Diagnoses W O.R. Procedure	S	$352	$2,267
378	Ectopic Pregnancy	N	$714	$3,245
379	Threatened Abortion	N	$567	$891
380	Abortion W/O D&C	N	$586	$2,268
381	Abortion W D&C, Aspiration Curettage Or Hysterotomy	S	$504	$2,590
382	False Labor	N	$721	$973
383	Other Antepartum Diagnoses W Medical Complications	N	$747	$813
384	Other Antepartum Diagnoses W/O Medical Complications	N	$647	$907
385	Neonates, Died Or Transferred To Another Acute Care Facility	N	$1,257	$2,875
386	Extreme Immaturity Or Respiratory Distress Syndrome, Neonate	N	$919	$2,101
387	Prematurity W Major Problems	N	$637	$1,456
388	Prematurity W/O Major Problems	N	$539	$1,232
389	Full Term Neonate W Major Problems	N	$508	$1,162
390	Neonate W Other Significant Problems	N	$761	$170
391	Normal Newborn	N	$203	$464
392	Splenectomy Age >17	S	$854	$2,544
393	Splenectomy Age 0–17	S	$860	$2,560
394	Other O.R. Procedures Of The Blood And Blood Forming Organs	S	$844	$2,278

TABLE A.—INPATIENT FACILITY NATIONWIDE PER DIEM CHARGES; BY DRG—Continued

[Diagnosis related group]

DRG	Description	Surgical/ Non-surgical indicator	Per diem charge	
			Room & board	Ancillary
395	Red Blood Cell Disorders Age >17	N	$702	$1,304
396	Red Blood Cell Disorders Age 0–17	N	$653	$1,212
397	Coagulation Disorders	N	$745	$2,193
398	Reticuloendothelial & Immunity Disorders W Cc	N	$698	$1,611
399	Reticuloendothelial & Immunity Disorders W/O Cc	N	$660	$1,422
400	Lymphoma & Leukemia W Major O.R. Procedure	S	$805	$2,673
401	Lymphoma & Non-Acute Leukemia W Other O.R. Proc W Cc	S	$820	$2,133
402	Lymphoma & Non-Acute Leukemia W Other O.R. Proc W/O Cc	S	$728	$2,446
403	Lymphoma & Non-Acute Leukemia W Cc	N	$800	$1,773
404	Lymphoma & Non-Acute Leukemia W/O Cc	N	$637	$1,427
405	Acute Leukemia W/O Major O.R. Procedure Age 0–17	N	$1,238	$2,831
406	Myeloprolif Disord Or Poorly Diff Neopl W Maj O.R.Proc W Cc	S	$903	$2,420
407	Myeloprolif Disord Or Poorly Diff Neopl W Maj O.R.Proc W/Occ	S	$633	$2,534
408	Myeloprolif Disord Or Poorly Diff Neopl W Other O.R.Proc	S	$821	$2,273
409	Radiotherapy	N	$828	$1,500
410	Chemotherapy W/O Acute Leukemia As Secondary Diagnosis	N	$741	$2,151
411	History Of Malignancy W/O Endoscopy	N	$459	$1,373
412	History Of Malignancy W Endoscopy	N	$871	$1,514
413	Other Myeloprolif Dis Or Poorly Diff Neopl Diag W Cc	N	$694	$1,334
414	Other Myeloprolif Dis Or Poorly Diff Neopl Diag W/O Cc	N	$518	$993
415	O.R. Procedure For Infectious & Parasitic Diseases	S	$797	$2,042
416	Septicemia Age >17	N	$700	$1,508
417	Septicemia Age 0–17	N	$724	$1,560
418	Postoperative & Post-Traumatic Infections	N	$682	$1,150
419	Fever Of Unknown Origin Age >17 W Cc	N	$793	$1,386
420	Fever Of Unknown Origin Age >17 W/O Cc	N	$642	$1,165
421	Viral Illness Age >17	N	$711	$1,358
422	Viral Illness & Fever Of Unknown Origin Age 0–17	N	$627	$1,197
423	Other Infectious & Parasitic Diseases Diagnoses	N	$645	$1,522
424	O.R. Procedure W Principal Diagnoses Of Mental Illness	S	$789	$773
425	Acute Adjust React & Disturbances Of Psychosocial Dysfunction	N	$706	$653
426	Depressive Neuroses	N	$733	$299
427	Neuroses Except Depressive	N	$804	$262
428	Disorders Of Personality & Impulse Control	N	$855	$269
429	Organic Disturbances & Mental Retardation	N	$636	$297
430	Psychoses	N	$826	$249
431	Childhood Mental Disorders	N	$669	$242
432	Other Mental Disorder Diagnoses	N	$820	$386
433	Alcohol/Drug Abuse Or Dependence, Left Ama	N	$650	$338
434	Alc/Drug Abuse Or Depend, Detox Or Oth Sympt Treat W Cc	N	$634	$569
435	Alc/Drug Abuse Or Depend, Detox Or Oth Sympt Treat W/O Cc	N	$735	$211
436	Alc/Drug Dependence W Rehabilitation Therapy	N	$504	$106
437	Alc/Drug Dependence, Combined Rehab & Detox Therapy	N	$562	$215
438	No Longer Valid	N	$0	$0
439	Skin Grafts For Injuries	S	$809	$1,932
440	Wound Debridements For Injuries	S	$665	$1,476
441	Hand Procedures For Injuries	S	$698	$3,004
442	Other O.R. Procedures For Injuries W Cc	S	$760	$2,529
443	Other O.R. Procedures For Injuries W/O Cc	S	$615	$2,396
444	Traumatic Injury Age >17 W Cc	N	$772	$1,251
445	Traumatic Injury Age >17 W/O Cc	N	$709	$955
446	Traumatic Injury Age 0–17	N	$912	$1,387
447	Allergic Reactions Age >17	N	$708	$1,334
448	Allergic Reactions Age 0–17	N	$493	$929
449	Poisoning & Toxic Effects Of Drugs Age >17 W Cc	N	$849	$1,473
450	Poisoning & Toxic Effects Of Drugs Age >17 W/O Cc	N	$841	$1,322
451	Poisoning & Toxic Effects Of Drugs Age 0–17	N	$785	$1,349
452	Complications Of Treatment W Cc	N	$693	$1,606
453	Complications Of Treatment W/O Cc	N	$706	$1,205
454	Other Injury, Poisoning & Toxic Effect Diag W Cc	N	$865	$1,662
455	Other Injury, Poisoning & Toxic Effect Diag W/O Cc	N	$798	$1,382
456	Burns, Transferred To Another Acute Care Facility	N	$1,290	$1,737
457	Extensive Burns W/O O.R. Procedure	N	$2,554	$4,200
458	Non-Extensive Burns W Skin Graft	S	$1,088	$1,993
459	Non-Extensive Burns W Wound Debridement Or Other O.R. Proc	S	$699	$1,235
460	Non-Extensive Burns W/O O.R. Procedure	N	$712	$1,403
461	O.R. Proc W Diagnoses Of Other Contact W Health Services	S	$747	$1,358
462	Rehabilitation	N	$652	$718

TABLE A.—INPATIENT FACILITY NATIONWIDE PER DIEM CHARGES; BY DRG—Continued

[Diagnosis related group]

DRG	Description	Surgical/ Non-surgical indicator	Per diem charge	
			Room & board	Ancillary
463	Signs & Symptoms W Cc	N	$633	$985
464	Signs & Symptoms W/O Cc	N	$517	$663
465	Aftercare W History Of Malignancy As Secondary Diagnosis	N	$906	$455
466	Aftercare W/O History Of Malignancy As Secondary Diagnosis	N	$887	$619
467	Other Factors Influencing Health Status	N	$711	$995
468	Extensive O.R. Procedure Unrelated To Principal Diagnosis	N	$802	$2,215
469	Principal Diagnosis Invalid As Discharge Diagnosis	N	$458	$1,047
470	Ungroupable	N	$498	$1,139
471	Bilateral Or Multiple Major Joint Procs Of Lower Extremity	S	$595	$4,222
472	Extensive Burns W O.R. Procedure	S	$1,644	$4,105
473	Acute Leukemia W/O Major O.R. Procedure Age >17	N	$807	$2,495
474	No Longer Valid	N	$0	$0
475	Respiratory System Diagnosis With Ventilator Support	N	$1,087	$2,748
476	Prostatic O.R. Procedure Unrelated To Principal Diagnosis	S	$631	$1,177
477	Non-Extensive O.R. Procedure Unrelated To Principal Diagnosis	S	$757	$1,696
478	Other Vascular Procedures W Cc	S	$896	$2,885
479	Other Vascular Procedures W/O Cc	S	$818	$3,196
480	Liver Transplant	S	$1,438	$6,223
481	Bone Marrow Transplant	S	$1,107	$3,928
482	Tracheostomy For Face,Mouth & Neck Diagnoses	S	$946	$2,471
483	Tracheostomy Except For Face,Mouth & Neck Diagnoses	S	$1,262	$3,332
484	Craniotomy For Multiple Significant Trauma	S	$1,180	$4,087
485	Limb Reattachment, Hip And Femur Proc For Multiple Significant Tr	S	$876	$3,027
486	Other O.R. Procedures For Multiple Significant Trauma	S	$984	$4,125
487	Other Multiple Significant Trauma	N	$889	$1,944
488	HIV W Extensive O.R. Procedure	S	$1,110	$2,495
489	HIV W Major Related Condition	N	$896	$1,710
490	HIV W Or W/O Other Related Condition	N	$734	$1,189
491	Major Joint & Limb Reattachment Procedures Of Upper Extremity	S	$716	$4,484
492	Chemotherapy W Acute Leukemia As Secondary Diagnosis	N	$778	$2,378
493	Laparoscopic Cholecystectomy W/O C.D.E. W Cc	S	$692	$2,841
494	Laparoscopic Cholecystectomy W/O C.D.E. W/O Cc	S	$630	$3,913
495	Lung Transplant	S	$1,402	$8,647
496	Combined Anterior/Posterior Spinal Fusion	S	$973	$6,386
497	Spinal Fusion W Cc	S	$849	$4,413
498	Spinal Fusion W/O Cc	S	$737	$4,724
499	Back & Neck Procs Except Spinal Fusion W Cc	S	$774	$2,608
500	Back & Neck Procs Except Spinal Fusion W/O Cc	S	$679	$3,048
501	Knee Proc W Pdx Of Infection W Cc	S	$879	$2,376
502	Knee Proc W Pdx Of Infection W/O Cc	S	$932	$2,916
503	Knee Procedures W/O Pdx Of Infection	S	$761	$3,316

TABLE B.—INPATIENT FACILITY AND SKILLED NURSING FACILITY/SUB-ACUTE INPATIENT FACILITY GEOGRAPHIC AREA ADJUSTMENT FACTORS; BY VA FACILITY

VA facility	For surgical DRGs		For non-surgical DRGs		Skilled nursing facility/ sub-acute inpatient facility
	Room & board	Ancillary	Room & board	Ancillary	
NATIONWIDE AVERAGE	1.00	1.00	1.00	1.00	1.00
ANCHORAGE, AK	1.52	1.80	1.73	1.67	1.16
BIRMINGHAM, AL	0.97	1.60	0.91	1.66	0.89
MONTGOMERY (DIV), AL	0.81	1.29	0.76	1.55	0.89
TUSKEGEE (DIV), AL	0.81	1.29	0.76	1.55	0.89
TUSCALOOSA, AL	0.83	1.20	0.71	1.18	0.89
FAYETTEVILLE, AR	0.42	0.77	0.63	0.85	0.94
LITTLE ROCK (DIV), AR	0.53	0.91	0.72	1.01	0.94
NORTH LITTLE ROCK (DIV), AR	0.53	0.91	0.72	1.01	0.94
PHOENIX, AZ	1.03	1.82	1.20	1.61	1.32
PRESCOTT, AZ	0.83	1.33	0.79	1.30	1.32
TUCSON, AZ	1.31	1.32	1.07	1.20	1.32
FRESNO, CA	1.09	1.50	1.26	1.45	1.55
LONG BEACH, CA	1.63	1.80	1.57	1.78	1.55
LOMA LINDA, CA	1.60	1.65	1.41	1.82	1.55
MARTINEZ (DIV), CA	1.92	2.20	1.74	1.80	1.55

TABLE B.—INPATIENT FACILITY AND SKILLED NURSING FACILITY/SUB-ACUTE INPATIENT FACILITY GEOGRAPHIC AREA ADJUSTMENT FACTORS; BY VA FACILITY—Continued

VA facility	For surgical DRGs		For non-surgical DRGs		Skilled nursing facility/ sub-acute inpatient facility
	Room & board	Ancillary	Room & board	Ancillary	
PALO ALTO (DIV), CA	2.22	1.71	1.78	1.59	1.55
MENLO PARK (DIV), CA	2.14	1.69	1.87	1.49	1.55
LIVERMORE (DIV), CA	1.92	2.20	1.74	1.80	1.55
SAN FRANCISCO, CA	2.14	1.69	1.87	1.49	1.55
SAN DIEGO, CA	1.35	1.84	1.38	1.63	1.55
WEST LOS ANGELES (2), CA	1.63	1.80	1.57	1.78	1.55
DENVER, CO	0.96	1.47	0.94	1.49	1.37
FORT LYON, CO	0.85	1.21	0.82	1.08	1.37
GRAND JUNCTION, CO	0.77	0.93	0.71	0.84	1.37
WEST HAVEN (DIV), CT	1.20	1.03	1.14	1.12	0.77
NEWINGTON (DIV), CT	0.81	0.84	0.94	1.03	0.77
WASHINGTON, DC	0.93	1.07	0.94	1.00	0.97
WILMINGTON, DE	1.01	0.89	0.96	0.98	0.81
BAY PINES, FL	0.81	1.43	0.97	1.51	1.18
MIAMI, FL	1.10	1.47	1.07	1.60	1.18
WEST PALM BEACH, FL	0.69	1.47	0.80	1.57	1.18
GAINESVILLE, FL	0.82	1.21	0.77	1.27	1.18
LAKE CITY, FL	0.82	1.21	0.77	1.27	1.18
TAMPA, FL	0.81	1.43	0.97	1.51	1.18
ATLANTA, GA	0.76	1.04	0.95	1.06	0.86
AUGUSTA (2), GA	0.63	1.00	0.67	1.36	0.86
DUBLIN, GA	0.49	1.04	0.82	0.99	0.86
HONOLULU, HI	1.51	1.40	2.11	1.39	1.16
DES MOINES (DIV), IA	0.87	0.91	0.86	0.91	1.04
KNOXVILLE (DIV), IA	0.87	0.91	0.86	0.91	1.04
IOWA CITY, IA	0.67	1.03	0.67	0.93	1.04
BOISE, ID	0.88	1.19	0.87	0.95	0.92
CHICAGO (2), IL	1.22	1.37	1.31	1.35	1.03
DANVILLE, IL	0.69	1.23	0.88	1.14	1.03
NORTH CHICAGO, IL	1.22	1.37	1.31	1.35	1.03
HINES, IL	1.22	1.37	1.31	1.35	1.03
MARION, IL	0.68	0.84	0.65	0.98	1.03
INDIANAPOLIS (2), IN	0.82	0.88	0.74	0.95	0.99
MARION (DIV), IN	0.75	0.90	0.74	1.65	0.99
FORT WAYNE (DIV), IN	0.89	0.98	1.00	0.91	0.99
WICHITA, KS	1.08	1.42	1.06	1.38	1.15
TOPEKA (DIV), KS	0.61	1.22	0.87	1.01	1.15
LEAVENWORTH (DIV), KS	0.98	1.28	1.05	1.41	1.15
LEXINGTON (2), KY	0.75	0.86	0.93	0.95	0.84
LOUISVILLE, KY	0.71	1.14	0.89	0.99	0.84
ALEXANDRIA, LA	0.44	1.23	0.63	1.13	1.77
NEW ORLEANS, LA	0.76	1.52	1.05	1.44	1.77
SHREVEPORT, LA	0.70	1.28	0.87	1.29	1.77
BEDFORD, MA	1.15	0.92	1.16	0.79	0.92
BOSTON, MA	1.15	0.92	1.16	0.79	0.92
BROCKTON (DIV), MA	1.15	0.92	1.16	0.79	0.92
WEST ROXBURY (DIV), MA	1.15	0.92	1.16	0.79	0.92
NORTHAMPTON, MA	1.05	1.05	1.10	0.76	0.92
BALTIMORE (DIV), MD	1.01	0.58	0.96	0.62	0.85
FORT HOWARD (DIV), MD	1.01	0.58	0.96	0.62	0.85
PERRY POINT (DIV), MD	1.01	0.89	0.96	0.98	0.85
TOGUS, ME	1.22	1.01	1.17	1.00	0.79
ANN ARBOR, MI	1.18	1.18	1.11	1.10	0.65
BATTLE CREEK, MI	0.49	1.21	0.55	1.23	0.65
DETROIT, MI	1.22	0.97	1.10	1.08	0.65
IRON MOUNTAIN, MI	0.88	0.95	0.75	1.00	0.65
SAGINAW, MI	0.87	0.94	0.86	1.11	0.65
MINNEAPOLIS, MN	1.15	1.25	1.14	1.40	0.61
ST CLOUD, MN	0.68	0.98	0.84	0.93	0.61
COLUMBIA, MO	0.98	1.14	0.77	1.23	1.16
KANSAS CITY, MO	0.98	1.28	1.05	1.41	1.16
POPLAR BLUFF, MO	0.66	1.00	0.66	0.99	1.16
ST LOUIS (2), MO	0.83	1.13	0.78	1.33	1.16
BILOXI (2), MS	0.60	1.26	0.62	1.49	0.89
JACKSON, MS	0.52	0.86	0.92	0.85	0.89
FORT HARRISON, MT	0.76	1.02	0.77	0.96	0.70
MILES CITY, MT	0.76	1.02	0.77	0.96	0.70

TABLE B.—INPATIENT FACILITY AND SKILLED NURSING FACILITY/SUB-ACUTE INPATIENT FACILITY GEOGRAPHIC AREA ADJUSTMENT FACTORS; BY VA FACILITY—Continued

VA facility	For surgical DRGs		For non-surgical DRGs		Skilled nursing facility/ sub-acute inpatient facility
	Room & board	Ancillary	Room & board	Ancillary	
DURHAM, NC	0.73	1.04	0.79	1.03	0.68
FAYETTEVILLE, NC	1.00	1.86	0.85	1.23	0.68
ASHEVILLE, NC	0.57	0.90	0.91	0.77	0.68
SALISBURY, NC	0.76	0.94	0.85	0.99	0.68
FARGO, ND	0.72	0.96	0.73	0.83	0.53
LINCOLN (DIV), NE	0.75	1.21	0.82	1.15	0.83
GRAND ISLAND (DIV), NE	0.61	0.89	0.62	0.85	0.83
OMAHA, NE	0.67	1.18	0.72	1.38	0.83
MANCHESTER, NH	1.15	0.92	1.16	0.79	1.06
EAST ORANGE (DIV), NJ	1.58	0.59	1.60	0.64	0.84
LYONS (DIV), NJ	2.08	0.80	1.78	0.72	0.84
ALBUQUERQUE, NM	0.95	1.05	0.94	1.04	1.20
LAS VEGAS, NV	0.68	1.98	0.97	2.07	1.35
RENO, NV	0.96	1.76	1.21	1.48	1.35
ALBANY, NY	0.65	0.58	0.72	0.67	0.61
BATH, NY	0.64	0.55	0.70	0.63	0.61
BRONX, NY	1.64	0.52	1.51	0.50	0.61
BROOKLYN (DIV), NY	1.64	0.52	1.51	0.50	0.61
ST ALBANS (DIV), NY	1.64	0.52	1.51	0.50	0.61
BUFFALO (DIV), NY	0.90	0.43	0.98	0.45	0.61
BATAVIA (DIV), NY	0.94	0.44	0.90	0.43	0.61
CANANDAIGUA, NY	0.94	0.44	0.90	0.43	0.61
MONTROSE (DIV), NY	1.64	0.52	1.51	0.50	0.61
CASTLE POINT (DIV), NY	0.85	0.51	1.15	0.54	0.61
NEW YORK, NY	1.64	0.52	1.51	0.50	0.61
NORTHPORT, NY	1.32	0.54	1.38	0.54	0.61
SYRACUSE, NY	0.93	0.54	0.90	0.49	0.61
CHILLICOTHE, OH	0.64	0.91	0.65	1.14	0.92
CINCINNATI, OH	0.61	1.02	0.70	0.92	0.92
CLEVELAND (2), OH	1.21	0.89	1.15	0.93	0.92
DAYTON, OH	0.69	0.94	0.72	1.11	0.92
MUSKOGEE, OK	0.55	0.82	0.50	0.88	1.40
OKLAHOMA CITY, OK	0.63	1.09	0.60	1.23	1.40
PORTLAND (DIV), OR	1.06	1.10	0.96	1.10	1.04
ROSEBURG, OR	0.83	1.01	0.85	1.04	1.04
ALTOONA, PA	0.84	0.97	0.79	0.79	0.90
BUTLER, PA	1.24	1.23	1.03	1.20	0.90
COATESVILLE, PA	1.93	1.36	1.72	1.33	0.90
ERIE, PA	1.27	1.22	1.07	1.05	0.90
LEBANON, PA	1.02	0.87	0.93	0.91	0.90
PHILADELPHIA, PA	1.93	1.36	1.72	1.33	0.90
PITTSBURGH (3), PA	1.24	1.23	1.03	1.20	0.90
WILKES-BARRE, PA	0.80	0.91	0.84	0.97	0.90
SAN JUAN, PR	0.46	0.41	0.53	0.46	0.50
PROVIDENCE, RI	1.17	0.71	1.10	0.72	0.66
CHARLESTON, SC	0.79	1.11	0.91	1.32	0.83
COLUMBIA, SC	0.89	1.09	1.09	0.98	0.83
SIOUX FALLS, SD	0.35	1.02	0.64	1.09	0.68
FORT MEADE (2), SD	0.70	1.12	0.71	0.85	0.68
MEMPHIS, TN	0.55	0.95	0.71	1.16	0.86
MOUNTAIN HOME, TN	0.62	1.11	0.63	0.97	0.86
MURFREESBORO, TN	0.64	1.18	0.68	1.10	0.86
NASHVILLE, TN	0.64	1.18	0.68	1.10	0.86
AMARILLO, TX	0.58	1.01	0.82	1.56	1.32
BIG SPRING, TX	0.68	1.05	0.71	1.38	1.32
DALLAS (DIV), TX	0.90	1.33	0.95	1.46	1.32
BONHAM (DIV), TX	0.60	1.79	0.58	1.63	1.32
HOUSTON, TX	0.91	1.28	0.99	1.53	1.32
SAN ANTONIO (DIV), TX	0.76	1.07	1.03	1.22	1.32
KERRVILLE (DIV), TX	0.61	1.11	0.63	1.00	1.32
TEMPLE (DIV), TX	0.71	1.03	0.70	1.19	1.32
WACO (DIV), TX	0.72	0.81	0.80	1.20	1.32
MARLIN (DIV), TX	0.72	0.81	0.80	1.20	1.32
SALT LAKE CITY, UT	1.16	1.02	1.18	1.07	1.18
HAMPTON, VA	0.67	0.96	0.93	0.87	0.81
RICHMOND, VA	0.85	1.30	0.87	1.11	0.81
SALEM, VA	0.77	0.99	0.79	1.12	0.81

TABLE B.—INPATIENT FACILITY AND SKILLED NURSING FACILITY/SUB-ACUTE INPATIENT FACILITY GEOGRAPHIC AREA ADJUSTMENT FACTORS; BY VA FACILITY—Continued

VA facility	For surgical DRGs		For non-surgical DRGs		Skilled nursing facility/ sub-acute inpatient facility
	Room & board	Ancillary	Room & board	Ancillary	
WHITE RIVER JCT, VT	1.07	0.97	1.19	0.71	0.68
SEATTLE (DIV), WA	1.13	1.00	0.96	0.94	1.02
TACOMA (DIV), WA	0.82	1.50	0.78	0.90	1.02
SPOKANE, WA	0.99	1.00	0.95	1.13	1.02
WALLA WALLA, WA	0.99	0.97	1.04	1.25	1.02
MADISON, WI	0.46	1.02	0.48	1.15	0.77
TOMAH, WI	0.24	1.81	0.34	1.36	0.77
MILWAUKEE, WI	0.68	1.13	0.83	1.04	0.77
BECKLEY, WV	0.56	0.80	0.54	0.89	0.90
CLARKSBURG, WV	0.56	0.80	0.54	0.89	0.90
HUNTINGTON, WV	0.62	0.70	0.77	0.81	0.90
MARTINSBURG, WV	0.93	1.07	0.94	1.00	0.90
CHEYENNE, WY	0.99	1.40	0.87	1.00	0.96
SHERIDAN, WY	0.77	1.13	0.65	1.04	0.96

NOTES: Listed by state. Within each state, secondary facilities, if any, are listed following their parent facility.
Type-of-facility indicators: none = medical center; DIV = hospital division; DOM = independent domiciliary; OPC = outpatient clinic; 2 = two hospital divisions; 3 = three hospital divisions.

TABLE C.—OUTPATIENT FACILITY NATIONWIDE CHARGES; BY CPT (CURRENT PROCEDURAL TERMINOLOGY) CODE

CPT code	Charge
10081	$1,088.54
10121	$992.27
10180	$1,036.03
11010	$3,582.71
11011	$4,247.83
11012	$5,858.10
11040	$103.53
11041	$158.21
11042	$685.97
11043	$1,701.14
11044	$2,585.04
11404	$1,324.83
11406	$1,762.40
11423	$1,263.57
11424	$1,333.58
11426	$1,718.64
11444	$1,403.59
11446	$1,674.89
11450	$2,462.52
11451	$2,655.06
11462	$2,226.23
11463	$1,867.42
11470	$2,550.04
11471	$2,269.99
11604	$2,383.76
11606	$2,838.84
11624	$2,926.35
11626	$3,101.38
11643	$2,751.32
11644	$3,188.90
11646	$3,897.77
11752	$2,585.04
11762	$2,366.26
11770	$2,453.77
11771	$4,072.80
11772	$4,335.34
11952	$1,158.55

TABLE C.—OUTPATIENT FACILITY NATIONWIDE CHARGES; BY CPT (CURRENT PROCEDURAL TERMINOLOGY) CODE—Continued

CPT code	Charge
11954	$1,158.55
11960	$6,882.03
11970	$6,917.04
11971	$2,129.97
12004	$315.00
12005	$348.30
12006	$379.59
12007	$381.61
12013	$303.90
12014	$320.04
12015	$363.44
12016	$428.03
12017	$539.04
12018	$719.69
12020	$320.04
12021	$262.52
12032	$305.92
12034	$348.30
12035	$393.72
12036	$434.08
12037	$511.79
12042	$318.03
12044	$363.44
12045	$414.91
12046	$484.54
12047	$605.65
12051	$301.88
12052	$348.30
12053	$377.57
12054	$462.34
12055	$526.93
12056	$678.31
12057	$762.07
13100	$315.00
13101	$409.86
13120	$336.19
13121	$467.39

TABLE C.—OUTPATIENT FACILITY NATIONWIDE CHARGES; BY CPT (CURRENT PROCEDURAL TERMINOLOGY) CODE—Continued

CPT code	Charge
13131	$399.77
13132	$661.15
13150	$377.57
13151	$447.20
13152	$717.67
13160	$536.01
13300	$776.20
14000	$544.09
14001	$679.32
14020	$694.46
14021	$826.66
14040	$883.18
14041	$995.20
14060	$982.08
14061	$1,258.60
14300	$1,341.36
14350	$812.53
15000	$2,260.38
15050	$2,086.48
15100	$3,414.92
15101	$1,989.86
15120	$4,144.35
15121	$2,627.51
15200	$3,216.86
15201	$2,033.34
15220	$3,559.84
15221	$1,989.86
15240	$4,168.51
15241	$2,371.49
15260	$4,825.48
15261	$2,598.53
15350	$2,260.38
15400	$1,733.83
15570	$3,878.67
15572	$3,820.70
15574	$3,830.36
15576	$2,728.96

For CPT code descriptions, see Tables E, F, and G.

TABLE C.—OUTPATIENT FACILITY NATIONWIDE CHARGES; BY CPT (CURRENT PROCEDURAL TERMINOLOGY) CODE—Continued

CPT code	Charge
15580	$3,303.81
15600	$2,434.29
15610	$2,584.04
15620	$2,883.54
15625	$2,236.23
15630	$2,960.83
15650	$3,332.80
15732	$8,699.70
15734	$10,404.94
15736	$9,052.34
15738	$7,448.55
15740	$6,240.88
15750	$6,999.30
15756	$15,757.36
15757	$15,757.36
15758	$15,757.36
15760	$4,743.36
15770	$4,825.48
15780	$1,960.88
15783	$2,115.46
15810	$3,057.45
15811	$3,028.46
15819	$5,091.17
15820	$3,960.79
15821	$4,260.29
15822	$3,588.82
15823	$4,946.25
15824	$4,134.69
15825	$3,738.57
15826	$3,323.13
15828	$8,385.71
15829	$8,385.71
15831	$5,975.19
15832	$5,226.43
15833	$4,226.48
15834	$4,690.22
15835	$4,603.27
15836	$4,023.59
15837	$4,105.71
15838	$4,062.23
15839	$2,400.47
15840	$8,269.77
15841	$9,371.17
15842	$15,230.81
15845	$7,902.64
15876	$2,951.17
15877	$4,308.60
15878	$2,951.17
15879	$4,308.60
15920	$2,646.84
15922	$4,110.54
15931	$2,637.18
15933	$4,564.62
15934	$4,825.48
15935	$6,651.49
15936	$6,182.91
15937	$7,728.73
15940	$2,936.68
15941	$4,627.42
15944	$5,695.01
15945	$6,603.18
15946	$9,245.57
15950	$2,675.82
15951	$4,917.27
15952	$4,666.07

TABLE C.—OUTPATIENT FACILITY NATIONWIDE CHARGES; BY CPT (CURRENT PROCEDURAL TERMINOLOGY) CODE—Continued

CPT code	Charge
15953	$5,608.06
15956	$9,467.78
15958	$9,448.46
16015	$2,207.24
16030	$1,472.98
16035	$2,129.95
16040	$1,975.37
16041	$2,656.50
17108	$5,723.99
19020	$1,898.08
19100	$1,530.94
19101	$2,352.16
19110	$2,410.13
19112	$2,352.16
19120	$2,622.68
19125	$2,622.68
19126	$1,922.23
19140	$3,294.15
19160	$3,216.86
19162	$5,752.98
19180	$3,931.80
19182	$4,154.01
19200	$6,158.76
19220	$6,405.12
19240	$5,781.96
19260	$3,661.28
19271	$7,960.61
19272	$7,308.46
19290	$1,434.33
19291	$1,342.55
19316	$6,902.68
19318	$8,071.71
19324	$2,811.08
19325	$4,057.40
19328	$3,038.12
19330	$3,096.09
19340	$4,583.95
19342	$6,443.77
19350	$4,641.92
19355	$3,603.32
19357	$7,091.08
19361	$10,945.98
19364	$9,279.39
19366	$9,144.13
19367	$10,945.98
19368	$10,945.98
19369	$10,945.98
19370	$4,202.32
19371	$5,042.86
19380	$5,139.48
19396	$1,980.20
20005	$1,769.38
20100	$4,667.50
20101	$1,529.40
20102	$1,852.44
20103	$2,470.83
20150	$11,525.17
20200	$1,114.07
20205	$1,815.52
20206	$966.39
20220	$1,289.43
20225	$2,286.24
20240	$1,815.52
20245	$3,384.57
20250	$4,759.80

TABLE C.—OUTPATIENT FACILITY NATIONWIDE CHARGES; BY CPT (CURRENT PROCEDURAL TERMINOLOGY) CODE—Continued

CPT code	Charge
20251	$5,470.48
20525	$2,138.56
20650	$1,077.15
20660	$1,520.17
20661	$3,606.09
20662	$6,116.56
20663	$4,362.92
20664	$3,606.09
20665	$541.83
20670	$763.34
20680	$3,153.83
20690	$3,458.41
20692	$5,165.90
20693	$2,378.54
20694	$2,480.06
20816	$26,200.39
20822	$21,668.61
20824	$26,200.39
20827	$22,277.77
20900	$2,664.66
20902	$4,649.04
20910	$809.49
20912	$4,344.46
20920	$3,707.61
20922	$4,132.18
20924	$5,110.53
20926	$2,470.83
20955	$33,159.58
20956	$24,908.23
20957	$25,803.51
20962	$24,908.23
20969	$37,119.13
20970	$36,362.29
20972	$36,639.18
20973	$39,075.82
20975	$2,720.03
21010	$9,531.55
21015	$5,452.03
21025	$3,901.44
21026	$2,978.47
21029	$7,907.13
21034	$6,522.67
21040	$2,627.74
21041	$5,396.65
21044	$8,894.70
21045	$12,845.02
21050	$11,017.53
21060	$10,463.75
21070	$6,365.77
21100	$1,058.69
21120	$3,393.80
21121	$5,295.12
21122	$5,830.44
21123	$7,593.32
21125	$4,436.76
21127	$7,381.03
21137	$6,642.66
21138	$8,257.85
21139	$9,900.74
21141	$13,315.73
21142	$13,777.21
21143	$14,294.08
21145	$13,315.73
21146	$13,777.21
21147	$14,294.08

For CPT code descriptions, see Tables E, F, and G.

TABLE C.—OUTPATIENT FACILITY NATIONWIDE CHARGES; BY CPT (CURRENT PROCEDURAL TERMINOLOGY) CODE—Continued

CPT code	Charge
21150	$17,118.37
21151	$19,167.36
21154	$20,524.13
21155	$23,256.12
21159	$28,710.87
21160	$31,424.40
21172	$18,816.63
21175	$22,573.12
21179	$15,069.37
21180	$17,118.37
21181	$6,642.66
21182	$21,890.12
21183	$23,939.11
21184	$25,978.88
21188	$15,069.37
21193	$11,442.10
21194	$13,241.89
21195	$11,469.79
21196	$12,641.96
21198	$13,758.76
21206	$9,439.26
21208	$10,463.75
21209	$4,316.77
21210	$10,463.75
21215	$11,017.53
21230	$9,651.54
21235	$6,901.09
21240	$14,349.46
21242	$13,232.66
21243	$13,371.11
21244	$12,125.10
21245	$10,666.81
21246	$8,230.17
21247	$23,053.06
21248	$11,737.45
21249	$17,865.97
21255	$17,053.76
21256	$16,518.44
21260	$16,850.70
21261	$16,490.75
21263	$28,932.38
21267	$13,564.93
21268	$14,247.93
21270	$8,940.85
21275	$8,340.92
21280	$6,199.63
21282	$3,624.54
21295	$966.39
21296	$3,421.49
21300	$929.47
21310	$772.57
21315	$1,750.92
21320	$2,230.86
21325	$3,855.29
21330	$5,544.32
21335	$8,820.87
21336	$3,855.29
21337	$2,683.12
21338	$4,704.42
21339	$6,624.20
21340	$8,304.00
21343	$8,543.97
21344	$8,543.97
21345	$7,371.80
21346	$8,756.26

TABLE C.—OUTPATIENT FACILITY NATIONWIDE CHARGES; BY CPT (CURRENT PROCEDURAL TERMINOLOGY) CODE—Continued

CPT code	Charge
21347	$9,642.31
21348	$10,546.82
21355	$1,520.17
21356	$4,298.31
21360	$6,642.66
21365	$11,479.02
21366	$11,229.82
21385	$8,931.62
21386	$8,451.68
21387	$6,956.47
21390	$10,362.23
21395	$8,968.54
21400	$1,621.70
21401	$2,461.60
21406	$4,889.01
21407	$6,624.20
21408	$7,916.36
21421	$5,747.38
21422	$8,525.52
21423	$9,125.45
21431	$5,636.62
21432	$6,319.62
21433	$16,656.88
21435	$12,309.69
21436	$13,601.85
21440	$2,913.86
21445	$5,719.69
21450	$2,701.57
21451	$5,461.26
21452	$1,363.27
21453	$6,208.86
21454	$6,642.66
21461	$8,294.77
21462	$10,020.73
21465	$7,870.21
21470	$15,650.84
21480	$800.26
21485	$2,101.64
21490	$5,904.28
21493	$1,483.25
21494	$7,021.07
21495	$4,529.06
21497	$3,744.53
21501	$1,760.15
21502	$3,975.27
21510	$3,606.09
21550	$864.86
21555	$1,557.09
21556	$3,587.63
21557	$7,925.59
21600	$4,233.71
21610	$4,852.09
21620	$6,402.68
21627	$4,722.88
21700	$3,919.90
21705	$4,556.74
21720	$3,624.54
21725	$4,547.51
21800	$791.03
21805	$1,326.35
21810	$6,845.71
21820	$1,335.58
21825	$6,448.83
21920	$809.49
21925	$1,880.13

TABLE C.—OUTPATIENT FACILITY NATIONWIDE CHARGES; BY CPT (CURRENT PROCEDURAL TERMINOLOGY) CODE—Continued

CPT code	Charge
21930	$2,590.82
21935	$6,162.71
22100	$7,131.83
22101	$7,473.33
22102	$4,233.71
22103	$2,138.56
22305	$2,166.25
22310	$2,406.22
22315	$5,165.90
22325	$7,759.45
22326	$14,783.25
22327	$14,801.71
22328	$4,141.41
22505	$1,289.43
22850	$8,543.97
22900	$2,876.94
23000	$2,529.82
23020	$4,910.63
23030	$1,891.79
23035	$4,290.32
23040	$6,092.17
23044	$4,697.95
23065	$1,005.64
23066	$1,312.84
23075	$1,608.22
23076	$2,707.06
23077	$4,975.61
23100	$4,532.54
23101	$4,243.06
23105	$5,962.20
23106	$3,421.89
23107	$6,216.23
23120	$3,339.18
23125	$5,631.37
23130	$4,780.66
23140	$3,073.33
23145	$5,418.69
23146	$3,705.46
23150	$4,538.44
23155	$5,814.51
23156	$5,129.21
23170	$3,457.33
23172	$3,664.10
23174	$5,666.81
23180	$3,156.04
23182	$4,497.09
23184	$5,832.23
23190	$4,201.70
23195	$5,879.49
23200	$6,033.09
23210	$5,938.57
23220	$7,734.51
23221	$11,326.39
23222	$9,489.10
23330	$940.65
23331	$1,950.87
23332	$6,358.01
23395	$5,865.02
23397	$7,457.29
23400	$5,141.76
23405	$3,824.21
23406	$4,900.68
23410	$5,758.49
23412	$7,120.89
23415	$2,529.09

For CPT code descriptions, see Tables E, F, and G.

TABLE C.—OUTPATIENT FACILITY NATIONWIDE CHARGES; BY CPT (CURRENT PROCEDURAL TERMINOLOGY) CODE—Continued

CPT code	Charge
23420	$7,827.33
23430	$3,740.11
23440	$3,644.80
23450	$6,773.29
23455	$8,348.74
23460	$7,513.36
23462	$8,107.66
23465	$7,558.21
23466	$8,393.59
23470	$9,021.53
23472	$10,058.75
23480	$3,319.62
23485	$5,988.36
23490	$5,220.26
23491	$6,745.25
23500	$549.96
23505	$1,065.77
23515	$3,510.24
23520	$398.58
23525	$734.98
23530	$3,314.01
23532	$3,678.44
23540	$493.89
23545	$734.98
23550	$4,087.72
23552	$3,712.08
23570	$577.99
23575	$1,166.69
23585	$3,941.95
23600	$1,250.78
23605	$2,293.61
23615	$5,394.06
23616	$12,138.80
23620	$1,239.57
23625	$1,766.59
23630	$4,160.61
23650	$802.26
23655	$1,267.60
23660	$4,244.71
23665	$1,503.08
23670	$4,497.01
23675	$1,828.26
23680	$5,831.38
23700	$796.65
23800	$8,359.95
23802	$7,513.36
23921	$2,018.89
23930	$1,566.87
23931	$1,058.81
23935	$3,386.44
24000	$4,396.66
24006	$4,833.83
24065	$1,082.44
24066	$2,216.72
24075	$1,785.45
24076	$2,789.76
24077	$6,399.37
24100	$3,114.69
24101	$4,597.52
24102	$5,832.23
24105	$2,842.93
24110	$5,158.75
24115	$5,152.84
24116	$6,358.01
24120	$4,172.17

TABLE C.—OUTPATIENT FACILITY NATIONWIDE CHARGES; BY CPT (CURRENT PROCEDURAL TERMINOLOGY) CODE—Continued

CPT code	Charge
24125	$4,036.29
24126	$4,987.43
24130	$4,585.70
24134	$5,749.52
24136	$5,802.69
24138	$4,390.75
24140	$5,796.78
24145	$4,384.84
24147	$4,520.72
24149	$8,083.06
24150	$8,933.77
24151	$8,786.08
24152	$4,632.97
24153	$6,783.37
24155	$6,966.51
24160	$3,475.06
24164	$3,882.69
24201	$2,423.49
24301	$4,054.08
24305	$1,351.70
24310	$1,278.82
24320	$4,782.94
24330	$4,525.04
24331	$5,018.42
24340	$3,549.49
24341	$3,543.88
24342	$5,444.52
24350	$1,996.46
24351	$2,187.09
24352	$2,815.03
24354	$2,770.17
24356	$3,706.47
24360	$7,233.03
24361	$6,986.34
24362	$6,991.94
24363	$11,028.69
24365	$3,841.03
24366	$5,253.90
24400	$4,351.23
24410	$7,496.54
24420	$6,520.99
24430	$7,524.57
24435	$7,748.83
24470	$4,065.30
24495	$2,848.67
24498	$5,438.91
24500	$1,048.95
24505	$2,147.84
24515	$5,035.24
24516	$5,035.24
24530	$1,155.47
24535	$2,344.07
24538	$4,098.94
24545	$5,214.65
24546	$5,214.65
24560	$835.90
24565	$1,559.15
24566	$3,022.47
24575	$3,992.41
24576	$835.90
24577	$1,867.51
24579	$4,317.59
24582	$3,336.44
24586	$7,877.79
24587	$7,317.13

TABLE C.—OUTPATIENT FACILITY NATIONWIDE CHARGES; BY CPT (CURRENT PROCEDURAL TERMINOLOGY) CODE—Continued

CPT code	Charge
24600	$718.16
24605	$908.78
24615	$4,833.40
24620	$1,744.16
24635	$5,825.77
24640	$191.14
24650	$886.36
24655	$1,312.46
24665	$3,622.38
24666	$5,382.85
24670	$718.16
24675	$1,592.79
24685	$4,334.41
24800	$5,562.26
24802	$6,453.71
24900	$3,930.74
24920	$3,426.14
24925	$3,140.21
24930	$4,199.86
24931	$5,887.44
24935	$7,305.91
24940	$5,265.11
25000	$2,813.39
25020	$3,185.58
25023	$3,829.52
25028	$1,832.72
25031	$1,005.64
25035	$4,337.58
25040	$3,977.21
25065	$1,058.81
25066	$1,525.52
25075	$1,909.52
25076	$2,842.93
25077	$5,625.46
25085	$3,345.09
25100	$3,150.13
25101	$3,664.10
25105	$4,420.29
25107	$3,735.00
25110	$2,269.89
25111	$2,518.01
25112	$2,813.39
25115	$4,833.83
25116	$5,235.55
25118	$3,457.33
25119	$4,538.44
25120	$4,473.46
25125	$4,656.60
25126	$4,632.97
25130	$3,102.87
25135	$3,841.33
25136	$3,415.98
25145	$4,130.81
25150	$4,556.17
25151	$4,012.66
25170	$6,399.37
25210	$3,498.69
25215	$5,743.61
25230	$3,906.32
25240	$3,746.81
25248	$1,903.61
25250	$3,941.77
25251	$5,489.58
25260	$706.88
25263	$926.57

For CPT code descriptions, see Tables E, F, and G.

TABLE C.—OUTPATIENT FACILITY NATIONWIDE CHARGES; BY CPT (CURRENT PROCEDURAL TERMINOLOGY) CODE—Continued

CPT code	Charge
25265	$1,335.65
25270	$470.14
25272	$485.29
25274	$1,087.55
25280	$633.02
25290	$301.58
25295	$411.43
25300	$1,227.70
25301	$1,115.96
25310	$1,186.03
25312	$1,278.84
25315	$1,360.27
25316	$1,837.54
25320	$1,462.54
25332	$1,723.90
25335	$1,994.73
25337	$1,462.54
25350	$1,275.05
25355	$1,561.03
25360	$1,047.78
25365	$1,786.40
25370	$2,061.02
25375	$2,367.83
25390	$1,504.21
25391	$1,964.43
25392	$2,189.80
25393	$2,525.02
25400	$1,875.41
25405	$2,186.01
25415	$1,996.62
25420	$2,617.82
25425	$2,110.26
25426	$2,053.44
25440	$1,547.77
25441	$1,985.26
25442	$1,170.88
25443	$1,610.27
25444	$1,754.20
25445	$1,795.87
25446	$3,282.58
25447	$1,661.40
25449	$1,318.61
25450	$1,218.23
25455	$1,483.38
25490	$1,479.59
25491	$1,557.24
25492	$1,954.96
25500	$275.07
25505	$509.91
25515	$1,278.84
25520	$920.89
25525	$1,945.49
25526	$2,078.06
25530	$295.90
25535	$509.91
25545	$1,269.37
25560	$263.71
25565	$716.35
25574	$1,293.99
25575	$1,860.26
25600	$371.66
25605	$581.88
25611	$972.02
25620	$1,184.14
25622	$265.60

TABLE C.—OUTPATIENT FACILITY NATIONWIDE CHARGES; BY CPT (CURRENT PROCEDURAL TERMINOLOGY) CODE—Continued

CPT code	Charge
25624	$528.85
25628	$1,184.14
25630	$248.55
25635	$470.14
25645	$1,098.92
25650	$337.57
25660	$178.48
25670	$1,174.67
25675	$265.60
25676	$1,220.12
25680	$295.90
25685	$1,498.53
25690	$759.91
25695	$1,167.10
25800	$1,867.84
25805	$2,184.12
25810	$2,036.40
25820	$1,386.79
25825	$1,765.57
25830	$1,462.54
25900	$1,174.67
25905	$1,180.35
25907	$920.89
25909	$884.90
25915	$2,831.83
25920	$1,159.52
25922	$884.90
25924	$1,254.22
25927	$1,025.05
25929	$731.50
25931	$693.62
26011	$1,525.52
26020	$2,813.39
26025	$3,280.10
26030	$4,000.84
26034	$3,114.69
26035	$3,670.01
26037	$4,378.93
26040	$2,305.33
26045	$3,469.15
26055	$2,553.46
26060	$1,283.30
26070	$2,246.26
26075	$2,848.84
26080	$2,470.75
26100	$2,382.13
26105	$3,079.24
26110	$2,346.69
26115	$1,803.18
26116	$2,807.49
26117	$3,610.93
26121	$5,513.21
26123	$5,991.74
26125	$2,163.55
26130	$3,575.49
26135	$3,486.87
26140	$3,215.12
26145	$3,398.26
26160	$1,986.32
26170	$2,287.61
26180	$2,984.72
26185	$3,120.59
26200	$3,262.38
26205	$4,396.66
26210	$2,919.73

TABLE C.—OUTPATIENT FACILITY NATIONWIDE CHARGES; BY CPT (CURRENT PROCEDURAL TERMINOLOGY) CODE—Continued

CPT code	Charge
26215	$3,894.50
26230	$3,132.41
26235	$3,079.24
26236	$2,896.10
26250	$4,160.35
26255	$5,897.21
26260	$4,000.84
26261	$5,164.66
26262	$3,421.89
26320	$2,707.06
26350	$2,986.46
26352	$3,473.40
26356	$3,818.78
26357	$3,462.07
26358	$3,926.36
26370	$3,535.68
26372	$3,354.49
26373	$3,614.95
26390	$4,237.78
26392	$4,611.48
26410	$1,599.24
26412	$3,139.33
26415	$3,558.33
26416	$4,628.46
26418	$1,763.44
26420	$2,952.48
26426	$3,309.20
26428	$2,850.57
26432	$1,519.97
26433	$1,967.28
26434	$2,539.15
26437	$2,029.56
26440	$1,757.78
26442	$1,644.54
26445	$1,576.59
26449	$2,890.20
26450	$1,027.37
26455	$806.55
26460	$710.29
26471	$2,086.18
26474	$2,346.64
26476	$1,372.76
26477	$1,995.59
26478	$2,171.11
26479	$2,731.66
26480	$3,433.76
26483	$4,549.20
26485	$3,416.78
26489	$1,661.52
26490	$4,152.85
26492	$4,690.75
26494	$3,858.42
26496	$4,679.42
26497	$4,277.41
26498	$6,406.36
26499	$4,124.54
26500	$1,712.48
26502	$2,720.34
26504	$3,541.34
26508	$2,086.18
26510	$2,086.18
26516	$2,091.84
26517	$3,739.51
26518	$3,422.44
26520	$2,273.03

For CPT code descriptions, see Tables E, F, and G.

TABLE C.—OUTPATIENT FACILITY NATIONWIDE CHARGES; BY CPT (CURRENT PROCEDURAL TERMINOLOGY) CODE—Continued

CPT code	Charge
26525	$1,797.41
26530	$2,658.05
26531	$3,501.71
26535	$2,476.87
26536	$3,705.54
26540	$3,496.04
26541	$4,798.33
26542	$2,946.82
26545	$2,720.34
26546	$4,328.37
26548	$3,014.77
26550	$10,953.03
26551	$23,658.78
26553	$23,494.58
26554	$28,080.88
26555	$8,461.71
26556	$23,896.59
26560	$2,369.29
26561	$4,770.02
26562	$5,766.55
26565	$3,031.75
26567	$2,159.79
26568	$4,520.88
26580	$9,299.70
26585	$7,068.83
26587	$2,205.09
26590	$9,152.48
26591	$1,033.03
26593	$2,069.20
26596	$4,401.98
26597	$4,277.41
26600	$608.37
26605	$1,033.03
26607	$1,746.46
26608	$1,746.46
26615	$2,493.85
26641	$364.90
26645	$982.07
26650	$2,006.91
26665	$3,354.49
26675	$2,193.76
26676	$2,488.19
26685	$2,997.78
26686	$3,309.20
26705	$744.26
26706	$2,386.27
26715	$2,074.86
26720	$359.24
26725	$608.37
26727	$1,123.62
26735	$1,848.37
26742	$857.51
26746	$2,425.91
26755	$347.92
26756	$812.21
26765	$1,242.53
26775	$376.23
26776	$914.13
26785	$1,418.05
26820	$3,501.71
26841	$3,229.93
26842	$4,594.49
26843	$3,343.17
26844	$3,898.05
26850	$2,357.96
26852	$2,975.13
26860	$2,171.11
26861	$817.87
26862	$2,658.05
26863	$1,644.54
26910	$2,658.05
26951	$1,361.43
26952	$2,001.25
26990	$2,447.12
26991	$1,685.02
26992	$4,384.84
27000	$1,708.65
27001	$1,998.13
27003	$4,615.24
27006	$3,356.90
27025	$4,231.24
27030	$7,362.32
27033	$7,421.40
27035	$7,622.26
27036	$7,374.14
27040	$1,041.08
27041	$2,193.09
27047	$1,732.29
27048	$3,173.76
27049	$6,606.14
27050	$3,439.61
27052	$4,662.50
27060	$2,937.46
27062	$3,114.69
27065	$3,918.13
27066	$5,282.81
27067	$7,486.39
27070	$4,993.34
27071	$5,637.28
27080	$3,439.61
27086	$958.38
27087	$2,754.32
27097	$3,947.56
27098	$3,947.56
27100	$3,930.74
27105	$2,927.16
27110	$5,573.47
27111	$6,145.35
27170	$8,825.30
27175	$286.45
27176	$5,450.13
27177	$6,571.45
27178	$5,489.37
27179	$5,876.23
27181	$6,991.94
27185	$1,177.90
27187	$7,973.10
27193	$976.06
27194	$1,811.44
27202	$3,072.93
27215	$5,825.77
27216	$2,035.71
27217	$7,782.47
27218	$7,782.47
27220	$2,013.28
27222	$3,196.27
27230	$1,475.05
27232	$4,659.60
27235	$7,126.50
27236	$9,105.63
27238	$2,377.71
27240	$5,063.27
27244	$8,763.63
27246	$1,794.62
27250	$1,413.38
27252	$2,058.13
27256	$678.91
27257	$2,215.12
27258	$7,322.73
27265	$1,564.75
27266	$2,119.81
27275	$678.91
27301	$2,069.02
27303	$4,077.64
27305	$2,860.66
27306	$1,791.36
27307	$2,393.95
27310	$6,287.12
27315	$3,794.07
27320	$3,675.92
27323	$1,153.33
27324	$2,169.46
27327	$1,968.59
27328	$3,020.16
27329	$7,521.83
27330	$3,847.24
27331	$4,438.01
27332	$5,991.74
27333	$5,359.61
27334	$6,269.40
27335	$7,114.20
27340	$2,890.19
27345	$3,941.77
27350	$5,926.75
27355	$5,093.77
27356	$5,460.04
27360	$5,672.72
27365	$8,851.06
27372	$2,636.16
27380	$4,042.87
27381	$5,943.51
27385	$4,412.91
27386	$6,139.74
27390	$2,069.35
27391	$2,663.65
27392	$3,925.13
27393	$2,803.81
27394	$2,837.45
27395	$5,500.59
27396	$3,583.13
27397	$4,603.53
27400	$4,048.48
27403	$4,553.07
27405	$4,962.35
27407	$4,597.92
27409	$7,580.64
27418	$6,319.15
27420	$5,685.60
27422	$5,657.57
27424	$5,674.39
27425	$2,843.06
27427	$5,399.67
27428	$7,289.09
27429	$5,943.51
27430	$4,872.65

For CPT code descriptions, see Tables E, F, and G.

TABLE C.—OUTPATIENT FACILITY NATIONWIDE CHARGES; BY CPT (CURRENT PROCEDURAL TERMINOLOGY) CODE—Continued

CPT code	Charge
27435	$3,566.31
27437	$4,844.61
27438	$6,549.02
27440	$6,055.64
27441	$4,749.30
27442	$6,958.30
27443	$6,364.00
27445	$10,529.71
27446	$9,391.57
27447	$12,873.27
27454	$8,427.23
27455	$6,358.40
27457	$7,081.65
27475	$3,964.38
27477	$5,702.42
27479	$6,145.35
27485	$4,059.69
27486	$11,510.86
27487	$15,188.79
27488	$8,685.14
27500	$2,658.04
27501	$2,658.04
27502	$3,925.13
27503	$3,925.13
27506	$8,606.64
27507	$8,253.43
27508	$1,990.86
27509	$1,990.86
27510	$3,448.57
27511	$8,034.77
27513	$8,606.64
27514	$8,460.87
27516	$2,327.25
27517	$4,009.23
27520	$1,329.28
27524	$5,422.09
27530	$1,531.11
27532	$2,809.42
27535	$6,178.99
27536	$6,178.99
27538	$1,514.29
27540	$5,764.10
27550	$1,065.77
27552	$1,547.93
27556	$6,621.91
27557	$7,810.51
27560	$426.61
27562	$2,529.09
27566	$5,556.65
27570	$589.21
27580	$8,427.23
27594	$1,671.28
27596	$3,756.93
27598	$5,253.90
27601	$2,612.53
27603	$2,021.76
27604	$1,218.32
27605	$1,312.84
27606	$1,868.16
27607	$4,166.26
27610	$5,005.15
27612	$5,324.17
27613	$1,011.55
27614	$1,950.87
27615	$5,477.77

TABLE C.—OUTPATIENT FACILITY NATIONWIDE CHARGES; BY CPT (CURRENT PROCEDURAL TERMINOLOGY) CODE—Continued

CPT code	Charge
27618	$1,856.35
27619	$3,055.61
27620	$4,178.07
27625	$5,761.34
27626	$6,405.28
27630	$2,447.12
27635	$5,365.52
27637	$5,619.55
27638	$6,021.28
27640	$6,411.18
27641	$4,827.92
27645	$7,492.29
27646	$6,966.51
27647	$6,493.89
27650	$1,280.88
27652	$1,473.96
27654	$1,544.17
27656	$497.76
27658	$611.18
27659	$860.97
27664	$528.82
27665	$736.75
27675	$932.53
27676	$1,089.15
27680	$624.68
27681	$874.47
27685	$585.53
27686	$954.13
27687	$804.26
27690	$978.43
27691	$1,133.71
27692	$342.49
27695	$1,035.14
27696	$1,021.64
27698	$1,459.11
27700	$1,448.30
27704	$856.92
27705	$1,518.51
27707	$709.75
27709	$1,546.87
27712	$1,552.27
27715	$1,771.00
27720	$1,819.61
27722	$1,486.11
27724	$2,161.21
27725	$1,476.66
27727	$1,334.89
27730	$553.12
27732	$721.90
27734	$1,086.45
27740	$1,197.17
27742	$1,322.74
27745	$1,279.53
27750	$534.22
27752	$755.65
27756	$1,075.65
27758	$1,802.06
27759	$1,923.57
27760	$416.75
27762	$522.07
27766	$1,131.01
27780	$334.39
27781	$512.62
27784	$823.16
27786	$408.65

TABLE C.—OUTPATIENT FACILITY NATIONWIDE CHARGES; BY CPT (CURRENT PROCEDURAL TERMINOLOGY) CODE—Continued

CPT code	Charge
27788	$509.92
27792	$1,064.85
27808	$445.11
27810	$750.25
27814	$1,418.60
27816	$536.92
27818	$885.27
27822	$1,434.80
27823	$1,795.31
27824	$536.92
27825	$947.38
27826	$1,336.24
27827	$1,649.48
27828	$1,795.31
27829	$883.92
27830	$507.22
27831	$605.78
27832	$838.01
27840	$320.89
27842	$368.14
27846	$1,228.22
27848	$1,197.17
27860	$256.08
27870	$1,869.57
27871	$1,120.21
27884	$523.42
27886	$1,036.49
27888	$1,349.74
28002	$1,944.96
28003	$2,683.43
28005	$3,026.07
28008	$2,198.99
28010	$2,754.32
28011	$1,661.39
28020	$3,215.12
28022	$2,234.44
28024	$2,027.67
28030	$2,937.46
28035	$4,266.69
28043	$1,637.76
28045	$2,972.90
28046	$3,776.35
28050	$2,884.29
28052	$2,872.47
28054	$1,939.05
28060	$3,108.78
28062	$4,786.57
28070	$3,262.38
28072	$2,512.10
28080	$3,020.16
28086	$2,458.93
28088	$2,754.32
28090	$2,399.86
28092	$1,814.99
28100	$3,321.46
28102	$4,656.60
28103	$3,929.95
28104	$3,173.76
28106	$4,408.47
28107	$3,486.87
28108	$3,096.96
28110	$2,671.61
28111	$3,593.21
28112	$2,955.18
28113	$3,238.75

For CPT code descriptions, see Tables E, F, and G.

TABLE C.—OUTPATIENT FACILITY NATIONWIDE CHARGES; BY CPT (CURRENT PROCEDURAL TERMINOLOGY) CODE—Continued

CPT code	Charge
28114	$6,033.09
28116	$3,853.15
28118	$3,989.03
28119	$3,829.52
28120	$3,593.21
28122	$3,262.38
28124	$3,043.79
28126	$2,966.99
28130	$4,768.84
28140	$3,528.23
28150	$2,559.36
28153	$2,972.90
28160	$3,049.70
28171	$5,335.98
28173	$4,006.75
28175	$3,794.07
28192	$1,767.73
28193	$2,021.76
28200	$2,601.43
28202	$3,031.75
28208	$1,327.46
28210	$2,907.19
28220	$1,927.64
28222	$3,360.15
28225	$1,078.33
28226	$1,650.20
28230	$1,112.30
28232	$642.35
28234	$602.71
28238	$3,830.11
28240	$942.44
28250	$2,261.71
28260	$2,244.72
28261	$3,082.71
28262	$6,479.97
28264	$5,149.38
28270	$1,225.54
28272	$891.48
28280	$993.40
28285	$2,210.75
28286	$1,763.44
28288	$1,859.70
28290	$2,771.30
28292	$3,728.19
28293	$5,143.72
28294	$4,922.89
28296	$4,724.72
28297	$4,843.62
28298	$4,679.42
28299	$5,268.28
28300	$3,428.10
28302	$4,770.02
28304	$3,382.80
28305	$5,313.58
28306	$2,323.99
28307	$3,060.06
28308	$2,969.47
28309	$3,626.27
28310	$2,097.51
28312	$2,318.33
28313	$1,191.57
28315	$2,137.14
28320	$4,656.77
28322	$2,380.61
28340	$3,326.18

TABLE C.—OUTPATIENT FACILITY NATIONWIDE CHARGES; BY CPT (CURRENT PROCEDURAL TERMINOLOGY) CODE—Continued

CPT code	Charge
28341	$4,073.58
28344	$1,831.39
28345	$2,759.97
28360	$6,479.97
28400	$1,191.57
28405	$1,944.63
28406	$3,184.63
28415	$4,843.62
28420	$5,902.44
28435	$1,638.88
28436	$2,108.83
28445	$4,719.06
28455	$1,174.58
28456	$1,021.71
28465	$2,873.21
28470	$755.59
28475	$1,061.34
28476	$1,644.54
28485	$2,386.27
28495	$370.57
28496	$908.46
28505	$1,429.38
28515	$370.57
28525	$902.80
28531	$817.87
28545	$478.15
28546	$1,287.83
28555	$2,895.86
28570	$636.68
28575	$1,304.81
28576	$1,304.81
28585	$2,544.81
28605	$1,016.04
28606	$1,712.48
28615	$2,544.81
28630	$319.61
28635	$557.41
28636	$1,185.91
28645	$1,570.93
28665	$291.30
28666	$1,117.96
28675	$1,435.04
28705	$8,291.84
28715	$6,717.78
28725	$5,081.43
28730	$4,832.30
28735	$5,262.62
28737	$4,758.69
28740	$2,646.73
28750	$2,748.65
28755	$1,825.72
28760	$2,793.94
28800	$3,501.71
28805	$3,314.86
28810	$1,950.29
28820	$1,197.23
28825	$1,095.31
29065	$192.68
29075	$158.71
29085	$156.50
29105	$156.50
29125	$109.86
29126	$133.38
29130	$75.79
29131	$107.85

TABLE C.—OUTPATIENT FACILITY NATIONWIDE CHARGES; BY CPT (CURRENT PROCEDURAL TERMINOLOGY) CODE—Continued

CPT code	Charge
29200	$104.44
29220	$116.60
29240	$111.07
29260	$88.56
29280	$81.72
29345	$277.82
29365	$234.19
29405	$190.37
29445	$401.84
29505	$145.04
29515	$137.40
29520	$103.13
29530	$105.24
29540	$92.57
29550	$85.74
29580	$158.30
29590	$117.81
29800	$2,606.53
29804	$4,846.91
29815	$2,982.95
29819	$4,588.41
29820	$4,316.30
29821	$4,638.29
29822	$4,493.17
29823	$4,865.05
29825	$4,588.41
29826	$5,273.22
29830	$3,200.64
29834	$3,436.47
29835	$3,522.64
29836	$3,976.16
29837	$3,690.44
29838	$3,985.23
29840	$2,279.99
29843	$3,327.62
29844	$3,323.09
29845	$3,962.55
29846	$4,157.56
29847	$3,862.78
29848	$2,533.96
29850	$4,874.13
29851	$5,753.95
29855	$6,085.02
29856	$6,089.56
29860	$2,982.95
29861	$5,041.93
29862	$5,354.86
29863	$4,742.60
29870	$2,611.06
29871	$3,858.24
29874	$4,307.23
29875	$3,935.34
29876	$4,738.07
29877	$4,456.89
29879	$4,797.03
29880	$5,028.32
29881	$4,660.97
29882	$5,105.42
29883	$5,509.05
29884	$4,443.28
29885	$4,520.38
29886	$3,871.85
29887	$5,295.90
29888	$7,722.23
29889	$5,441.03

For CPT code descriptions, see Tables E, F, and G.

TABLE C.—OUTPATIENT FACILITY NATIONWIDE CHARGES; BY CPT (CURRENT PROCEDURAL TERMINOLOGY) CODE—Continued

CPT code	Charge
29891	$4,806.10
29892	$4,806.10
29893	$3,146.21
29894	$4,384.32
29895	$4,275.48
29897	$4,370.72
29898	$4,937.62
30115	$1,899.73
30117	$1,911.31
30118	$3,907.76
30120	$3,054.35
30124	$1,332.07
30125	$2,957.81
30130	$1,459.51
30140	$1,988.55
30150	$3,873.01
30160	$4,884.75
30220	$1,397.72
30310	$1,440.20
30320	$2,471.25
30400	$4,664.64
30410	$6,328.98
30420	$7,560.84
30430	$3,166.33
30435	$4,741.87
30450	$5,155.06
30460	$4,127.87
30462	$7,441.13
30520	$3,235.84
30540	$3,374.86
30545	$4,996.73
30560	$1,027.01
30580	$3,224.26
30600	$2,270.44
30620	$3,351.69
30630	$3,224.26
30801	$996.12
30802	$1,177.61
30903	$1,142.86
30905	$1,505.85
30906	$1,231.67
30915	$2,726.11
30920	$4,498.59
31020	$1,841.81
31030	$3,328.52
31032	$3,606.56
31040	$3,896.18
31050	$3,058.21
31051	$3,834.39
31070	$2,625.71
31075	$4,707.11
31080	$4,371.15
31081	$4,799.79
31084	$6,525.93
31085	$6,846.44
31086	$5,012.18
31087	$4,826.82
31090	$4,861.58
31200	$2,598.68
31201	$3,521.60
31205	$3,915.48
31225	$8,321.57
31230	$9,209.74
31233	$1,892.01
31235	$1,737.54

TABLE C.—OUTPATIENT FACILITY NATIONWIDE CHARGES; BY CPT (CURRENT PROCEDURAL TERMINOLOGY) CODE—Continued

CPT code	Charge
31237	$2,081.22
31238	$2,200.93
31239	$4,510.17
31240	$1,922.90
31254	$2,791.76
31255	$3,772.61
31256	$2,212.52
31267	$2,834.24
31276	$3,409.62
31287	$2,478.97
31288	$2,760.87
31290	$7,174.68
31291	$7,499.05
31292	$5,981.44
31293	$6,468.00
31294	$7,271.22
31300	$5,286.35
31320	$2,309.06
31360	$8,070.57
31365	$11,078.75
31367	$7,464.30
31368	$11,148.26
31370	$7,448.85
31375	$6,545.23
31380	$7,483.60
31382	$7,016.35
31390	$11,271.83
31395	$13,758.70
31400	$3,830.53
31420	$3,934.79
31500	$1,254.84
31510	$1,027.01
31511	$1,185.33
31512	$1,505.85
31513	$1,706.65
31515	$1,250.98
31520	$1,447.92
31525	$1,664.17
31526	$1,907.45
31527	$1,969.24
31528	$1,822.50
31529	$1,764.57
31530	$2,216.38
31531	$2,339.95
31535	$2,158.46
31536	$2,328.37
31540	$2,567.79
31541	$2,575.51
31560	$2,741.56
31561	$3,235.84
31570	$2,459.66
31571	$2,556.20
31576	$1,652.59
31577	$1,864.98
31578	$2,019.44
31580	$6,074.12
31582	$7,715.30
31584	$5,726.58
31585	$2,270.44
31586	$3,343.97
31587	$3,598.83
31588	$4,946.53
31590	$3,038.90
31595	$3,455.95
31600	$2,351.54

TABLE C.—OUTPATIENT FACILITY NATIONWIDE CHARGES; BY CPT (CURRENT PROCEDURAL TERMINOLOGY) CODE—Continued

CPT code	Charge
31601	$2,706.80
31603	$2,448.08
31610	$3,390.31
31611	$3,305.35
31612	$1,266.43
31613	$1,668.03
31614	$3,417.34
31615	$1,567.63
31622	$2,003.99
31625	$2,247.27
31628	$2,432.63
31629	$2,247.27
31630	$2,251.14
31631	$2,336.09
31635	$2,378.57
31640	$2,753.14
31641	$2,950.08
31645	$2,158.46
31646	$1,969.24
31656	$1,737.54
31700	$1,347.52
31710	$1,162.16
31715	$999.98
31717	$1,096.52
31720	$1,100.38
31725	$1,359.11
31730	$1,768.44
31750	$4,243.72
31755	$5,950.55
31760	$5,031.49
31766	$7,919.96
31770	$6,634.05
31775	$7,136.06
31780	$7,506.77
31781	$7,325.28
31785	$4,259.17
31786	$5,950.55
31800	$2,706.80
31805	$4,606.71
31820	$2,197.07
31825	$2,745.42
31830	$2,227.97
32000	$1,162.16
32002	$1,332.07
32005	$1,235.53
32020	$1,830.22
32095	$4,000.44
32110	$5,259.32
32151	$4,347.98
32160	$4,340.26
32200	$3,475.26
32201	$1,984.68
32400	$1,386.14
32405	$1,633.28
32420	$1,393.86
32442	$7,742.33
32602	$2,309.06
32603	$2,154.60
33010	$1,928.05
33011	$1,504.98
33015	$4,604.23
33206	$7,634.61
33207	$9,110.45
33208	$9,208.84
33210	$3,659.70

For CPT code descriptions, see Tables E, F, and G.

TABLE C.—OUTPATIENT FACILITY NATIONWIDE CHARGES; BY CPT (CURRENT PROCEDURAL TERMINOLOGY) CODE—Continued

CPT code	Charge
33212	$5,706.19
33213	$5,706.19
33214	$5,725.87
33216	$5,351.99
33217	$5,351.99
33218	$4,928.92
33220	$4,928.92
33222	$5,784.90
33223	$6,021.03
33233	$3,010.33
33234	$3,207.11
33235	$3,502.27
33236	$4,328.74
33237	$9,858.20
33238	$10,537.09
33240	$5,706.19
33241	$2,538.06
33242	$7,093.47
34101	$8,618.50
34111	$7,880.59
34401	$8,352.85
34421	$7,742.84
34451	$10,930.64
34471	$3,866.31
34490	$7,565.74
34520	$9,592.55
35011	$13,026.33
35013	$14,876.04
35045	$12,563.90
35161	$16,037.03
35180	$7,664.13
35182	$10,891.29
35184	$9,986.11
35188	$8,392.21
35189	$11,560.33
35190	$10,586.28
35201	$10,320.63
35206	$10,399.34
35207	$11,038.87
35216	$10,920.81
35236	$11,816.15
35266	$11,560.33
35281	$17,414.48
35321	$13,164.07
35400	$2,646.29
35450	$11,314.36
35452	$4,692.78
35454	$6,945.89
35456	$8,372.53
35458	$10,379.67
35460	$3,521.95
35470	$9,749.98
35471	$11,314.36
35472	$3,964.70
35473	$6,945.89
35474	$8,382.37
35475	$10,379.67
35476	$3,521.95
35483	$9,179.32
35490	$12,406.48
35491	$4,692.78
35492	$7,614.93
35493	$9,179.32
35494	$10,379.67
35495	$4,860.04

TABLE C.—OUTPATIENT FACILITY NATIONWIDE CHARGES; BY CPT (CURRENT PROCEDURAL TERMINOLOGY) CODE—Continued

CPT code	Charge
35616	$16,932.37
35691	$19,716.78
35761	$6,129.26
35860	$6,129.26
35870	$10,881.45
35875	$8,490.60
35876	$8,490.60
35901	$7,477.19
35903	$7,477.19
35905	$7,477.19
35907	$7,477.19
36010	$2,488.87
36011	$2,282.25
36012	$3,039.85
36013	$2,488.87
36014	$2,656.13
36015	$3,039.85
36100	$2,961.14
36120	$2,587.26
36140	$1,800.14
36145	$2,587.26
36160	$2,695.48
36200	$3,098.88
36215	$3,148.07
36216	$3,649.86
36217	$4,269.71
36245	$3,512.11
36246	$3,649.86
36247	$4,269.71
36260	$7,044.28
36261	$2,606.93
36262	$2,311.77
36450	$2,262.57
36455	$2,646.29
36460	$5,046.98
36481	$5,627.48
36489	$1,514.82
36490	$1,770.63
36491	$1,957.57
36520	$2,292.09
36522	$2,852.91
36530	$5,155.21
36531	$4,712.46
36532	$2,154.35
36533	$4,633.75
36534	$3,443.24
36535	$2,193.70
36640	$2,685.65
36680	$1,632.88
36800	$2,597.10
36810	$4,712.46
36815	$3,246.46
36821	$7,536.22
36822	$5,922.64
36825	$11,058.55
36830	$10,212.40
36832	$7,398.48
36834	$8,087.20
36835	$3,777.76
36860	$2,941.46
36861	$3,138.24
37140	$16,440.43
37145	$17,266.90
37160	$17,867.07
37195	$7,969.14

TABLE C.—OUTPATIENT FACILITY NATIONWIDE CHARGES; BY CPT (CURRENT PROCEDURAL TERMINOLOGY) CODE—Continued

CPT code	Charge
37200	$1,977.25
37201	$5,824.26
37202	$4,643.59
37203	$4,171.32
37204	$13,951.19
37205	$5,489.73
37206	$2,951.30
37207	$5,489.73
37209	$1,800.14
37250	$1,534.49
37565	$4,141.80
37600	$5,312.63
37605	$5,883.29
37606	$6,237.49
37607	$3,423.56
37609	$2,597.10
37615	$5,942.32
37618	$5,312.63
37620	$9,080.93
37650	$4,368.10
37660	$6,070.23
37700	$3,994.22
37720	$5,440.54
37730	$7,250.90
37735	$8,618.50
37760	$7,772.36
37780	$2,272.41
37785	$1,377.07
37788	$15,308.95
37790	$6,021.03
38230	$2,972.55
38231	$2,035.57
38300	$1,510.59
38305	$2,427.64
38308	$3,364.63
38500	$2,181.76
38505	$1,869.43
38510	$2,813.07
38520	$3,112.10
38525	$2,846.29
38530	$3,231.72
38542	$3,956.06
38550	$3,271.59
38555	$5,956.29
38562	$5,697.13
38700	$7,145.80
38720	$11,073.17
38724	$10,667.81
38740	$4,261.74
38745	$6,627.47
38760	$5,530.99
38765	$9,544.76
38770	$10,794.07
38780	$11,797.51
38790	$2,214.99
38794	$3,012.43
39000	$5,145.57
39010	$8,740.67
39400	$4,527.55
39530	$10,468.45
39540	$9,086.23
40500	$3,881.70
40510	$4,203.65
40520	$3,734.72
40525	$6,401.34

For CPT code descriptions, see Tables E, F, and G.

TABLE C.—OUTPATIENT FACILITY NATIONWIDE CHARGES; BY CPT (CURRENT PROCEDURAL TERMINOLOGY) CODE—Continued

CPT code	Charge
40527	$7,612.17
40530	$4,154.66
40650	$3,384.77
40652	$3,867.70
40654	$4,672.59
40700	$6,506.32
40701	$14,114.24
40702	$7,143.23
40720	$7,297.21
40761	$8,172.09
40801	$1,775.00
40805	$2,334.92
40806	$837.13
40814	$2,845.85
40816	$2,838.85
40818	$2,159.95
40819	$1,446.05
40820	$956.12
40831	$1,942.98
40840	$4,980.54
40842	$4,980.54
40843	$6,744.29
40844	$8,725.01
40845	$14,891.13
41000	$1,117.09
41005	$1,019.11
41006	$1,292.07
41007	$2,614.88
41008	$1,327.06
41009	$2,901.84
41010	$844.13
41015	$1,194.08
41016	$3,167.80
41017	$1,565.03
41018	$3,335.78
41105	$1,306.07
41110	$1,495.04
41112	$2,257.93
41113	$2,971.83
41114	$5,057.53
41115	$1,830.99
41116	$2,327.92
41120	$5,680.44
41130	$6,926.26
41135	$13,393.34
41140	$13,806.28
41145	$16,535.89
41150	$13,855.27
41153	$18,082.67
41155	$21,547.18
41250	$1,334.06
41251	$2,033.96
41252	$2,229.94
41500	$2,887.84
41510	$2,355.92
41520	$2,600.88
41800	$1,068.10
41805	$1,173.09
41806	$1,733.01
41822	$2,705.87
41827	$3,216.79
41874	$2,964.83
42000	$1,019.11
42104	$1,719.01
42106	$2,138.95

TABLE C.—OUTPATIENT FACILITY NATIONWIDE CHARGES; BY CPT (CURRENT PROCEDURAL TERMINOLOGY) CODE—Continued

CPT code	Charge
42107	$4,000.68
42120	$5,337.49
42140	$1,530.04
42145	$6,786.28
42160	$1,656.02
42180	$2,152.95
42182	$3,013.82
42200	$5,617.45
42205	$7,969.12
42210	$9,340.92
42215	$5,960.40
42220	$4,364.63
42225	$5,414.48
42226	$6,107.38
42227	$5,771.43
42235	$4,469.62
42260	$3,370.77
42281	$1,614.02
42300	$1,257.07
42305	$2,110.95
42310	$1,306.07
42320	$1,865.99
42325	$2,068.96
42326	$3,496.75
42335	$2,313.92
42340	$3,559.75
42405	$1,663.02
42408	$2,852.85
42409	$2,551.89
42410	$4,742.58
42415	$9,459.90
42420	$10,957.69
42425	$8,354.06
42426	$16,955.83
42440	$5,953.40
42450	$2,978.83
42500	$3,811.71
42505	$5,344.49
42507	$3,839.71
42508	$5,911.41
42509	$5,701.44
42510	$5,939.41
42600	$3,307.78
42665	$2,012.97
42700	$1,180.09
42720	$1,907.98
42725	$3,699.73
42802	$1,299.07
42804	$1,348.06
42806	$1,565.03
42808	$2,348.92
42810	$2,782.86
42815	$6,149.38
42820	$2,789.86
42821	$3,335.78
42825	$2,432.91
42826	$3,188.80
42830	$1,886.98
42831	$2,236.93
42835	$1,886.98
42836	$2,537.89
42842	$5,267.50
42844	$8,179.09
42845	$13,617.31
42860	$1,907.98

TABLE C.—OUTPATIENT FACILITY NATIONWIDE CHARGES; BY CPT (CURRENT PROCEDURAL TERMINOLOGY) CODE—Continued

CPT code	Charge
42870	$2,208.94
42890	$6,877.27
42892	$8,228.08
42894	$11,825.56
42900	$3,566.74
42950	$6,821.28
42953	$5,022.54
42955	$2,908.84
42960	$1,341.06
42961	$1,810.00
42962	$4,770.57
42970	$1,306.07
42971	$2,614.88
42972	$3,769.72
43020	$5,190.51
43030	$6,506.32
43045	$9,298.93
43100	$4,917.55
43130	$7,941.12
43200	$1,020.58
43202	$1,067.92
43204	$1,290.53
43205	$1,105.02
43215	$1,125.49
43216	$1,097.34
43217	$1,167.71
43219	$1,153.64
43220	$1,055.12
43226	$1,088.39
43227	$1,266.22
43228	$1,290.53
43234	$1,088.39
43235	$1,152.36
43239	$1,199.69
43241	$1,124.21
43243	$1,403.12
43244	$1,203.53
43245	$1,236.80
43246	$1,368.57
43247	$1,236.80
43248	$1,203.53
43249	$1,167.71
43250	$1,209.93
43251	$1,280.30
43255	$1,378.81
43258	$1,400.56
43259	$1,273.90
43260	$1,524.66
43261	$1,524.66
43262	$1,799.73
43263	$1,505.47
43264	$1,900.80
43265	$1,632.13
43267	$1,707.62
43268	$1,799.73
43269	$1,609.10
43271	$1,735.76
43272	$1,476.04
43300	$7,619.17
43305	$10,180.80
43320	$8,760.00
43324	$8,899.98
43325	$8,711.01
43330	$8,536.03
43341	$7,514.18

For CPT code descriptions, see Tables E, F, and G.

TABLE C.—OUTPATIENT FACILITY NATIONWIDE CHARGES; BY CPT (CURRENT PROCEDURAL TERMINOLOGY) CODE—Continued

CPT code	Charge
43350	$6,100.38
43351	$6,723.29
43352	$6,786.28
43360	$15,535.03
43361	$18,271.64
43400	$8,158.09
43401	$7,297.21
43405	$10,614.74
43410	$6,814.28
43420	$4,700.58
43425	$7,542.18
43450	$1,061.10
43453	$1,642.02
43456	$2,313.92
43458	$1,649.02
43460	$1,754.00
43500	$4,875.56
43510	$6,387.34
43600	$935.12
43750	$3,629.74
43760	$1,068.10
43761	$1,327.06
43810	$5,932.41
43830	$4,917.55
43831	$4,224.65
43832	$6,149.38
43846	$10,943.69
43847	$10,943.69
43848	$10,943.69
43850	$8,732.01
43870	$4,623.59
43880	$6,359.35
44005	$6,380.34
44015	$2,600.88
44100	$1,551.03
44110	$5,953.40
44312	$2,740.86
44314	$5,260.50
44340	$1,761.00
44345	$3,972.69
44346	$5,239.51
44360	$1,170.27
44361	$1,213.77
44363	$1,142.12
44364	$1,353.22
44365	$1,284.13
44366	$1,459.41
44369	$1,476.04
44372	$1,459.41
44373	$1,313.56
44376	$1,277.74
44377	$1,304.60
44378	$1,433.82
44380	$971.96
44382	$1,015.46
44385	$1,057.68
44386	$956.61
44388	$1,221.44
44389	$1,271.34
44390	$1,096.06
44391	$1,432.54
44392	$1,419.75
44393	$1,451.74
44394	$1,419.75
44640	$5,162.52

TABLE C.—OUTPATIENT FACILITY NATIONWIDE CHARGES; BY CPT (CURRENT PROCEDURAL TERMINOLOGY) CODE—Continued

CPT code	Charge
44950	$4,007.68
45000	$1,698.01
45005	$1,488.04
45020	$2,411.91
45100	$1,900.98
45108	$2,446.90
45111	$8,822.99
45116	$8,123.09
45130	$6,828.28
45150	$2,950.83
45160	$5,806.42
45170	$3,818.71
45190	$4,147.66
45305	$867.05
45307	$922.06
45308	$904.15
45309	$904.15
45315	$911.83
45317	$920.78
45320	$998.83
45321	$947.65
45331	$965.56
45332	$984.75
45333	$1,046.17
45334	$1,106.30
45337	$1,092.22
45338	$1,046.17
45339	$1,174.11
45355	$909.27
45378	$2,890.68
45379	$1,441.50
45380	$1,372.41
45382	$1,510.59
45383	$1,516.98
45384	$1,421.03
45385	$1,610.38
45500	$4,749.58
45505	$4,987.54
45541	$7,703.15
45560	$3,937.69
45562	$6,247.36
45563	$9,522.89
45820	$6,870.27
45825	$7,493.18
45900	$991.11
45905	$1,082.10
45910	$1,194.08
45915	$1,131.09
46030	$865.13
46040	$1,768.00
46045	$1,879.99
46050	$1,005.11
46060	$4,329.64
46070	$1,544.03
46080	$2,075.96
46200	$2,887.84
46210	$1,124.09
46211	$1,914.98
46220	$1,026.11
46250	$2,572.89
46255	$3,888.70
46257	$4,245.65
46258	$4,693.58
46260	$4,833.56
46261	$5,218.51

TABLE C.—OUTPATIENT FACILITY NATIONWIDE CHARGES; BY CPT (CURRENT PROCEDURAL TERMINOLOGY) CODE—Continued

CPT code	Charge
46262	$5,288.50
46270	$1,893.98
46275	$4,098.67
46280	$4,840.56
46285	$2,180.94
46288	$3,083.81
46608	$896.48
46610	$868.33
46611	$868.33
46612	$937.42
46615	$957.89
46700	$4,882.56
46750	$4,784.57
46751	$3,433.76
46753	$4,007.68
46754	$1,621.02
46760	$5,344.49
46922	$1,481.04
46924	$2,376.91
46937	$2,229.94
46938	$2,334.92
47000	$1,565.03
47001	$1,565.03
47010	$5,309.50
47011	$2,544.89
47015	$5,309.50
47100	$2,887.84
47300	$5,953.40
47362	$4,245.65
47425	$8,781.00
47460	$11,461.62
47490	$3,083.81
47500	$1,642.02
47510	$2,593.88
47511	$2,593.88
47525	$1,698.01
47530	$1,642.02
47552	$933.58
47553	$1,245.75
47554	$1,262.38
47555	$1,096.06
47556	$1,096.06
47600	$5,855.42
47605	$6,282.36
47630	$3,209.80
47700	$5,925.41
47801	$4,420.62
48102	$2,271.93
48510	$5,862.42
48511	$2,705.87
49000	$5,337.49
49010	$5,449.48
49020	$3,958.69
49021	$3,188.80
49040	$5,162.52
49041	$2,705.87
49060	$4,462.62
49061	$2,544.89
49062	$6,233.36
49080	$1,194.08
49081	$1,110.10
49085	$3,006.82
49180	$1,858.99
49200	$6,450.33
49201	$9,053.96

For CPT code descriptions, see Tables E, F, and G.

TABLE C.—OUTPATIENT FACILITY NATIONWIDE CHARGES; BY CPT (CURRENT PROCEDURAL TERMINOLOGY) CODE—Continued

CPT code	Charge
49215	$6,534.32
49250	$3,748.72
49255	$4,196.65
49400	$1,369.06
49420	$1,691.01
49421	$3,482.76
49422	$3,482.76
49425	$6,520.32
49426	$4,357.63
49428	$1,313.07
49429	$2,908.84
49495	$4,070.67
49496	$4,112.67
49500	$4,070.67
49501	$4,112.67
49505	$3,741.72
49507	$4,112.67
49520	$4,238.65
49521	$4,112.67
49525	$4,469.62
49540	$4,224.65
49550	$3,811.71
49553	$3,811.71
49555	$4,833.56
49557	$4,833.56
49560	$4,539.61
49561	$4,539.61
49565	$5,071.53
49566	$5,071.53
49568	$2,376.91
49570	$3,650.73
49572	$4,504.61
49580	$3,286.78
49582	$3,811.71
49585	$3,671.73
49587	$3,671.73
49590	$4,525.61
49600	$4,266.64
49605	$6,583.31
49610	$4,420.62
49611	$6,884.27
49900	$3,146.80
50020	$5,778.00
50021	$2,103.28
50040	$6,107.34
50060	$10,501.41
50075	$14,505.47
50080	$10,458.08
50081	$12,850.11
50100	$8,846.05
50120	$9,340.06
50125	$9,374.73
50130	$10,978.08
50135	$14,661.47
50200	$2,146.61
50205	$4,772.66
50225	$14,202.13
50230	$15,831.49
50236	$15,259.48
50280	$9,296.72
50390	$1,349.27
50392	$1,929.94
50393	$2,493.29
50395	$2,770.62
50396	$317.92
50398	$343.92
50400	$11,723.43
50405	$14,869.48
50520	$8,846.05
50551	$1,782.61
50553	$1,323.27
50555	$3,957.98
50557	$3,966.64
50559	$1,045.93
50561	$4,321.98
50570	$1,141.27
50572	$6,168.01
50574	$6,020.67
50575	$8,490.71
50576	$7,416.03
50578	$3,169.30
50580	$2,987.29
50590	$8,551.38
50605	$5,179.99
50610	$10,085.40
50620	$9,842.73
50630	$10,900.08
50684	$309.25
50688	$222.59
50690	$161.92
50700	$10,778.75
50715	$9,626.06
50727	$4,538.65
50728	$6,731.35
50830	$18,024.19
50920	$8,135.37
50951	$1,331.94
50953	$1,323.27
50955	$2,094.61
50957	$2,051.28
50959	$2,813.96
50961	$2,155.28
50970	$4,365.32
50972	$1,219.27
50974	$5,960.01
50976	$5,440.00
50978	$3,394.63
50980	$2,597.29
51005	$283.25
51010	$725.26
51020	$5,821.34
51030	$3,810.64
51040	$4,079.31
51045	$4,183.31
51050	$6,055.34
51060	$8,326.04
51065	$6,020.67
51080	$4,373.98
51500	$5,830.00
51520	$7,277.36
51530	$7,901.37
51535	$6,540.68
51585	$21,655.58
51600	$127.25
51605	$144.58
51610	$118.58
51710	$378.59
51715	$2,181.28
51725	$759.93
51726	$1,002.60
51772	$699.26
51784	$785.93
51785	$785.93
51795	$1,132.60
51800	$10,302.07
51820	$6,289.35
51840	$7,875.37
51841	$9,426.73
51845	$9,158.06
51860	$6,488.68
51865	$9,383.39
51880	$4,183.31
51900	$9,981.40
51920	$6,393.35
51980	$6,350.01
52000	$1,037.26
52005	$1,791.28
52007	$2,328.62
52010	$1,531.27
52204	$1,947.28
52214	$2,311.28
52224	$2,397.95
52234	$3,966.64
52235	$5,084.66
52240	$9,114.72
52250	$2,363.28
52260	$1,713.27
52270	$2,891.96
52275	$2,848.63
52276	$3,853.97
52277	$4,061.98
52281	$1,886.61
52282	$3,853.97
52283	$1,193.27
52285	$2,432.62
52290	$1,912.61
52300	$2,891.96
52301	$2,891.96
52305	$2,917.96
52310	$2,475.95
52315	$3,411.97
52317	$5,249.33
52318	$6,714.02
52320	$4,096.64
52325	$5,760.67
52327	$3,082.63
52330	$2,891.96
52332	$2,666.62
52334	$2,770.62
52335	$3,949.31
52336	$6,445.35
52337	$7,485.36
52338	$5,015.33
52339	$5,015.33
52340	$4,347.98
52450	$4,209.31
52500	$6,332.68
52510	$6,289.35
52601	$10,172.07
52606	$2,761.96
52612	$7,494.03
52614	$6,029.34
52620	$4,503.98
52630	$6,809.35
52640	$5,457.33

For CPT code descriptions, see Tables E, F, and G.

TABLE C.—OUTPATIENT FACILITY NATIONWIDE CHARGES; BY CPT (CURRENT PROCEDURAL TERMINOLOGY) CODE—Continued

CPT code	Charge
52647	$9,764.73
52648	$10,172.07
52700	$2,744.62
53000	$1,409.94
53010	$2,935.29
53020	$595.26
53040	$1,487.94
53080	$3,333.97
53200	$837.93
53210	$5,639.34
53215	$8,551.38
53220	$4,018.64
53230	$6,757.35
53235	$4,235.31
53240	$3,637.30
53250	$3,394.63
53260	$855.26
53265	$1,513.94
53275	$1,938.61
53400	$6,358.68
53405	$8,880.72
53410	$7,303.36
53415	$10,172.07
53420	$9,314.06
53425	$7,901.37
53430	$6,090.01
53440	$11,272.76
53442	$4,945.99
53445	$13,292.12
53447	$7,823.37
53449	$7,173.36
53450	$2,259.28
53460	$1,999.28
53502	$4,191.98
53505	$4,373.98
53510	$5,934.01
53515	$7,710.70
53520	$4,989.33
53605	$283.25
53665	$196.58
53850	$5,700.00
53852	$5,960.01
54001	$228.02
54015	$218.74
54057	$858.86
54060	$534.16
54065	$1,740.18
54100	$51.75
54105	$385.73
54110	$5,042.83
54111	$7,965.12
54112	$9,505.12
54115	$3,326.57
54120	$5,451.02
54125	$10,173.07
54152	$1,137.17
54160	$988.74
54161	$1,461.87
54205	$4,189.34
54220	$914.52
54300	$5,831.38
54304	$7,482.71
54308	$4,866.57
54312	$8,141.38
54318	$6,434.40

TABLE C.—OUTPATIENT FACILITY NATIONWIDE CHARGES; BY CPT (CURRENT PROCEDURAL TERMINOLOGY) CODE—Continued

CPT code	Charge
54322	$6,508.61
54324	$9,635.00
54326	$9,198.97
54328	$9,393.79
54332	$11,063.67
54336	$16,880.41
54340	$5,079.94
54344	$14,858.00
54348	$10,228.73
54352	$14,459.09
54360	$5,961.26
54380	$8,187.77
54385	$9,152.59
54390	$12,037.76
54400	$8,623.79
54401	$9,941.14
54402	$5,015.00
54405	$13,151.02
54407	$9,857.65
54409	$7,770.30
54420	$6,629.22
54430	$5,933.43
54435	$3,298.74
54450	$79.58
54505	$1,174.28
54510	$2,259.70
54520	$4,374.88
54530	$6,239.58
54535	$7,371.38
54550	$4,319.22
54560	$6,156.08
54600	$3,734.76
54620	$2,528.74
54640	$6,490.06
54650	$6,703.43
54660	$2,602.95
54670	$3,437.89
54680	$7,046.68
54700	$283.68
54800	$1,276.33
54820	$1,879.34
54830	$2,705.00
54840	$3,938.86
54860	$4,245.00
54861	$6,221.02
54900	$7,751.74
54901	$10,850.30
55040	$3,975.96
55041	$6,378.73
55060	$3,280.18
55100	$33.20
55110	$2,677.17
55120	$1,109.34
55150	$4,504.76
55175	$3,614.16
55180	$5,785.00
55200	$1,276.33
55250	$1,888.62
55300	$1,962.83
55400	$5,534.52
55450	$1,870.06
55500	$3,456.45
55520	$2,343.20
55530	$4,272.83
55535	$3,530.66

TABLE C.—OUTPATIENT FACILITY NATIONWIDE CHARGES; BY CPT (CURRENT PROCEDURAL TERMINOLOGY) CODE—Continued

CPT code	Charge
55540	$3,660.54
55600	$3,447.17
55605	$4,643.92
55650	$6,146.81
55680	$3,558.50
55700	$840.31
55705	$2,575.12
55720	$2,705.00
55725	$4,662.47
55801	$11,286.32
55810	$16,036.19
55812	$15,850.65
55815	$22,827.03
55821	$12,056.32
55831	$12,956.20
55845	$22,734.26
55859	$4,912.95
55860	$6,063.31
55862	$10,293.67
55870	$1,146.45
56300	$4,110.83
56301	$4,317.47
56302	$4,754.57
56303	$4,969.15
56304	$5,024.78
56305	$4,468.47
56306	$4,444.62
56307	$6,264.58
56308	$8,036.85
56309	$4,357.20
56310	$7,154.69
56311	$5,644.68
56312	$7,377.21
56313	$8,529.59
56314	$5,922.84
56315	$4,460.52
56316	$4,158.52
56317	$4,722.78
56318	$6,320.21
56320	$4,071.10
56322	$4,603.57
56323	$5,414.21
56324	$7,854.06
56340	$6,924.21
56341	$7,273.90
56342	$8,020.95
56343	$4,770.47
56344	$4,635.36
56346	$5,493.68
56348	$11,104.55
56349	$10,015.75
56350	$2,155.77
56351	$2,155.77
56352	$3,570.41
56353	$3,570.41
56354	$4,492.31
56355	$2,155.77
56356	$4,063.15
56362	$2,775.67
56363	$3,697.57
56405	$1,178.24
56440	$2,664.41
56441	$1,885.56
56515	$2,449.83
56605	$1,114.66

For CPT code descriptions, see Tables E, F, and G.

TABLE C.—OUTPATIENT FACILITY NATIONWIDE CHARGES; BY CPT (CURRENT PROCEDURAL TERMINOLOGY) CODE—Continued

CPT code	Charge
56620	$5,716.21
56625	$7,917.64
56630	$11,271.44
56633	$13,266.24
56640	$16,429.30
56700	$2,020.67
56720	$955.72
56740	$2,855.14
56800	$2,894.88
56805	$9,912.44
56810	$2,656.46
57000	$2,187.56
57010	$2,680.30
57020	$1,090.82
57065	$2,855.14
57105	$1,821.98
57108	$4,770.47
57110	$6,836.79
57120	$6,129.47
57130	$2,656.46
57135	$2,108.09
57180	$1,011.35
57200	$2,727.99
57210	$3,173.04
57220	$4,102.89
57230	$3,626.04
57240	$5,883.10
57250	$5,406.26
57260	$7,448.74
57265	$8,060.69
57268	$6,153.31
57270	$6,002.31
57280	$7,353.37
57282	$7,504.37
57284	$7,401.06
57288	$9,093.85
57289	$7,083.16
57291	$4,826.10
57300	$6,860.63
57310	$4,007.52
57311	$5,008.89
57320	$7,575.90
57330	$7,162.63
57335	$6,065.89
57400	$836.50
57410	$860.35
57460	$2,179.61
57513	$2,235.25
57520	$3,316.09
57522	$3,316.09
57530	$3,443.25
57550	$5,406.26
57555	$8,402.43
57556	$7,893.80
57700	$2,473.67
57720	$2,767.72
57800	$955.72
57820	$2,227.30
58120	$2,720.04
58140	$7,194.42
58145	$7,122.90
58150	$8,179.90
58152	$10,103.17
58180	$8,330.90
58262	$8,036.85
58263	$8,775.96
58275	$9,332.27
58280	$8,919.01
58285	$9,793.22
58345	$3,347.88
58400	$5,056.57
58410	$4,969.15
58600	$3,928.04
58615	$2,886.93
58700	$5,604.94
58720	$6,534.79
58740	$5,668.52
58750	$5,589.05
58752	$5,930.79
58760	$4,635.36
58770	$4,770.47
58800	$2,704.14
58805	$5,644.68
58820	$2,767.72
58822	$3,395.57
58823	$2,608.77
58825	$3,777.04
58900	$4,698.94
58920	$5,962.58
58925	$5,787.73
58940	$5,732.10
58970	$2,576.98
58974	$4,166.46
58976	$2,743.88
59012	$1,991.72
59015	$856.04
59020	$880.04
59120	$6,182.51
59121	$4,199.08
59130	$4,662.95
59135	$7,774.05
59136	$4,870.89
59140	$3,623.25
59150	$3,519.28
59151	$6,782.34
59160	$2,239.65
59320	$1,319.91
59325	$2,207.66
59350	$2,727.51
59409	$7,478.14
59410	$8,141.95
59412	$872.04
59514	$8,685.79
59515	$9,349.60
59812	$2,783.49
59820	$2,895.46
59821	$2,071.69
59830	$3,519.28
59841	$2,895.46
59850	$3,095.40
59851	$3,319.34
59852	$4,303.05
59855	$3,207.37
59856	$3,983.14
59857	$4,870.89
59866	$2,183.66
59870	$2,223.65
59871	$1,319.91
60000	$562.44
60100	$807.86
60200	$3,518.35
60210	$4,969.03
60212	$5,165.36
60220	$4,892.68
60225	$5,956.15
60240	$6,005.23
60252	$7,679.52
60254	$10,711.78
60260	$1,947.68
60270	$7,854.04
60271	$6,856.01
60280	$3,883.75
60281	$2,983.88
60500	$6,430.62
60502	$6,446.98
60505	$7,401.38
60545	$8,017.65
60600	$6,485.16
60605	$6,076.13
61000	$818.77
61020	$922.39
61026	$1,249.61
61050	$906.03
61055	$1,260.52
61070	$502.45
61215	$3,169.31
61500	$10,984.46
61501	$9,135.66
61563	$10,493.63
61575	$18,226.98
61576	$15,631.02
61580	$11,693.44
61581	$13,236.84
61590	$16,105.49
61591	$16,879.91
61595	$11,382.58
61605	$11,191.70
61615	$12,271.54
61618	$6,425.17
61619	$7,974.02
61624	$8,568.47
61626	$7,106.88
61708	$13,978.54
61710	$9,304.72
61751	$10,804.49
61770	$10,804.49
61790	$6,752.39
61791	$5,563.48
61793	$10,575.44
61795	$2,656.66
61885	$1,304.15
61888	$1,462.30
62000	$3,360.19
62194	$1,260.52
62225	$2,853.00
62230	$5,596.21
62256	$3,714.68
62268	$1,860.42
62269	$1,189.62
62270	$622.43
62272	$786.04
62273	$846.03
62274	$638.79
62275	$556.99
62276	$906.03

For CPT code descriptions, see Tables E, F, and G.

TABLE C.—OUTPATIENT FACILITY NATIONWIDE CHARGES; BY CPT (CURRENT PROCEDURAL TERMINOLOGY) CODE—Continued

CPT code	Charge
62277	$693.33
62278	$769.68
62279	$682.42
62280	$622.43
62282	$1,162.35
62284	$1,315.05
62287	$4,031.00
62288	$846.03
62289	$818.77
62290	$1,249.61
62291	$1,205.98
62292	$4,952.67
62294	$3,420.18
62298	$802.40
62350	$2,138.56
62351	$3,049.33
62360	$846.03
62361	$1,696.81
62362	$2,149.47
62365	$2,127.65
63005	$9,184.74
63056	$12,146.10
63057	$2,329.44
63185	$8,715.72
63600	$6,070.68
63610	$3,905.56
63650	$4,276.41
63655	$6,408.81
63660	$3,932.83
63685	$4,270.96
63688	$3,469.26
63744	$4,679.99
63746	$3,245.66
64410	$622.43
64415	$377.02
64417	$578.80
64420	$584.26
64421	$687.88
64430	$616.98
64442	$884.21
64443	$578.80
64510	$622.43
64520	$627.89
64530	$873.30
64550	$72.96
64573	$1,958.59
64575	$1,909.51
64577	$1,740.44
64580	$1,822.25
64590	$1,238.70
64595	$846.03
64600	$1,156.90
64605	$1,086.00
64610	$4,194.61
64620	$780.59
64622	$1,227.79
64623	$698.78
64630	$1,184.16
64680	$1,080.54
64702	$2,536.68
64704	$2,978.43
64708	$3,905.56
64712	$4,887.23
64713	$5,361.70
64714	$3,578.34

TABLE C.—OUTPATIENT FACILITY NATIONWIDE CHARGES; BY CPT (CURRENT PROCEDURAL TERMINOLOGY) CODE—Continued

CPT code	Charge
64716	$2,869.36
64718	$3,829.21
64719	$2,934.80
64721	$2,809.37
64722	$3,054.78
64726	$627.89
64727	$2,002.22
64732	$2,585.76
64734	$2,749.38
64736	$2,667.57
64738	$3,000.25
64740	$3,060.24
64742	$2,962.07
64744	$3,376.55
64746	$2,291.26
64771	$3,736.50
64772	$3,927.37
64774	$1,729.53
64776	$1,751.35
64778	$1,724.08
64782	$2,798.46
64783	$2,013.13
64784	$3,311.11
64786	$7,139.60
64787	$2,127.65
64788	$2,214.91
64790	$4,112.80
64792	$5,138.10
64795	$1,533.20
64802	$3,180.22
64809	$5,988.87
64820	$4,200.06
64830	$1,331.41
64831	$2,078.57
64832	$998.74
64834	$2,144.02
64835	$3,485.63
64836	$3,889.20
64837	$2,662.12
64840	$5,879.80
64856	$4,712.71
64857	$5,432.60
64858	$6,223.38
64859	$2,144.02
64861	$7,554.09
64862	$11,993.40
64864	$4,521.83
64865	$6,965.09
64866	$6,337.91
64868	$6,337.91
64870	$7,821.32
64872	$1,020.55
64874	$1,418.67
64876	$1,576.83
64885	$7,155.97
64886	$8,486.67
64890	$6,921.46
64891	$5,917.98
64892	$6,256.10
64893	$7,832.22
64895	$7,412.29
64896	$9,795.56
64897	$7,123.24
64898	$8,088.55
64901	$5,776.18

TABLE C.—OUTPATIENT FACILITY NATIONWIDE CHARGES; BY CPT (CURRENT PROCEDURAL TERMINOLOGY) CODE—Continued

CPT code	Charge
64902	$6,736.03
64905	$5,361.70
64907	$7,335.94
65091	$2,032.12
65093	$2,182.10
65101	$2,238.75
65103	$2,438.72
65105	$2,775.34
65110	$4,778.35
65112	$3,715.18
65114	$4,018.47
65125	$485.70
65130	$2,285.41
65135	$1,468.88
65140	$1,735.50
65150	$1,958.80
65155	$2,838.66
65175	$1,965.46
65235	$1,532.20
65260	$2,538.71
65265	$3,008.63
65270	$52.44
65272	$209.08
65273	$735.66
65280	$2,472.05
65285	$3,748.51
65286	$1,258.91
65290	$1,645.52
65400	$1,815.49
65410	$192.42
65420	$1,088.94
65426	$1,588.86
65436	$172.42
65450	$755.66
65710	$3,808.50
65730	$4,708.36
65750	$5,028.31
65755	$5,028.31
65760	$5,911.50
65765	$6,498.07
65767	$5,131.62
65770	$4,265.10
65772	$1,235.58
65775	$1,785.49
65800	$235.74
65805	$265.74
65810	$1,448.88
65815	$1,158.93
65820	$2,841.99
65850	$3,518.55
65855	$1,665.51
65860	$965.62
65865	$1,715.50
65870	$1,615.52
65875	$1,755.50
65880	$1,945.47
65900	$2,298.74
65920	$2,448.72
65930	$2,222.09
66020	$245.74
66130	$1,422.22
66150	$2,705.35
66155	$2,702.01
66160	$3,251.93
66165	$2,598.70

For CPT code descriptions, see Tables E, F, and G.

TABLE C.—OUTPATIENT FACILITY NATIONWIDE CHARGES; BY CPT (CURRENT PROCEDURAL TERMINOLOGY) CODE—Continued

CPT code	Charge
66170	$3,711.85
66172	$3,711.85
66180	$4,998.31
66185	$2,645.36
66220	$1,645.52
66225	$3,715.18
66250	$1,855.48
66500	$1,022.28
66505	$752.33
66600	$2,782.00
66605	$3,618.53
66625	$1,542.20
66630	$1,922.14
66635	$1,955.47
66680	$1,655.51
66682	$1,938.80
66700	$1,415.55
66710	$1,415.55
66720	$1,415.55
66740	$1,415.55
66761	$1,155.59
66762	$1,342.23
66770	$1,562.20
66820	$1,088.94
66821	$525.70
66825	$2,105.44
66830	$2,218.76
66840	$2,562.04
66850	$3,001.97
66852	$3,318.58
66920	$2,911.98
66930	$3,158.61
66940	$2,935.31
66983	$2,958.64
66984	$3,431.90
66985	$2,738.67
66986	$3,728.52
67005	$1,752.17
67010	$2,182.10
67015	$1,812.16
67025	$1,912.14
67027	$2,675.35
67028	$735.66
67030	$1,435.55
67031	$1,008.95
67036	$4,021.80
67038	$7,447.92
67039	$4,984.98
67040	$5,978.16
67101	$2,422.06
67105	$2,708.68
67107	$5,101.63
67108	$7,294.61
67110	$2,891.98
67112	$5,164.95
67115	$1,492.21
67120	$1,855.48
67121	$2,802.00
67141	$1,568.86
67208	$2,118.77
67218	$4,098.46
67227	$2,075.45
67250	$1,992.13
67255	$2,925.31
67311	$2,102.11

TABLE C.—OUTPATIENT FACILITY NATIONWIDE CHARGES; BY CPT (CURRENT PROCEDURAL TERMINOLOGY) CODE—Continued

CPT code	Charge
67312	$2,792.00
67314	$2,418.73
67316	$3,085.29
67318	$1,732.17
67320	$2,838.66
67331	$2,638.69
67332	$2,958.64
67334	$1,762.16
67335	$575.69
67340	$2,288.75
67343	$1,605.52
67350	$459.04
67400	$3,241.93
67405	$2,568.70
67412	$3,145.28
67413	$2,358.74
67414	$2,458.72
67415	$309.06
67420	$5,254.94
67430	$3,211.93
67440	$4,461.73
67445	$3,371.91
67450	$4,615.04
67505	$9.11
67550	$2,868.65
67560	$2,428.72
67570	$2,182.10
67715	$109.10
67808	$372.39
67830	$369.05
67835	$1,702.17
67875	$235.74
67880	$975.62
67882	$1,522.20
67900	$922.30
67901	$2,218.76
67902	$2,238.75
67903	$1,998.79
67904	$1,958.80
67906	$1,482.21
67908	$1,542.20
67909	$1,642.18
67911	$1,595.52
67914	$1,012.28
67916	$1,608.86
67917	$1,868.81
67921	$908.97
67923	$1,818.82
67924	$1,785.49
67930	$85.77
67935	$925.63
67950	$1,795.49
67961	$1,748.83
67966	$2,072.11
67971	$3,221.93
67973	$4,175.11
67974	$4,351.75
67975	$1,045.61
68110	$75.77
68115	$305.73
68130	$1,025.62
68320	$1,632.18
68325	$2,362.07
68326	$2,285.41
68328	$2,662.02

TABLE C.—OUTPATIENT FACILITY NATIONWIDE CHARGES; BY CPT (CURRENT PROCEDURAL TERMINOLOGY) CODE—Continued

CPT code	Charge
68330	$1,432.22
68335	$2,298.74
68340	$709.00
68360	$1,265.58
68362	$2,332.07
68500	$2,198.76
68505	$2,558.70
68510	$892.30
68520	$2,415.39
68525	$888.97
68540	$2,432.06
68550	$3,441.90
68700	$559.02
68705	$2.45
68720	$2,941.98
68745	$1,848.82
68750	$2,838.66
68770	$1,075.61
68811	$159.09
68815	$305.73
69005	$1,614.81
69110	$1,991.85
69120	$1,517.34
69140	$3,369.20
69145	$1,961.07
69150	$4,000.17
69155	$5,400.60
69205	$1,591.72
69300	$2,676.68
69310	$3,841.14
69320	$5,074.86
69421	$1,609.68
69424	$1,471.17
69436	$1,863.60
69440	$3,453.84
69450	$2,889.56
69501	$3,877.05
69502	$4,743.99
69505	$4,982.52
69511	$5,131.29
69530	$5,603.23
69535	$7,798.78
69550	$4,418.24
69552	$5,608.36
69554	$7,183.21
69601	$4,913.27
69602	$5,149.24
69603	$5,272.36
69604	$5,272.36
69605	$5,151.81
69620	$2,979.34
69631	$4,100.20
69632	$4,915.83
69633	$4,731.16
69635	$5,077.42
69636	$5,610.92
69637	$5,580.14
69641	$4,903.01
69642	$6,067.47
69643	$5,639.14
69644	$6,105.95
69645	$5,939.23
69646	$6,393.22
69650	$4,043.77
69660	$4,674.73

For CPT code descriptions, see Tables E, F, and G.

TABLE C.—OUTPATIENT FACILITY NATIONWIDE CHARGES; BY CPT (CURRENT PROCEDURAL TERMINOLOGY) CODE—Continued

CPT code	Charge
69661	$5,757.12
69662	$5,672.48
69666	$4,069.42
69667	$4,071.98
69670	$3,928.35
69676	$3,505.14
69700	$3,333.29
69710	$2,951.12
69711	$3,482.06
69720	$5,374.95
69725	$5,074.86
69740	$4,351.56
69745	$5,408.30
69801	$3,733.42
69802	$4,200.23
69805	$4,687.56
69806	$4,802.98
69820	$3,587.22
69840	$3,494.88
69905	$4,449.02
69910	$5,162.07
69915	$5,859.72
69930	$6,059.78
69955	$6,518.90
69960	$5,895.63
69970	$6,367.57
70010	$342.08
70015	$154.67
70030	$95.94
70100	$102.54
70110	$108.47
70120	$108.47
70130	$119.03
70134	$115.73
70140	$108.47
70150	$119.03
70160	$102.54
70170	$128.93
70190	$108.47
70200	$119.03
70210	$108.47
70220	$119.03
70240	$95.94
70250	$108.47
70260	$125.63
70300	$86.04
70310	$95.94
70320	$119.03
70328	$100.56
70330	$122.33
70332	$201.52
70336	$1,266.78
70350	$93.30
70355	$105.17
70360	$95.94
70370	$151.37
70371	$201.52
70373	$181.72
70380	$111.77
70390	$181.72
70450	$637.75
70460	$743.36
70470	$903.57
70480	$637.75
70481	$743.36

TABLE C.—OUTPATIENT FACILITY NATIONWIDE CHARGES; BY CPT (CURRENT PROCEDURAL TERMINOLOGY) CODE—Continued

CPT code	Charge
70482	$903.57
70486	$637.75
70487	$743.36
70488	$903.57
70490	$637.75
70491	$743.36
70492	$903.57
70540	$1,266.78
70541	$1,266.78
70551	$1,266.78
70552	$1,353.50
70553	$1,797.64
71010	$99.24
71015	$102.54
71020	$108.47
71021	$115.73
71022	$115.73
71023	$119.03
71030	$119.03
71034	$159.95
71035	$102.54
71036	$168.53
71038	$175.12
71040	$161.27
71060	$208.12
71090	$175.12
71100	$105.17
71101	$111.77
71110	$119.03
71111	$125.63
71120	$110.45
71130	$113.75
71250	$771.84
71260	$903.57
71270	$1,104.12
71550	$1,266.78
71555	$1,266.78
72010	$134.21
72020	$95.94
72040	$107.15
72050	$125.63
72052	$140.81
72069	$100.56
72070	$110.45
72072	$115.73
72074	$126.95
72080	$111.77
72090	$111.77
72100	$111.77
72110	$126.95
72114	$144.11
72120	$125.63
72125	$771.84
72126	$903.57
72127	$1,104.12
72128	$771.84
72129	$903.57
72130	$1,104.12
72131	$771.84
72132	$903.57
72133	$1,104.12
72141	$1,266.78
72142	$1,353.50
72146	$1,314.82
72147	$1,353.50

TABLE C.—OUTPATIENT FACILITY NATIONWIDE CHARGES; BY CPT (CURRENT PROCEDURAL TERMINOLOGY) CODE—Continued

CPT code	Charge
72148	$1,314.82
72149	$1,353.50
72156	$1,797.64
72157	$1,797.64
72158	$1,797.64
72159	$1,314.82
72170	$102.54
72190	$111.77
72192	$771.84
72193	$877.46
72194	$1,063.77
72196	$1,266.78
72198	$1,266.78
72200	$102.54
72202	$108.47
72220	$105.17
72240	$367.81
72255	$342.08
72265	$325.58
72270	$452.94
72285	$596.80
72295	$563.81
73000	$105.85
73010	$105.85
73020	$98.01
73030	$112.12
73040	$341.05
73050	$127.80
73060	$112.12
73070	$105.85
73080	$112.12
73085	$341.05
73090	$105.85
73092	$101.15
73100	$101.15
73110	$107.42
73115	$262.65
73120	$101.15
73130	$107.42
73140	$90.17
73200	$665.04
73201	$771.84
73202	$943.91
73220	$1,266.78
73221	$1,266.78
73225	$1,266.78
73500	$98.01
73510	$112.12
73520	$127.80
73525	$341.05
73530	$105.85
73540	$112.12
73550	$112.12
73560	$105.85
73562	$112.12
73564	$119.96
73565	$101.15
73580	$419.45
73590	$105.85
73592	$101.15
73600	$101.15
73610	$107.42
73615	$341.05
73620	$101.15
73630	$107.42

For CPT code descriptions, see Tables E, F, and G.

TABLE C.—OUTPATIENT FACILITY NATIONWIDE CHARGES; BY CPT (CURRENT PROCEDURAL TERMINOLOGY) CODE—Continued

CPT code	Charge
73650	$98.01
73660	$90.17
73700	$665.04
73701	$771.84
73702	$943.91
73720	$1,266.78
73721	$1,266.78
73725	$1,266.78
74000	$105.85
74010	$112.12
74020	$119.96
74022	$137.21
74150	$743.36
74160	$877.46
74170	$1,063.77
74181	$1,266.78
74185	$1,266.78
74190	$221.88
74210	$204.63
74220	$204.63
74230	$221.88
74235	$419.45
74240	$245.40
74241	$250.11
74245	$383.39
74246	$273.63
74247	$278.33
74249	$411.61
74250	$221.88
74251	$221.88
74260	$250.11
74270	$281.47
74280	$361.43
74283	$410.04
74290	$137.21
74291	$90.17
74300	$83.90
74301	$50.97
74305	$145.05
74320	$497.85
74327	$290.87
74328	$497.85
74329	$497.85
74330	$497.85
74340	$419.45
74350	$497.85
74355	$419.45
74360	$497.85
74363	$938.46
74400	$278.33
74405	$323.80
74410	$319.10
74415	$344.19
74420	$419.45
74425	$221.88
74430	$184.25
74440	$196.79
74445	$196.79
74450	$245.40
74455	$262.65
74470	$214.04
74475	$635.83
74480	$635.83
74485	$497.85
74710	$184.25

TABLE C.—OUTPATIENT FACILITY NATIONWIDE CHARGES; BY CPT (CURRENT PROCEDURAL TERMINOLOGY) CODE—Continued

CPT code	Charge
74740	$221.88
74742	$497.85
74775	$245.40
75552	$1,266.78
75553	$1,702.07
75554	$1,266.78
75555	$1,266.78
75600	$645.93
75605	$645.93
75625	$645.93
75630	$670.24
75650	$645.93
75658	$645.93
75660	$645.93
75662	$645.93
75665	$645.93
75671	$645.93
75676	$645.93
75680	$645.93
75685	$645.93
75705	$645.93
75710	$645.93
75716	$645.93
75722	$645.93
75724	$645.93
75726	$645.93
75731	$645.93
75733	$645.93
75736	$645.93
75741	$645.93
75743	$645.93
75746	$645.93
75756	$645.93
75774	$645.93
75790	$124.61
75801	$312.81
75803	$312.81
75805	$344.42
75807	$344.42
75809	$98.35
75810	$645.93
75820	$105.65
75822	$130.45
75825	$645.93
75827	$645.93
75831	$645.93
75833	$645.93
75840	$645.93
75842	$645.93
75860	$645.93
75870	$645.93
75872	$645.93
75880	$105.65
75885	$645.93
75887	$645.93
75889	$645.93
75891	$645.93
75893	$645.93
75894	$1,180.37
75896	$1,034.48
75898	$110.51
75900	$1,033.99
75940	$645.93
75945	$273.42
75946	$167.89

TABLE C.—OUTPATIENT FACILITY NATIONWIDE CHARGES; BY CPT (CURRENT PROCEDURAL TERMINOLOGY) CODE—Continued

CPT code	Charge
75960	$752.43
75961	$548.67
75962	$791.33
75964	$450.92
75966	$791.33
75968	$450.92
75970	$596.81
75978	$791.33
75980	$312.81
75982	$344.42
75984	$152.33
75989	$459.74
75992	$791.33
75993	$450.92
75994	$791.33
75995	$791.33
75996	$450.92
76000	$122.18
76001	$183.46
76003	$122.18
76010	$86.20
76020	$86.20
76040	$98.35
76061	$108.08
76062	$128.50
76065	$95.92
76066	$113.43
76070	$437.19
76075	$205.34
76076	$131.91
76078	$96.89
76080	$110.51
76086	$183.46
76088	$231.60
76090	$110.51
76091	$122.18
76093	$1,515.93
76094	$1,759.78
76095	$394.02
76096	$122.18
76098	$81.33
76100	$119.75
76101	$127.53
76102	$142.12
76120	$110.51
76125	$98.35
76150	$81.33
76355	$1,037.66
76360	$1,037.66
76365	$1,037.66
76370	$437.19
76375	$503.65
76380	$500.09
76390	$581.25
76400	$1,266.78
76506	$238.14
76511	$218.92
76512	$250.16
76513	$250.16
76516	$218.92
76519	$218.92
76529	$232.14
76536	$238.14
76604	$224.93
76645	$196.09

For CPT code descriptions, see Tables E, F, and G.

TABLE C.—OUTPATIENT FACILITY NATIONWIDE CHARGES; BY CPT (CURRENT PROCEDURAL TERMINOLOGY) CODE—Continued

CPT code	Charge
76700	$301.82
76705	$238.14
76770	$301.82
76775	$238.14
76778	$301.82
76800	$238.14
76805	$316.24
76810	$556.54
76815	$238.14
76816	$203.30
76818	$260.97
76825	$301.82
76826	$156.44
76827	$272.99
76828	$203.30
76830	$250.16
76831	$250.16
76856	$250.16
76857	$196.09
76870	$250.16
76872	$250.16
76880	$238.14
76885	$250.16
76886	$238.14
76930	$250.16
76932	$250.16
76934	$250.16
76936	$796.84
76938	$250.16
76941	$251.36
76942	$250.16
76945	$251.36
76946	$250.16
76948	$250.16
76950	$224.93
76960	$224.93
76965	$713.94
76970	$196.09
76975	$250.16
76986	$376.32
77280	$551.78
77285	$733.64
77290	$814.57
77295	$2,671.36
77300	$367.19
77305	$411.75
77310	$452.66
77315	$480.85
77321	$600.88
77326	$455.39
77327	$551.78
77328	$680.90
77331	$294.45
77332	$367.19
77333	$415.38
77334	$532.68
77336	$509.04
77370	$553.60
77401	$404.47
77402	$404.47
77403	$404.47
77404	$404.47
77406	$404.47
77407	$431.75
77408	$431.75

TABLE C.—OUTPATIENT FACILITY NATIONWIDE CHARGES; BY CPT (CURRENT PROCEDURAL TERMINOLOGY) CODE—Continued

CPT code	Charge
77409	$431.75
77411	$431.75
77412	$452.66
77413	$452.66
77414	$452.66
77416	$452.66
77417	$301.72
77470	$1,216.48
77600	$514.50
77605	$602.70
77610	$514.50
77615	$602.70
77620	$514.50
77750	$366.28
77761	$468.12
77762	$563.60
77763	$639.98
77776	$439.03
77777	$618.16
77778	$695.45
77781	$2,010.30
77782	$2,010.30
77783	$2,010.30
77784	$2,010.30
77789	$289.90
77790	$294.45
78000	$334.46
78001	$363.55
78003	$334.46
78006	$457.21
78007	$473.58
78010	$408.11
78011	$459.03
78015	$473.58
78016	$552.69
78017	$573.60
78018	$720.91
78070	$408.11
78075	$720.91
78102	$427.20
78103	$525.41
78104	$603.61
78110	$332.64
78111	$473.58
78120	$400.83
78121	$502.68
78122	$649.98
78130	$498.13
78135	$672.72
78140	$591.79
78160	$568.15
78162	$528.14
78170	$710.91
78172	$350.82
78185	$455.39
78190	$746.37
78191	$886.40
78195	$603.61
78201	$455.39
78202	$500.86
78205	$762.74
78215	$505.40
78216	$552.69
78220	$573.60
78223	$568.15

TABLE C.—OUTPATIENT FACILITY NATIONWIDE CHARGES; BY CPT (CURRENT PROCEDURAL TERMINOLOGY) CODE—Continued

CPT code	Charge
78230	$439.03
78231	$525.41
78232	$557.23
78258	$500.86
78261	$606.34
78262	$619.07
78264	$608.15
78270	$384.47
78271	$393.56
78272	$451.76
78278	$672.72
78282	$356.28
78290	$514.50
78291	$516.32
78300	$466.30
78305	$568.15
78306	$620.89
78315	$664.53
78320	$762.74
78350	$316.27
78414	$636.34
78428	$446.30
78445	$411.75
78455	$596.33
78457	$480.85
78458	$599.06
78460	$455.39
78461	$659.99
78464	$863.67
78465	$1,272.85
78466	$478.13
78468	$568.15
78469	$703.63
78472	$728.18
78473	$966.42
78478	$385.38
78480	$385.38
78481	$703.63
78483	$932.78
78580	$548.14
78584	$528.14
78585	$739.09
78586	$475.40
78587	$493.58
78591	$498.13
78593	$549.96
78594	$682.72
78596	$863.67
78600	$500.86
78601	$545.41
78605	$545.41
78606	$586.33
78607	$819.11
78610	$387.20
78615	$584.51
78630	$687.26
78635	$470.85
78645	$548.14
78647	$762.74
78650	$652.71
78660	$434.48
78700	$514.50
78701	$559.05
78704	$593.61
78707	$638.16

For CPT code descriptions, see Tables E, F, and G.

TABLE C.—OUTPATIENT FACILITY NATIONWIDE CHARGES; BY CPT (CURRENT PROCEDURAL TERMINOLOGY) CODE—Continued

CPT code	Charge
78708	$638.16
78709	$638.16
78710	$762.74
78715	$387.20
78725	$405.38
78726	$507.22
78727	$596.33
78730	$377.19
78740	$434.48
78760	$482.67
78761	$528.14
78800	$545.41
78801	$617.25
78802	$730.00
78803	$819.11
78805	$545.41
78806	$808.20
78807	$819.11
78890	$363.55
78891	$478.13
78990	$315.36
79000	$478.13
79001	$363.55
79020	$478.13
79030	$478.13
79035	$478.13
79100	$478.13
79200	$478.13
79300	$710.91
79400	$478.13
79420	$496.31
79440	$478.13
90724	$27.42
90732	$44.87
90744	$63.81
90745	$72.78
90746	$81.26
90747	$89.73
90804	$86.34
90870	$1,031.45
90871	$1,158.16
90901	$84.96
90911	$152.27
90918	$4,631.65
90919	$4,631.65
90920	$4,631.65
90921	$4,631.65
90922	$2,412.73
90923	$2,412.73
90924	$2,412.73
90925	$2,412.73
90989	$1,732.92
90993	$1,013.35
91010	$391.22
91011	$422.24
91012	$440.85
91020	$383.47
91030	$302.82
91032	$380.36
91033	$468.77
91052	$319.88
91055	$315.23
91060	$302.82
91065	$322.98
91100	$1,035.97
91105	$968.09
91122	$374.16
92018	$995.24
92502	$1,289.41
92506	$104.23
92507	$64.26
92508	$33.33
92510	$217.88
92520	$1,022.40
92525	$187.42
92526	$76.23
92551	$30.27
92552	$33.45
92553	$50.18
92555	$28.67
92556	$43.01
92557	$90.00
92559	$30.27
92560	$17.52
92561	$54.16
92562	$31.06
92563	$28.67
92564	$35.84
92565	$30.27
92567	$39.83
92568	$28.67
92569	$31.06
92571	$29.47
92572	$6.37
92573	$26.28
92575	$23.10
92576	$33.45
92577	$54.16
92579	$54.96
92582	$54.96
92583	$67.70
92584	$187.97
92587	$117.02
92588	$161.70
92589	$40.62
92590	$94.78
92591	$140.98
92592	$35.05
92593	$50.98
92594	$35.05
92595	$50.98
92596	$44.60
92597	$179.05
92598	$124.88
92950	$1,809.85
92953	$895.68
92960	$1,633.35
93024	$173.69
93278	$176.40
93303	$409.12
93304	$244.05
93307	$409.12
93308	$244.05
93312	$401.90
93314	$401.90
93315	$401.90
93317	$401.90
93320	$224.21
93321	$172.79
93325	$326.13
93501	$1,530.30
93505	$247.66
93508	$1,160.48
93510	$3,254.02
93511	$3,170.14
93514	$3,170.14
93524	$4,118.14
3526	$4,229.09
93527	$4,118.14
93528	$4,118.14
93529	$4,118.14
93530	$1,530.30
93531	$4,229.09
93532	$4,118.14
93533	$4,118.14
93555	$616.58
93556	$927.77
93600	$244.95
93602	$172.79
93603	$221.50
93607	$205.26
93609	$310.80
93610	$193.54
93612	$216.09
93615	$104.24
93616	$104.24
93618	$418.14
93619	$739.25
93620	$847.49
93624	$247.66
93640	$694.15
93641	$694.15
93642	$694.15
93650	$6,014.13
93651	$8,851.68
93652	$8,851.68
93724	$418.14
94240	$86.85
94250	$38.32
94260	$74.72
94350	$74.72
94360	$112.05
94370	$50.46
94450	$60.72
94620	$152.19
94660	$1,103.86
94664	$39.12
94665	$35.99
94667	$43.03
94668	$26.60
94680	$71.92
94681	$149.39
94690	$73.79
94720	$100.85
94725	$181.12
94750	$77.52
94770	$53.26
95805	$1,179.00
95806	$1,127.06
95807	$1,497.77
95808	$1,497.77
95810	$1,497.77
95811	$1,573.32
95812	$328.97
95813	$328.97

For CPT code descriptions, see Tables E, F, and G.

TABLE C.—OUTPATIENT FACILITY NATIONWIDE CHARGES; BY CPT (CURRENT PROCEDURAL TERMINOLOGY) CODE—Continued

CPT code	Charge
95816	$307.72
95819	$317.17
95822	$416.34
95827	$524.95
95831	$42.78
95832	$40.37
95833	$63.45
95834	$90.77
95851	$30.26
95852	$19.63
95872	$144.80
95920	$303.00
95950	$1,436.37
95951	$1,740.97
95953	$1,436.37
95958	$402.17
96105	$131.44
96110	$158.83
96111	$131.44
96115	$131.44
96445	$1,226.05
96450	$1,176.27
97001	$127.59
97002	$51.92
97003	$127.59
97004	$51.92
97010	$23.31
97012	$36.88
97014	$32.11
97016	$36.51
97018	$25.95
97020	$22.43
97022	$30.43
97024	$23.31
97026	$21.55
97028	$23.17
97032	$32.48
97033	$33.29
97034	$25.74
97035	$26.62
97036	$41.06
97110	$47.74
97112	$47.74
97113	$53.09
97116	$41.94
97122	$43.56
97124	$37.91
97150	$39.37
97250	$67.09
97260	$32.92
97261	$19.36
97265	$67.09
97504	$48.62
97520	$49.50
97530	$50.45
97535	$51.26
97537	$51.26
97542	$35.12
97545	$207.61
97546	$104.68
97703	$36.00
97750	$57.41
97770	$60.13
99183	$1,538.32
99218	$936.12

TABLE C.—OUTPATIENT FACILITY NATIONWIDE CHARGES; BY CPT (CURRENT PROCEDURAL TERMINOLOGY) CODE—Continued

CPT code	Charge
99219	$1,775.87
99220	$1,980.13
99281	$46.94
99282	$169.60
99283	$304.52
99284	$562.11
99285	$1,089.54

TABLE D.—OUTPATIENT FACILITY GAAFS (GEOGRAPHIC AREA ADJUSTMENT FACTORS); BY VA FACILITY LOCATION

VA Facility Location	GAAF
NATIONWIDE AVERAGE	1.00
ANCHORAGE, AK	1.12
FAIRBANKS, AK	1.00
FORT WAINWRIGHT, AK	1.00
KENAI, AK	1.00
WASILLA, AK	1.00
ANNISTON, AL	1.09
BIRMINGHAM, AL	1.21
DECATUR, AL	1.12
DOTHAN, AL	0.99
FAIRHOPE, AL	0.99
FLORENCE, AL	1.12
GADSDEN, AL	1.17
HUNTSVILLE, AL	1.15
JASPER, AL	1.13
MOBILE, AL	0.99
MONTGOMERY, AL	1.09
TUSCALOOSA, AL	1.13
TUSKEGEE, AL	1.03
EL DORADO, AR	0.88
FAYETTEVILLE, AR	0.76
HARRISON, AR	0.78
HOT SPRINGS, AR	0.88
JONESBORO, AR	0.78
LITTLE ROCK, AR	0.94
MENA, AR	0.88
MOUNTAIN HOME, AR	0.78
NORTH LITTLE ROCK, AR	0.94
PARAGOULD, AR	0.78
WALDRON, AR	0.81
BISBEE, AZ	1.22
CASA GRANDE, AZ	1.24
FLAGSTAFF, AZ	1.13
FORT HUACHUCA, AZ	1.22
GREEN VALLEY, AZ	1.18
KEARNEY, AZ	1.24
KINGMAN, AZ	1.29
MARANA, AZ	1.18
MESA, AZ	1.24
NOGALES, AZ	1.22
PHOENIX, AZ	1.26
PRESCOTT, AZ	1.13
SAFFORD, AZ	1.13
SHOW LOW, AZ	1.13
SIERRA VISTA, AZ	1.22
SUN CITY, AZ	1.24
TUCSON, AZ	1.18
YUMA, AZ	1.15

TABLE D.—OUTPATIENT FACILITY GAAFS (GEOGRAPHIC AREA ADJUSTMENT FACTORS); BY VA FACILITY LOCATION—Continued

VA Facility Location	GAAF
ANAHEIM, CA	1.54
ANTELOPE VALLEY, CA	1.33
AUBURN, CA	1.71
BAKERSFIELD, CA	1.18
BERKELEY, CA	1.47
CHICO, CA	1.27
CHULA VISTA, CA	1.34
CONCORD, CA	1.47
CRESCENT CITY, CA	1.29
CULVER CITY, CA	1.43
EAST LOS ANGELES, CA	1.46
EDWARDS, CA	1.18
EL CENTRO, CA	1.36
EUREKA, CA	1.29
FRESNO, CA	1.15
GARDENA, CA	1.43
HAYWARD, CA	1.47
HEMET, CA	1.36
HOLLYWOOD, CA	1.46
INDIO, CA	1.36
INGLEWOOD, CA	1.43
IRVINE, CA	1.54
LAGUNA NIGUEL, CA	1.54
LANCASTER, CA	1.33
LIVERMORE, CA	1.47
LOMA LINDA, CA	1.36
LOMPOC, CA	1.38
LONG BEACH, CA	1.48
LOS ANGELES, CA	1.46
MARE ISLAND, CA	1.55
MARINA, CA	1.38
MARTINEZ, CA	1.47
MATHER AFB, CA	1.71
MENLO PARK, CA	1.35
MERCED, CA	1.64
MODESTO, CA	1.67
MONTEREY, CA	1.38
OAKLAND, CA	1.47
OXNARD, CA	1.23
PALM SPRINGS, CA	1.36
PALO ALTO, CA	1.38
PASADENA, CA	1.45
PLEASANT HILL, CA	1.47
REDDING, CA	1.44
REDWOOD CITY, CA	1.35
RIVERSIDE, CA	1.36
ROHNERT PARK, CA	1.34
SACRAMENTO, CA	1.71
SAN BERNARDINO, CA	1.36
SAN DIEGO, CA	1.34
SAN FRANCISCO, CA	1.33
SAN JOSE, CA	1.38
SAN LUIS OBISPO, CA	1.35
SANTA ANA, CA	1.54
SANTA BARBARA, CA	1.38
SANTA ROSA, CA	1.20
SEPULVEDA, CA	1.45
STOCKTON, CA	1.63
SUN CITY, CA	1.36
TRAVIS AFB, CA	1.47
UPLAND, CA	1.52
VALLEJO, CA	1.55
VICTORVILLE, CA	1.36
VISALIA, CA	1.18
VISTA, CA	1.34

TABLE D.—OUTPATIENT FACILITY GAAFS (GEOGRAPHIC AREA ADJUSTMENT FACTORS); BY VA FACILITY LOCATION—Continued

VA Facility Location	GAAF
WEST COVINA, CA	1.52
WEST LOS ANGELES, CA	1.46
WEST RIVERSIDE, CA	1.36
WHITTIER, CA	1.48
YOUNTVILLE, CA	1.55
AURORA, CO	1.01
BOULDER, CO	0.94
COLORADO SPRINGS, CO	1.13
CORTEZ, CO	0.92
DENVER, CO	1.09
FITZSIMONS ARMY MC, CO	1.01
FLORENCE, CO	0.92
FORT CARSON, CO	1.13
FORT COLLINS, CO	0.87
FORT LYON, CO	0.99
FORT MORGAN, CO	0.87
GRAND JUNCTION, CO	0.88
GREELEY, CO	0.95
LA JUNTA, CO	0.99
MONTROSE, CO	0.92
PUEBLO, CO	0.98
BRIDGEPORT, CT	0.97
DANBURY, CT	1.01
HARTFORD, CT	0.95
NEW HAVEN, CT	0.97
NEW LONDON, CT	0.97
NEWINGTON, CT	0.95
NORWICH, CT	0.97
TORRINGTON, CT	0.97
WATERBURY, CT	0.99
WEST HAVEN, CT	0.97
WILLIMANTIC, CT	0.95
WINDHAM, CT	0.95
WASHINGTON, DC	0.95
DOVER AFB, DE	0.93
MILLSBORO, DE	0.93
NEW CASTLE, DE	0.94
OCEAN VIEW, DE	0.93
REHOBOTH, DE	0.93
SEAFORD, DE	0.93
WILMINGTON. DE	1.03
ARCADIA, FL	1.12
BARTOW, FL	1.12
BAY PINES, FL	1.23
BROOKSVILLE, FL	1.23
CECIL FIELD, FL	1.20
CLEARWATER, FL	1.23
DAYTONA BEACH, FL	1.13
EAST PASCO COUNTY, FL	1.23
FORT LAUDERDALE, FL	1.46
FORT MYERS, FL	1.18
FORT PIERCE, FL	1.36
FORT WALTON BEACH, FL	1.13
GAINESVILLE, FL	1.11
HOMESTEAD, FL	1.33
JACKSONVILLE, FL	1.20
KEY LARGO, FL	1.26
KEY WEST, FL	1.26
KISSIMMEE, FL	1.20
LAKE CITY, FL	1.11
LAKE WALES, FL	1.12
LAKELAND, FL	1.12
LEESBURG, FL	1.20
MANATEE COUNTY, FL	1.15
MIAMI, FL	1.25
NAPLES, FL	1.19
NORTH PINELLAS CO., FL	1.23
OAKLAND PARK, FL	1.46
OCALA, FL	1.06
OKEECHOBEE CO., FL	1.26
ORLANDO, FL	1.20
PALM BAY, FL	1.14
PANAMA CITY, FL	1.09
PEMBROKE PINES, FL	1.37
PENSACOLA, FL	1.13
PORT CHARLOTTE, FL	1.17
PORT RICHEY, FL	1.23
PUTNAM COUNTY, FL	1.14
RIVIERA BEACH, FL	1.22
SAINT PETERSBURG, FL	1.23
SANFORD, FL	1.20
SARASOTA, FL	1.15
SOUTH PALM BEACH CO.,	1.22
SOUTH SAINT PETERSBURG,	1.23
TALLAHASSEE, FL	1.11
TAMPA, FL	1.29
WEST PALM BEACH, FL	1.22
ALBANY, GA	0.86
ATLANTA (DECATUR), GA	0.93
ATLANTA (MIDTOWN), GA	0.91
AUGUSTA, GA	0.96
COLUMBUS, GA	0.85
DUBLIN, GA	0.88
FORT GORDON, GA	0.96
MACON, GA	0.88
NORTHEAST CORRIDOR, GA	0.92
SAVANNAH, GA	0.97
VALDOSTA, GA	0.93
GUAM, GU	0.95
HILO, HI	0.95
HONOLULU, HI	0.98
KAILUA KONA, HI	0.95
LIHUE, HI	0.95
WAILUKU, HI	0.95
BETTENDORF, IA	0.77
CEDAR RAPIDS, IA	0.75
DES MOINES, IA	0.77
DUBUQUE, IA	0.78
FORT DODGE, IA	0.79
IOWA CITY, IA	0.76
KNOXVILLE, IA	0.77
MARSHALLTOWN, IA	0.78
MASON CITY, IA	0.78
OTTUMWA, IA	0.78
SIOUX CITY, IA	0.70
WATERLOO, IA	0.78
BOISE, ID	0.84
MOSCOW, ID	0.86
POCATELLO, ID	0.86
TWIN FALLS, ID	0.86
AURORA, IL	1.18
BELLEVILLE, IL	1.08
CARMI, IL	0.90
CHICAGO HEIGHTS, IL	1.23
CHICAGO, IL	1.17
DANVILLE, IL	1.01
DECATUR, IL	0.85
EAST SAINT LOUIS, IL	1.08
ELGIN, IL	1.13
EVANSTON, IL	1.13
GALESBURG, IL	0.91
GURNEE, IL	1.13
HINES, IL	1.13
JOLIET, IL	1.23
LASALLE COUNTY, IL	0.91
MANTENO, IL	1.00
MARION, IL	0.90
MOLINE, IL	0.85
MOUNT VERNON, IL	0.90
NORTH CHICAGO, IL	1.13
OAK LAWN, IL	1.23
OAK PARK, IL	1.13
OSWEGO, IL	1.18
PEORIA, IL	1.00
QUINCY, IL	0.86
ROCKFORD, IL	0.86
SPRINGFIELD, IL	0.74
WOODLAWN, IL	1.17
CROWN POINT, IN	0.87
EVANSVILLE, IN	0.78
FORT WAYNE, IN	0.77
HIGHLAND, IN	0.87
INDIANAPOLIS, IN	0.75
LAFAYETTE, IN	0.84
LAWRENCEBURG, IN	0.82
MARION, IN	0.86
MUNCIE, IN	0.82
NEW ALBANY, IN	0.90
RICHMOND, IN	0.85
SOUTH BEND, IN	0.93
TERRE HAUTE, IN	0.85
ABILENE, KS	0.82
DODGE CITY, KS	0.82
EMPORIA, KS	0.83
GARDEN CITY, KS	0.82
HAYS, KS	0.82
HOLTON, KS	0.85
JUNCTION CITY, KS	0.85
KANSAS CITY, KS	1.03
LEAVENWORTH, KS	1.03
LIBERAL, KS	0.82
MCPHERSON, KS	0.82
PITTSBURG, KS	0.83
PRATT, KS	0.79
SALINA, KS	0.82
SENACA, KS	0.85
TOPEKA, KS	0.86
WICHITA, KS	1.02
BOWLING GREEN, KY	0.87
COVINGTON, KY	0.82
CYNTHIANA, KY	0.82
DANVILLE, KY	0.82
FORT CAMPBELL, KY	0.91
FORT KNOX, KY	0.94
FRANKFORT, KY	0.82
GRAYSON, KY	0.85
HARRODSBURG, KY	0.82
HOPKINSVILLE, KY	0.91
LEXINGTON, KY	0.85
LOUISVILLE, KY	1.01
MAYSVILLE, KY	0.82
MOREHEAD, KY	0.82
MOUNT STERLING, KY	0.82
OWENSBORO, KY	0.91
PADUCAH, KY	0.87

TABLE D.—OUTPATIENT FACILITY GAAFS (GEOGRAPHIC AREA ADJUSTMENT FACTORS); BY VA FACILITY LOCATION—Continued

VA Facility Location	GAAF
PRESTONSBURG, KY	0.87
RAVENNA, KY	0.82
RICHMOND, KY	0.82
SOMERSET, KY	0.87
VERSAILLES, KY	0.82
ALEXANDRIA, LA	0.93
BATON ROUGE, LA	0.93
COVINGTON, LA	1.10
HOUMA, LA	0.93
JENNINGS, LA	0.95
LAFAYETTE, LA	0.95
LAKE CHARLES, LA	0.97
MONROE, LA	0.94
MORGAN CITY, LA	0.95
NEW ORLEANS, LA	1.10
SHREVEPORT, LA	0.99
BEDFORD, MA	0.93
BOSTON, MA	0.97
BROCKTON, MA	0.95
CHICOPEE, MA	0.95
FRAMINGHAM, MA	0.93
GREENFIELD, MA	0.95
HAVERHILL, MA	0.93
HOLYOKE, MA	0.95
HYANNIS, MA	1.00
LOWELL, MA	0.93
LYNN, MA	0.95
NEW BEDFORD, MA	0.95
NORTHAMPTON, MA	0.95
PITTSFIELD, MA	0.90
PLYMOUTH, MA	0.95
SOUTH SHORE, MA	0.97
SPRINGFIELD, MA	0.95
WASHINGTON, MA	0.90
WEST ROXBURY, MA	0.97
WORCESTER, MA	0.91
BALTIMORE, MD	0.66
CAMBRIDGE, MD	0.57
CHARLOTTE HALL, MD	0.76
CUMBERLAND, MD	0.56
ELKTON, MD	0.71
FORT HOWARD, MD	0.62
HAGERSTOWN, MD	0.61
MILLINGTON, MD	0.57
PERRY POINT, MD	0.71
SILVER SPRING, MD	0.74
BANGOR, ME	0.86
CARIBOU, ME	0.88
LEWISTON, ME	0.86
PORTLAND, ME	0.77
RUMFORD (WESTERN), ME	0.83
SANFORD, ME	0.83
TOGUS, ME	0.91
ANN ARBOR, MI	1.04
BATTLE CREEK, MI	0.88
BENTON HARBOR, MI	0.90
DETROIT, MI	1.07
FLINT, MI	0.94
GAYLORD, MI	0.84
GRAND RAPIDS, MI	0.78
HANCOCK, MI	0.84
IRON MOUNTAIN, MI	0.84
JACKSON, MI	0.87
LANSING, MI	0.92
LINCOLN PARK, MI	1.07
MARQUETTE, MI	0.84
MENOMINEE, MI	0.84
MUSKEGON, MI	0.78
OSCODA, MI	0.88
PONTIAC, MI	1.10
SAGINAW, MI	0.91
SAULT SAINTE MARIE, MI	0.84
TRAVERSE CITY, MI	0.77
YALE, MI	1.05
BRAINERD, MN	0.85
FERGUS FALLS, MN	0.85
HIBBING, MN	0.85
MANKATO, MN	0.84
MINNEAPOLIS, MN	0.97
OWATONNA, MN	0.87
SAINT CLOUD, MN	0.80
SAINT PAUL, MN	1.03
VIRGINIA, MN	0.85
WORTHINGTON, MN	0.84
BELTON/RICH-GEB AFB, MO	1.08
BRANSON, MO	0.90
CAPE GIRARDEAU, MO	0.91
COLUMBIA, MO	0.95
FORT LEONARD WOOD, MO	0.90
GRAND VIEW, MO	1.08
KANSAS CITY, MO	1.08
KIRKSVILLE, MO	0.91
MEXICO, MO	0.90
MOUNT VERNON, MO	0.90
NEVADA, MO	0.90
POPLAR BLUFF, MO	0.90
SAINT CHARLES, MO	1.07
SAINT JAMES, MO	0.90
SAINT JOSEPH, MO	0.95
SAINT LOUIS, MO	1.04
SEDALIA, MO	0.90
WEST PLAINS, MO	0.90
BILOXI, MS	0.95
DURANT, MS	0.78
GREENVILLE, MS	0.76
GULFPORT, MS	0.95
HATTIESBURG, MS	0.83
JACKSON, MS	0.74
MERIDIAN, MS	0.76
SMITHVILLE, MS	0.76
ANACONDA, MT	0.81
BILLINGS, MT	0.83
BOZEMAN, MT	0.81
BROWNING, MT	0.81
COLUMBIA FALLS, MT	0.81
FORT HARRISON, MT	0.81
GALLATIN VALLEY, MT	0.81
GREAT FALLS, MT	0.77
LAME DEER, MT	0.85
LIBBY, MT	0.81
MILES CITY, MT	0.81
MISSOULA, MT	0.81
WHITEFISH, MT	0.81
WOLF POINT, MT	0.81
ASHEVILLE, NC	0.81
CHARLOTTE, NC	0.81
DURHAM, NC	0.81
FAYETTEVILLE, NC	0.95
FRANKLIN, NC	0.86
GOLDSBORO, NC	0.83
GREENSBORO, NC	0.73
GREENVILLE, NC	0.88
HICKORY, NC	0.88
JACKSONVILLE, NC	0.88
RALEIGH, NC	0.81
SALISBURY, NC	0.93
WILMINGTON, NC	0.95
WINSTON-SALEM, NC	0.67
BISMARCK, ND	0.77
FARGO, ND	0.81
GRAFTON, ND	0.78
MINOT, ND	0.78
ALLIANCE, NE	0.80
BEATRICE, NE	0.80
BELLEVUE, NE	0.88
GERING, NE	0.80
GRAND ISLAND, NE	0.80
KEARNEY, NE	0.80
LINCOLN, NE	0.90
NORFOLK, NE	0.80
NORTH PLATTE, NE	0.80
OMAHA, NE	0.88
RUSHVILLE, NE	0.80
SCOTTSBLUFF, NE	0.80
SIDNEY, NE	0.80
BERLIN, NH	0.88
KEENE, NH	0.88
LITTLETON, NH	0.88
MANCHESTER, NH	0.96
PORTSMOUTH, NH	0.99
TILTON, NH	0.88
BLACKWOOD, NJ	1.10
BRICK, NJ	0.85
CAPE MAY, NJ	0.92
EAST ORANGE, NJ	0.85
ELIZABETH, NJ	0.85
FORT DIX, NJ	1.02
HACKENSACK, NJ	0.81
JAMESBURG, NJ	0.83
JERSEY CITY, NJ	0.85
LINWOOD, NJ	0.92
LYONS, NJ	0.78
NEW BRUNSWICK, NJ	0.83
NEWARK, NJ	0.85
SALEM CITY, NJ	1.10
TRENTON, NJ	0.82
VENTNOR, NJ	0.92
VINELAND, NJ	0.95
ALBUQUERQUE, NM	0.87
ARTESIA, NM	0.90
CLAYTON, NM	0.90
CLOVIS, NM	0.90
ESPANOLA, NM	0.88
FARMINGTON, NM	0.90
GALLUP, NM	0.90
HOBBS, NM	0.90
LAS CRUCES, NM	0.94
LAS VEGAS, NM	0.90
RATON, NM	0.90
SANTA FE, NM	0.88
SANTA ROSA, NM	0.90
SILVER CITY, NM	0.90
TRUTH OR CONSEQUENCES,	0.90
ELY, NV	1.17
HENDERSON, NV	1.53

TABLE D.—OUTPATIENT FACILITY GAAFS (GEOGRAPHIC AREA ADJUSTMENT FACTORS); BY VA FACILITY LOCATION—Continued

VA Facility Location	GAAF
LAS VEGAS, NV	1.53
MESQUITE, NV	1.53
RENO, NV	1.20
ALBANY, NY	0.73
AMSTERDAM, NY	0.73
ATTICA, NY	0.61
AUBURN, NY	0.63
BABYLON, NY	0.78
BATAVIA, NY	0.59
BATH, NY	0.63
BINGHAMTON, NY	0.63
BRONX, NY	0.83
BROOKLYN, NY	0.83
BUFFALO, NY	0.58
CANANDAIGUA, NY	0.58
CARMEL, NY	0.83
CASTLE POINT, NY	0.81
CATSKILL, NY	0.74
CORNING, NY	0.63
CORTLAND, NY	0.63
DANSVILLE, NY	0.58
ELIZABETHTOWN, NY	0.68
GENESEO, NY	0.58
GENEVA, NY	0.58
GLENS FALLS, NY	0.74
GLOVERSVILLE, NY	0.74
HARLEM, NY	0.85
HARRIS, NY	0.74
HICKSVILLE, NY	0.78
HORSEHEADS, NY	0.63
HOUGHTON, NY	0.65
HUDSON, NY	0.74
ISLIP, NY	0.78
ITHACA, NY	0.63
JAMESTOWN, NY	0.65
KINGSTON, NY	0.74
LIBERTY, NY	0.74
LINDENHURST, NY	0.78
LITTLE FALLS, NY	0.70
LYNBROOK, NY	0.78
LYONS, NY	0.58
MASSENA, NY	0.68
MONTICELLO, NY	0.74
MONTROSE, NY	0.83
MOUNT SINAI, NY	0.78
NEW YORK, NY	0.85
NIAGARA FALLS, NY	0.58
NORTH TONAWANDA, NY	0.58
NORTHPORT, NY	0.78
OLEAN, NY	0.65
OSWEGO, NY	0.63
PATCHOQUE, NY	0.78
PENN YAN, NY	0.59
PLAINVIEW, NY	0.78
PLATTSBURGH, NY	0.68
POMONA, NY	0.78
PORT JERVIS, NY	0.81
RENSSELAER COUNTY, NY	0.73
RIVERHEAD, NY	0.78
ROCHESTER, NY	0.58
ROCKLAND COUNTY, NY	0.78
ROME, NY	0.70
SAINT ALBANS, NY	0.83
SARATOGA, NY	0.73
SAYVILLE, NY	0.78
SCHENECTADY, NY	0.73
SENECA FALLS, NY	0.63
SIDNEY, NY	0.65
SOMERS, NY	0.83
SONYEA, NY	0.58
STATEN ISLAND, NY	0.83
SYRACUSE, NY	0.63
UTICA, NY	0.70
WATERTOWN, NY	0.68
WELLSVILLE, NY	0.65
WHITE PLAINS, NY	0.83
YONKERS, NY	0.83
AKRON, OH	0.91
ASHTABULA, OH	0.88
ATHENS, OH	0.85
BATAVIA, OH	0.87
CANTON, OH	0.60
CHILLICOTHE, OH	0.90
CINCINNATI, OH	0.77
CLEVELAND, OH	0.84
COLUMBUS, OH	0.84
DAYTON, OH	0.85
EAST LIVERPOOL, OH	0.92
HILLSBORO, OH	0.87
LANCASTER, OH	0.86
LIMA, OH	0.91
LORAIN, OH	0.88
MANSFIELD, OH	0.87
MARIETTA, OH	0.81
MEDINA, OH	0.88
MIDDLETOWN, OH	0.89
PAINESVILLE, OH	0.88
PORTSMOUTH, OH	0.90
RAVENNA, OH	0.91
SAINT CLAIRSVILLE, OH	0.91
SANDUSKY, OH	0.87
SPRINGFIELD, OH	0.85
TOLEDO, OH	0.92
TROY, OH	0.85
WASHINGTON CTHS, OH	0.90
WELLSTON, OH	0.90
YOUNGSTOWN, OH	0.92
ZANESVILLE, OH	0.85
ADA, OK	0.80
ALTUS, OK	0.93
ARDMORE, OK	0.80
CLINTON, OK	0.93
JAY, OK	0.80
JENKS, OK	0.82
LAWTON, OK	0.95
MCALESTER, OK	0.80
MUSKOGEE, OK	0.82
NORMAN, OK	0.88
OKLAHOMA CITY, OK	0.88
PONCA CITY, OK	0.93
POTEAU, OK	0.80
TALAHINA, OK	0.80
TULSA, OK	0.82
ASTORIA, OR	0.94
BANDON, OR	0.87
BEAVERTON, OR	0.96
BEND, OR	0.88
BROOKINGS, OR	0.87
EUGENE, OR	0.85
GRANTS PASS, OR	0.87
GRESHAM, OR	0.96
KLAMATH FALLS, OR	0.88
LAKE OSWEGO, OR	0.96
LINCOLN CITY, OR	0.86
PORTLAND, OR	0.93
ROSEBURG, OR	0.87
SALEM, OR	0.84
THE DALLES, OR	0.94
TILLAMOOK, OR	0.94
WHITE CITY, OR	0.84
ALIQUIPPA, PA	1.15
ALLENTOWN, PA	0.88
ALTOONA, PA	0.92
ARMSTRONG, PA	0.89
BLOOMSBURG, PA	0.87
BUTLER, PA	1.02
CAMP HILL, PA	0.90
CARBONDALE, PA	0.94
CLARION, PA	0.89
CLEARFIELD, PA	0.93
COATESVILLE, PA	1.35
CRAWFORD, PA	0.89
ERIE, PA	0.96
FAYETTE COUNTY, PA	1.15
GREENSBURG, PA	1.15
HARRISBURG, PA	0.90
JOHNSTOWN, PA	0.98
LANCASTER, PA	0.72
LAWRENCE, PA	1.02
LEBANON, PA	0.90
MCCANDLESS, PA	1.15
MCKEAN, PA	0.89
MCKEESPORT, PA	1.15
MERCER, PA	0.86
MONROEVILLE, PA	1.15
ORWIGSBURG, PA	0.83
PHILADELPHIA, PA	1.37
PITTSBURGH, PA	1.15
POTTSVILLE, PA	0.83
READING, PA	0.79
SAYRE, PA	0.93
SCHUYLKILL, PA	0.83
SCRANTON, PA	0.94
SHENANDOAH, PA	0.83
SPRINGFIELD, PA	1.42
STATE COLLEGE, PA	0.94
TOBYHANNA, PA	0.93
WASHINGTON, PA	1.15
WILKES-BARRE, PA	0.94
WILLIAMSPORT, PA	0.87
WILLOW GROVE, PA	1.42
YORK, PA	0.81
ARECIBO, PR	0.49
CEIBA, PR	0.49
FAJARDO, PR	0.49
MAYAGUEZ, PR	0.49
PONCE, PR	0.49
SAN JUAN, PR	0.49
CRANSTON, RI	0.86
PROVIDENCE, RI	0.86
CHARLESTON, SC	0.96
COLUMBIA, SC	0.91
FLORENCE, SC	0.98
GREENVILLE, SC	0.89
MYRTLE BEACH, SC	0.98

TABLE D.—OUTPATIENT FACILITY GAAFS (GEOGRAPHIC AREA ADJUSTMENT FACTORS); BY VA FACILITY LOCATION—Continued

VA Facility Location	GAAF
EAGLE BUTTE, SD	0.73
ELLSWORTH AFB, SD	0.77
FORT MEADE, SD	0.77
HOT SPRINGS, SD	0.73
KYLE, SD	0.73
MCLAUGHLIN, SD	0.73
PIERRE, SD	0.73
PINE RIDGE, SD	0.73
RAPID CITY, SD	0.77
ROSEBUD, SD	0.73
SIOUX FALLS, SD	0.73
WINNER, SD	0.73
ARNOLD AFB, TN	0.90
CHATTANOOGA, TN	0.93
CLARKSVILLE, TN	0.93
COOKEVILLE, TN	0.90
DOVER, TN	0.92
JOHNSON CITY, TN	0.92
KNOXVILLE, TN	0.91
MADISON, TN	0.92
MEMPHIS, TN	0.86
MOUNTAIN CITY, TN	0.90
MOUNTAIN HOME, TN	0.92
MURFREESBORO, TN	0.92
NASHVILLE, TN	0.90
TULLAHOMA, TN	0.90
ABILENE, TX	1.13
ALICE, TX	1.08
AMARILLO, TX	1.03
AUSTIN, TX	0.92
BEAUMONT, TX	1.16
BEEVILLE, TX	0.92
BIG SPRING, TX	1.01
BONHAM, TX	1.08
BROWNSVILLE, TX	1.16
BROWNWOOD, TX	0.99
BRYAN, TX	1.06
CHILDRESS, TX	1.01
CLEBURNE, TX	1.13
COPPERAS COVE, TX	0.92
CORPUS CHRISTI, TX	1.16
CORSICANA, TX	1.08
DALLAS, TX	1.10
DECATUR, TX	1.06
DEL RIO, TX	0.99
DENTON, TX	1.14
DIAMOND HILL, TX	1.13
EAGLE PASS, TX	0.99
EASTLAND, TX	1.06
EL PASO, TX	1.33
FORT STOCKTON, TX	0.99
FORT WORTH, TX	1.13
GALVESTON, TX	1.18
GEORGETOWN, TX	0.92
GREENVILLE, TX	1.11
HAMILTON, TX	0.98
HOUSTON, TX	1.14
KERRVILLE, TX	0.92
KINGSVILLE, TX	1.08
LAREDO, TX	0.88
LONGVIEW, TX	1.01
LUBBOCK, TX	1.10
LUFKIN, TX	1.03
MARLIN, TX	0.94
MCALLEN, TX	1.16
MCKINNEY, TX	1.16
MEMPHIS, TX	1.01
MIDLAND, TX	1.01
MONAHANS, TX	1.01
NEW BRAUNFELS, TX	0.94
ODESSA, TX	1.01
PALESTINE, TX	1.03
PLEASANT GROVE, TX	1.10
REESE, TX	1.10
SAN ANGELO, TX	0.91
SAN ANTONIO, TX	1.05
SAN MARCOS, TX	0.92
SEGUIN, TX	0.94
SOUTH BEXAR CO., TX	1.05
STAMFORD, TX	1.01
STEPHENVILLE, TX	1.06
STRATFORD, TX	1.01
TEMPLE, TX	0.92
TEXARKANA, T X	1.00
TYLER, TX	1.04
UVALDE, TX	0.99
VICTORIA, TX	0.87
WACO, TX	0.94
WICHITA FALLS, TX	1.02
WILLFORD HALL, TX	1.05
LAYTON, UT	0.88
OGDEN, UT	0.90
OREM, UT	0.88
PROVO, UT	0.86
ROOSEVELT, UT	0.88
SAINT GEORGE, UT	0.86
SALT LAKE CITY, UT	0.88
ALEXANDRIA, VA	0.92
COVINGTON, VA	0.81
DANVILLE, VA	0.84
FAIRFAX, VA	0.92
FREDERICKSBURG, VA	0.98
HAMPTON , VA	0.92
HILLSVILLE, VA	0.89
LANGLEY, VA	0.92
LYNCHBURG, VA	0.84
MARION, VA	0.89
MARTINSVILLE, VA	0.89
NORFOLK, VA	0.92
NORTON, VA	0.89
PETERSBURG, VA	1.04
PULASKI, VA	0.89
RICHMOND, VA	1.04
ROANOKE, VA	0.88
SALEM, VA	0.88
STUARTS DRAFT, VA	0.81
TAZEWELL, VA	0.89
BENNINGTON, VT	0.78
BURLINGTON, VT	0.74
MONTPELIER, VT	0.78
NEWPORT, VT	0.78
NORTH TROY, VT	0.78
RUTLAND, VT	0.78
SAINT ALBANS, VT	0.74
SAINT JOHNSBURY, VT	0.78
WHITE RIVER JCT, VT	0.78
WILDER, VT	0.78
AMERICAN LAKE, WA	0.95
BELLINGHAM, WA	0.96
BREMERTON, WA	0.92
EAST WENATCHEE, WA	0.91
KITSAP COUNTY, WA	0.92
LONGVIEW, WA	0.84
LYNWOOD, WA	0.82
MADIGAN, WA	0.95
OLYMPIA, WA	0.98
PULLMAN, WA	0.91
RICHLAND, WA	0.94
SEATTLE, WA	0.84
SOUTH THURSTON CO., WA	0.98
SPOKANE, WA	0.91
TACOMA, WA	0.95
TOPPENISH, WA	0.86
TRI-CITIES AREA, WA	0.94
VANCOUVER, WA	0.87
WALLA WALLA, WA	0.94
YAKIMA, WA	0.86
APPLETON, WI	0.72
BARABOO, WI	0.85
BEAVER DAM, WI	0.85
CHIPPEWA FALLS, WI	0.82
EAU CLAIRE, WI	0.82
JANESVILLE, WI	0.84
LOYAL, WI	0.78
MADISON, WI	0.71
MARINETTE, WI	0.81
MILWAUKEE, WI	0.94
RHINELANDER, WI	0.82
SUPERIOR, WI	0.85
TOMAH, WI	0.80
UNION GROVE, WI	0.92
WAUSAU, WI	0.76
WAUTOMA, WI	0.75
BECKLEY, WV	0.80
CHARLESTON, WV	0.80
CLARKSBURG, WV	0.78
HUNTINGTON, WV	0.81
MARTINSBURG, WV	0.86
MORGANTOWN, WV	0.78
PARKERSBURG, WV	0.80
PARSONS, WV	0.78
PRINCETON, WV	0.80
WHEELING, WV	0.85
CASPER, WY	0.97
CHEYENNE, WY	0.91
NEWCASTLE, WY	0.89
RIVERTON, WY	0.89
ROCK SPRINGS, WY	0.89
SHERIDAN, WY	0.89

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
10040	0	ACNE SURGERY OF SKIN	Surgery	1.18	0.32	$120.59
10060	0	DRAINAGE OF SKIN ABSCESS	Surgery	1.17	0.44	$120.59
10061	0	DRAINAGE OF SKIN ABSCESS	Surgery	2.40	0.64	$120.59
10080	0	DRAINAGE OF PILONIDAL	Surgery	1.17	0.50	$120.59
10081	0	DRAINAGE OF PILONIDAL	Surgery	2.45	0.56	$120.59
10120	0	REMOVE FOREIGN BODY	Surgery	1.22	0.46	$120.59
10121	0	REMOVE FOREIGN BODY	Surgery	2.69	0.50	$120.59
10140	0	DRAINAGE OF HEMATOMA/	Surgery	1.53	0.48	$120.59
10160	0	PUNCTURE DRAINAGE OF	Surgery	1.20	0.38	$120.59
10180	0	COMPLEX DRAINAGE, WOUND	Surgery	2.25	1.05	$120.59
11000	0	DEBRIDE INFECTED SKIN	Surgery	0.60	0.40	$120.59
11001	0	DEBRIDE INFECT SKIN ADD	Surgery	0.30	0.26	$120.59
11010	0	DEBRIDE SKIN, FX	Surgery	4.20	3.96	$120.59
11011	0	DEBRIDE SKIN/MUSCLE, FX	Surgery	4.95	4.72	$120.59
11012	0	DEBRIDE SKIN/MUSCLE/	Surgery	6.88	6.56	$120.59
11055	0	TRIM SKIN LESION	Surgery	0.27	0.19	$120.59
11056	0	TRIM 2 TO 4 SKIN LESIONS	Surgery	0.39	0.26	$120.59
11057	0	TRIM OVER 4 SKIN LESIONS	Surgery	0.50	0.21	$120.59
11100	0	BIOPSY OF SKIN LESION	Surgery	0.81	0.51	$120.59
11101	0	BIOPSY, EACH ADDED	Surgery	0.41	0.29	$120.59
11200	0	REMOVAL OF SKIN TAGS	Surgery	0.77	0.43	$120.59
11201	0	REMOVAL OF ADDED SKIN	Surgery	0.29	0.17	$120.59
11300	0	SHAVE SKIN LESION	Surgery	0.51	0.53	$120.59
11301	0	SHAVE SKIN LESION	Surgery	0.85	0.67	$120.59
11302	0	SHAVE SKIN LESION	Surgery	1.05	0.89	$120.59
11303	0	SHAVE SKIN LESION	Surgery	1.24	1.36	$120.59
11305	0	SHAVE SKIN LESION	Surgery	0.67	0.52	$120.59
11306	0	SHAVE SKIN LESION	Surgery	0.99	0.71	$120.59
11307	0	SHAVE SKIN LESION	Surgery	1.14	0.94	$120.59
11308	0	SHAVE SKIN LESION	Surgery	1.41	1.40	$120.59
11310	0	SHAVE SKIN LESION	Surgery	0.73	0.69	$120.59
11311	0	SHAVE SKIN LESION	Surgery	1.05	0.85	$120.59
11312	0	SHAVE SKIN LESION	Surgery	1.20	1.12	$120.59
11313	0	SHAVE SKIN LESION	Surgery	1.62	1.49	$120.59
11400	0	REMOVAL OF SKIN LESION	Surgery	0.91	0.53	$120.59
11401	0	REMOVAL OF SKIN LESION	Surgery	1.32	0.67	$120.59
11402	0	REMOVAL OF SKIN LESION	Surgery	1.61	0.89	$120.59
11403	0	REMOVAL OF SKIN LESION	Surgery	1.92	1.17	$120.59
11404	0	REMOVAL OF SKIN LESION	Surgery	2.20	0.69	$120.59
11406	0	REMOVAL OF SKIN LESION	Surgery	2.76	1.88	$120.59
11420	0	REMOVAL OF SKIN LESION	Surgery	1.06	0.52	$120.59
11421	0	REMOVAL OF SKIN LESION	Surgery	1.53	0.71	$120.59
11422	0	REMOVAL OF SKIN LESION	Surgery	1.76	0.94	$120.59
11423	0	REMOVAL OF SKIN LESION	Surgery	2.17	0.66	$120.59
11424	0	REMOVAL OF SKIN LESION	Surgery	2.62	0.70	$120.59
11426	0	REMOVAL OF SKIN LESION	Surgery	3.78	1.83	$120.59
11440	0	REMOVAL OF SKIN LESION	Surgery	1.15	0.69	$120.59
11441	0	REMOVAL OF SKIN LESION	Surgery	1.61	0.85	$120.59
11442	0	REMOVAL OF SKIN LESION	Surgery	1.87	1.12	$120.59
11443	0	REMOVAL OF SKIN LESION	Surgery	2.49	1.45	$120.59
11444	0	REMOVAL OF SKIN LESION	Surgery	3.42	0.74	$120.59
11446	0	REMOVAL OF SKIN LESION	Surgery	4.49	0.89	$120.59
11450	0	REMOVAL, SWEAT GLAND	Surgery	2.73	2.68	$120.59
11451	0	REMOVAL, SWEAT GLAND	Surgery	3.95	2.90	$120.59
11462	0	REMOVAL, SWEAT GLAND	Surgery	2.51	2.41	$120.59
11463	0	REMOVAL, SWEAT GLAND	Surgery	3.95	2.00	$120.59
11470	0	REMOVAL, SWEAT GLAND	Surgery	3.25	2.78	$120.59
11471	0	REMOVAL, SWEAT GLAND	Surgery	4.41	2.46	$120.59
11600	0	REMOVAL OF SKIN LESION	Surgery	1.41	1.13	$120.59
11601	0	REMOVAL OF SKIN LESION	Surgery	1.93	1.39	$120.59
11602	0	REMOVAL OF SKIN LESION	Surgery	2.09	1.82	$120.59
11603	0	REMOVAL OF SKIN LESION	Surgery	2.35	2.25	$120.59
11604	0	REMOVAL OF SKIN LESION	Surgery	2.58	1.30	$120.59
11606	0	REMOVAL OF SKIN LESION	Surgery	3.43	3.11	$120.59
11620	0	REMOVAL OF SKIN LESION	Surgery	1.34	1.34	$120.59
11621	0	REMOVAL OF SKIN LESION	Surgery	1.97	1.75	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
11622	0	REMOVAL OF SKIN LESION	Surgery	2.34	2.20	$120.59
11623	0	REMOVAL OF SKIN LESION	Surgery	2.93	2.58	$120.59
11624	0	REMOVAL OF SKIN LESION	Surgery	3.43	1.61	$120.59
11626	0	REMOVAL OF SKIN LESION	Surgery	4.30	3.41	$120.59
11640	0	REMOVAL OF SKIN LESION	Surgery	1.53	1.65	$120.59
11641	0	REMOVAL OF SKIN LESION	Surgery	2.44	2.09	$120.59
11642	0	REMOVAL OF SKIN LESION	Surgery	2.93	2.57	$120.59
11643	0	REMOVAL OF SKIN LESION	Surgery	3.50	1.51	$120.59
11644	0	REMOVAL OF SKIN LESION	Surgery	4.55	1.76	$120.59
11646	0	REMOVAL OF SKIN LESION	Surgery	5.95	4.32	$120.59
11719	0	TRIM NAIL(S)	Surgery	0.06	0.18	$120.59
11720	0	DEBRIDE NAIL, 1–5	Surgery	0.32	0.32	$120.59
11721	0	DEBRIDE NAIL, 6 OR MORE	Surgery	0.54	0.54	$120.59
11730	0	REMOVAL OF NAIL PLATE	Surgery	1.13	0.45	$120.59
11731	0	REMOVAL OF SECOND NAIL	Surgery	0.57	0.51	$120.59
11732	0	REMOVE ADDITIONAL NAIL	Surgery	0.57	0.25	$120.59
11740	0	DRAIN BLOOD FROM UNDER	Surgery	0.37	0.39	$120.59
11750	0	REMOVAL OF NAIL BED	Surgery	1.86	2.10	$120.59
11752	0	REMOVE NAIL BED/FINGER	Surgery	2.67	1.41	$120.59
11755	0	BIOPSY, NAIL UNIT	Surgery	1.31	0.99	$120.59
11760	0	RECONSTRUCTION OF NAIL	Surgery	1.58	0.93	$120.59
11762	0	RECONSTRUCTION OF NAIL	Surgery	2.89	1.29	$120.59
11765	0	EXCISION OF NAIL FOLD,	Surgery	0.69	0.51	$120.59
11770	0	REMOVAL OF PILONIDAL	Surgery	2.61	2.67	$120.59
11771	0	REMOVAL OF PILONIDAL	Surgery	5.74	4.52	$120.59
11772	0	REMOVAL OF PILONIDAL	Surgery	6.98	4.82	$120.59
11900	0	INJECTION INTO SKIN	Surgery	0.52	0.25	$120.59
11901	0	ADDED SKIN LESIONS	Surgery	0.80	0.41	$120.59
11920	0	CORRECT SKIN COLOR	Surgery	1.61	1.18	$120.59
11921	0	CORRECT SKIN COLOR	Surgery	1.93	1.40	$120.59
11922	0	CORRECT SKIN COLOR	Surgery	0.49	0.36	$120.59
11950	0	THERAPY FOR CONTOUR	Surgery	0.84	1.19	$120.59
11951	0	THERAPY FOR CONTOUR	Surgery	1.19	1.19	$120.59
11952	0	THERAPY FOR CONTOUR	Surgery	1.69	1.19	$120.59
11954	0	THERAPY FOR CONTOUR	Surgery	1.85	1.19	$120.59
11960	0	INSERT TISSUE	Surgery	9.08	7.73	$120.59
11970	0	REPLACE TISSUE EXPANDER	Surgery	7.06	7.77	$120.59
11971	0	REMOVE TISSUE	Surgery	2.13	2.30	$120.59
11975	0	INSERT CONTRACEPTIVE CAP	Surgery	1.48	1.06	$120.59
11976	0	REMOVAL OF CONTRACEPTIVE	Surgery	1.78	1.28	$120.59
11977	0	REMOVAL/REINSERT CONTRA	Surgery	3.30	2.36	$120.59
12001	0	REPAIR SUPERFICIAL	Surgery	1.70	0.57	$120.59
12002	0	REPAIR SUPERFICIAL	Surgery	1.86	0.79	$120.59
12004	0	REPAIR SUPERFICIAL	Surgery	2.24	1.14	$120.59
12005	0	REPAIR SUPERFICIAL	Surgery	2.86	1.47	$120.59
12006	0	REPAIR SUPERFICIAL	Surgery	3.67	1.78	$120.59
12007	0	REPAIR SUPERFICIAL	Surgery	4.12	1.80	$120.59
12011	0	REPAIR SUPERFICIAL	Surgery	1.76	0.74	$120.59
12013	0	REPAIR SUPERFICIAL	Surgery	1.99	1.03	$120.59
12014	0	REPAIR SUPERFICIAL	Surgery	2.46	1.19	$120.59
12015	0	REPAIR SUPERFICIAL	Surgery	3.19	1.62	$120.59
12016	0	REPAIR SUPERFICIAL	Surgery	3.93	2.26	$120.59
12017	0	REPAIR SUPERFICIAL	Surgery	4.71	3.36	$120.59
12018	0	REPAIR SUPERFICIAL	Surgery	5.53	5.15	$120.59
12020	0	CLOSURE OF SPLIT WOUND	Surgery	2.62	1.19	$120.59
12021	0	CLOSURE OF SPLIT WOUND	Surgery	1.84	0.31	$120.59
12031	0	LAYER CLOSURE OF	Surgery	2.15	0.72	$120.59
12032	0	LAYER CLOSURE OF	Surgery	2.47	0.53	$120.59
12034	0	LAYER CLOSURE OF	Surgery	2.92	1.47	$120.59
12035	0	LAYER CLOSURE OF	Surgery	3.43	1.92	$120.59
12036	0	LAYER CLOSURE OF	Surgery	4.05	2.32	$120.59
12037	0	LAYER CLOSURE OF	Surgery	4.67	3.09	$120.59
12041	0	LAYER CLOSURE OF	Surgery	2.37	0.84	$120.59
12042	0	LAYER CLOSURE OF	Surgery	2.74	0.59	$120.59
12044	0	LAYER CLOSURE OF	Surgery	3.14	1.62	$120.59
12045	0	LAYER CLOSURE OF	Surgery	3.64	2.13	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
12046	0	LAYER CLOSURE OF	Surgery	4.25	2.82	$120.59
12047	0	LAYER CLOSURE OF	Surgery	4.65	4.02	$120.59
12051	0	LAYER CLOSURE OF	Surgery	2.47	0.51	$120.59
12052	0	LAYER CLOSURE OF	Surgery	2.77	0.74	$120.59
12053	0	LAYER CLOSURE OF	Surgery	3.12	1.76	$120.59
12054	0	LAYER CLOSURE OF	Surgery	3.46	2.60	$120.59
12055	0	LAYER CLOSURE OF	Surgery	4.43	3.24	$120.59
12056	0	LAYER CLOSURE OF	Surgery	5.24	4.74	$120.59
12057	0	LAYER CLOSURE OF	Surgery	5.96	5.57	$120.59
13100	0	REPAIR OF WOUND OR	Surgery	3.12	0.57	$120.59
13101	0	REPAIR OF WOUND OR	Surgery	3.92	1.04	$120.59
13120	0	REPAIR OF WOUND OR	Surgery	3.30	0.68	$120.59
13121	0	REPAIR OF WOUND OR	Surgery	4.33	1.33	$120.59
13131	0	REPAIR OF WOUND OR	Surgery	3.79	0.99	$120.59
13132	0	REPAIR OF WOUND OR	Surgery	5.95	2.29	$120.59
13150	0	REPAIR OF WOUND OR	Surgery	3.81	1.76	$120.59
13151	0	REPAIR OF WOUND OR	Surgery	4.45	1.23	$120.59
13152	0	REPAIR OF WOUND OR	Surgery	6.33	2.57	$120.59
13160	0	LATE CLOSURE OF WOUND	Surgery	10.48	3.33	$120.59
13300	0	REPAIR OF WOUND OR	Surgery	5.27	5.71	$120.59
14000	0	SKIN TISSUE	Surgery	5.89	1.71	$120.59
14001	0	SKIN TISSUE	Surgery	8.47	4.75	$120.59
14020	0	SKIN TISSUE	Surgery	6.59	4.90	$120.59
14021	0	SKIN TISSUE	Surgery	10.06	6.21	$120.59
14040	0	SKIN TISSUE	Surgery	7.87	3.39	$120.59
14041	0	SKIN TISSUE	Surgery	11.49	3.94	$120.59
14060	0	SKIN TISSUE	Surgery	8.50	7.75	$120.59
14061	0	SKIN TISSUE	Surgery	12.29	5.25	$120.59
14300	0	SKIN TISSUE	Surgery	11.76	11.31	$120.59
14350	0	SKIN TISSUE	Surgery	9.61	6.07	$120.59
15000	0	SKIN GRAFT PROCEDURE	Surgery	1.95	2.15	$120.59
15050	0	SKIN PINCH GRAFT	Surgery	4.30	1.79	$120.59
15100	0	SKIN SPLIT GRAFT	Surgery	9.05	4.54	$120.59
15101	0	SKIN SPLIT GRAFT	Surgery	1.72	1.59	$120.59
15120	0	SKIN SPLIT GRAFT	Surgery	9.83	6.05	$120.59
15121	0	SKIN SPLIT GRAFT	Surgery	2.67	2.91	$120.59
15200	0	SKIN FULL GRAFT	Surgery	8.03	4.13	$120.59
15201	0	SKIN FULL GRAFT	Surgery	1.32	1.45	$120.59
15220	0	SKIN FULL GRAFT	Surgery	7.87	4.84	$120.59
15221	0	SKIN FULL GRAFT	Surgery	1.19	1.31	$120.59
15240	0	SKIN FULL GRAFT	Surgery	9.04	6.10	$120.59
15241	0	SKIN FULL GRAFT	Surgery	1.86	2.05	$120.59
15260	0	SKIN FULL GRAFT	Surgery	10.06	7.46	$120.59
15261	0	SKIN FULL GRAFT	Surgery	2.23	2.45	$120.59
15350	0	SKIN HOMOGRAFT PROCEDURE	Surgery	4.36	2.15	$120.59
15400	0	SKIN HETEROGRAFT	Surgery	5.78	1.06	$120.59
15570	0	FORM SKIN PEDICLE FLAP	Surgery	9.21	5.50	$120.59
15572	0	FORM SKIN PEDICLE FLAP	Surgery	9.27	5.38	$120.59
15574	0	FORM SKIN PEDICLE FLAP	Surgery	9.88	5.40	$120.59
15576	0	FORM SKIN PEDICLE FLAP	Surgery	8.69	3.12	$120.59
15580	0	ATTACH SKIN PEDICLE	Surgery	9.46	4.31	$120.59
15600	0	SKIN GRAFT PROCEDURE	Surgery	1.91	2.10	$120.59
15610	0	SKIN GRAFT PROCEDURE	Surgery	2.42	2.66	$120.59
15620	0	SKIN GRAFT PROCEDURE	Surgery	2.94	3.23	$120.59
15625	0	SKIN GRAFT PROCEDURE	Surgery	1.91	2.10	$120.59
15630	0	SKIN GRAFT PROCEDURE	Surgery	3.27	3.60	$120.59
15650	0	TRANSFER SKIN PEDICLE	Surgery	3.97	4.37	$120.59
15732	0	MUSCLE-SKIN GRAFT, HEAD/	Surgery	17.84	15.48	$120.59
15734	0	MUSCLE-SKIN GRAFT, TRUNK	Surgery	17.79	19.01	$120.59
15736	0	MUSCLE-SKIN GRAFT, ARM	Surgery	16.27	16.21	$120.59
15738	0	MUSCLE-SKIN GRAFT, LEG	Surgery	17.92	12.89	$120.59
15740	0	ISLAND PEDICLE FLAP	Surgery	10.25	10.39	$120.59
15750	0	NEUROVASCULAR PEDICLE	Surgery	11.41	11.96	$120.59
15756	0	FREE MUSCLE FLAP,	Surgery	35.23	30.09	$120.59
15757	0	FREE SKIN FLAP,	Surgery	35.23	30.09	$120.59
15758	0	FREE FASCIAL FLAP,	Surgery	35.10	30.09	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
15760	0	COMPOSITE SKIN GRAFT	Surgery	8.74	7.29	$120.59
15770	0	DERMA-FAT-FASCIA GRAFT	Surgery	7.52	7.46	$120.59
15775	0	HAIR TRANSPLANT PUNCH	Surgery	3.96	2.88	$120.59
15776	0	HAIR TRANSPLANT PUNCH	Surgery	5.54	4.03	$120.59
15780	0	ABRASION TREATMENT OF	Surgery	7.29	0.77	$120.59
15781	0	ABRASION TREATMENT OF	Surgery	4.85	3.77	$120.59
15782	0	ABRASION TREATMENT OF	Surgery	4.32	1.19	$120.59
15783	0	ABRASION TREATMENT OF	Surgery	4.29	0.93	$120.59
15786	0	ABRASION TREATMENT OF	Surgery	2.03	0.62	$120.59
15787	0	ABRASION, ADDED SKIN	Surgery	0.33	0.23	$120.59
15788	0	CHEMICAL PEEL, FACE,	Surgery	2.09	1.48	$120.59
15789	0	CHEMICAL PEEL, FACE,	Surgery	4.92	1.48	$120.59
15792	0	CHEMICAL PEEL, NONFACIAL	Surgery	1.86	0.50	$120.59
15793	0	CHEMICAL PEEL, NONFACIAL	Surgery	3.74	0.50	$120.59
15810	0	SALABRASION	Surgery	4.74	3.80	$120.59
15811	0	SALABRASION	Surgery	5.39	3.74	$120.59
15819	0	PLASTIC SURGERY, NECK	Surgery	9.38	8.01	$120.59
15820	0	REVISION OF LOWER EYELID	Surgery	5.15	5.67	$120.59
15821	0	REVISION OF LOWER EYELID	Surgery	5.72	6.29	$120.59
15822	0	REVISION OF UPPER EYELID	Surgery	4.45	4.90	$120.59
15823	0	REVISION OF UPPER EYELID	Surgery	7.05	7.71	$120.59
15831	0	EXCISE EXCESSIVE SKIN	Surgery	12.40	9.84	$120.59
15832	0	EXCISE EXCESSIVE SKIN	Surgery	11.59	8.29	$120.59
15833	0	EXCISE EXCESSIVE SKIN	Surgery	10.64	6.22	$120.59
15834	0	EXCISE EXCESSIVE SKIN	Surgery	10.85	7.18	$120.59
15835	0	EXCISE EXCESSIVE SKIN	Surgery	11.67	7.00	$120.59
15836	0	EXCISE EXCESSIVE SKIN	Surgery	9.34	5.80	$120.59
15837	0	EXCISE EXCESSIVE SKIN	Surgery	8.43	5.97	$120.59
15838	0	EXCISE EXCESSIVE SKIN	Surgery	7.13	5.88	$120.59
15839	0	EXCISE EXCESSIVE SKIN	Surgery	9.38	2.44	$120.59
15840	0	GRAFT FOR FACE NERVE	Surgery	13.26	14.59	$120.59
15841	0	GRAFT FOR FACE NERVE	Surgery	23.26	16.87	$120.59
15842	0	GRAFT FOR FACE NERVE	Surgery	37.96	29.00	$120.59
15845	0	SKIN AND MUSCLE REPAIR,	Surgery	12.57	13.83	$120.59
15850	0	REMOVAL OF SUTURES	Surgery	0.78	0.36	$120.59
15851	0	REMOVAL OF SUTURES	Surgery	0.86	0.30	$120.59
15852	0	DRESSING CHANGE, NOT FOR	Surgery	0.86	0.44	$120.59
15860	0	TEST FOR BLOOD FLOW IN	Surgery	1.95	1.35	$120.59
15920	0	REMOVAL OF TAIL BONE	Surgery	7.95	2.95	$120.59
15922	0	REMOVAL OF TAIL BONE	Surgery	9.90	5.98	$120.59
15931	0	REMOVE SACRUM PRESSURE	Surgery	9.24	2.93	$120.59
15933	0	REMOVE SACRUM PRESSURE	Surgery	10.85	6.92	$120.59
15934	0	REMOVE SACRUM PRESSURE	Surgery	12.69	7.46	$120.59
15935	0	REMOVE SACRUM PRESSURE	Surgery	14.57	11.24	$120.59
15936	0	REMOVE SACRUM PRESSURE	Surgery	12.38	10.27	$120.59
15937	0	REMOVE SACRUM PRESSURE	Surgery	14.21	13.47	$120.59
15940	0	REMOVAL OF PRESSURE SORE	Surgery	9.34	3.55	$120.59
15941	0	REMOVAL OF PRESSURE SORE	Surgery	11.43	7.05	$120.59
15944	0	REMOVAL OF PRESSURE SORE	Surgery	11.46	9.26	$120.59
15945	0	REMOVAL OF PRESSURE SORE	Surgery	12.69	11.14	$120.59
15946	0	REMOVAL OF PRESSURE SORE	Surgery	21.57	16.61	$120.59
15950	0	REMOVE THIGH PRESSURE	Surgery	7.54	3.01	$120.59
15951	0	REMOVE THIGH PRESSURE	Surgery	10.72	7.65	$120.59
15952	0	REMOVE THIGH PRESSURE	Surgery	11.39	7.13	$120.59
15953	0	REMOVE THIGH PRESSURE	Surgery	12.63	9.08	$120.59
15956	0	REMOVE THIGH PRESSURE	Surgery	15.52	17.07	$120.59
15958	0	REMOVE THIGH PRESSURE	Surgery	15.48	17.03	$120.59
16000	0	INITIAL TREATMENT OF	Surgery	0.89	0.35	$120.59
16010	0	TREATMENT OF BURN(S)	Surgery	0.87	0.32	$120.59
16015	0	TREATMENT OF BURN(S)	Surgery	2.35	2.04	$120.59
16020	0	TREATMENT OF BURN(S)	Surgery	0.80	0.34	$120.59
16025	0	TREATMENT OF BURN(S)	Surgery	1.85	0.45	$120.59
16030	0	TREATMENT OF BURN(S)	Surgery	2.08	0.52	$120.59
16035	0	INCISION OF BURN SCAB	Surgery	4.82	1.88	$120.59
16040	0	BURN WOUND EXCISION	Surgery	1.02	1.12	$120.59
16041	0	BURN WOUND EXCISION	Surgery	2.70	2.97	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
16042	0	BURN WOUND EXCISION	Surgery	2.35	2.59	$120.59
17000	0	DESTROY BENIGN/PREMAL	Surgery	0.60	0.42	$120.59
17003	0	DESTROY 2–14 LESIONS	Surgery	0.15	0.13	$120.59
17004	0	DESTROY 15 & MORE	Surgery	2.79	2.25	$120.59
17106	0	DESTRUCTION OF SKIN	Surgery	4.59	1.93	$120.59
17107	0	DESTRUCTION OF SKIN	Surgery	9.16	3.70	$120.59
17108	0	DESTRUCTION OF SKIN	Surgery	13.20	9.32	$120.59
17110	0	DESTRUCT LESION, 1–14	Surgery	0.65	0.40	$120.59
17111	0	DESTRUCT LESION, 15 OR	Surgery	0.92	0.60	$120.59
17250	0	CHEMICAL CAUTERY, TISSUE	Surgery	0.50	0.34	$120.59
17260	0	DESTRUCTION OF SKIN	Surgery	0.91	1.13	$120.59
17261	0	DESTRUCTION OF SKIN	Surgery	1.17	1.39	$120.59
17262	0	DESTRUCTION OF SKIN	Surgery	1.58	1.82	$120.59
17263	0	DESTRUCTION OF SKIN	Surgery	1.79	2.25	$120.59
17264	0	DESTRUCTION OF SKIN	Surgery	1.94	2.59	$120.59
17266	0	DESTRUCTION OF SKIN	Surgery	2.34	3.11	$120.59
17270	0	DESTRUCTION OF SKIN	Surgery	1.32	1.34	$120.59
17271	0	DESTRUCTION OF SKIN	Surgery	1.49	1.75	$120.59
17272	0	DESTRUCTION OF SKIN	Surgery	1.77	2.20	$120.59
17273	0	DESTRUCTION OF SKIN	Surgery	2.05	2.58	$120.59
17274	0	DESTRUCTION OF SKIN	Surgery	2.59	3.21	$120.59
17276	0	DESTRUCTION OF SKIN	Surgery	3.20	3.41	$120.59
17280	0	DESTRUCTION OF SKIN	Surgery	1.17	1.65	$120.59
17281	0	DESTRUCTION OF SKIN	Surgery	1.72	2.09	$120.59
17282	0	DESTRUCTION OF SKIN	Surgery	2.04	2.57	$120.59
17283	0	DESTRUCTION OF SKIN	Surgery	2.64	3.01	$120.59
17284	0	DESTRUCTION OF SKIN	Surgery	3.21	3.51	$120.59
17286	0	DESTRUCTION OF SKIN	Surgery	4.44	4.32	$120.59
17304	0	CHEMOSURGERY OF SKIN	Surgery	7.60	4.02	$120.59
17305	0	2ND STAGE CHEMOSURGERY	Surgery	2.85	2.26	$120.59
17306	0	3RD STAGE CHEMOSURGERY	Surgery	2.85	1.40	$120.59
17307	0	FOLLOWUP SKIN LESION	Surgery	2.85	1.47	$120.59
17310	0	EXTENSIVE SKIN	Surgery	0.95	0.13	$120.59
17340	0	CRYOTHERAPY OF SKIN	Surgery	0.76	0.28	$120.59
17360	0	SKIN PEEL THERAPY	Surgery	1.43	0.27	$120.59
19000	0	DRAINAGE OF BREAST	Surgery	0.84	0.38	$120.59
19001	0	DRAIN ADDED BREAST	Surgery	0.42	0.24	$120.59
19020	0	INCISION OF BREAST	Surgery	3.57	1.40	$120.59
19030	0	INJECTION FOR BREAST X-	Surgery	1.53	0.49	$120.59
19100	0	BIOPSY OF BREAST	Surgery	1.27	0.32	$120.59
19101	0	BIOPSY OF BREAST	Surgery	3.18	2.34	$120.59
19110	0	NIPPLE EXPLORATION	Surgery	4.30	2.46	$120.59
19112	0	EXCISE BREAST DUCT	Surgery	3.67	2.34	$120.59
19120	0	REMOVAL OF BREAST LESION	Surgery	5.56	2.90	$120.59
19125	0	EXCISION, BREAST LESION	Surgery	6.06	2.90	$120.59
19126	0	EXCISION, ADDED BREAST	Surgery	2.93	1.45	$120.59
19140	0	REMOVAL OF BREAST TISSUE	Surgery	5.14	4.29	$120.59
19160	0	REMOVAL OF BREAST TISSUE	Surgery	5.99	4.13	$120.59
19162	0	REMOVE BREAST TISSUE,	Surgery	13.53	9.38	$120.59
19180	0	REMOVAL OF BREAST	Surgery	8.80	5.61	$120.59
19182	0	REMOVAL OF BREAST	Surgery	7.73	6.07	$120.59
19200	0	REMOVAL OF BREAST	Surgery	15.49	10.22	$120.59
19220	0	REMOVAL OF BREAST	Surgery	15.72	10.73	$120.59
19240	0	REMOVAL OF BREAST	Surgery	16.00	9.44	$120.59
19260	0	REMOVAL OF CHEST WALL	Surgery	15.44	5.05	$120.59
19271	0	REVISION OF CHEST WALL	Surgery	18.90	13.95	$120.59
19272	0	EXTENSIVE CHEST WALL	Surgery	21.55	12.60	$120.59
19290	0	PLACE NEEDLE WIRE,	Surgery	1.27	0.44	$120.59
19291	0	PLACE NEEDLE WIRE,	Surgery	0.63	0.25	$120.59
19316	0	SUSPENSION OF BREAST	Surgery	10.69	11.76	$120.59
19318	0	REDUCTION OF LARGE	Surgery	15.62	14.18	$120.59
19324	0	ENLARGE BREAST	Surgery	5.85	3.29	$120.59
19325	0	ENLARGE BREAST WITH	Surgery	8.45	5.87	$120.59
19328	0	REMOVAL OF BREAST	Surgery	5.68	3.76	$120.59
19330	0	REMOVAL OF IMPLANT	Surgery	7.59	3.88	$120.59
19340	0	IMMEDIATE BREAST	Surgery	6.33	6.96	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
19342	0	DELAYED BREAST	Surgery	11.20	10.81	$120.59
19350	0	BREAST RECONSTRUCTION	Surgery	8.92	7.08	$120.59
19355	0	CORRECT INVERTED	Surgery	7.57	4.93	$120.59
19357	0	BREAST RECONSTRUCTION	Surgery	18.16	12.15	$120.59
19361	0	BREAST RECONSTRUCTION	Surgery	19.26	20.13	$120.59
19364	0	BREAST RECONSTRUCTION	Surgery	29.04	16.68	$120.59
19366	0	BREAST RECONSTRUCTION	Surgery	21.28	16.40	$120.59
19367	0	BREAST RECONSTRUCTION	Surgery	25.73	20.13	$120.59
19368	0	BREAST RECONSTRUCTION	Surgery	32.42	20.13	$120.59
19369	0	BREAST RECONSTRUCTION	Surgery	29.82	20.13	$120.59
19370	0	SURGERY OF BREAST	Surgery	8.05	6.17	$120.59
19371	0	REMOVAL OF BREAST	Surgery	9.35	7.91	$120.59
19380	0	REVISE BREAST	Surgery	9.14	8.11	$120.59
19396	0	DESIGN CUSTOM BREAST	Surgery	2.17	1.57	$120.59
20000	0	INCISION OF ABSCESS	Surgery	2.12	0.85	$120.59
20005	0	INCISION OF DEEP ABSCESS	Surgery	3.42	1.83	$120.59
20100	0	EXPLORE WOUND, NECK	Surgery	10.08	4.97	$120.59
20101	0	EXPLORE WOUND, CHEST	Surgery	3.22	1.57	$120.59
20102	0	EXPLORE WOUND, ABDOMEN	Surgery	3.94	1.92	$120.59
20103	0	EXPLORE WOUND, EXTREMITY	Surgery	5.30	2.59	$120.59
20150	0	EXCISE EPIPHYSEAL BAR	Surgery	13.69	12.40	$120.59
20200	0	MUSCLE BIOPSY	Surgery	1.46	1.12	$120.59
20205	0	DEEP MUSCLE BIOPSY	Surgery	2.35	1.88	$120.59
20206	0	NEEDLE BIOPSY, MUSCLE	Surgery	0.99	0.96	$120.59
20220	0	BONE BIOPSY, TROCAR/	Surgery	1.27	1.31	$120.59
20225	0	BONE BIOPSY, TROCAR/	Surgery	1.87	2.06	$120.59
20240	0	BONE BIOPSY, EXCISIONAL	Surgery	3.23	1.88	$120.59
20245	0	BONE BIOPSY, EXCISIONAL	Surgery	3.95	3.58	$120.59
20250	0	OPEN BONE BIOPSY	Surgery	5.03	5.07	$120.59
20251	0	OPEN BONE BIOPSY	Surgery	5.56	5.84	$120.59
20500	0	INJECTION OF SINUS TRACT	Surgery	1.23	0.36	$120.59
20501	0	INJECT SINUS TRACT FOR X-	Surgery	0.76	0.30	$120.59
20520	0	REMOVAL OF FOREIGN BODY	Surgery	1.85	0.71	$120.59
20525	0	REMOVAL OF FOREIGN BODY	Surgery	3.50	2.23	$120.59
20550	0	INJ TENDON/LIGAMENT/CYST	Surgery	0.86	0.38	$120.59
20600	0	DRAIN/INJECT JOINT/BURSA	Surgery	0.66	0.47	$120.59
20605	0	DRAIN/INJECT JOINT/BURSA	Surgery	0.68	0.45	$120.59
20610	0	DRAIN/INJECT JOINT/BURSA	Surgery	0.79	0.45	$120.59
20615	0	TREATMENT OF BONE CYST	Surgery	2.28	0.49	$120.59
20650	0	INSERT AND REMOVE BONE	Surgery	2.23	1.08	$120.59
20660	0	APPLY, REMOVE FIXATION	Surgery	2.51	1.56	$120.59
20661	0	APPLICATION OF HEAD	Surgery	4.89	3.82	$120.59
20662	0	APPLICATION OF PELVIS	Surgery	6.07	6.54	$120.59
20663	0	APPLICATION OF THIGH	Surgery	5.43	4.64	$120.59
20664	0	HALO BRACE APPLICATION	Surgery	8.06	3.82	$120.59
20665	0	REMOVAL OF FIXATION	Surgery	1.31	0.50	$120.59
20670	0	REMOVAL OF SUPPORT	Surgery	1.74	0.37	$120.59
20680	0	REMOVAL OF SUPPORT	Surgery	3.35	3.33	$120.59
20690	0	APPLY BONE FIXATION	Surgery	3.52	3.66	$120.59
20692	0	APPLY BONE FIXATION	Surgery	6.41	5.51	$120.59
20693	0	ADJUST BONE FIXATION	Surgery	5.86	2.49	$120.59
20694	0	REMOVE BONE FIXATION	Surgery	4.16	2.60	$120.59
20802	0	REPLANTATION, ARM,	Surgery	41.15	37.72	$120.59
20805	0	REPLANT FOREARM,	Surgery	50.00	46.17	$120.59
20808	0	REPLANTATION, HAND,	Surgery	61.65	57.40	$120.59
20816	0	REPLANTATION DIGIT,	Surgery	30.94	28.30	$120.59
20822	0	REPLANTATION DIGIT,	Surgery	25.59	23.39	$120.59
20824	0	REPLANTATION THUMB,	Surgery	30.94	28.30	$120.59
20827	0	REPLANTATION THUMB,	Surgery	26.41	24.05	$120.59
20838	0	REPLANTATION, FOOT,	Surgery	41.41	37.72	$120.59
20900	0	REMOVAL OF BONE FOR	Surgery	5.58	2.80	$120.59
20902	0	REMOVAL OF BONE FOR	Surgery	7.55	4.95	$120.59
20910	0	REMOVE CARTILAGE FOR	Surgery	5.34	0.79	$120.59
20912	0	REMOVE CARTILAGE FOR	Surgery	6.35	4.62	$120.59
20920	0	REMOVAL OF FASCIA FOR	Surgery	5.31	3.93	$120.59
20922	0	REMOVAL OF FASCIA FOR	Surgery	6.61	4.39	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
20924	0	REMOVAL OF TENDON FOR	Surgery	6.48	5.45	$120.59
20926	0	REMOVAL OF TISSUE FOR	Surgery	5.53	2.59	$120.59
20931	0	SPINAL BONE ALLOGRAFT	Surgery	1.81	1.73	$120.59
20937	0	SPINAL BONE AUTOGRAFT	Surgery	2.79	2.66	$120.59
20938	0	SPINAL BONE AUTOGRAFT	Surgery	3.02	2.88	$120.59
20950	0	RECORD FLUID PRESSURE,	Surgery	1.26	1.09	$120.59
20955	0	FIBULA BONE GRAFT,	Surgery	39.21	35.84	$120.59
20956	0	ILIAC BONE GRAFT,	Surgery	39.27	26.90	$120.59
20957	0	MT BONE GRAFT, MICROVASC	Surgery	40.65	27.87	$120.59
20962	0	OTHER BONE GRAFT,	Surgery	39.27	26.90	$120.59
20969	0	BONE/SKIN GRAFT,	Surgery	43.92	40.13	$120.59
20970	0	BONE/SKIN GRAFT, ILIAC	Surgery	43.06	39.31	$120.59
20972	0	BONE-SKIN GRAFT,	Surgery	42.99	39.61	$120.59
20973	0	BONE-SKIN GRAFT, GREAT	Surgery	45.76	42.25	$120.59
20974	0	ELECTRICAL BONE	Surgery	0.62	3.42	$120.59
20975	0	ELECTRICAL BONE	Surgery	2.60	2.86	$120.59
21010	0	INCISION OF JAW JOINT	Surgery	10.14	10.24	$120.59
21015	0	RESECTION OF FACIAL	Surgery	5.29	5.82	$120.59
21025	0	EXCISION OF BONE, LOWER	Surgery	10.06	2.07	$120.59
21026	0	EXCISION OF FACIAL	Surgery	4.85	1.57	$120.59
21029	0	CONTOUR OF FACE BONE	Surgery	7.71	4.24	$120.59
21030	0	REMOVAL OF FACE BONE	Surgery	6.46	3.35	$120.59
21031	0	REMOVE EXOSTOSIS,	Surgery	3.24	3.68	$120.59
21032	0	REMOVE EXOSTOSIS,	Surgery	3.24	3.88	$120.59
21034	0	REMOVAL OF FACE BONE	Surgery	16.17	6.98	$120.59
21040	0	REMOVAL OF JAW BONE	Surgery	2.11	1.38	$120.59
21041	0	REMOVAL OF JAW BONE	Surgery	6.71	2.88	$120.59
21044	0	REMOVAL OF JAW BONE	Surgery	11.86	9.55	$120.59
21045	0	EXTENSIVE JAW SURGERY	Surgery	16.17	13.83	$120.59
21050	0	REMOVAL OF JAW JOINT	Surgery	10.77	11.85	$120.59
21060	0	REMOVE JAW JOINT	Surgery	10.23	11.25	$120.59
21070	0	REMOVE CORONOID PROCESS	Surgery	8.20	6.81	$120.59
21076	0	PREPARE FACE/ORAL	Surgery	13.42	14.76	$120.59
21077	0	PREPARE FACE/ORAL	Surgery	33.75	37.13	$120.59
21079	0	PREPARE FACE/ORAL	Surgery	22.34	27.93	$120.59
21080	0	PREPARE FACE/ORAL	Surgery	25.10	31.38	$120.59
21081	0	PREPARE FACE/ORAL	Surgery	22.88	28.59	$120.59
21082	0	PREPARE FACE/ORAL	Surgery	20.87	22.96	$120.59
21083	0	PREPARE FACE/ORAL	Surgery	19.30	24.13	$120.59
21084	0	PREPARE FACE/ORAL	Surgery	22.51	28.14	$120.59
21085	0	PREPARE FACE/ORAL	Surgery	9.00	9.90	$120.59
21086	0	PREPARE FACE/ORAL	Surgery	24.92	31.15	$120.59
21087	0	PREPARE FACE/ORAL	Surgery	24.92	27.41	$120.59
21100	0	MAXILLOFACIAL FIXATION	Surgery	4.22	1.06	$120.59
21110	0	INTERDENTAL FIXATION	Surgery	5.21	5.53	$120.59
21116	0	INJECTION, JAW JOINT X-	Surgery	0.81	0.73	$120.59
21120	0	RECONSTRUCTION OF CHIN	Surgery	4.93	3.59	$120.59
21121	0	RECONSTRUCTION OF CHIN	Surgery	7.64	5.65	$120.59
21122	0	RECONSTRUCTION OF CHIN	Surgery	8.52	6.23	$120.59
21123	0	RECONSTRUCTION OF CHIN	Surgery	11.16	8.14	$120.59
21125	0	AUGMENTATION LOWER JAW	Surgery	10.62	4.72	$120.59
21127	0	AUGMENTATION LOWER JAW	Surgery	11.12	7.91	$120.59
21137	0	REDUCTION OF FOREHEAD	Surgery	9.82	7.11	$120.59
21138	0	REDUCTION OF FOREHEAD	Surgery	12.19	8.86	$120.59
21139	0	REDUCTION OF FOREHEAD	Surgery	14.61	10.64	$120.59
21141	0	RECONSTRUCT MIDFACE,	Surgery	18.10	14.34	$120.59
21142	0	RECONSTRUCT MIDFACE,	Surgery	18.81	14.84	$120.59
21143	0	RECONSTRUCT MIDFACE,	Surgery	19.58	15.40	$120.59
21145	0	RECONSTRUCT MIDFACE,	Surgery	19.94	14.34	$120.59
21146	0	RECONSTRUCT MIDFACE,	Surgery	20.71	14.84	$120.59
21147	0	RECONSTRUCT MIDFACE,	Surgery	21.77	15.40	$120.59
21150	0	RECONSTRUCT MIDFACE,	Surgery	25.24	18.46	$120.59
21151	0	RECONSTRUCT MIDFACE,	Surgery	28.30	20.68	$120.59
21154	0	RECONSTRUCT MIDFACE,	Surgery	30.52	22.15	$120.59
21155	0	RECONSTRUCT MIDFACE,	Surgery	34.45	25.11	$120.59
21159	0	RECONSTRUCT MIDFACE,	Surgery	42.38	31.02	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
21160	0	RECONSTRUCT MIDFACE,	Surgery	46.44	33.96	$120.59
21172	0	RECONSTRUCT ORBIT/	Surgery	27.80	20.30	$120.59
21175	0	RECONSTRUCT ORBIT/	Surgery	33.17	24.37	$120.59
21179	0	RECONSTRUCT ENTIRE	Surgery	22.25	16.24	$120.59
21180	0	RECONSTRUCT ENTIRE	Surgery	25.19	18.46	$120.59
21181	0	CONTOUR CRANIAL BONE	Surgery	9.90	7.11	$120.59
21182	0	RECONSTRUCT CRANIAL BONE	Surgery	32.19	23.63	$120.59
21183	0	RECONSTRUCT CRANIAL BONE	Surgery	35.31	25.85	$120.59
21184	0	RECONSTRUCT CRANIAL BONE	Surgery	38.24	28.06	$120.59
21188	0	RECONSTRUCTION OF	Surgery	22.46	16.24	$120.59
21193	0	RECONSTRUCT LOWER JAW	Surgery	17.15	12.31	$120.59
21194	0	RECONSTRUCT LOWER JAW	Surgery	19.84	14.26	$120.59
21195	0	RECONSTRUCT LOWER JAW	Surgery	17.24	12.34	$120.59
21196	0	RECONSTRUCT LOWER JAW	Surgery	18.91	13.61	$120.59
21198	0	RECONSTRUCT LOWER JAW	Surgery	14.16	14.82	$120.59
21206	0	RECONSTRUCT UPPER JAW	Surgery	14.10	10.14	$120.59
21208	0	AUGMENTATION OF FACIAL	Surgery	10.23	11.25	$120.59
21209	0	REDUCTION OF FACIAL	Surgery	6.72	4.59	$120.59
21210	0	FACE BONE GRAFT	Surgery	10.23	5.63	$120.59
21215	0	LOWER JAW BONE GRAFT	Surgery	10.77	5.93	$120.59
21230	0	RIB CARTILAGE GRAFT	Surgery	10.77	10.37	$120.59
21235	0	EAR CARTILAGE GRAFT	Surgery	6.72	7.39	$120.59
21240	0	RECONSTRUCTION OF JAW	Surgery	14.05	15.46	$120.59
21242	0	RECONSTRUCTION OF JAW	Surgery	12.95	14.25	$120.59
21243	0	RECONSTRUCTION OF JAW	Surgery	20.79	14.40	$120.59
21244	0	RECONSTRUCTION OF LOWER	Surgery	11.86	13.05	$120.59
21245	0	RECONSTRUCTION OF JAW	Surgery	11.86	11.47	$120.59
21246	0	RECONSTRUCTION OF JAW	Surgery	12.47	8.83	$120.59
21247	0	RECONSTRUCT LOWER JAW	Surgery	22.63	24.89	$120.59
21248	0	RECONSTRUCTION OF JAW	Surgery	11.48	6.32	$120.59
21249	0	RECONSTRUCTION OF JAW	Surgery	17.52	9.64	$120.59
21255	0	RECONSTRUCT LOWER JAW	Surgery	16.72	18.39	$120.59
21256	0	RECONSTRUCTION OF ORBIT	Surgery	16.19	17.81	$120.59
21260	0	REVISE EYE SOCKETS	Surgery	16.52	18.17	$120.59
21261	0	REVISE EYE SOCKETS	Surgery	31.49	17.78	$120.59
21263	0	REVISE EYE SOCKETS	Surgery	28.42	31.26	$120.59
21267	0	REVISE EYE SOCKETS	Surgery	18.90	14.61	$120.59
21268	0	REVISE EYE SOCKETS	Surgery	24.48	15.35	$120.59
21270	0	AUGMENTATION CHEEK BONE	Surgery	10.23	9.60	$120.59
21275	0	REVISION ORBITOFACIAL	Surgery	11.24	8.95	$120.59
21280	0	REVISION OF EYELID	Surgery	6.03	6.63	$120.59
21282	0	REVISION OF EYELID	Surgery	3.49	3.84	$120.59
21295	0	REVISION OF JAW MUSCLE/	Surgery	1.53	0.96	$120.59
21296	0	REVISION OF JAW MUSCLE/	Surgery	4.25	3.62	$120.59
21300	0	TREATMENT OF SKULL	Surgery	0.72	0.79	$120.59
21310	0	TREATMENT OF NOSE	Surgery	0.58	0.64	$120.59
21315	0	TREATMENT OF NOSE	Surgery	1.51	1.66	$120.59
21320	0	TREATMENT OF NOSE	Surgery	1.85	2.04	$120.59
21325	0	REPAIR OF NOSE FRACTURE	Surgery	3.77	4.09	$120.59
21330	0	REPAIR OF NOSE FRACTURE	Surgery	5.38	5.92	$120.59
21335	0	REPAIR OF NOSE FRACTURE	Surgery	8.61	9.47	$120.59
21336	0	REPAIR NASAL SEPTAL	Surgery	5.72	4.09	$120.59
21337	0	REPAIR NASAL SEPTAL	Surgery	2.70	2.82	$120.59
21338	0	REPAIR NASOETHMOID	Surgery	6.46	5.01	$120.59
21339	0	REPAIR NASOETHMOID	Surgery	8.09	7.09	$120.59
21340	0	REPAIR OF NOSE FRACTURE	Surgery	10.77	8.91	$120.59
21343	0	REPAIR OF SINUS FRACTURE	Surgery	12.95	9.17	$120.59
21344	0	REPAIR OF SINUS FRACTURE	Surgery	19.72	9.17	$120.59
21345	0	REPAIR OF NOSE/JAW	Surgery	8.16	7.90	$120.59
21346	0	REPAIR OF NOSE/JAW	Surgery	10.61	9.40	$120.59
21347	0	REPAIR OF NOSE/JAW	Surgery	12.69	10.36	$120.59
21348	0	REPAIR OF NOSE/JAW	Surgery	16.69	11.34	$120.59
21355	0	REPAIR CHEEK BONE	Surgery	3.77	1.56	$120.59
21356	0	REPAIR CHEEK BONE	Surgery	4.15	4.57	$120.59
21360	0	REPAIR CHEEK BONE	Surgery	6.46	7.11	$120.59
21365	0	REPAIR CHEEK BONE	Surgery	14.95	12.35	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
21366	0	REPAIR CHEEK BONE	Surgery	17.77	12.08	$120.59
21385	0	REPAIR EYE SOCKET	Surgery	9.16	9.59	$120.59
21386	0	REPAIR EYE SOCKET	Surgery	9.16	9.07	$120.59
21387	0	REPAIR EYE SOCKET	Surgery	9.70	7.45	$120.59
21390	0	REPAIR EYE SOCKET	Surgery	10.13	11.14	$120.59
21395	0	REPAIR EYE SOCKET	Surgery	12.68	9.63	$120.59
21400	0	TREAT EYE SOCKET	Surgery	1.40	1.54	$120.59
21401	0	REPAIR EYE SOCKET	Surgery	3.26	2.58	$120.59
21406	0	REPAIR EYE SOCKET	Surgery	7.01	5.21	$120.59
21407	0	REPAIR EYE SOCKET	Surgery	8.61	7.09	$120.59
21408	0	REPAIR EYE SOCKET	Surgery	12.38	8.49	$120.59
21421	0	TREAT MOUTH ROOF	Surgery	5.14	5.65	$120.59
21422	0	REPAIR MOUTH ROOF	Surgery	8.32	9.15	$120.59
21423	0	REPAIR MOUTH ROOF	Surgery	10.40	9.80	$120.59
21431	0	TREAT CRANIOFACIAL	Surgery	7.05	6.02	$120.59
21432	0	REPAIR CRANIOFACIAL	Surgery	8.61	6.76	$120.59
21433	0	REPAIR CRANIOFACIAL	Surgery	25.35	17.96	$120.59
21435	0	REPAIR CRANIOFACIAL	Surgery	17.25	13.25	$120.59
21436	0	REPAIR CRANIOFACIAL	Surgery	28.04	14.65	$120.59
21440	0	REPAIR DENTAL RIDGE	Surgery	2.70	2.97	$120.59
21445	0	REPAIR DENTAL RIDGE	Surgery	5.38	5.92	$120.59
21450	0	TREAT LOWER JAW FRACTURE	Surgery	2.97	2.84	$120.59
21451	0	TREAT LOWER JAW FRACTURE	Surgery	4.87	5.36	$120.59
21452	0	TREAT LOWER JAW FRACTURE	Surgery	1.98	1.39	$120.59
21453	0	TREAT LOWER JAW FRACTURE	Surgery	5.54	6.09	$120.59
21454	0	TREAT LOWER JAW FRACTURE	Surgery	6.46	7.11	$120.59
21461	0	REPAIR LOWER JAW	Surgery	8.09	8.90	$120.59
21462	0	REPAIR LOWER JAW	Surgery	9.79	10.77	$120.59
21465	0	REPAIR LOWER JAW	Surgery	11.91	8.44	$120.59
21470	0	REPAIR LOWER JAW	Surgery	15.34	16.87	$120.59
21480	0	RESET DISLOCATED JAW	Surgery	0.61	0.67	$120.59
21485	0	RESET DISLOCATED JAW	Surgery	3.99	1.10	$120.59
21490	0	REPAIR DISLOCATED JAW	Surgery	11.86	6.31	$120.59
21493	0	TREAT HYOID BONE	Surgery	1.27	1.40	$120.59
21494	0	REPAIR HYOID BONE	Surgery	6.28	7.52	$120.59
21495	0	REPAIR HYOID BONE	Surgery	5.69	4.82	$120.59
21497	0	INTERDENTAL WIRING	Surgery	3.86	3.97	$120.59
21501	0	DRAIN NECK/CHEST LESION	Surgery	3.81	1.82	$120.59
21502	0	DRAIN CHEST LESION	Surgery	7.12	4.22	$120.59
21510	0	DRAINAGE OF BONE LESION	Surgery	5.74	3.82	$120.59
21550	0	BIOPSY OF NECK/CHEST	Surgery	2.06	0.43	$120.59
21555	0	REMOVE LESION NECK/CHEST	Surgery	4.35	1.60	$120.59
21556	0	REMOVE LESION NECK/CHEST	Surgery	5.57	3.80	$120.59
21557	0	REMOVE TUMOR, NECK OR	Surgery	8.88	8.50	$120.59
21600	0	PARTIAL REMOVAL OF RIB	Surgery	6.89	4.50	$120.59
21610	0	PARTIAL REMOVAL OF RIB	Surgery	14.61	5.17	$120.59
21615	0	REMOVAL OF RIB	Surgery	9.87	10.13	$120.59
21616	0	REMOVAL OF RIB AND	Surgery	12.04	7.26	$120.59
21620	0	PARTIAL REMOVAL OF	Surgery	6.79	6.85	$120.59
21627	0	STERNAL DEBRIDEMENT	Surgery	6.81	5.03	$120.59
21630	0	EXTENSIVE STERNUM	Surgery	17.38	12.89	$120.59
21632	0	EXTENSIVE STERNUM	Surgery	18.14	11.54	$120.59
21700	0	REVISION OF NECK MUSCLE	Surgery	6.19	4.16	$120.59
21705	0	REVISION OF NECK MUSCLE/	Surgery	9.60	4.85	$120.59
21720	0	REVISION OF NECK MUSCLE	Surgery	5.68	3.84	$120.59
21725	0	REVISION OF NECK MUSCLE	Surgery	6.99	4.84	$120.59
21740	0	RECONSTRUCTION OF	Surgery	16.50	8.99	$120.59
21750	0	REPAIR OF STERNUM	Surgery	10.77	7.33	$120.59
21800	0	TREATMENT OF RIB	Surgery	0.96	0.77	$120.59
21805	0	TREATMENT OF RIB	Surgery	2.75	1.35	$120.59
21810	0	TREATMENT OF RIB	Surgery	6.86	7.33	$120.59
21820	0	TREAT STERNUM FRACTURE	Surgery	1.28	1.36	$120.59
21825	0	REPAIR STERNUM FRACTURE	Surgery	7.41	6.90	$120.59
21920	0	BIOPSY SOFT TISSUE OF	Surgery	2.06	0.40	$120.59
21925	0	BIOPSY SOFT TISSUE OF	Surgery	4.49	1.95	$120.59
21930	0	REMOVE LESION, BACK OR	Surgery	5.00	2.72	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
21935	0	REMOVE TUMOR OF BACK	Surgery	17.96	6.59	$120.59
22100	0	REMOVE PART OF NECK	Surgery	9.73	7.64	$120.59
22101	0	REMOVE PART, THORAX	Surgery	9.81	8.01	$120.59
22102	0	REMOVE PART, LUMBAR	Surgery	9.81	4.50	$120.59
22103	0	REMOVE EXTRA SPINE	Surgery	2.34	2.23	$120.59
22110	0	REMOVE PART OF NECK	Surgery	12.74	9.72	$120.59
22112	0	REMOVE PART, THORAX	Surgery	12.81	9.90	$120.59
22114	0	REMOVE PART, LUMBAR	Surgery	12.81	7.25	$120.59
22116	0	REMOVE EXTRA SPINE	Surgery	2.32	2.21	$120.59
22210	0	REVISION OF NECK SPINE	Surgery	23.82	13.83	$120.59
22212	0	REVISION OF THORAX SPINE	Surgery	19.42	17.29	$120.59
22214	0	REVISION OF LUMBAR SPINE	Surgery	19.45	15.11	$120.59
22216	0	REVISE, EXTRA SPINE	Surgery	6.04	5.07	$120.59
22220	0	REVISION OF NECK SPINE	Surgery	21.37	16.64	$120.59
22222	0	REVISION OF THORAX SPINE	Surgery	21.52	13.61	$120.59
22224	0	REVISION OF LUMBAR SPINE	Surgery	21.52	14.68	$120.59
22226	0	REVISE, EXTRA SPINE	Surgery	6.04	5.07	$120.59
22305	0	TREAT SPINE PROCESS	Surgery	2.05	2.26	$120.59
22310	0	TREAT SPINE FRACTURE	Surgery	2.61	2.52	$120.59
22315	0	TREAT SPINE FRACTURE	Surgery	8.84	5.51	$120.59
22325	0	REPAIR OF SPINE FRACTURE	Surgery	18.30	8.32	$120.59
22326	0	REPAIR NECK SPINE	Surgery	19.59	15.93	$120.59
22327	0	REPAIR THORAX SPINE	Surgery	19.20	15.95	$120.59
22328	0	REPAIR EACH ADD SPINE FX	Surgery	4.61	4.40	$120.59
22505	0	MANIPULATION OF SPINE	Surgery	1.87	1.31	$120.59
22548	0	NECK SPINE FUSION	Surgery	25.82	22.74	$120.59
22554	0	NECK SPINE FUSION	Surgery	18.62	19.81	$120.59
22556	0	THORAX SPINE FUSION	Surgery	23.46	21.68	$120.59
22558	0	LUMBAR SPINE FUSION	Surgery	22.28	20.17	$120.59
22585	0	ADDITIONAL SPINAL FUSION	Surgery	5.53	5.40	$120.59
22590	0	SPINE & SKULL SPINAL	Surgery	20.51	21.57	$120.59
22595	0	NECK SPINAL FUSION	Surgery	19.39	21.33	$120.59
22600	0	NECK SPINE FUSION	Surgery	16.14	17.75	$120.59
22610	0	THORAX SPINE FUSION	Surgery	16.02	17.62	$120.59
22612	0	LUMBAR SPINE FUSION	Surgery	21.00	20.60	$120.59
22614	0	SPINE FUSION, EXTRA	Surgery	6.44	5.65	$120.59
22630	0	LUMBAR SPINE FUSION	Surgery	20.84	18.44	$120.59
22632	0	SPINE FUSION, EXTRA	Surgery	5.23	4.99	$120.59
22800	0	FUSION OF SPINE	Surgery	18.25	20.08	$120.59
22802	0	FUSION OF SPINE	Surgery	30.88	28.32	$120.59
22804	0	FUSION OF SPINE	Surgery	36.27	28.32	$120.59
22808	0	FUSION OF SPINE	Surgery	26.27	18.41	$120.59
22810	0	FUSION OF SPINE	Surgery	30.27	18.41	$120.59
22812	0	FUSION OF SPINE	Surgery	32.70	25.93	$120.59
22818	0	KYPHECTOMY, 1–2 SEGMENTS	Surgery	31.83	28.25	$120.59
22819	0	KYPHECTOMY, 3 & MORE	Surgery	36.44	28.25	$120.59
22830	0	EXPLORATION OF SPINAL	Surgery	10.85	11.94	$120.59
22840	0	INSERT SPINE FIXATION	Surgery	12.54	5.98	$120.59
22842	0	INSERT SPINE FIXATION	Surgery	12.58	6.86	$120.59
22843	0	INSERT SPINE FIXATION	Surgery	13.46	8.55	$120.59
22844	0	INSERT SPINE FIXATION	Surgery	16.44	10.45	$120.59
22845	0	INSERT SPINE FIXATION	Surgery	11.96	5.70	$120.59
22846	0	INSERT SPINE FIXATION	Surgery	12.42	7.90	$120.59
22847	0	INSERT SPINE FIXATION	Surgery	13.80	8.77	$120.59
22848	0	INSERT PELVIC	Surgery	6.00	5.72	$120.59
22849	0	REINSERT SPINAL FIXATION	Surgery	18.51	11.76	$120.59
22850	0	REMOVE SPINE FIXATION	Surgery	9.52	9.17	$120.59
22851	0	APPLY SPINE PROSTH	Surgery	6.71	6.40	$120.59
22852	0	REMOVE SPINE FIXATION	Surgery	9.01	9.80	$120.59
22855	0	REMOVE SPINE FIXATION	Surgery	15.13	7.46	$120.59
22900	0	REMOVE ABDOMINAL WALL	Surgery	5.80	3.03	$120.59
23000	0	REMOVAL OF CALCIUM	Surgery	4.36	3.24	$120.59
23020	0	RELEASE SHOULDER JOINT	Surgery	8.93	7.27	$120.59
23030	0	DRAIN SHOULDER LESION	Surgery	3.43	2.16	$120.59
23031	0	DRAIN SHOULDER BURSA	Surgery	2.74	0.50	$120.59
23035	0	DRAIN SHOULDER BONE	Surgery	8.61	6.22	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
23040	0	EXPLORATORY SHOULDER	Surgery	9.20	9.27	$120.59
23044	0	EXPLORATORY SHOULDER	Surgery	7.12	6.91	$120.59
23065	0	BIOPSY SHOULDER TISSUES	Surgery	2.27	0.66	$120.59
23066	0	BIOPSY SHOULDER TISSUES	Surgery	4.16	1.18	$120.59
23075	0	REMOVAL OF SHOULDER	Surgery	2.39	1.68	$120.59
23076	0	REMOVAL OF SHOULDER	Surgery	7.63	3.54	$120.59
23077	0	REMOVE TUMOR OF SHOULDER	Surgery	16.09	7.38	$120.59
23100	0	BIOPSY OF SHOULDER JOINT	Surgery	6.03	6.63	$120.59
23101	0	SHOULDER JOINT SURGERY	Surgery	5.58	6.14	$120.59
23105	0	REMOVE SHOULDER JOINT	Surgery	8.23	9.05	$120.59
23106	0	INCISION OF COLLARBONE	Surgery	5.96	4.75	$120.59
23107	0	EXPLORE,TREAT SHOULDER	Surgery	8.62	9.48	$120.59
23120	0	PARTIAL REMOVAL, COLLAR	Surgery	7.11	4.61	$120.59
23125	0	REMOVAL OF COLLARBONE	Surgery	9.39	8.49	$120.59
23130	0	PARTIAL	Surgery	7.55	7.05	$120.59
23140	0	REMOVAL OF BONE LESION	Surgery	6.89	4.16	$120.59
23145	0	REMOVAL OF BONE LESION	Surgery	9.09	8.13	$120.59
23146	0	REMOVAL OF BONE LESION	Surgery	7.83	5.23	$120.59
23150	0	REMOVAL OF HUMERUS	Surgery	8.48	6.64	$120.59
23155	0	REMOVAL OF HUMERUS	Surgery	10.35	8.80	$120.59
23156	0	REMOVAL OF HUMERUS	Surgery	8.68	7.64	$120.59
23170	0	REMOVE COLLARBONE LESION	Surgery	6.86	4.81	$120.59
23172	0	REMOVE SHOULDER BLADE	Surgery	6.90	5.16	$120.59
23174	0	REMOVE HUMERUS LESION	Surgery	9.51	8.55	$120.59
23180	0	REMOVE COLLAR BONE	Surgery	8.53	4.30	$120.59
23182	0	REMOVE SHOULDER BLADE	Surgery	8.15	6.57	$120.59
23184	0	REMOVE HUMERUS LESION	Surgery	9.38	8.83	$120.59
23190	0	PARTIAL REMOVAL OF	Surgery	7.24	6.07	$120.59
23195	0	REMOVAL OF HEAD OF	Surgery	9.81	8.91	$120.59
23200	0	REMOVAL OF COLLAR BONE	Surgery	12.08	9.17	$120.59
23210	0	REMOVAL OF SHOULDERBLADE	Surgery	12.49	9.01	$120.59
23220	0	PARTIAL REMOVAL OF	Surgery	14.56	12.05	$120.59
23221	0	PARTIAL REMOVAL OF	Surgery	17.74	18.13	$120.59
23222	0	PARTIAL REMOVAL OF	Surgery	23.92	15.02	$120.59
23330	0	REMOVE SHOULDER FOREIGN	Surgery	1.85	0.28	$120.59
23331	0	REMOVE SHOULDER FOREIGN	Surgery	7.38	2.26	$120.59
23332	0	REMOVE SHOULDER FOREIGN	Surgery	11.62	9.72	$120.59
23350	0	INJECTION FOR SHOULDER X-	Surgery	1.00	0.52	$120.59
23395	0	MUSCLE TRANSFER,	Surgery	16.85	11.13	$120.59
23397	0	MUSCLE TRANSFERS	Surgery	16.13	13.97	$120.59
23400	0	FIXATION OF SHOULDER	Surgery	13.54	9.84	$120.59
23405	0	INCISION OF TENDON &	Surgery	8.37	7.49	$120.59
23406	0	INCISE TENDON(S) &	Surgery	10.79	9.41	$120.59
23410	0	REPAIR OF TENDON(S)	Surgery	12.45	10.94	$120.59
23412	0	REPAIR OF TENDON(S)	Surgery	13.31	13.37	$120.59
23415	0	RELEASE OF SHOULDER	Surgery	9.97	5.18	$120.59
23420	0	REPAIR OF SHOULDER	Surgery	13.30	14.63	$120.59
23430	0	REPAIR BICEPS TENDON	Surgery	9.98	7.34	$120.59
23440	0	REMOVAL/TRANSPLANT	Surgery	10.48	7.17	$120.59
23450	0	REPAIR SHOULDER CAPSULE	Surgery	13.40	12.75	$120.59
23455	0	REPAIR SHOULDER CAPSULE	Surgery	14.37	15.56	$120.59
23460	0	REPAIR SHOULDER CAPSULE	Surgery	15.37	14.07	$120.59
23462	0	REPAIR SHOULDER CAPSULE	Surgery	15.30	15.13	$120.59
23465	0	REPAIR SHOULDER CAPSULE	Surgery	15.85	14.15	$120.59
23466	0	REPAIR SHOULDER CAPSULE	Surgery	14.22	15.64	$120.59
23470	0	RECONSTRUCT SHOULDER	Surgery	17.15	16.76	$120.59
23472	0	RECONSTRUCT SHOULDER	Surgery	16.92	18.61	$120.59
23480	0	REVISION OF COLLARBONE	Surgery	11.18	6.59	$120.59
23485	0	REVISION OF COLLAR BONE	Surgery	13.43	11.35	$120.59
23490	0	REINFORCE CLAVICLE	Surgery	11.86	9.98	$120.59
23491	0	REINFORCE SHOULDER BONES	Surgery	14.21	12.70	$120.59
23500	0	TREAT CLAVICLE FRACTURE	Surgery	2.08	1.65	$120.59
23505	0	TREAT CLAVICLE FRACTURE	Surgery	3.69	2.57	$120.59
23515	0	REPAIR CLAVICLE FRACTURE	Surgery	7.41	6.93	$120.59
23520	0	TREAT CLAVICLE	Surgery	2.16	1.38	$120.59
23525	0	TREAT CLAVICLE	Surgery	3.60	1.98	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
23530	0	REPAIR CLAVICLE	Surgery	7.31	6.58	$120.59
23532	0	REPAIR CLAVICLE	Surgery	8.01	7.23	$120.59
23540	0	TREAT CLAVICLE	Surgery	2.23	1.55	$120.59
23545	0	TREAT CLAVICLE	Surgery	3.25	1.98	$120.59
23550	0	REPAIR CLAVICLE	Surgery	7.24	7.96	$120.59
23552	0	REPAIR CLAVICLE	Surgery	8.45	7.29	$120.59
23570	0	TREAT SHOULDERBLADE	Surgery	2.23	1.70	$120.59
23575	0	TREAT SHOULDERBLADE	Surgery	4.06	2.75	$120.59
23585	0	REPAIR SCAPULA FRACTURE	Surgery	8.96	7.70	$120.59
23600	0	TREAT HUMERUS FRACTURE	Surgery	2.93	2.90	$120.59
23605	0	TREAT HUMERUS FRACTURE	Surgery	4.87	4.76	$120.59
23615	0	REPAIR HUMERUS FRACTURE	Surgery	9.35	10.29	$120.59
23616	0	REPAIR HUMERUS FRACTURE	Surgery	21.27	22.32	$120.59
23620	0	TREAT HUMERUS FRACTURE	Surgery	2.40	2.64	$120.59
23625	0	TREAT HUMERUS FRACTURE	Surgery	3.93	3.82	$120.59
23630	0	REPAIR HUMERUS FRACTURE	Surgery	7.35	8.09	$120.59
23650	0	TREAT SHOULDER	Surgery	3.39	2.10	$120.59
23655	0	TREAT SHOULDER	Surgery	4.57	2.93	$120.59
23660	0	REPAIR SHOULDER	Surgery	7.49	8.24	$120.59
23665	0	TREAT DISLOCATION/	Surgery	4.47	3.35	$120.59
23670	0	REPAIR DISLOCATION/	Surgery	7.90	8.69	$120.59
23675	0	TREAT DISLOCATION/	Surgery	6.05	3.93	$120.59
23680	0	REPAIR DISLOCATION/	Surgery	10.06	11.07	$120.59
23700	0	FIXATION OF SHOULDER	Surgery	2.52	2.09	$120.59
23800	0	FUSION OF SHOULDER JOINT	Surgery	14.16	15.58	$120.59
23802	0	FUSION OF SHOULDER JOINT	Surgery	16.60	14.07	$120.59
23900	0	AMPUTATION OF ARM &	Surgery	19.72	12.57	$120.59
23920	0	AMPUTATION AT SHOULDER	Surgery	14.61	13.85	$120.59
23921	0	AMPUTATION FOLLOW-UP	Surgery	5.49	4.27	$120.59
23930	0	DRAINAGE OF ARM LESION	Surgery	2.94	1.61	$120.59
23931	0	DRAINAGE OF ARM BURSA	Surgery	1.79	0.38	$120.59
23935	0	DRAIN ARM/ELBOW BONE	Surgery	6.09	4.69	$120.59
24000	0	EXPLORATORY ELBOW	Surgery	5.82	6.40	$120.59
24006	0	RELEASE ELBOW JOINT	Surgery	9.31	7.14	$120.59
24065	0	BIOPSY ARM/ELBOW SOFT	Surgery	2.08	0.40	$120.59
24066	0	BIOPSY ARM/ELBOW SOFT	Surgery	5.21	2.71	$120.59
24075	0	REMOVE ARM/ELBOW LESION	Surgery	3.92	1.98	$120.59
24076	0	REMOVE ARM/ELBOW LESION	Surgery	6.30	3.68	$120.59
24077	0	REMOVE TUMOR OF ARM/	Surgery	11.76	9.79	$120.59
24100	0	BIOPSY ELBOW JOINT	Surgery	4.93	4.23	$120.59
24101	0	EXPLORE/TREAT ELBOW	Surgery	6.13	6.74	$120.59
24102	0	REMOVE ELBOW JOINT	Surgery	8.03	8.83	$120.59
24105	0	REMOVAL OF ELBOW BURSA	Surgery	3.61	3.77	$120.59
24110	0	REMOVE HUMERUS LESION	Surgery	7.39	7.69	$120.59
24115	0	REMOVE/GRAFT BONE LESION	Surgery	9.63	7.68	$120.59
24116	0	REMOVE/GRAFT BONE LESION	Surgery	11.81	9.72	$120.59
24120	0	REMOVE ELBOW LESION	Surgery	6.65	6.02	$120.59
24125	0	REMOVE/GRAFT BONE LESION	Surgery	7.89	5.79	$120.59
24126	0	REMOVE/GRAFT BONE LESION	Surgery	8.31	7.40	$120.59
24130	0	REMOVAL OF HEAD OF	Surgery	6.25	6.72	$120.59
24134	0	REMOVAL OF ARM BONE	Surgery	9.73	8.69	$120.59
24136	0	REMOVE RADIUS BONE	Surgery	7.99	8.78	$120.59
24138	0	REMOVE ELBOW BONE LESION	Surgery	8.05	6.39	$120.59
24140	0	PARTIAL REMOVAL OF ARM	Surgery	9.18	8.77	$120.59
24145	0	PARTIAL REMOVAL OF	Surgery	7.58	6.38	$120.59
24147	0	PARTIAL REMOVAL OF ELBOW	Surgery	7.54	6.61	$120.59
24149	0	RADICAL RESECTION OF	Surgery	14.20	12.64	$120.59
24150	0	EXTENSIVE HUMERUS	Surgery	13.27	14.08	$120.59
24151	0	EXTENSIVE HUMERUS	Surgery	15.58	13.83	$120.59
24152	0	EXTENSIVE RADIUS SURGERY	Surgery	10.06	6.80	$120.59
24153	0	EXTENSIVE RADIUS SURGERY	Surgery	11.54	10.44	$120.59
24155	0	REMOVAL OF ELBOW JOINT	Surgery	11.73	10.75	$120.59
24160	0	REMOVE ELBOW JOINT	Surgery	7.83	4.84	$120.59
24164	0	REMOVE RADIUS HEAD	Surgery	6.23	5.53	$120.59
24200	0	REMOVAL OF ARM FOREIGN	Surgery	1.76	0.56	$120.59
24201	0	REMOVAL OF ARM FOREIGN	Surgery	4.56	3.06	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
24220	0	INJECTION FOR ELBOW X-	Surgery	1.31	0.51	$120.59
24301	0	MUSCLE/TENDON TRANSFER	Surgery	10.20	7.90	$120.59
24305	0	ARM TENDON LENGTHENING	Surgery	7.45	3.08	$120.59
24310	0	REVISION OF ARM TENDON	Surgery	5.98	2.95	$120.59
24320	0	REPAIR OF ARM TENDON	Surgery	10.56	9.20	$120.59
24330	0	REVISION OF ARM MUSCLES	Surgery	9.60	8.74	$120.59
24331	0	REVISION OF ARM MUSCLES	Surgery	10.65	9.62	$120.59
24340	0	REPAIR OF BICEPS TENDON	Surgery	7.89	7.00	$120.59
24341	0	REPAIR TENDON/MUSCLE ARM	Surgery	7.90	6.99	$120.59
24342	0	REPAIR OF RUPTURED	Surgery	10.62	10.38	$120.59
24350	0	REPAIR OF TENNIS ELBOW	Surgery	5.25	4.23	$120.59
24351	0	REPAIR OF TENNIS ELBOW	Surgery	5.91	4.57	$120.59
24352	0	REPAIR OF TENNIS ELBOW	Surgery	6.43	5.69	$120.59
24354	0	REPAIR OF TENNIS ELBOW	Surgery	6.48	5.61	$120.59
24356	0	REVISION OF TENNIS ELBOW	Surgery	6.68	7.28	$120.59
24360	0	RECONSTRUCT ELBOW JOINT	Surgery	12.34	13.57	$120.59
24361	0	RECONSTRUCT ELBOW JOINT	Surgery	14.08	13.13	$120.59
24362	0	RECONSTRUCT ELBOW JOINT	Surgery	14.99	6.57	$120.59
24363	0	REPLACE ELBOW JOINT	Surgery	18.49	20.34	$120.59
24365	0	RECONSTRUCT HEAD OF	Surgery	8.39	7.52	$120.59
24366	0	RECONSTRUCT HEAD OF	Surgery	9.13	10.04	$120.59
24400	0	REVISION OF HUMERUS	Surgery	11.06	8.43	$120.59
24410	0	REVISION OF HUMERUS	Surgery	14.82	14.04	$120.59
24420	0	REVISION OF HUMERUS	Surgery	13.44	12.30	$120.59
24430	0	REPAIR OF HUMERUS	Surgery	12.81	14.09	$120.59
24435	0	REPAIR HUMERUS WITH	Surgery	13.17	14.49	$120.59
24470	0	REVISION OF ELBOW JOINT	Surgery	8.74	7.92	$120.59
24495	0	DECOMPRESSION OF FOREARM	Surgery	8.12	5.75	$120.59
24498	0	REINFORCE HUMERUS	Surgery	11.92	10.37	$120.59
24500	0	TREAT HUMERUS FRACTURE	Surgery	3.21	2.54	$120.59
24505	0	TREAT HUMERUS FRACTURE	Surgery	5.17	4.50	$120.59
24515	0	REPAIR HUMERUS FRACTURE	Surgery	11.65	9.65	$120.59
24516	0	REPAIR HUMERUS FRACTURE	Surgery	11.65	9.65	$120.59
24530	0	TREAT HUMERUS FRACTURE	Surgery	3.50	2.73	$120.59
24535	0	TREAT HUMERUS FRACTURE	Surgery	6.87	4.85	$120.59
24538	0	TREAT HUMERUS FRACTURE	Surgery	9.43	7.98	$120.59
24545	0	REPAIR HUMERUS FRACTURE	Surgery	10.46	9.97	$120.59
24546	0	REPAIR HUMERUS FRACTURE	Surgery	15.69	9.97	$120.59
24560	0	TREAT HUMERUS FRACTURE	Surgery	2.80	2.16	$120.59
24565	0	TREAT HUMERUS FRACTURE	Surgery	5.56	3.45	$120.59
24566	0	TREAT HUMERUS FRACTURE	Surgery	7.79	6.06	$120.59
24575	0	REPAIR HUMERUS FRACTURE	Surgery	10.66	7.79	$120.59
24576	0	TREAT HUMERUS FRACTURE	Surgery	2.86	2.16	$120.59
24577	0	TREAT HUMERUS FRACTURE	Surgery	5.79	4.00	$120.59
24579	0	REPAIR HUMERUS FRACTURE	Surgery	11.60	8.37	$120.59
24582	0	TREAT HUMERUS FRACTURE	Surgery	8.55	6.62	$120.59
24586	0	REPAIR ELBOW FRACTURE	Surgery	15.21	14.72	$120.59
24587	0	REPAIR ELBOW FRACTURE	Surgery	15.16	13.72	$120.59
24600	0	TREAT ELBOW DISLOCATION	Surgery	4.23	1.95	$120.59
24605	0	TREAT ELBOW DISLOCATION	Surgery	5.42	2.29	$120.59
24615	0	REPAIR ELBOW DISLOCATION	Surgery	9.42	9.29	$120.59
24620	0	TREAT ELBOW FRACTURE	Surgery	6.98	3.78	$120.59
24635	0	REPAIR ELBOW FRACTURE	Surgery	13.19	11.06	$120.59
24640	0	TREAT ELBOW DISLOCATION	Surgery	1.20	1.01	$120.59
24650	0	TREAT RADIUS FRACTURE	Surgery	2.16	1.13	$120.59
24655	0	TREAT RADIUS FRACTURE	Surgery	4.40	3.01	$120.59
24665	0	REPAIR RADIUS FRACTURE	Surgery	8.14	7.13	$120.59
24666	0	REPAIR RADIUS FRACTURE	Surgery	9.49	10.27	$120.59
24670	0	TREATMENT OF ULNA	Surgery	2.54	1.95	$120.59
24675	0	TREATMENT OF ULNA	Surgery	4.72	3.51	$120.59
24685	0	REPAIR ULNA FRACTURE	Surgery	8.80	8.40	$120.59
24800	0	FUSION OF ELBOW JOINT	Surgery	11.20	10.59	$120.59
24802	0	FUSION/GRAFT OF ELBOW	Surgery	13.69	12.18	$120.59
24900	0	AMPUTATION OF UPPER ARM	Surgery	9.60	7.68	$120.59
24920	0	AMPUTATION OF UPPER ARM	Surgery	9.54	6.78	$120.59
24925	0	AMPUTATION FOLLOW-UP	Surgery	7.07	6.27	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
24930	0	AMPUTATION FOLLOW-UP	Surgery	10.25	8.16	$120.59
24931	0	AMPUTATE UPPER ARM &	Surgery	12.72	11.17	$120.59
24935	0	REVISION OF AMPUTATION	Surgery	15.56	13.70	$120.59
25000	0	INCISION OF TENDON	Surgery	3.38	3.72	$120.59
25020	0	DECOMPRESSION OF FOREARM	Surgery	5.92	4.35	$120.59
25023	0	DECOMPRESSION OF FOREARM	Surgery	12.96	5.44	$120.59
25028	0	DRAINAGE OF FOREARM	Surgery	5.25	2.06	$120.59
25031	0	DRAINAGE OF FOREARM	Surgery	4.14	0.66	$120.59
25035	0	TREAT FOREARM BONE	Surgery	7.36	6.30	$120.59
25040	0	EXPLORE/TREAT WRIST	Surgery	7.18	5.69	$120.59
25065	0	BIOPSY FOREARM SOFT	Surgery	1.99	0.38	$120.59
25066	0	BIOPSY FOREARM SOFT	Surgery	4.13	1.54	$120.59
25075	0	REMOVAL OF FOREARM	Surgery	3.74	2.19	$120.59
25076	0	REMOVAL OF FOREARM	Surgery	4.92	3.77	$120.59
25077	0	REMOVE TUMOR, FOREARM/	Surgery	9.76	8.48	$120.59
25085	0	INCISION OF WRIST	Surgery	5.50	4.62	$120.59
25100	0	BIOPSY OF WRIST JOINT	Surgery	3.90	4.29	$120.59
25101	0	EXPLORE/TREAT WRIST	Surgery	4.69	5.16	$120.59
25105	0	REMOVE WRIST JOINT	Surgery	5.85	6.44	$120.59
25107	0	REMOVE WRIST JOINT	Surgery	6.43	5.28	$120.59
25110	0	REMOVE WRIST TENDON	Surgery	3.92	2.80	$120.59
25111	0	REMOVE WRIST TENDON	Surgery	3.39	3.22	$120.59
25112	0	REREMOVE WRIST TENDON	Surgery	4.53	3.72	$120.59
25115	0	REMOVE WRIST/FOREARM	Surgery	8.82	7.14	$120.59
25116	0	REMOVE WRIST/FOREARM	Surgery	7.11	7.82	$120.59
25118	0	EXCISE WRIST TENDON	Surgery	4.37	4.81	$120.59
25119	0	PARTIAL REMOVAL OF ULNA	Surgery	6.04	6.64	$120.59
25120	0	REMOVAL OF FOREARM	Surgery	6.10	6.53	$120.59
25125	0	REMOVE/GRAFT FOREARM	Surgery	7.48	6.84	$120.59
25126	0	REMOVE/GRAFT FOREARM	Surgery	7.55	6.80	$120.59
25130	0	REMOVAL OF WRIST LESION	Surgery	5.26	4.21	$120.59
25135	0	REMOVE & GRAFT WRIST	Surgery	6.89	5.46	$120.59
25136	0	REMOVE & GRAFT WRIST	Surgery	5.97	4.74	$120.59
25145	0	REMOVE FOREARM BONE	Surgery	6.37	5.95	$120.59
25150	0	PARTIAL REMOVAL OF ULNA	Surgery	7.09	6.67	$120.59
25151	0	PARTIAL REMOVAL OF	Surgery	7.39	5.75	$120.59
25170	0	EXTENSIVE FOREARM	Surgery	11.09	9.79	$120.59
25210	0	REMOVAL OF WRIST BONE	Surgery	5.95	4.88	$120.59
25215	0	REMOVAL OF WRIST BONES	Surgery	7.89	8.68	$120.59
25230	0	PARTIAL REMOVAL OF	Surgery	5.23	5.57	$120.59
25240	0	PARTIAL REMOVAL OF ULNA	Surgery	5.17	5.30	$120.59
25246	0	INJECTION FOR WRIST X-	Surgery	1.45	0.50	$120.59
25248	0	REMOVE FOREARM FOREIGN	Surgery	5.14	2.18	$120.59
25250	0	REMOVAL OF WRIST	Surgery	6.60	5.63	$120.59
25251	0	REMOVAL OF WRIST	Surgery	9.57	8.25	$120.59
25260	0	REPAIR FOREARM TENDON/	Surgery	7.80	4.61	$120.59
25263	0	REPAIR FOREARM TENDON/	Surgery	7.82	5.77	$120.59
25265	0	REPAIR FOREARM TENDON/	Surgery	9.88	7.93	$120.59
25270	0	REPAIR FOREARM TENDON/	Surgery	6.00	3.36	$120.59
25272	0	REPAIR FOREARM TENDON/	Surgery	7.04	3.44	$120.59
25274	0	REPAIR FOREARM TENDON/	Surgery	8.75	6.62	$120.59
25280	0	REVISE WRIST/FOREARM	Surgery	7.22	4.22	$120.59
25290	0	INCISE WRIST/FOREARM	Surgery	5.29	2.47	$120.59
25295	0	RELEASE WRIST/FOREARM	Surgery	6.55	3.05	$120.59
25300	0	FUSION OF TENDONS AT	Surgery	8.80	7.36	$120.59
25301	0	FUSION OF TENDONS AT	Surgery	8.40	6.77	$120.59
25310	0	TRANSPLANT FOREARM	Surgery	8.14	7.14	$120.59
25312	0	TRANSPLANT FOREARM	Surgery	9.57	7.63	$120.59
25315	0	REVISE PALSY HAND	Surgery	10.20	8.06	$120.59
25316	0	REVISE PALSY HAND	Surgery	12.33	10.58	$120.59
25320	0	REPAIR/REVISE WRIST	Surgery	10.77	8.60	$120.59
25332	0	REVISE WRIST JOINT	Surgery	11.41	9.98	$120.59
25335	0	REALIGNMENT OF HAND	Surgery	12.88	11.41	$120.59
25337	0	RECONSTRUCT ULNA/	Surgery	10.17	8.60	$120.59
25350	0	REVISION OF RADIUS	Surgery	8.78	7.61	$120.59
25355	0	REVISION OF RADIUS	Surgery	10.17	9.12	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
25360	0	REVISION OF ULNA	Surgery	8.43	6.41	$120.59
25365	0	REVISE RADIUS & ULNA	Surgery	12.40	10.31	$120.59
25370	0	REVISE RADIUS OR ULNA	Surgery	13.36	11.76	$120.59
25375	0	REVISE RADIUS & ULNA	Surgery	13.04	13.38	$120.59
25390	0	SHORTEN RADIUS/ULNA	Surgery	10.40	8.82	$120.59
25391	0	LENGTHEN RADIUS/ULNA	Surgery	13.65	11.25	$120.59
25392	0	SHORTEN RADIUS & ULNA	Surgery	13.95	12.44	$120.59
25393	0	LENGTHEN RADIUS & ULNA	Surgery	15.87	14.21	$120.59
25400	0	REPAIR RADIUS OR ULNA	Surgery	10.92	10.78	$120.59
25405	0	REPAIR/GRAFT RADIUS OR	Surgery	14.38	12.42	$120.59
25415	0	REPAIR RADIUS & ULNA	Surgery	13.35	11.42	$120.59
25420	0	REPAIR/GRAFT RADIUS &	Surgery	16.33	14.70	$120.59
25425	0	REPAIR/GRAFT RADIUS OR	Surgery	13.21	12.02	$120.59
25426	0	REPAIR/GRAFT RADIUS &	Surgery	15.82	11.72	$120.59
25440	0	REPAIR/GRAFT WRIST BONE	Surgery	10.44	9.05	$120.59
25441	0	RECONSTRUCT WRIST JOINT	Surgery	12.90	11.36	$120.59
25442	0	RECONSTRUCT WRIST JOINT	Surgery	10.85	7.06	$120.59
25443	0	RECONSTRUCT WRIST JOINT	Surgery	10.39	9.38	$120.59
25444	0	RECONSTRUCT WRIST JOINT	Surgery	11.15	10.14	$120.59
25445	0	RECONSTRUCT WRIST JOINT	Surgery	9.69	10.36	$120.59
25446	0	WRIST REPLACEMENT	Surgery	16.55	18.21	$120.59
25447	0	REPAIR WRIST JOINT(S)	Surgery	10.37	9.65	$120.59
25449	0	REMOVE WRIST JOINT	Surgery	14.49	7.84	$120.59
25450	0	REVISION OF WRIST JOINT	Surgery	7.87	7.31	$120.59
25455	0	REVISION OF WRIST JOINT	Surgery	9.49	8.71	$120.59
25490	0	REINFORCE RADIUS	Surgery	9.54	8.69	$120.59
25491	0	REINFORCE ULNA	Surgery	9.96	9.10	$120.59
25492	0	REINFORCE RADIUS AND	Surgery	12.33	11.20	$120.59
25500	0	TREAT FRACTURE OF RADIUS	Surgery	2.45	1.17	$120.59
25505	0	TREAT FRACTURE OF RADIUS	Surgery	5.21	3.57	$120.59
25515	0	REPAIR FRACTURE OF	Surgery	9.18	7.63	$120.59
25520	0	REPAIR FRACTURE OF	Surgery	6.26	5.74	$120.59
25525	0	REPAIR FRACTURE OF	Surgery	12.24	11.15	$120.59
25526	0	REPAIR FRACTURE OF	Surgery	12.98	11.85	$120.59
25530	0	TREAT FRACTURE OF ULNA	Surgery	2.09	2.30	$120.59
25535	0	TREAT FRACTURE OF ULNA	Surgery	5.14	3.57	$120.59
25545	0	REPAIR FRACTURE OF ULNA	Surgery	8.90	7.58	$120.59
25560	0	TREAT FRACTURE RADIUS &	Surgery	2.44	2.27	$120.59
25565	0	TREAT FRACTURE RADIUS &	Surgery	5.63	4.66	$120.59
25574	0	TREAT FRACTURE RADIUS &	Surgery	7.01	7.71	$120.59
25575	0	REPAIR FRACTURE RADIUS/	Surgery	10.45	10.70	$120.59
25600	0	TREAT FRACTURE RADIUS/	Surgery	2.63	1.42	$120.59
25605	0	TREAT FRACTURE RADIUS/	Surgery	5.81	3.95	$120.59
25611	0	REPAIR FRACTURE RADIUS/	Surgery	7.77	6.01	$120.59
25620	0	REPAIR FRACTURE RADIUS/	Surgery	8.55	7.13	$120.59
25622	0	TREAT WRIST BONE	Surgery	2.61	1.14	$120.59
25624	0	TREAT WRIST BONE	Surgery	4.53	1.84	$120.59
25628	0	REPAIR WRIST BONE	Surgery	8.43	7.13	$120.59
25630	0	TREAT WRIST BONE	Surgery	2.88	1.10	$120.59
25635	0	TREAT WRIST BONE	Surgery	4.39	1.68	$120.59
25645	0	REPAIR WRIST BONE	Surgery	7.25	6.68	$120.59
25650	0	REPAIR WRIST BONE	Surgery	3.05	1.33	$120.59
25660	0	TREAT WRIST DISLOCATION	Surgery	4.76	1.82	$120.59
25670	0	REPAIR WRIST DISLOCATION	Surgery	7.92	7.08	$120.59
25675	0	TREAT WRIST DISLOCATION	Surgery	4.67	2.28	$120.59
25676	0	REPAIR WRIST DISLOCATION	Surgery	8.04	7.32	$120.59
25680	0	TREAT WRIST FRACTURE	Surgery	5.99	2.44	$120.59
25685	0	REPAIR WRIST FRACTURE	Surgery	9.78	8.79	$120.59
25690	0	TREAT WRIST DISLOCATION	Surgery	5.50	4.89	$120.59
25695	0	REPAIR WRIST DISLOCATION	Surgery	8.34	7.04	$120.59
25800	0	FUSION OF WRIST JOINT	Surgery	9.76	10.74	$120.59
25805	0	FUSION/GRAFT OF WRIST	Surgery	11.28	12.41	$120.59
25810	0	FUSION/GRAFT OF WRIST	Surgery	10.57	11.63	$120.59
25820	0	FUSION OF HAND BONES	Surgery	7.45	8.20	$120.59
25825	0	FUSION HAND BONES WITH	Surgery	9.27	10.20	$120.59
25830	0	FUSION RADIOULNAR JNT/	Surgery	10.06	8.60	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
25900	0	AMPUTATION OF FOREARM	Surgery	9.01	7.08	$120.59
25905	0	AMPUTATION OF FOREARM	Surgery	9.12	7.11	$120.59
25907	0	AMPUTATION FOLLOW-UP	Surgery	7.80	5.74	$120.59
25909	0	AMPUTATION FOLLOW-UP	Surgery	8.96	5.55	$120.59
25915	0	AMPUTATION OF FOREARM	Surgery	17.08	15.83	$120.59
25920	0	AMPUTATE HAND AT WRIST	Surgery	8.68	7.00	$120.59
25922	0	AMPUTATE HAND AT WRIST	Surgery	7.42	5.55	$120.59
25924	0	AMPUTATION FOLLOW-UP	Surgery	8.46	7.50	$120.59
25927	0	AMPUTATION OF HAND	Surgery	8.80	6.29	$120.59
25929	0	AMPUTATION FOLLOW-UP	Surgery	7.59	4.74	$120.59
25931	0	AMPUTATION FOLLOW-UP	Surgery	7.81	4.54	$120.59
26010	0	DRAINAGE OF FINGER	Surgery	1.54	0.48	$120.59
26011	0	DRAINAGE OF FINGER	Surgery	2.19	1.54	$120.59
26020	0	DRAIN HAND TENDON SHEATH	Surgery	4.67	3.72	$120.59
26025	0	DRAINAGE OF PALM BURSA	Surgery	4.82	4.51	$120.59
26030	0	DRAINAGE OF PALM	Surgery	5.93	5.73	$120.59
26034	0	TREAT HAND BONE LESION	Surgery	6.23	4.23	$120.59
26035	0	DECOMPRESS FINGERS/HAND	Surgery	9.51	5.17	$120.59
26037	0	DECOMPRESS FINGERS/HAND	Surgery	7.25	6.37	$120.59
26040	0	RELEASE PALM CONTRACTURE	Surgery	3.33	2.86	$120.59
26045	0	RELEASE PALM CONTRACTURE	Surgery	5.56	4.83	$120.59
26055	0	INCISE FINGER TENDON	Surgery	2.69	3.28	$120.59
26060	0	INCISION OF FINGER	Surgery	2.81	1.13	$120.59
26070	0	EXPLORE/TREAT HAND JOINT	Surgery	3.69	1.38	$120.59
26075	0	EXPLORE/TREAT FINGER	Surgery	3.79	3.78	$120.59
26080	0	EXPLORE/TREAT FINGER	Surgery	4.24	3.14	$120.59
26100	0	BIOPSY HAND JOINT LINING	Surgery	3.67	2.99	$120.59
26105	0	BIOPSY FINGER JOINT	Surgery	3.71	4.17	$120.59
26110	0	BIOPSY FINGER JOINT	Surgery	3.53	2.93	$120.59
26115	0	REMOVAL OF HAND LESION	Surgery	3.86	2.01	$120.59
26116	0	REMOVAL OF HAND LESION	Surgery	5.53	3.71	$120.59
26117	0	REMOVE TUMOR, HAND/	Surgery	8.55	5.07	$120.59
26121	0	RELEASE PALM CONTRACTURE	Surgery	7.54	8.29	$120.59
26123	0	RELEASE PALM CONTRACTURE	Surgery	9.29	9.10	$120.59
26125	0	RELEASE PALM CONTRACTURE	Surgery	4.61	2.62	$120.59
26130	0	REMOVE WRIST JOINT	Surgery	5.42	5.01	$120.59
26135	0	REVISE FINGER JOINT,	Surgery	6.96	4.86	$120.59
26140	0	REVISE FINGER JOINT,	Surgery	6.17	4.40	$120.59
26145	0	TENDON EXCISION, PALM/	Surgery	6.32	4.71	$120.59
26160	0	REMOVE TENDON SHEATH	Surgery	3.15	2.32	$120.59
26170	0	REMOVAL OF PALM TENDON,	Surgery	4.77	2.83	$120.59
26180	0	REMOVAL OF FINGER TENDON	Surgery	5.18	4.01	$120.59
26185	0	REMOVE FINGER BONE	Surgery	5.25	4.24	$120.59
26200	0	REMOVE HAND BONE LESION	Surgery	5.51	4.48	$120.59
26205	0	REMOVE/GRAFT BONE LESION	Surgery	7.70	6.40	$120.59
26210	0	REMOVAL OF FINGER LESION	Surgery	5.15	3.90	$120.59
26215	0	REMOVE/GRAFT FINGER	Surgery	7.10	5.55	$120.59
26230	0	PARTIAL REMOVAL OF HAND	Surgery	6.33	4.26	$120.59
26235	0	PARTIAL REMOVAL, FINGER	Surgery	6.19	4.17	$120.59
26236	0	PARTIAL REMOVAL, FINGER	Surgery	5.32	3.86	$120.59
26250	0	EXTENSIVE HAND SURGERY	Surgery	7.55	6.00	$120.59
26255	0	EXTENSIVE HAND SURGERY	Surgery	12.43	8.94	$120.59
26260	0	EXTENSIVE FINGER SURGERY	Surgery	7.03	5.73	$120.59
26261	0	EXTENSIVE FINGER SURGERY	Surgery	9.09	7.70	$120.59
26262	0	PARTIAL REMOVAL OF	Surgery	5.67	4.75	$120.59
26320	0	REMOVAL OF IMPLANT FROM	Surgery	3.98	3.54	$120.59
26350	0	REPAIR FINGER/HAND	Surgery	5.99	5.74	$120.59
26352	0	REPAIR/GRAFT HAND TENDON	Surgery	7.68	6.60	$120.59
26356	0	REPAIR FINGER/HAND	Surgery	8.07	7.21	$120.59
26357	0	REPAIR FINGER/HAND	Surgery	8.58	6.58	$120.59
26358	0	REPAIR/GRAFT HAND TENDON	Surgery	9.14	7.40	$120.59
26370	0	REPAIR FINGER/HAND	Surgery	7.11	6.71	$120.59
26372	0	REPAIR/GRAFT HAND TENDON	Surgery	8.76	6.39	$120.59
26373	0	REPAIR FINGER/HAND	Surgery	8.16	6.85	$120.59
26390	0	REVISE HAND/FINGER	Surgery	9.19	7.95	$120.59
26392	0	REPAIR/GRAFT HAND TENDON	Surgery	10.26	8.61	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
26410	0	REPAIR HAND TENDON	Surgery	4.63	3.29	$120.59
26412	0	REPAIR/GRAFT HAND TENDON	Surgery	6.31	6.01	$120.59
26415	0	EXCISION, HAND/FINGER	Surgery	8.34	6.75	$120.59
26416	0	GRAFT HAND OR FINGER	Surgery	9.37	8.64	$120.59
26418	0	REPAIR FINGER TENDON	Surgery	4.25	3.58	$120.59
26420	0	REPAIR/GRAFT FINGER	Surgery	6.77	5.68	$120.59
26426	0	REPAIR FINGER/HAND	Surgery	6.15	6.31	$120.59
26428	0	REPAIR/GRAFT FINGER	Surgery	7.21	5.50	$120.59
26432	0	REPAIR FINGER TENDON	Surgery	4.02	1.58	$120.59
26433	0	REPAIR FINGER TENDON	Surgery	4.56	3.94	$120.59
26434	0	REPAIR/GRAFT FINGER	Surgery	6.09	4.95	$120.59
26437	0	REALIGNMENT OF TENDONS	Surgery	5.82	4.05	$120.59
26440	0	RELEASE PALM/FINGER	Surgery	5.02	3.57	$120.59
26442	0	RELEASE PALM & FINGER	Surgery	8.16	3.37	$120.59
26445	0	RELEASE HAND/FINGER	Surgery	4.31	3.25	$120.59
26449	0	RELEASE FOREARM/HAND	Surgery	7.00	5.57	$120.59
26450	0	INCISION OF PALM TENDON	Surgery	3.67	2.28	$120.59
26455	0	INCISION OF FINGER	Surgery	3.64	1.89	$120.59
26460	0	INCISE HAND/FINGER	Surgery	3.46	1.72	$120.59
26471	0	FUSION OF FINGER TENDONS	Surgery	5.73	4.15	$120.59
26474	0	FUSION OF FINGER TENDONS	Surgery	5.32	4.61	$120.59
26476	0	TENDON LENGTHENING	Surgery	5.18	2.89	$120.59
26477	0	TENDON SHORTENING	Surgery	5.15	3.99	$120.59
26478	0	LENGTHENING OF HAND	Surgery	5.80	4.30	$120.59
26479	0	SHORTENING OF HAND	Surgery	5.74	5.29	$120.59
26480	0	TRANSPLANT HAND TENDON	Surgery	6.69	6.53	$120.59
26483	0	TRANSPLANT/GRAFT HAND	Surgery	8.29	8.50	$120.59
26485	0	TRANSPLANT PALM TENDON	Surgery	7.70	6.50	$120.59
26489	0	TRANSPLANT/GRAFT PALM	Surgery	9.55	3.40	$120.59
26490	0	REVISE THUMB TENDON	Surgery	8.41	7.80	$120.59
26492	0	TENDON TRANSFER WITH	Surgery	9.62	8.75	$120.59
26494	0	HAND TENDON/MUSCLE	Surgery	8.47	7.28	$120.59
26496	0	REVISE THUMB TENDON	Surgery	9.59	8.73	$120.59
26497	0	FINGER TENDON TRANSFER	Surgery	9.57	8.02	$120.59
26498	0	FINGER TENDON TRANSFER	Surgery	14.00	11.78	$120.59
26500	0	HAND TENDON	Surgery	5.96	3.49	$120.59
26502	0	HAND TENDON	Surgery	7.14	5.27	$120.59
26504	0	HAND TENDON	Surgery	7.47	6.72	$120.59
26508	0	RELEASE THUMB	Surgery	6.01	4.15	$120.59
26510	0	THUMB TENDON TRANSFER	Surgery	5.43	4.15	$120.59
26516	0	FUSION OF KNUCKLE JOINT	Surgery	7.15	4.16	$120.59
26517	0	FUSION OF KNUCKLE JOINTS	Surgery	8.83	7.07	$120.59
26518	0	FUSION OF KNUCKLE JOINTS	Surgery	9.02	6.51	$120.59
26520	0	RELEASE KNUCKLE	Surgery	5.30	4.48	$120.59
26525	0	RELEASE FINGER	Surgery	5.33	3.64	$120.59
26530	0	REVISE KNUCKLE JOINT	Surgery	6.69	5.16	$120.59
26531	0	REVISE KNUCKLE WITH	Surgery	7.91	6.65	$120.59
26535	0	REVISE FINGER JOINT	Surgery	5.24	4.84	$120.59
26536	0	REVISE/IMPLANT FINGER	Surgery	6.37	7.01	$120.59
26540	0	REPAIR HAND JOINT	Surgery	6.43	6.64	$120.59
26541	0	REPAIR HAND JOINT WITH	Surgery	8.62	8.94	$120.59
26542	0	REPAIR HAND JOINT WITH	Surgery	6.78	5.67	$120.59
26545	0	RECONSTRUCT FINGER JOINT	Surgery	6.92	5.27	$120.59
26546	0	REPAIR NON-UNION HAND	Surgery	8.92	8.11	$120.59
26548	0	RECONSTRUCT FINGER JOINT	Surgery	8.03	5.79	$120.59
26550	0	CONSTRUCT THUMB	Surgery	21.24	19.81	$120.59
26551	0	GREAT TOE-HAND TRANSFER	Surgery	46.58	42.25	$120.59
26553	0	SINGLE TOE-HAND TRANSFER	Surgery	46.27	41.96	$120.59
26554	0	DOUBLE TOE-HAND TRANSFER	Surgery	54.95	50.06	$120.59
26555	0	POSITIONAL CHANGE OF	Surgery	16.63	15.41	$120.59
26556	0	TOE JOINT TRANSFER	Surgery	47.26	42.67	$120.59
26560	0	REPAIR OF WEB FINGER	Surgery	5.38	4.65	$120.59
26561	0	REPAIR OF WEB FINGER	Surgery	10.92	8.89	$120.59
26562	0	REPAIR OF WEB FINGER	Surgery	9.68	10.65	$120.59
26565	0	CORRECT METACARPAL FLAW	Surgery	6.74	5.82	$120.59
26567	0	CORRECT FINGER DEFORMITY	Surgery	6.82	4.28	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
26568	0	LENGTHEN METACARPAL/	Surgery	9.08	8.45	$120.59
26580	0	REPAIR HAND DEFORMITY	Surgery	18.18	16.89	$120.59
26585	0	REPAIR FINGER DEFORMITY	Surgery	14.05	12.95	$120.59
26590	0	REPAIR FINGER DEFORMITY	Surgery	17.96	16.63	$120.59
26591	0	REPAIR MUSCLES OF HAND	Surgery	3.25	2.29	$120.59
26593	0	RELEASE MUSCLES OF HAND	Surgery	5.31	4.12	$120.59
26596	0	EXCISION CONSTRICTING	Surgery	8.95	8.24	$120.59
26597	0	RELEASE OF SCAR	Surgery	9.82	8.02	$120.59
26600	0	TREAT METACARPAL	Surgery	1.96	0.77	$120.59
26605	0	TREAT METACARPAL	Surgery	2.85	1.15	$120.59
26607	0	TREAT METACARPAL	Surgery	5.36	3.55	$120.59
26608	0	TREAT METACARPAL	Surgery	5.36	3.55	$120.59
26615	0	REPAIR METACARPAL	Surgery	5.33	4.87	$120.59
26641	0	TREAT THUMB DISLOCATION	Surgery	3.94	1.11	$120.59
26645	0	TREAT THUMB FRACTURE	Surgery	4.41	2.20	$120.59
26650	0	REPAIR THUMB FRACTURE	Surgery	5.72	4.01	$120.59
26665	0	REPAIR THUMB FRACTURE	Surgery	7.60	6.39	$120.59
26670	0	TREAT HAND DISLOCATION	Surgery	3.69	0.96	$120.59
26675	0	TREAT HAND DISLOCATION	Surgery	4.64	4.34	$120.59
26676	0	PIN HAND DISLOCATION	Surgery	5.52	4.86	$120.59
26685	0	REPAIR HAND DISLOCATION	Surgery	6.98	5.76	$120.59
26686	0	REPAIR HAND DISLOCATION	Surgery	7.94	6.31	$120.59
26700	0	TREAT KNUCKLE	Surgery	3.69	0.88	$120.59
26705	0	TREAT KNUCKLE	Surgery	4.19	1.78	$120.59
26706	0	PIN KNUCKLE DISLOCATION	Surgery	5.12	4.68	$120.59
26715	0	REPAIR KNUCKLE	Surgery	5.74	4.13	$120.59
26720	0	TREAT FINGER FRACTURE,	Surgery	1.66	0.55	$120.59
26725	0	TREAT FINGER FRACTURE,	Surgery	3.33	0.77	$120.59
26727	0	TREAT FINGER FRACTURE,	Surgery	5.23	2.45	$120.59
26735	0	REPAIR FINGER FRACTURE,	Surgery	5.98	3.73	$120.59
26740	0	TREAT FINGER FRACTURE,	Surgery	1.94	1.16	$120.59
26742	0	TREAT FINGER FRACTURE,	Surgery	3.85	1.98	$120.59
26746	0	REPAIR FINGER FRACTURE,	Surgery	5.81	4.75	$120.59
26750	0	TREAT FINGER FRACTURE,	Surgery	1.70	0.83	$120.59
26755	0	TREAT FINGER FRACTURE,	Surgery	3.10	1.08	$120.59
26756	0	PIN FINGER FRACTURE,	Surgery	4.39	1.90	$120.59
26765	0	REPAIR FINGER FRACTURE,	Surgery	4.17	2.66	$120.59
26770	0	TREAT FINGER DISLOCATION	Surgery	3.02	0.76	$120.59
26775	0	TREAT FINGER DISLOCATION	Surgery	3.71	1.13	$120.59
26776	0	PIN FINGER DISLOCATION	Surgery	4.80	2.08	$120.59
26785	0	REPAIR FINGER	Surgery	4.21	2.97	$120.59
26820	0	THUMB FUSION WITH GRAFT	Surgery	8.26	6.65	$120.59
26841	0	FUSION OF THUMB	Surgery	7.13	6.17	$120.59
26842	0	THUMB FUSION WITH GRAFT	Surgery	8.24	8.58	$120.59
26843	0	FUSION OF HAND JOINT	Surgery	7.61	6.37	$120.59
26844	0	FUSION/GRAFT OF HAND	Surgery	8.73	7.35	$120.59
26850	0	FUSION OF KNUCKLE	Surgery	6.97	4.63	$120.59
26852	0	FUSION OF KNUCKLE WITH	Surgery	8.46	5.72	$120.59
26860	0	FUSION OF FINGER JOINT	Surgery	4.69	4.30	$120.59
26861	0	FUSION OF FINGER JOINT,	Surgery	1.74	1.91	$120.59
26862	0	FUSION/GRAFT OF FINGER	Surgery	7.37	5.16	$120.59
26863	0	FUSE/GRAFT ADDED JOINT	Surgery	3.90	3.37	$120.59
26910	0	AMPUTATE METACARPAL BONE	Surgery	7.60	5.16	$120.59
26951	0	AMPUTATION OF FINGER/	Surgery	4.59	2.87	$120.59
26952	0	AMPUTATION OF FINGER/	Surgery	6.31	4.00	$120.59
26990	0	DRAINAGE OF PELVIS	Surgery	7.48	3.10	$120.59
26991	0	DRAINAGE OF PELVIS BURSA	Surgery	6.68	1.81	$120.59
26992	0	DRAINAGE OF BONE LESION	Surgery	13.02	6.38	$120.59
27000	0	INCISION OF HIP TENDON	Surgery	5.62	1.85	$120.59
27001	0	INCISION OF HIP TENDON	Surgery	6.94	2.34	$120.59
27003	0	INCISION OF HIP TENDON	Surgery	7.34	6.77	$120.59
27005	0	INCISION OF HIP TENDON	Surgery	9.66	3.37	$120.59
27006	0	INCISION OF HIP TENDONS	Surgery	9.68	4.64	$120.59
27025	0	INCISION OF HIP/THIGH	Surgery	11.16	6.12	$120.59
27030	0	DRAINAGE OF HIP JOINT	Surgery	13.01	11.42	$120.59
27033	0	EXPLORATION OF HIP JOINT	Surgery	13.39	11.52	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
27035	0	DENERVATION OF HIP JOINT	Surgery	16.69	11.86	$120.59
27036	0	EXCISION OF HIP JOINT/	Surgery	12.88	11.44	$120.59
27040	0	BIOPSY OF SOFT TISSUES	Surgery	2.87	0.72	$120.59
27041	0	BIOPSY OF SOFT TISSUES	Surgery	9.89	2.67	$120.59
27047	0	REMOVE HIP/PELVIS LESION	Surgery	7.45	1.89	$120.59
27048	0	REMOVE HIP/PELVIS LESION	Surgery	6.25	4.33	$120.59
27049	0	REMOVE TUMOR, HIP/PELVIS	Surgery	13.66	10.14	$120.59
27050	0	BIOPSY OF SACROILIAC	Surgery	4.36	4.78	$120.59
27052	0	BIOPSY OF HIP JOINT	Surgery	6.23	6.85	$120.59
27054	0	REMOVAL OF HIP JOINT	Surgery	8.54	9.39	$120.59
27060	0	REMOVAL OF ISCHIAL BURSA	Surgery	5.43	3.93	$120.59
27062	0	REMOVE FEMUR LESION/	Surgery	5.37	4.23	$120.59
27065	0	REMOVAL OF HIP BONE	Surgery	5.90	5.59	$120.59
27066	0	REMOVAL OF HIP BONE	Surgery	10.33	7.90	$120.59
27067	0	REMOVE/GRAFT HIP BONE	Surgery	13.83	11.63	$120.59
27070	0	PARTIAL REMOVAL OF HIP	Surgery	10.72	7.41	$120.59
27071	0	PARTIAL REMOVAL OF HIP	Surgery	11.46	8.50	$120.59
27075	0	EXTENSIVE HIP SURGERY	Surgery	17.23	13.54	$120.59
27076	0	EXTENSIVE HIP SURGERY	Surgery	22.12	16.37	$120.59
27077	0	EXTENSIVE HIP SURGERY	Surgery	23.13	18.98	$120.59
27078	0	EXTENSIVE HIP SURGERY	Surgery	13.44	9.20	$120.59
27079	0	EXTENSIVE HIP SURGERY	Surgery	13.75	8.64	$120.59
27080	0	REMOVAL OF TAIL BONE	Surgery	6.39	4.78	$120.59
27086	0	REMOVE HIP FOREIGN BODY	Surgery	1.87	0.29	$120.59
27087	0	REMOVE HIP FOREIGN BODY	Surgery	8.54	3.62	$120.59
27090	0	REMOVAL OF HIP	Surgery	11.15	9.09	$120.59
27091	0	REMOVAL OF HIP	Surgery	22.14	19.81	$120.59
27093	0	INJECTION FOR HIP X-RAY	Surgery	1.30	0.82	$120.59
27095	0	INJECTION FOR HIP X-RAY	Surgery	1.50	0.93	$120.59
27097	0	REVISION OF HIP TENDON	Surgery	8.80	7.71	$120.59
27098	0	TRANSFER TENDON TO	Surgery	8.83	7.71	$120.59
27100	0	TRANSFER OF ABDOMINAL	Surgery	11.08	7.68	$120.59
27105	0	TRANSFER OF SPINAL	Surgery	11.77	5.89	$120.59
27110	0	TRANSFER OF ILIOPSOAS	Surgery	13.26	10.61	$120.59
27111	0	TRANSFER OF ILIOPSOAS	Surgery	12.15	11.63	$120.59
27120	0	RECONSTRUCTION OF HIP	Surgery	18.01	18.10	$120.59
27122	0	RECONSTRUCTION OF HIP	Surgery	14.98	16.48	$120.59
27125	0	PARTIAL HIP REPLACEMENT	Surgery	14.69	16.16	$120.59
27130	0	TOTAL HIP REPLACEMENT	Surgery	20.12	22.13	$120.59
27132	0	TOTAL HIP REPLACEMENT	Surgery	23.30	25.63	$120.59
27134	0	REVISE HIP JOINT	Surgery	28.52	31.37	$120.59
27137	0	REVISE HIP JOINT	Surgery	21.17	23.29	$120.59
27138	0	REVISE HIP JOINT	Surgery	22.17	24.23	$120.59
27140	0	TRANSPLANT OF FEMUR	Surgery	12.24	11.05	$120.59
27146	0	INCISION OF HIP BONE	Surgery	17.43	10.88	$120.59
27147	0	REVISION OF HIP BONE	Surgery	20.58	16.97	$120.59
27151	0	INCISION OF HIP BONES	Surgery	22.51	17.71	$120.59
27156	0	REVISION OF HIP BONES	Surgery	24.63	18.32	$120.59
27158	0	REVISION OF PELVIS	Surgery	19.74	14.42	$120.59
27161	0	INCISION OF NECK OF	Surgery	16.71	14.31	$120.59
27165	0	INCISION/FIXATION OF	Surgery	17.91	16.76	$120.59
27170	0	REPAIR/GRAFT FEMUR HEAD/	Surgery	16.07	16.41	$120.59
27175	0	TREAT SLIPPED EPIPHYSIS	Surgery	8.46	1.18	$120.59
27176	0	TREAT SLIPPED EPIPHYSIS	Surgery	12.05	10.39	$120.59
27177	0	REPAIR SLIPPED EPIPHYSIS	Surgery	15.08	12.39	$120.59
27178	0	REPAIR SLIPPED EPIPHYSIS	Surgery	11.99	10.46	$120.59
27179	0	REVISE HEAD/NECK OF	Surgery	12.98	11.15	$120.59
27181	0	REPAIR SLIPPED EPIPHYSIS	Surgery	14.68	13.14	$120.59
27185	0	REVISION OF FEMUR	Surgery	9.18	2.77	$120.59
27187	0	REINFORCE HIP BONES	Surgery	13.54	14.89	$120.59
27193	0	TREAT PELVIC RING	Surgery	5.56	2.41	$120.59
27194	0	TREAT PELVIC RING	Surgery	9.65	3.90	$120.59
27200	0	TREAT TAIL BONE FRACTURE	Surgery	1.84	1.49	$120.59
27202	0	REPAIR TAIL BONE	Surgery	7.04	6.15	$120.59
27215	0	PELVIC FRACTURE(S)	Surgery	10.05	11.06	$120.59
27216	0	TREAT PELVIC RING	Surgery	15.19	4.30	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
27217	0	TREAT PELVIC RING	Surgery	14.11	14.55	$120.59
27218	0	TREAT PELVIC RING	Surgery	20.15	14.55	$120.59
27220	0	TREAT HIP SOCKET	Surgery	6.18	4.26	$120.59
27222	0	TREAT HIP SOCKET	Surgery	12.70	6.37	$120.59
27226	0	TREAT HIP WALL FRACTURE	Surgery	14.91	15.78	$120.59
27227	0	TREAT HIP FRACTURE(S)	Surgery	23.45	19.70	$120.59
27228	0	TREAT HIP FRACTURE(S)	Surgery	27.16	19.95	$120.59
27230	0	TREAT FRACTURE OF THIGH	Surgery	5.50	3.30	$120.59
27232	0	TREAT FRACTURE OF THIGH	Surgery	10.68	8.98	$120.59
27235	0	REPAIR OF THIGH FRACTURE	Surgery	12.16	13.38	$120.59
27236	0	REPAIR OF THIGH FRACTURE	Surgery	15.60	16.91	$120.59
27238	0	TREATMENT OF THIGH	Surgery	5.52	4.91	$120.59
27240	0	TREATMENT OF THIGH	Surgery	12.50	9.70	$120.59
27244	0	REPAIR OF THIGH FRACTURE	Surgery	15.94	16.30	$120.59
27245	0	REPAIR OF THIGH FRACTURE	Surgery	20.31	16.30	$120.59
27246	0	TREATMENT OF THIGH	Surgery	4.71	3.87	$120.59
27248	0	REPAIR OF THIGH FRACTURE	Surgery	10.45	11.50	$120.59
27250	0	TREAT HIP DISLOCATION	Surgery	6.95	3.19	$120.59
27252	0	TREAT HIP DISLOCATION	Surgery	10.39	4.34	$120.59
27253	0	REPAIR OF HIP	Surgery	12.92	13.14	$120.59
27254	0	REPAIR OF HIP	Surgery	18.26	13.47	$120.59
27256	0	TREATMENT OF HIP	Surgery	4.12	1.88	$120.59
27257	0	TREATMENT OF HIP	Surgery	5.22	4.62	$120.59
27258	0	REPAIR OF HIP	Surgery	15.43	13.73	$120.59
27259	0	REPAIR OF HIP	Surgery	21.55	17.20	$120.59
27265	0	TREATMENT OF HIP	Surgery	5.05	3.46	$120.59
27266	0	TREATMENT OF HIP	Surgery	7.49	4.45	$120.59
27275	0	MANIPULATION OF HIP	Surgery	2.27	1.88	$120.59
27280	0	FUSION OF SACROILIAC	Surgery	13.39	10.06	$120.59
27282	0	FUSION OF PUBIC BONES	Surgery	11.34	9.01	$120.59
27284	0	FUSION OF HIP JOINT	Surgery	16.76	14.50	$120.59
27286	0	FUSION OF HIP JOINT	Surgery	16.79	15.20	$120.59
27290	0	AMPUTATION OF LEG AT HIP	Surgery	23.28	25.40	$120.59
27295	0	AMPUTATION OF LEG AT HIP	Surgery	18.65	16.54	$120.59
27301	0	DRAIN THIGH/KNEE LESION	Surgery	6.49	2.46	$120.59
27303	0	DRAINAGE OF BONE LESION	Surgery	8.28	5.86	$120.59
27305	0	INCISE THIGH TENDON &	Surgery	5.92	3.80	$120.59
27306	0	INCISION OF THIGH TENDON	Surgery	4.62	1.99	$120.59
27307	0	INCISION OF THIGH	Surgery	5.80	3.01	$120.59
27310	0	EXPLORATION OF KNEE	Surgery	9.27	9.60	$120.59
27315	0	PARTIAL REMOVAL, THIGH	Surgery	6.97	5.38	$120.59
27320	0	PARTIAL REMOVAL, THIGH	Surgery	6.30	5.18	$120.59
27323	0	BIOPSY THIGH SOFT	Surgery	2.28	0.46	$120.59
27324	0	BIOPSY THIGH SOFT	Surgery	4.90	2.63	$120.59
27327	0	REMOVAL OF THIGH LESION	Surgery	4.47	2.29	$120.59
27328	0	REMOVAL OF THIGH LESION	Surgery	5.57	4.07	$120.59
27329	0	REMOVE TUMOR, THIGH/KNEE	Surgery	14.14	11.69	$120.59
27330	0	BIOPSY KNEE JOINT LINING	Surgery	4.97	5.47	$120.59
27331	0	EXPLORE/TREAT KNEE JOINT	Surgery	5.88	6.47	$120.59
27332	0	REMOVAL OF KNEE	Surgery	8.27	9.10	$120.59
27333	0	REMOVAL OF KNEE	Surgery	7.30	8.03	$120.59
27334	0	REMOVE KNEE JOINT LINING	Surgery	8.70	9.57	$120.59
27335	0	REMOVE KNEE JOINT LINING	Surgery	10.00	11.00	$120.59
27340	0	REMOVAL OF KNEECAP BURSA	Surgery	4.18	3.85	$120.59
27345	0	REMOVAL OF KNEE CYST	Surgery	5.92	5.63	$120.59
27350	0	REMOVAL OF KNEECAP	Surgery	8.17	8.99	$120.59
27355	0	REMOVE FEMUR LESION	Surgery	7.65	7.58	$120.59
27356	0	REMOVE FEMUR LESION/	Surgery	9.48	8.20	$120.59
27357	0	REMOVE FEMUR LESION/	Surgery	10.53	8.80	$120.59
27358	0	REMOVE FEMUR LESION/	Surgery	4.74	4.55	$120.59
27360	0	PARTIAL REMOVAL LEG	Surgery	10.50	8.56	$120.59
27365	0	EXTENSIVE LEG SURGERY	Surgery	16.27	13.94	$120.59
27370	0	INJECTION FOR KNEE X-RAY	Surgery	0.96	0.60	$120.59
27372	0	REMOVAL OF FOREIGN BODY	Surgery	5.07	3.42	$120.59
27380	0	REPAIR OF KNEECAP TENDON	Surgery	7.16	7.88	$120.59
27381	0	REPAIR/GRAFT KNEECAP	Surgery	10.34	11.27	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
27385	0	REPAIR OF THIGH MUSCLE	Surgery	7.76	8.54	$120.59
27386	0	REPAIR/GRAFT OF THIGH	Surgery	10.56	11.62	$120.59
27390	0	INCISION OF THIGH TENDON	Surgery	5.33	4.36	$120.59
27391	0	INCISION OF THIGH	Surgery	7.20	5.42	$120.59
27392	0	INCISION OF THIGH	Surgery	9.20	7.67	$120.59
27393	0	LENGTHENING OF THIGH	Surgery	6.39	5.67	$120.59
27394	0	LENGTHENING OF THIGH	Surgery	8.50	5.73	$120.59
27395	0	LENGTHENING OF THIGH	Surgery	11.73	10.48	$120.59
27396	0	TRANSPLANT OF THIGH	Surgery	7.86	7.06	$120.59
27397	0	TRANSPLANTS OF THIGH	Surgery	11.28	8.88	$120.59
27400	0	REVISE THIGH MUSCLES/	Surgery	9.02	7.89	$120.59
27403	0	REPAIR OF KNEE CARTILAGE	Surgery	8.33	8.79	$120.59
27405	0	REPAIR OF KNEE LIGAMENT	Surgery	8.65	9.52	$120.59
27407	0	REPAIR OF KNEE LIGAMENT	Surgery	10.28	8.87	$120.59
27409	0	REPAIR OF KNEE LIGAMENTS	Surgery	12.90	14.19	$120.59
27418	0	REPAIR DEGENERATED	Surgery	10.85	11.94	$120.59
27420	0	REVISION OF UNSTABLE	Surgery	9.83	10.81	$120.59
27422	0	REVISION OF UNSTABLE	Surgery	9.78	10.76	$120.59
27424	0	REVISION/REMOVAL OF	Surgery	9.81	10.79	$120.59
27425	0	LATERAL RETINACULAR	Surgery	5.22	5.74	$120.59
27427	0	RECONSTRUCTION, KNEE	Surgery	9.36	10.30	$120.59
27428	0	RECONSTRUCTION, KNEE	Surgery	14.00	13.67	$120.59
27429	0	RECONSTRUCTION, KNEE	Surgery	15.52	11.27	$120.59
27430	0	REVISION OF THIGH	Surgery	9.67	9.36	$120.59
27435	0	INCISION OF KNEE JOINT	Surgery	9.49	7.03	$120.59
27437	0	REVISE KNEECAP	Surgery	8.46	9.31	$120.59
27438	0	REVISE KNEECAP WITH	Surgery	11.23	12.35	$120.59
27440	0	REVISION OF KNEE JOINT	Surgery	10.43	11.47	$120.59
27441	0	REVISION OF KNEE JOINT	Surgery	10.82	9.14	$120.59
27442	0	REVISION OF KNEE JOINT	Surgery	11.89	13.08	$120.59
27443	0	REVISION OF KNEE JOINT	Surgery	10.93	12.02	$120.59
27445	0	REVISION OF KNEE JOINT	Surgery	17.68	19.45	$120.59
27446	0	REVISION OF KNEE JOINT	Surgery	15.84	17.42	$120.59
27447	0	TOTAL KNEE REPLACEMENT	Surgery	21.48	23.63	$120.59
27448	0	INCISION OF THIGH	Surgery	11.06	12.17	$120.59
27450	0	INCISION OF THIGH	Surgery	13.98	14.84	$120.59
27454	0	REALIGNMENT OF THIGH	Surgery	17.56	15.70	$120.59
27455	0	REALIGNMENT OF KNEE	Surgery	12.82	12.01	$120.59
27457	0	REALIGNMENT OF KNEE	Surgery	13.45	13.30	$120.59
27465	0	SHORTENING OF THIGH BONE	Surgery	13.87	12.24	$120.59
27466	0	LENGTHENING OF THIGH	Surgery	16.33	13.43	$120.59
27468	0	SHORTEN/LENGTHEN THIGHS	Surgery	18.97	16.84	$120.59
27470	0	REPAIR OF THIGH	Surgery	16.07	16.67	$120.59
27472	0	REPAIR/GRAFT OF THIGH	Surgery	17.72	19.49	$120.59
27475	0	SURGERY TO STOP LEG	Surgery	8.64	7.74	$120.59
27477	0	SURGERY TO STOP LEG	Surgery	9.85	10.84	$120.59
27479	0	SURGERY TO STOP LEG	Surgery	12.80	11.63	$120.59
27485	0	SURGERY TO STOP LEG	Surgery	8.84	7.91	$120.59
27486	0	REVISE KNEE JOINT	Surgery	19.27	21.20	$120.59
27487	0	REVISE KNEE JOINT	Surgery	25.27	27.76	$120.59
27488	0	REMOVAL OF KNEE	Surgery	15.74	16.16	$120.59
27495	0	REINFORCE THIGH	Surgery	15.55	17.11	$120.59
27496	0	DECOMPRESSION OF THIGH/	Surgery	6.11	4.53	$120.59
27497	0	DECOMPRESSION OF THIGH/	Surgery	7.17	5.55	$120.59
27498	0	DECOMPRESSION OF THIGH/	Surgery	7.99	6.32	$120.59
27500	0	TREATMENT OF THIGH	Surgery	5.92	5.41	$120.59
27501	0	TREATMENT OF THIGH	Surgery	5.92	5.41	$120.59
27502	0	TREATMENT OF THIGH	Surgery	10.58	7.67	$120.59
27503	0	TREATMENT OF THIGH	Surgery	10.58	7.67	$120.59
27506	0	REPAIR OF THIGH FRACTURE	Surgery	17.45	16.02	$120.59
27507	0	TREATMENT OF THIGH	Surgery	13.99	15.39	$120.59
27508	0	TREATMENT OF THIGH	Surgery	5.83	4.22	$120.59
27509	0	TREATMENT OF THIGH	Surgery	7.71	4.22	$120.59
27510	0	TREATMENT OF THIGH	Surgery	9.13	6.82	$120.59
27511	0	TREATMENT OF THIGH	Surgery	13.64	15.00	$120.59
27513	0	TREATMENT OF THIGH	Surgery	17.92	16.02	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
27514	0	REPAIR OF THIGH FRACTURE	Surgery	17.30	15.76	$120.59
27516	0	REPAIR OF THIGH GROWTH	Surgery	5.37	4.82	$120.59
27517	0	REPAIR OF THIGH GROWTH	Surgery	8.78	7.82	$120.59
27519	0	REPAIR OF THIGH GROWTH	Surgery	15.02	12.68	$120.59
27520	0	TREAT KNEECAP FRACTURE	Surgery	2.86	1.52	$120.59
27524	0	REPAIR OF KNEECAP	Surgery	10.00	10.34	$120.59
27530	0	TREATMENT OF KNEE	Surgery	3.78	3.40	$120.59
27532	0	TREATMENT OF KNEE	Surgery	7.30	5.68	$120.59
27535	0	TREATMENT OF KNEE	Surgery	11.50	11.69	$120.59
27536	0	REPAIR OF KNEE FRACTURE	Surgery	15.65	11.69	$120.59
27538	0	TREAT KNEE FRACTURE(S)	Surgery	4.87	3.37	$120.59
27540	0	REPAIR OF KNEE FRACTURE	Surgery	13.10	10.95	$120.59
27550	0	TREAT KNEE DISLOCATION	Surgery	5.76	2.57	$120.59
27552	0	TREAT KNEE DISLOCATION	Surgery	7.90	3.43	$120.59
27556	0	REPAIR OF KNEE	Surgery	14.41	12.48	$120.59
27557	0	REPAIR OF KNEE	Surgery	16.77	14.60	$120.59
27558	0	REPAIR OF KNEE	Surgery	17.72	14.60	$120.59
27560	0	TREAT KNEECAP	Surgery	3.82	1.43	$120.59
27562	0	TREAT KNEECAP	Surgery	5.79	5.18	$120.59
27566	0	REPAIR KNEECAP	Surgery	12.23	10.58	$120.59
27570	0	FIXATION OF KNEE JOINT	Surgery	1.74	1.72	$120.59
27580	0	FUSION OF KNEE	Surgery	19.37	15.70	$120.59
27590	0	AMPUTATE LEG AT THIGH	Surgery	12.03	9.11	$120.59
27591	0	AMPUTATE LEG AT THIGH	Surgery	12.68	11.77	$120.59
27592	0	AMPUTATE LEG AT THIGH	Surgery	10.02	8.11	$120.59
27594	0	AMPUTATION FOLLOW-UP	Surgery	6.92	3.65	$120.59
27596	0	AMPUTATION FOLLOW-UP	Surgery	10.60	7.37	$120.59
27598	0	AMPUTATE LOWER LEG AT	Surgery	10.53	10.04	$120.59
27600	0	DECOMPRESSION OF LOWER	Surgery	5.65	3.39	$120.59
27601	0	DECOMPRESSION OF LOWER	Surgery	5.64	3.38	$120.59
27602	0	DECOMPRESSION OF LOWER	Surgery	7.35	4.05	$120.59
27603	0	DRAIN LOWER LEG LESION	Surgery	4.94	2.38	$120.59
27604	0	DRAIN LOWER LEG BURSA	Surgery	4.47	0.51	$120.59
27605	0	INCISION OF ACHILLES	Surgery	2.87	1.18	$120.59
27606	0	INCISION OF ACHILLES	Surgery	4.14	2.12	$120.59
27607	0	TREAT LOWER LEG BONE	Surgery	7.97	6.01	$120.59
27610	0	EXPLORE/TREAT ANKLE	Surgery	8.34	7.43	$120.59
27612	0	EXPLORATION OF ANKLE	Surgery	7.33	7.97	$120.59
27613	0	BIOPSY LOWER LEG SOFT	Surgery	2.17	0.34	$120.59
27614	0	BIOPSY LOWER LEG SOFT	Surgery	5.66	2.26	$120.59
27615	0	REMOVE TUMOR, LOWER LEG	Surgery	12.56	8.23	$120.59
27618	0	REMOVE LOWER LEG LESION	Surgery	5.09	2.10	$120.59
27619	0	REMOVE LOWER LEG LESION	Surgery	8.40	4.13	$120.59
27620	0	EXPLORE, TREAT ANKLE	Surgery	5.98	6.03	$120.59
27625	0	REMOVE ANKLE JOINT	Surgery	8.30	8.71	$120.59
27626	0	REMOVE ANKLE JOINT	Surgery	8.91	9.80	$120.59
27630	0	REMOVAL OF TENDON LESION	Surgery	4.80	3.10	$120.59
27635	0	REMOVE LOWER LEG BONE	Surgery	7.78	8.04	$120.59
27637	0	REMOVE/GRAFT LEG BONE	Surgery	9.85	8.47	$120.59
27638	0	REMOVE/GRAFT LEG BONE	Surgery	10.57	9.15	$120.59
27640	0	PARTIAL REMOVAL OF TIBIA	Surgery	11.37	9.81	$120.59
27641	0	PARTIAL REMOVAL OF	Surgery	9.24	7.13	$120.59
27645	0	EXTENSIVE LOWER LEG	Surgery	14.17	11.64	$120.59
27646	0	EXTENSIVE LOWER LEG	Surgery	12.66	10.75	$120.59
27647	0	EXTENSIVE ANKLE/HEEL	Surgery	12.24	9.95	$120.59
27648	0	INJECTION FOR ANKLE X-	Surgery	0.96	0.52	$120.59
27650	0	REPAIR ACHILLES TENDON	Surgery	9.69	8.98	$120.59
27652	0	REPAIR/GRAFT ACHILLES	Surgery	10.33	10.41	$120.59
27654	0	REPAIR OF ACHILLES	Surgery	10.02	10.93	$120.59
27656	0	REPAIR LEG FASCIA DEFECT	Surgery	4.57	3.18	$120.59
27658	0	REPAIR OF LEG TENDON,	Surgery	4.98	4.02	$120.59
27659	0	REPAIR OF LEG TENDON,	Surgery	6.81	5.87	$120.59
27664	0	REPAIR OF LEG TENDON,	Surgery	4.59	3.41	$120.59
27665	0	REPAIR OF LEG TENDON,	Surgery	5.40	4.95	$120.59
27675	0	REPAIR LOWER LEG TENDONS	Surgery	7.18	6.40	$120.59
27676	0	REPAIR LOWER LEG TENDONS	Surgery	8.42	7.56	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
27680	0	RELEASE OF LOWER LEG	Surgery	5.74	4.12	$120.59
27681	0	RELEASE OF LOWER LEG	Surgery	6.82	5.97	$120.59
27685	0	REVISION OF LOWER LEG	Surgery	6.50	3.83	$120.59
27686	0	REVISE LOWER LEG TENDONS	Surgery	7.46	6.56	$120.59
27687	0	REVISION OF CALF TENDON	Surgery	6.24	5.45	$120.59
27690	0	REVISE LOWER LEG TENDON	Surgery	8.71	6.74	$120.59
27691	0	REVISE LOWER LEG TENDON	Surgery	9.96	7.89	$120.59
27692	0	REVISE ADDITIONAL LEG	Surgery	1.87	2.03	$120.59
27695	0	REPAIR OF ANKLE LIGAMENT	Surgery	6.51	7.16	$120.59
27696	0	REPAIR OF ANKLE	Surgery	8.27	7.06	$120.59
27698	0	REPAIR OF ANKLE LIGAMENT	Surgery	9.36	10.30	$120.59
27700	0	REVISION OF ANKLE JOINT	Surgery	9.29	10.22	$120.59
27702	0	RECONSTRUCT ANKLE JOINT	Surgery	13.67	15.04	$120.59
27703	0	RECONSTRUCTION, ANKLE	Surgery	15.87	13.82	$120.59
27704	0	REMOVAL OF ANKLE IMPLANT	Surgery	7.62	5.84	$120.59
27705	0	INCISION OF TIBIA	Surgery	10.38	10.74	$120.59
27707	0	INCISION OF FIBULA	Surgery	4.37	4.75	$120.59
27709	0	INCISION OF TIBIA &	Surgery	9.95	10.95	$120.59
27712	0	REALIGNMENT OF LOWER LEG	Surgery	14.25	10.99	$120.59
27715	0	REVISION OF LOWER LEG	Surgery	14.39	12.61	$120.59
27720	0	REPAIR OF TIBIA	Surgery	11.79	12.97	$120.59
27722	0	REPAIR/GRAFT OF TIBIA	Surgery	11.82	10.50	$120.59
27724	0	REPAIR/GRAFT OF TIBIA	Surgery	14.99	15.50	$120.59
27725	0	REPAIR OF LOWER LEG	Surgery	15.59	10.43	$120.59
27727	0	REPAIR OF LOWER LEG	Surgery	14.01	9.38	$120.59
27730	0	REPAIR OF TIBIA	Surgery	7.41	3.59	$120.59
27732	0	REPAIR OF FIBULA	Surgery	5.32	4.84	$120.59
27734	0	REPAIR LOWER LEG	Surgery	8.48	7.54	$120.59
27740	0	REPAIR OF LEG EPIPHYSES	Surgery	9.30	8.36	$120.59
27742	0	REPAIR OF LEG EPIPHYSES	Surgery	10.30	9.29	$120.59
27745	0	REINFORCE TIBIA	Surgery	10.07	8.97	$120.59
27750	0	TREATMENT OF TIBIA	Surgery	3.19	3.45	$120.59
27752	0	TREATMENT OF TIBIA	Surgery	5.84	5.09	$120.59
27756	0	REPAIR OF TIBIA FRACTURE	Surgery	6.78	7.46	$120.59
27758	0	REPAIR OF TIBIA FRACTURE	Surgery	11.67	12.84	$120.59
27759	0	REPAIR OF TIBIA FRACTURE	Surgery	13.76	13.74	$120.59
27760	0	TREATMENT OF ANKLE	Surgery	3.01	1.29	$120.59
27762	0	TREATMENT OF ANKLE	Surgery	5.25	3.36	$120.59
27766	0	REPAIR OF ANKLE FRACTURE	Surgery	8.36	7.87	$120.59
27780	0	TREATMENT OF FIBULA	Surgery	2.65	0.99	$120.59
27781	0	TREATMENT OF FIBULA	Surgery	4.40	3.29	$120.59
27784	0	REPAIR OF FIBULA	Surgery	7.11	5.59	$120.59
27786	0	TREATMENT OF ANKLE	Surgery	2.84	1.26	$120.59
27788	0	TREATMENT OF ANKLE	Surgery	4.45	1.64	$120.59
27792	0	REPAIR OF ANKLE FRACTURE	Surgery	7.66	7.38	$120.59
27808	0	TREATMENT OF ANKLE	Surgery	2.83	2.79	$120.59
27810	0	TREATMENT OF ANKLE	Surgery	5.13	5.05	$120.59
27814	0	REPAIR OF ANKLE FRACTURE	Surgery	10.68	10.00	$120.59
27816	0	TREATMENT OF ANKLE	Surgery	2.89	3.18	$120.59
27818	0	TREATMENT OF ANKLE	Surgery	5.50	6.05	$120.59
27822	0	REPAIR OF ANKLE FRACTURE	Surgery	9.20	10.12	$120.59
27823	0	REPAIR OF ANKLE FRACTURE	Surgery	11.80	12.79	$120.59
27824	0	TREAT LOWER LEG FRACTURE	Surgery	2.89	3.18	$120.59
27825	0	TREAT LOWER LEG FRACTURE	Surgery	6.19	6.51	$120.59
27826	0	TREAT LOWER LEG FRACTURE	Surgery	8.54	9.39	$120.59
27827	0	TREAT LOWER LEG FRACTURE	Surgery	14.06	11.71	$120.59
27828	0	TREAT LOWER LEG FRACTURE	Surgery	16.23	12.79	$120.59
27829	0	TREAT LOWER LEG JOINT	Surgery	5.49	6.04	$120.59
27830	0	TREAT LOWER LEG	Surgery	3.79	3.25	$120.59
27831	0	TREAT LOWER LEG	Surgery	4.56	3.98	$120.59
27832	0	REPAIR LOWER LEG	Surgery	6.49	5.70	$120.59
27840	0	TREAT ANKLE DISLOCATION	Surgery	4.58	1.87	$120.59
27842	0	TREAT ANKLE DISLOCATION	Surgery	6.21	2.22	$120.59
27846	0	REPAIR ANKLE DISLOCATION	Surgery	9.79	8.59	$120.59
27848	0	REPAIR ANKLE DISLOCATION	Surgery	11.20	8.36	$120.59
27860	0	FIXATION OF ANKLE JOINT	Surgery	2.34	1.39	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
27870	0	FUSION OF ANKLE JOINT	Surgery	13.91	13.34	$120.59
27871	0	FUSION OF TIBIOFIBULAR	Surgery	9.17	7.79	$120.59
27880	0	AMPUTATION OF LOWER LEG	Surgery	11.85	8.36	$120.59
27881	0	AMPUTATION OF LOWER LEG	Surgery	12.34	10.82	$120.59
27882	0	AMPUTATION OF LOWER LEG	Surgery	8.94	7.36	$120.59
27884	0	AMPUTATION FOLLOW-UP	Surgery	8.21	3.37	$120.59
27886	0	AMPUTATION FOLLOW-UP	Surgery	9.32	7.17	$120.59
27888	0	AMPUTATION OF FOOT AT	Surgery	9.67	9.49	$120.59
27889	0	AMPUTATION OF FOOT AT	Surgery	9.98	8.43	$120.59
27892	0	DECOMPRESSION OF LEG	Surgery	7.39	3.39	$120.59
27893	0	DECOMPRESSION OF LEG	Surgery	7.35	3.38	$120.59
27894	0	DECOMPRESSION OF LEG	Surgery	10.49	4.05	$120.59
28001	0	DRAINAGE OF BURSA OF	Surgery	2.73	0.52	$120.59
28002	0	TREATMENT OF FOOT	Surgery	4.62	2.25	$120.59
28003	0	TREATMENT OF FOOT	Surgery	8.41	1.75	$120.59
28005	0	TREAT FOOT BONE LESION	Surgery	8.68	4.08	$120.59
28008	0	INCISION OF FOOT FASCIA	Surgery	4.45	2.68	$120.59
28010	0	INCISION OF TOE TENDON	Surgery	2.84	1.81	$120.59
28011	0	INCISION OF TOE TENDONS	Surgery	4.14	0.89	$120.59
28020	0	EXPLORATION OF A FOOT	Surgery	5.01	4.40	$120.59
28022	0	EXPLORATION OF A FOOT	Surgery	4.67	1.37	$120.59
28024	0	EXPLORATION OF A TOE	Surgery	4.38	1.20	$120.59
28030	0	REMOVAL OF FOOT NERVE	Surgery	6.15	3.93	$120.59
28035	0	DECOMPRESSION OF TIBIA	Surgery	5.09	5.60	$120.59
28043	0	EXCISION OF FOOT LESION	Surgery	3.54	1.73	$120.59
28045	0	EXCISION OF FOOT LESION	Surgery	4.72	3.99	$120.59
28046	0	RESECTION OF TUMOR, FOOT	Surgery	10.18	5.35	$120.59
28050	0	BIOPSY OF FOOT JOINT	Surgery	4.25	3.84	$120.59
28052	0	BIOPSY OF FOOT JOINT	Surgery	3.94	1.91	$120.59
28054	0	BIOPSY OF TOE JOINT	Surgery	3.45	2.24	$120.59
28060	0	PARTIAL REMOVAL FOOT	Surgery	5.23	4.22	$120.59
28062	0	REMOVAL OF FOOT FASCIA	Surgery	6.52	7.06	$120.59
28070	0	REMOVAL OF FOOT JOINT	Surgery	5.10	4.48	$120.59
28072	0	REMOVAL OF FOOT JOINT	Surgery	4.58	3.21	$120.59
28080	0	REMOVAL OF FOOT LESION	Surgery	3.58	4.07	$120.59
28086	0	EXCISE FOOT TENDON	Surgery	4.78	3.12	$120.59
28088	0	EXCISE FOOT TENDON	Surgery	3.86	3.62	$120.59
28090	0	REMOVAL OF FOOT LESION	Surgery	4.41	3.02	$120.59
28092	0	REMOVAL OF TOE LESIONS	Surgery	3.64	2.03	$120.59
28100	0	REMOVAL OF ANKLE/HEEL	Surgery	5.66	4.58	$120.59
28102	0	REMOVE/GRAFT FOOT LESION	Surgery	7.73	6.84	$120.59
28103	0	REMOVE/GRAFT FOOT LESION	Surgery	6.50	5.61	$120.59
28104	0	REMOVAL OF FOOT LESION	Surgery	5.12	4.33	$120.59
28106	0	REMOVE/GRAFT FOOT LESION	Surgery	7.16	6.42	$120.59
28107	0	REMOVE/GRAFT FOOT LESION	Surgery	5.56	4.86	$120.59
28108	0	REMOVAL OF TOE LESIONS	Surgery	4.16	2.10	$120.59
28110	0	PART REMOVAL OF	Surgery	4.08	3.48	$120.59
28111	0	PART REMOVAL OF	Surgery	5.01	5.04	$120.59
28112	0	PART REMOVAL OF	Surgery	4.49	3.96	$120.59
28113	0	PART REMOVAL OF	Surgery	4.79	4.44	$120.59
28114	0	REMOVAL OF METATARSAL	Surgery	9.79	9.17	$120.59
28116	0	REVISION OF FOOT	Surgery	7.75	5.48	$120.59
28118	0	REMOVAL OF HEEL BONE	Surgery	5.96	5.71	$120.59
28119	0	REMOVAL OF HEEL SPUR	Surgery	5.39	5.44	$120.59
28120	0	PART REMOVAL OF ANKLE/	Surgery	5.40	5.04	$120.59
28122	0	PARTIAL REMOVAL OF FOOT	Surgery	7.29	4.48	$120.59
28124	0	PARTIAL REMOVAL OF TOE	Surgery	4.81	2.06	$120.59
28126	0	PARTIAL REMOVAL OF TOE	Surgery	3.52	1.99	$120.59
28130	0	REMOVAL OF ANKLE BONE	Surgery	8.11	7.03	$120.59
28140	0	REMOVAL OF METATARSAL	Surgery	6.91	4.93	$120.59
28150	0	REMOVAL OF TOE	Surgery	4.09	3.29	$120.59
28153	0	PARTIAL REMOVAL OF TOE	Surgery	3.66	2.00	$120.59
28160	0	PARTIAL REMOVAL OF TOE	Surgery	3.74	2.06	$120.59
28171	0	EXTENSIVE FOOT SURGERY	Surgery	9.60	7.99	$120.59
28173	0	EXTENSIVE FOOT SURGERY	Surgery	8.80	5.74	$120.59
28175	0	EXTENSIVE FOOT SURGERY	Surgery	6.05	5.38	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
28190	0	REMOVAL OF FOOT FOREIGN	Surgery	1.96	0.52	$120.59
28192	0	REMOVAL OF FOOT FOREIGN	Surgery	4.64	1.95	$120.59
28193	0	REMOVAL OF FOOT FOREIGN	Surgery	5.73	2.38	$120.59
28200	0	REPAIR OF FOOT TENDON	Surgery	4.60	5.06	$120.59
28202	0	REPAIR/GRAFT OF FOOT	Surgery	6.84	5.82	$120.59
28208	0	REPAIR OF FOOT TENDON	Surgery	4.37	2.81	$120.59
28210	0	REPAIR/GRAFT OF FOOT	Surgery	6.35	5.60	$120.59
28220	0	RELEASE OF FOOT TENDON	Surgery	4.53	1.94	$120.59
28222	0	RELEASE OF FOOT TENDONS	Surgery	5.62	3.20	$120.59
28225	0	RELEASE OF FOOT TENDON	Surgery	3.66	2.37	$120.59
28226	0	RELEASE OF FOOT TENDONS	Surgery	4.53	3.38	$120.59
28230	0	INCISION OF FOOT	Surgery	4.24	1.22	$120.59
28232	0	INCISION OF TOE TENDON	Surgery	3.39	0.80	$120.59
28234	0	INCISION OF FOOT TENDON	Surgery	3.37	0.77	$120.59
28238	0	REVISION OF FOOT TENDON	Surgery	7.73	7.23	$120.59
28240	0	RELEASE OF BIG TOE	Surgery	4.36	2.13	$120.59
28250	0	REVISION OF FOOT FASCIA	Surgery	5.92	4.46	$120.59
28260	0	RELEASE OF MIDFOOT JOINT	Surgery	7.96	4.43	$120.59
28261	0	REVISION OF FOOT TENDON	Surgery	11.73	5.91	$120.59
28262	0	REVISION OF FOOT AND	Surgery	15.83	11.91	$120.59
28264	0	RELEASE OF MIDFOOT JOINT	Surgery	10.35	9.56	$120.59
28270	0	RELEASE OF FOOT	Surgery	4.76	1.32	$120.59
28272	0	RELEASE OF TOE JOINT,	Surgery	3.80	1.02	$120.59
28280	0	FUSION OF TOES	Surgery	5.19	2.22	$120.59
28285	0	REPAIR OF HAMMERTOE	Surgery	4.59	4.37	$120.59
28286	0	REPAIR OF HAMMERTOE	Surgery	4.56	3.58	$120.59
28288	0	PARTIAL REMOVAL OF FOOT	Surgery	4.74	3.75	$120.59
28290	0	CORRECTION OF BUNION	Surgery	5.66	5.36	$120.59
28292	0	CORRECTION OF BUNION	Surgery	7.04	7.05	$120.59
28293	0	CORRECTION OF BUNION	Surgery	9.15	9.55	$120.59
28294	0	CORRECTION OF BUNION	Surgery	8.56	9.16	$120.59
28296	0	CORRECTION OF BUNION	Surgery	9.18	8.81	$120.59
28297	0	CORRECTION OF BUNION	Surgery	9.18	9.02	$120.59
28298	0	CORRECTION OF BUNION	Surgery	7.94	8.73	$120.59
28300	0	INCISION OF HEEL BONE	Surgery	9.54	6.52	$120.59
28302	0	INCISION OF ANKLE BONE	Surgery	9.55	8.89	$120.59
28304	0	INCISION OF MIDFOOT	Surgery	9.16	6.44	$120.59
28305	0	INCISE/GRAFT MIDFOOT	Surgery	10.50	9.85	$120.59
28306	0	INCISION OF METATARSAL	Surgery	5.86	4.57	$120.59
28307	0	INCISION OF METATARSAL	Surgery	6.33	5.87	$120.59
28308	0	INCISION OF METATARSAL	Surgery	5.29	5.71	$120.59
28309	0	INCISION OF METATARSALS	Surgery	12.78	6.87	$120.59
28310	0	REVISION OF BIG TOE	Surgery	5.43	4.17	$120.59
28312	0	REVISION OF TOE	Surgery	4.55	4.56	$120.59
28313	0	REPAIR DEFORMITY OF TOE	Surgery	5.01	1.29	$120.59
28315	0	REMOVAL OF SESAMOID BONE	Surgery	4.86	4.24	$120.59
28320	0	REPAIR OF FOOT BONES	Surgery	9.18	8.69	$120.59
28322	0	REPAIR OF METATARSALS	Surgery	8.34	4.67	$120.59
28340	0	RESECT ENLARGED TOE	Surgery	6.98	6.34	$120.59
28341	0	RESECT ENLARGED TOE	Surgery	8.41	7.66	$120.59
28344	0	REPAIR EXTRA TOE(S)	Surgery	4.26	3.70	$120.59
28345	0	REPAIR WEBBED TOE(S)	Surgery	5.92	5.34	$120.59
28360	0	RECONSTRUCT CLEFT FOOT	Surgery	13.34	11.91	$120.59
28400	0	TREATMENT OF HEEL	Surgery	2.16	1.29	$120.59
28405	0	TREATMENT OF HEEL	Surgery	4.57	3.90	$120.59
28406	0	TREATMENT OF HEEL	Surgery	6.31	6.09	$120.59
28415	0	REPAIR OF HEEL FRACTURE	Surgery	15.97	9.02	$120.59
28420	0	REPAIR/GRAFT HEEL	Surgery	16.64	10.89	$120.59
28430	0	TREATMENT OF ANKLE	Surgery	2.09	2.45	$120.59
28435	0	TREATMENT OF ANKLE	Surgery	3.40	3.36	$120.59
28436	0	TREATMENT OF ANKLE	Surgery	4.71	4.19	$120.59
28445	0	REPAIR OF ANKLE FRACTURE	Surgery	9.33	8.80	$120.59
28450	0	TREAT MIDFOOT FRACTURE,	Surgery	1.90	1.87	$120.59
28455	0	TREAT MIDFOOT FRACTURE,	Surgery	3.09	1.27	$120.59
28456	0	REPAIR MIDFOOT FRACTURE	Surgery	2.68	2.27	$120.59
28465	0	REPAIR MIDFOOT FRACTURE,	Surgery	7.01	5.54	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
28470	0	TREAT METATARSAL	Surgery	1.99	0.90	$120.59
28475	0	TREAT METATARSAL	Surgery	2.97	1.17	$120.59
28476	0	REPAIR METATARSAL	Surgery	3.38	3.37	$120.59
28485	0	REPAIR METATARSAL	Surgery	5.71	4.68	$120.59
28490	0	TREAT BIG TOE FRACTURE	Surgery	1.09	0.90	$120.59
28495	0	TREAT BIG TOE FRACTURE	Surgery	1.58	0.56	$120.59
28496	0	REPAIR BIG TOE FRACTURE	Surgery	2.33	2.07	$120.59
28505	0	REPAIR BIG TOE FRACTURE	Surgery	3.81	2.99	$120.59
28510	0	TREATMENT OF TOE	Surgery	1.09	0.89	$120.59
28515	0	TREATMENT OF TOE	Surgery	1.46	0.56	$120.59
28525	0	REPAIR OF TOE FRACTURE	Surgery	3.32	2.06	$120.59
28530	0	TREAT SESAMOID BONE	Surgery	1.06	1.00	$120.59
28531	0	TREAT SESAMOID BONE	Surgery	2.35	1.91	$120.59
28540	0	TREAT FOOT DISLOCATION	Surgery	2.04	0.60	$120.59
28545	0	TREAT FOOT DISLOCATION	Surgery	2.45	1.31	$120.59
28546	0	TREAT FOOT DISLOCATION	Surgery	3.20	2.74	$120.59
28555	0	REPAIR FOOT DISLOCATION	Surgery	6.30	5.58	$120.59
28570	0	TREAT FOOT DISLOCATION	Surgery	1.66	0.80	$120.59
28575	0	TREAT FOOT DISLOCATION	Surgery	3.31	2.77	$120.59
28576	0	TREAT FOOT DISLOCATION	Surgery	4.17	2.77	$120.59
28585	0	REPAIR FOOT DISLOCATION	Surgery	7.99	4.96	$120.59
28600	0	TREAT FOOT DISLOCATION	Surgery	1.89	0.68	$120.59
28605	0	TREAT FOOT DISLOCATION	Surgery	2.71	2.26	$120.59
28606	0	TREAT FOOT DISLOCATION	Surgery	4.90	3.49	$120.59
28615	0	REPAIR FOOT DISLOCATION	Surgery	7.77	4.96	$120.59
28630	0	TREAT TOE DISLOCATION	Surgery	1.70	0.52	$120.59
28635	0	TREAT TOE DISLOCATION	Surgery	1.91	0.73	$120.59
28636	0	TREAT TOE DISLOCATION	Surgery	2.77	2.56	$120.59
28645	0	REPAIR TOE DISLOCATION	Surgery	4.22	3.24	$120.59
28660	0	TREAT TOE DISLOCATION	Surgery	1.23	0.63	$120.59
28665	0	TREAT TOE DISLOCATION	Surgery	1.92	0.49	$120.59
28666	0	TREAT TOE DISLOCATION	Surgery	2.66	2.44	$120.59
28675	0	REPAIR OF TOE	Surgery	2.92	3.00	$120.59
28705	0	FUSION OF FOOT BONES	Surgery	15.21	15.11	$120.59
28715	0	FUSION OF FOOT BONES	Surgery	13.10	12.33	$120.59
28725	0	FUSION OF FOOT BONES	Surgery	11.61	9.44	$120.59
28730	0	FUSION OF FOOT BONES	Surgery	10.76	9.00	$120.59
28735	0	FUSION OF FOOT BONES	Surgery	10.85	9.76	$120.59
28737	0	REVISION OF FOOT BONES	Surgery	9.64	8.87	$120.59
28740	0	FUSION OF FOOT BONES	Surgery	8.02	5.14	$120.59
28750	0	FUSION OF BIG TOE JOINT	Surgery	7.30	5.32	$120.59
28755	0	FUSION OF BIG TOE JOINT	Surgery	4.74	3.69	$120.59
28760	0	FUSION OF BIG TOE JOINT	Surgery	7.75	5.40	$120.59
28800	0	AMPUTATION OF MIDFOOT	Surgery	8.21	6.65	$120.59
28805	0	AMPUTATION THRU	Surgery	8.39	6.32	$120.59
28810	0	AMPUTATION TOE &	Surgery	6.21	3.91	$120.59
28820	0	AMPUTATION OF TOE	Surgery	4.41	2.58	$120.59
28825	0	PARTIAL AMPUTATION OF	Surgery	3.59	2.40	$120.59
29000	0	APPLICATION OF BODY CAST	Surgery	2.25	1.85	$120.59
29010	0	APPLICATION OF BODY CAST	Surgery	2.06	2.33	$120.59
29015	0	APPLICATION OF BODY CAST	Surgery	2.41	2.33	$120.59
29020	0	APPLICATION OF BODY CAST	Surgery	2.11	1.82	$120.59
29025	0	APPLICATION OF BODY CAST	Surgery	2.40	0.75	$120.59
29035	0	APPLICATION OF BODY CAST	Surgery	1.77	1.95	$120.59
29040	0	APPLICATION OF BODY CAST	Surgery	2.22	2.02	$120.59
29044	0	APPLICATION OF BODY CAST	Surgery	2.12	2.09	$120.59
29046	0	APPLICATION OF BODY CAST	Surgery	2.41	2.23	$120.59
29049	0	APPLICATION OF FIGURE	Surgery	0.89	0.42	$120.59
29055	0	APPLICATION OF SHOULDER	Surgery	1.78	1.20	$120.59
29058	0	APPLICATION OF SHOULDER	Surgery	1.31	0.65	$120.59
29305	0	APPLICATION OF HIP CAST	Surgery	2.03	1.88	$120.59
29325	0	APPLICATION OF HIP CASTS	Surgery	2.32	1.94	$120.59
29355	0	APPLICATION OF LONG LEG	Surgery	1.53	1.10	$120.59
29358	0	APPLY LONG LEG CAST	Surgery	1.43	1.57	$120.59
29425	0	APPLY SHORT LEG CAST	Surgery	1.01	0.97	$120.59
29435	0	APPLY SHORT LEG CAST	Surgery	1.18	1.18	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
29440	0	ADDITION OF WALKER TO	Surgery	0.57	0.23	$120.59
29450	0	APPLICATION OF LEG CAST	Surgery	1.02	0.39	$120.59
29700	0	REMOVAL/REVISION OF CAST	Surgery	0.57	0.32	$120.59
29705	0	REMOVAL/REVISION OF CAST	Surgery	0.76	0.35	$120.59
29710	0	REMOVAL/REVISION OF CAST	Surgery	1.34	0.45	$120.59
29715	0	REMOVAL/REVISION OF CAST	Surgery	0.94	0.86	$120.59
29720	0	REPAIR OF BODY CAST	Surgery	0.68	0.23	$120.59
29730	0	WINDOWING OF CAST	Surgery	0.75	0.26	$120.59
29740	0	WEDGING OF CAST	Surgery	1.12	0.38	$120.59
29750	0	WEDGING OF CLUBFOOT CAST	Surgery	1.26	0.50	$120.59
29800	0	JAW ARTHROSCOPY/SURGERY	Surgery	6.43	4.01	$120.59
29804	0	JAW ARTHROSCOPY/SURGERY	Surgery	8.14	8.95	$120.59
29815	0	SHOULDER ARTHROSCOPY	Surgery	5.89	4.84	$120.59
29819	0	SHOULDER ARTHROSCOPY/	Surgery	7.62	8.38	$120.59
29820	0	SHOULDER ARTHROSCOPY/	Surgery	7.07	7.78	$120.59
29821	0	SHOULDER ARTHROSCOPY/	Surgery	7.72	8.49	$120.59
29822	0	SHOULDER ARTHROSCOPY/	Surgery	7.43	8.17	$120.59
29823	0	SHOULDER ARTHROSCOPY/	Surgery	8.17	8.99	$120.59
29825	0	SHOULDER ARTHROSCOPY/	Surgery	7.62	8.38	$120.59
29826	0	SHOULDER ARTHROSCOPY/	Surgery	8.99	9.89	$120.59
29830	0	ELBOW ARTHROSCOPY	Surgery	5.76	5.32	$120.59
29834	0	ELBOW ARTHROSCOPY/	Surgery	6.28	5.84	$120.59
29835	0	ELBOW ARTHROSCOPY/	Surgery	6.48	6.03	$120.59
29836	0	ELBOW ARTHROSCOPY/	Surgery	7.55	7.03	$120.59
29837	0	ELBOW ARTHROSCOPY/	Surgery	6.87	6.40	$120.59
29838	0	ELBOW ARTHROSCOPY/	Surgery	7.71	7.05	$120.59
29840	0	WRIST ARTHROSCOPY	Surgery	5.54	3.29	$120.59
29843	0	WRIST ARTHROSCOPY/	Surgery	6.01	5.60	$120.59
29844	0	WRIST ARTHROSCOPY/	Surgery	6.37	5.59	$120.59
29845	0	WRIST ARTHROSCOPY/	Surgery	7.52	7.00	$120.59
29846	0	WRIST ARTHROSCOPY/	Surgery	6.75	7.43	$120.59
29847	0	WRIST ARTHROSCOPY/	Surgery	7.08	6.78	$120.59
29848	0	WRIST ARTHROSCOPY/	Surgery	5.44	3.85	$120.59
29850	0	KNEE ARTHROSCOPY/SURGERY	Surgery	8.19	4.51	$120.59
29851	0	KNEE ARTHROSCOPY/SURGERY	Surgery	13.10	10.95	$120.59
29855	0	TIBIAL ARTHROSCOPY/	Surgery	10.62	11.68	$120.59
29856	0	TIBIAL ARTHROSCOPY/	Surgery	14.14	11.69	$120.59
29860	0	HIP ARTHROSCOPY, DX	Surgery	8.05	4.84	$120.59
29861	0	HIP ARTHROSCOPY/SURGERY	Surgery	9.15	9.38	$120.59
29862	0	HIP ARTHROSCOPY/SURGERY	Surgery	9.90	10.07	$120.59
29863	0	HIP ARTHROSCOPY/SURGERY	Surgery	9.90	8.72	$120.59
29870	0	KNEE ARTHROSCOPY,	Surgery	5.07	4.02	$120.59
29871	0	KNEE ARTHROSCOPY/	Surgery	6.55	6.77	$120.59
29874	0	KNEE ARTHROSCOPY/SURGERY	Surgery	7.05	7.76	$120.59
29875	0	KNEE ARTHROSCOPY/SURGERY	Surgery	6.31	6.94	$120.59
29876	0	KNEE ARTHROSCOPY/SURGERY	Surgery	7.92	8.71	$120.59
29877	0	KNEE ARTHROSCOPY/SURGERY	Surgery	7.35	8.09	$120.59
29879	0	KNEE ARTHROSCOPY/SURGERY	Surgery	8.04	8.84	$120.59
29880	0	KNEE ARTHROSCOPY/SURGERY	Surgery	8.50	9.35	$120.59
29881	0	KNEE ARTHROSCOPY/SURGERY	Surgery	7.76	8.54	$120.59
29882	0	KNEE ARTHROSCOPY/SURGERY	Surgery	8.65	9.52	$120.59
29883	0	KNEE ARTHROSCOPY/SURGERY	Surgery	9.46	10.41	$120.59
29884	0	KNEE ARTHROSCOPY/SURGERY	Surgery	7.33	8.06	$120.59
29885	0	KNEE ARTHROSCOPY/SURGERY	Surgery	9.09	8.23	$120.59
29886	0	KNEE ARTHROSCOPY/SURGERY	Surgery	7.54	6.80	$120.59
29887	0	KNEE ARTHROSCOPY/SURGERY	Surgery	9.04	9.94	$120.59
29888	0	KNEE ARTHROSCOPY/SURGERY	Surgery	13.90	15.29	$120.59
29889	0	KNEE ARTHROSCOPY/SURGERY	Surgery	15.13	10.26	$120.59
29891	0	ANKLE ARTHROSCOPY/	Surgery	8.40	8.86	$120.59
29892	0	ANKLE ARTHROSCOPY/	Surgery	9.00	8.86	$120.59
29893	0	SCOPE, PLANTAR	Surgery	5.22	5.20	$120.59
29894	0	ANKLE ARTHROSCOPY/	Surgery	7.21	7.93	$120.59
29895	0	ANKLE ARTHROSCOPY/	Surgery	6.99	7.69	$120.59
29897	0	ANKLE ARTHROSCOPY/	Surgery	7.18	7.90	$120.59
29898	0	ANKLE ARTHROSCOPY/	Surgery	8.32	9.15	$120.59
30000	0	DRAINAGE OF NOSE LESION	Surgery	1.43	0.58	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
30020	0	DRAINAGE OF NOSE LESION	Surgery	1.43	0.60	$120.59
30100	0	INTRANASAL BIOPSY	Surgery	0.94	0.69	$120.59
30110	0	REMOVAL OF NOSE POLYP(S)	Surgery	1.63	1.29	$120.59
30115	0	REMOVAL OF NOSE POLYP(S)	Surgery	4.35	2.81	$120.59
30117	0	REMOVAL OF INTRANASAL	Surgery	3.16	2.84	$120.59
30118	0	REMOVAL OF INTRANASAL	Surgery	9.69	8.01	$120.59
30120	0	REVISION OF NOSE	Surgery	5.27	5.80	$120.59
30124	0	REMOVAL OF NOSE LESION	Surgery	3.10	0.67	$120.59
30125	0	REMOVAL OF NOSE LESION	Surgery	7.16	5.55	$120.59
30130	0	REMOVAL OF TURBINATE	Surgery	3.38	1.67	$120.59
30140	0	REMOVAL OF TURBINATE	Surgery	3.43	3.04	$120.59
30150	0	PARTIAL REMOVAL OF NOSE	Surgery	9.14	7.92	$120.59
30160	0	REMOVAL OF NOSE	Surgery	9.58	10.54	$120.59
30200	0	INJECTION TREATMENT OF	Surgery	0.78	0.37	$120.59
30210	0	NASAL SINUS THERAPY	Surgery	1.08	0.26	$120.59
30220	0	INSERT NASAL SEPTAL	Surgery	1.54	0.76	$120.59
30300	0	REMOVE NASAL FOREIGN	Surgery	1.04	0.46	$120.59
30310	0	REMOVE NASAL FOREIGN	Surgery	1.96	1.62	$120.59
30320	0	REMOVE NASAL FOREIGN	Surgery	4.52	4.29	$120.59
30400	0	RECONSTRUCTION OF NOSE	Surgery	9.83	9.97	$120.59
30410	0	RECONSTRUCTION OF NOSE	Surgery	12.98	14.28	$120.59
30420	0	RECONSTRUCTION OF NOSE	Surgery	15.88	17.47	$120.59
30430	0	REVISION OF NOSE	Surgery	7.21	6.09	$120.59
30435	0	REVISION OF NOSE	Surgery	11.71	10.17	$120.59
30450	0	REVISION OF NOSE	Surgery	18.65	11.24	$120.59
30460	0	REVISION OF NOSE	Surgery	9.96	8.58	$120.59
30462	0	REVISION OF NOSE	Surgery	19.57	17.16	$120.59
30520	0	REPAIR OF NASAL SEPTUM	Surgery	5.70	6.27	$120.59
30540	0	REPAIR NASAL DEFECT	Surgery	7.75	6.63	$120.59
30545	0	REPAIR NASAL DEFECT	Surgery	11.38	10.83	$120.59
30560	0	RELEASE OF NASAL	Surgery	1.26	0.28	$120.59
30580	0	REPAIR UPPER JAW FISTULA	Surgery	6.69	3.12	$120.59
30600	0	REPAIR MOUTH/NOSE	Surgery	6.02	3.77	$120.59
30620	0	INTRANASAL	Surgery	5.97	6.57	$120.59
30630	0	REPAIR NASAL SEPTUM	Surgery	7.12	6.24	$120.59
30801	0	CAUTERIZATION INNER NOSE	Surgery	1.09	0.24	$120.59
30802	0	CAUTERIZATION INNER NOSE	Surgery	2.03	0.94	$120.59
30901	0	CONTROL OF NOSEBLEED	Surgery	1.21	0.56	$120.59
30903	0	CONTROL OF NOSEBLEED	Surgery	1.54	0.85	$120.59
30905	0	CONTROL OF NOSEBLEED	Surgery	1.97	1.79	$120.59
30906	0	REPEAT CONTROL OF	Surgery	2.45	1.08	$120.59
30915	0	LIGATION NASAL SINUS	Surgery	7.20	4.95	$120.59
30920	0	LIGATION UPPER JAW	Surgery	9.83	9.54	$120.59
30930	0	THERAPY FRACTURE OF NOSE	Surgery	1.26	0.71	$120.59
31000	0	IRRIGATION MAXILLARY	Surgery	1.15	0.43	$120.59
31002	0	IRRIGATION SPHENOID	Surgery	1.91	0.46	$120.59
31020	0	EXPLORATION MAXILLARY	Surgery	2.94	2.66	$120.59
31030	0	EXPLORATION MAXILLARY	Surgery	5.92	6.51	$120.59
31032	0	EXPLORE SINUS, REMOVE	Surgery	6.57	7.23	$120.59
31040	0	EXPLORATION BEHIND UPPER	Surgery	9.42	7.98	$120.59
31050	0	EXPLORATION SPHENOID	Surgery	5.28	5.81	$120.59
31051	0	SPHENOID SINUS SURGERY	Surgery	7.11	7.82	$120.59
31070	0	EXPLORATION OF FRONTAL	Surgery	4.28	4.69	$120.59
31075	0	EXPLORATION OF FRONTAL	Surgery	9.16	10.08	$120.59
31080	0	REMOVAL OF FRONTAL SINUS	Surgery	11.42	9.21	$120.59
31081	0	REMOVAL OF FRONTAL SINUS	Surgery	12.75	10.32	$120.59
31084	0	REMOVAL OF FRONTAL SINUS	Surgery	13.51	14.79	$120.59
31085	0	REMOVAL OF FRONTAL SINUS	Surgery	14.20	15.62	$120.59
31086	0	REMOVAL OF FRONTAL SINUS	Surgery	12.86	10.87	$120.59
31087	0	REMOVAL OF FRONTAL SINUS	Surgery	13.10	10.39	$120.59
31090	0	EXPLORATION OF SINUSES	Surgery	9.53	10.48	$120.59
31200	0	REMOVAL OF ETHMOID SINUS	Surgery	4.97	4.62	$120.59
31201	0	REMOVAL OF ETHMOID SINUS	Surgery	8.37	7.01	$120.59
31205	0	REMOVAL OF ETHMOID SINUS	Surgery	10.24	8.03	$120.59
31225	0	REMOVAL OF UPPER JAW	Surgery	19.23	19.44	$120.59
31230	0	REMOVAL OF UPPER JAW	Surgery	21.94	21.74	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
31231	0	NASAL ENDOSCOPY, DX	Surgery	1.10	1.37	$120.59
31233	0	NASAL/SINUS ENDOSCOPY,	Surgery	2.18	1.40	$120.59
31235	0	NASAL/SINUS ENDOSCOPY,	Surgery	2.64	1.20	$120.59
31237	0	NASAL/SINUS ENDOSCOPY,	Surgery	2.98	1.64	$120.59
31238	0	NASAL/SINUS ENDOSCOPY,	Surgery	3.26	1.80	$120.59
31239	0	NASAL/SINUS ENDOSCOPY,	Surgery	8.70	9.57	$120.59
31240	0	NASAL/SINUS ENDOSCOPY,	Surgery	2.61	2.87	$120.59
31254	0	REVISION OF ETHMOID	Surgery	4.65	5.12	$120.59
31255	0	REMOVAL OF ETHMOID SINUS	Surgery	6.96	7.66	$120.59
31256	0	EXPLORATION MAXILLARY	Surgery	3.29	3.62	$120.59
31267	0	ENDOSCOPY, MAXILLARY	Surgery	5.46	5.23	$120.59
31276	0	SINUS SURGICAL ENDOSCOPY	Surgery	8.85	6.72	$120.59
31287	0	NASAL/SINUS ENDOSCOPY,	Surgery	3.92	4.31	$120.59
31288	0	NASAL/SINUS ENDOSCOPY,	Surgery	4.58	5.04	$120.59
31290	0	NASAL/SINUS ENDOSCOPY,	Surgery	17.24	16.47	$120.59
31291	0	NASAL/SINUS ENDOSCOPY,	Surgery	18.19	17.31	$120.59
31292	0	NASAL/SINUS ENDOSCOPY,	Surgery	14.76	13.38	$120.59
31293	0	NASAL/SINUS ENDOSCOPY,	Surgery	16.21	14.64	$120.59
31294	0	NASAL/SINUS ENDOSCOPY,	Surgery	19.06	16.72	$120.59
31300	0	REMOVAL OF LARYNX LESION	Surgery	14.29	11.58	$120.59
31320	0	DIAGNOSTIC INCISION	Surgery	5.26	3.87	$120.59
31360	0	REMOVAL OF LARYNX	Surgery	17.08	18.79	$120.59
31365	0	REMOVAL OF LARYNX	Surgery	24.16	26.58	$120.59
31367	0	PARTIAL REMOVAL OF	Surgery	21.86	17.22	$120.59
31368	0	PARTIAL REMOVAL OF	Surgery	27.09	26.76	$120.59
31370	0	PARTIAL REMOVAL OF	Surgery	21.38	17.18	$120.59
31375	0	PARTIAL REMOVAL OF	Surgery	20.21	14.84	$120.59
31380	0	PARTIAL REMOVAL OF	Surgery	20.21	17.27	$120.59
31382	0	PARTIAL REMOVAL OF	Surgery	20.52	16.06	$120.59
31390	0	REMOVAL OF LARYNX &	Surgery	27.53	27.08	$120.59
31395	0	RECONSTRUCT LARYNX &	Surgery	31.09	33.52	$120.59
31400	0	REVISION OF LARYNX	Surgery	10.31	7.81	$120.59
31420	0	REMOVAL OF EPIGLOTTIS	Surgery	10.22	8.08	$120.59
31500	0	INSERT EMERGENCY AIRWAY	Surgery	2.33	1.14	$120.59
31502	0	CHANGE OF WINDPIPE	Surgery	0.65	0.58	$120.59
31505	0	DIAGNOSTIC LARYNGOSCOPY	Surgery	0.61	0.43	$120.59
31510	0	LARYNGOSCOPY WITH BIOPSY	Surgery	1.92	0.55	$120.59
31511	0	REMOVE FOREIGN BODY,	Surgery	2.16	0.96	$120.59
31512	0	REMOVAL OF LARYNX LESION	Surgery	2.07	1.79	$120.59
31513	0	INJECTION INTO VOCAL	Surgery	2.10	2.31	$120.59
31515	0	LARYNGOSCOPY FOR	Surgery	1.80	1.13	$120.59
31520	0	DIAGNOSTIC LARYNGOSCOPY	Surgery	2.56	1.64	$120.59
31525	0	DIAGNOSTIC LARYNGOSCOPY	Surgery	2.63	1.10	$120.59
31526	0	DIAGNOSTIC LARYNGOSCOPY	Surgery	2.57	2.83	$120.59
31527	0	LARYNGOSCOPY FOR	Surgery	3.27	2.99	$120.59
31528	0	LARYNGOSCOPY AND	Surgery	2.37	2.61	$120.59
31529	0	LARYNGOSCOPY AND	Surgery	2.68	2.46	$120.59
31530	0	OPERATIVE LARYNGOSCOPY	Surgery	3.39	3.63	$120.59
31531	0	OPERATIVE LARYNGOSCOPY	Surgery	3.59	3.95	$120.59
31535	0	OPERATIVE LARYNGOSCOPY	Surgery	3.16	3.48	$120.59
31536	0	OPERATIVE LARYNGOSCOPY	Surgery	3.56	3.92	$120.59
31540	0	OPERATIVE LARYNGOSCOPY	Surgery	4.13	4.54	$120.59
31541	0	OPERATIVE LARYNGOSCOPY	Surgery	4.53	4.56	$120.59
31560	0	OPERATIVE LARYNGOSCOPY	Surgery	5.46	4.99	$120.59
31561	0	OPERATIVE LARYNGOSCOPY	Surgery	6.00	6.27	$120.59
31570	0	LARYNGOSCOPY WITH	Surgery	3.87	2.13	$120.59
31571	0	LARYNGOSCOPY WITH	Surgery	4.27	4.51	$120.59
31575	0	DIAGNOSTIC LARYNGOSCOPY	Surgery	1.10	1.56	$120.59
31576	0	LARYNGOSCOPY WITH BIOPSY	Surgery	1.97	2.17	$120.59
31577	0	REMOVE FOREIGN BODY,	Surgery	2.47	2.72	$120.59
31578	0	REMOVAL OF LARYNX LESION	Surgery	2.84	3.12	$120.59
31579	0	DIAGNOSTIC LARYNGOSCOPY	Surgery	2.26	2.33	$120.59
31580	0	REVISION OF LARYNX	Surgery	12.38	13.62	$120.59
31582	0	REVISION OF LARYNX	Surgery	21.62	17.87	$120.59
31584	0	REPAIR OF LARYNX	Surgery	19.64	12.72	$120.59
31585	0	REPAIR OF LARYNX	Surgery	4.64	3.77	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
31586	0	REPAIR OF LARYNX	Surgery	8.03	6.55	$120.59
31587	0	REVISION OF LARYNX	Surgery	11.99	7.21	$120.59
31588	0	REVISION OF LARYNX	Surgery	13.11	10.70	$120.59
31590	0	REINNERVATE LARYNX	Surgery	6.97	5.76	$120.59
31595	0	LARYNX NERVE SURGERY	Surgery	8.34	6.84	$120.59
31600	0	INCISION OF WINDPIPE	Surgery	3.62	3.98	$120.59
31601	0	INCISION OF WINDPIPE	Surgery	4.45	4.90	$120.59
31603	0	INCISION OF WINDPIPE	Surgery	4.15	4.23	$120.59
31605	0	INCISION OF WINDPIPE	Surgery	3.58	3.94	$120.59
31610	0	INCISION OF WINDPIPE	Surgery	8.76	6.67	$120.59
31611	0	SURGERY/SPEECH	Surgery	5.64	6.45	$120.59
31612	0	PUNCTURE/CLEAR WINDPIPE	Surgery	0.91	1.00	$120.59
31613	0	REPAIR WINDPIPE OPENING	Surgery	4.59	2.21	$120.59
31614	0	REPAIR WINDPIPE OPENING	Surgery	7.12	6.74	$120.59
31615	0	VISUALIZATION OF	Surgery	2.09	1.95	$120.59
31622	0	DIAGNOSTIC BRONCHOSCOPY	Surgery	2.80	3.08	$120.59
31625	0	BRONCHOSCOPY WITH BIOPSY	Surgery	3.37	3.71	$120.59
31628	0	BRONCHOSCOPY WITH BIOPSY	Surgery	3.81	4.19	$120.59
31629	0	BRONCHOSCOPY WITH BIOPSY	Surgery	3.37	3.71	$120.59
31630	0	BRONCHOSCOPY WITH REPAIR	Surgery	3.82	3.72	$120.59
31631	0	BRONCHOSCOPY WITH	Surgery	4.37	3.94	$120.59
31635	0	REMOVE FOREIGN BODY,	Surgery	3.68	4.05	$120.59
31640	0	BRONCHOSCOPY & REMOVE	Surgery	4.94	5.02	$120.59
31641	0	BRONCHOSCOPY, TREAT	Surgery	5.03	5.53	$120.59
31645	0	BRONCHOSCOPY, CLEAR	Surgery	3.16	3.48	$120.59
31646	0	BRONCHOSCOPY, RECLEAR	Surgery	2.72	2.99	$120.59
31656	0	BRONCHOSCOPY, INJECT FOR	Surgery	2.17	2.39	$120.59
31700	0	INSERTION OF AIRWAY	Surgery	1.34	1.38	$120.59
31708	0	INSTILL AIRWAY CONTRAST	Surgery	1.41	0.77	$120.59
31710	0	INSERTION OF AIRWAY	Surgery	1.30	0.90	$120.59
31715	0	INJECTION FOR BRONCHUS X-	Surgery	1.11	0.48	$120.59
31717	0	BRONCHIAL BRUSH BIOPSY	Surgery	2.12	0.73	$120.59
31720	0	CLEARANCE OF AIRWAYS	Surgery	1.06	0.74	$120.59
31725	0	CLEARANCE OF AIRWAYS	Surgery	1.96	1.41	$120.59
31730	0	INTRO WINDPIPE WIRE/TUBE	Surgery	2.85	2.47	$120.59
31750	0	REPAIR OF WINDPIPE	Surgery	13.02	8.88	$120.59
31755	0	REPAIR OF WINDPIPE	Surgery	15.93	13.30	$120.59
31760	0	REPAIR OF WINDPIPE	Surgery	22.35	10.92	$120.59
31766	0	RECONSTRUCTION OF	Surgery	30.43	18.40	$120.59
31770	0	REPAIR/GRAFT OF BRONCHUS	Surgery	22.51	15.07	$120.59
31775	0	RECONSTRUCT BRONCHUS	Surgery	23.54	16.37	$120.59
31780	0	RECONSTRUCT WINDPIPE	Surgery	17.72	17.33	$120.59
31781	0	RECONSTRUCT WINDPIPE	Surgery	23.53	16.86	$120.59
31785	0	REMOVE WINDPIPE LESION	Surgery	17.23	8.92	$120.59
31786	0	REMOVE WINDPIPE LESION	Surgery	23.98	13.30	$120.59
31800	0	REPAIR OF WINDPIPE	Surgery	7.43	4.90	$120.59
31805	0	REPAIR OF WINDPIPE	Surgery	13.13	9.82	$120.59
31820	0	CLOSURE OF WINDPIPE	Surgery	4.49	3.58	$120.59
31825	0	REPAIR OF WINDPIPE	Surgery	6.81	5.00	$120.59
31830	0	REVISE WINDPIPE SCAR	Surgery	4.50	3.66	$120.59
32000	0	DRAINAGE OF CHEST	Surgery	1.54	0.90	$120.59
32002	0	TREATMENT OF COLLAPSED	Surgery	2.19	1.34	$120.59
32005	0	TREAT LUNG LINING	Surgery	2.19	1.09	$120.59
32020	0	INSERTION OF CHEST TUBE	Surgery	3.98	2.63	$120.59
32035	0	EXPLORATION OF CHEST	Surgery	8.67	6.76	$120.59
32036	0	EXPLORATION OF CHEST	Surgery	9.68	7.13	$120.59
32095	0	BIOPSY THROUGH CHEST	Surgery	8.36	8.25	$120.59
32100	0	EXPLORATION/BIOPSY OF	Surgery	11.84	11.24	$120.59
32110	0	EXPLORE/REPAIR CHEST	Surgery	13.62	11.51	$120.59
32120	0	RE-EXPLORATION OF CHEST	Surgery	11.54	9.45	$120.59
32124	0	EXPLORE CHEST, FREE	Surgery	12.72	10.94	$120.59
32140	0	REMOVAL OF LUNG	Surgery	13.93	12.37	$120.59
32141	0	REMOVE/TREAT LUNG	Surgery	14.00	13.42	$120.59
32150	0	REMOVAL OF LUNG	Surgery	14.15	10.34	$120.59
32151	0	REMOVE LUNG FOREIGN BODY	Surgery	14.21	9.15	$120.59
32160	0	OPEN CHEST HEART MASSAGE	Surgery	9.30	9.13	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
32200	0	OPEN DRAINAGE, LUNG	Surgery	15.29	6.89	$120.59
32201	0	PERCUT DRAINAGE, LUNG	Surgery	4.00	3.03	$120.59
32215	0	TREAT CHEST LINING	Surgery	11.33	7.62	$120.59
32220	0	RELEASE OF LUNG	Surgery	19.27	15.81	$120.59
32225	0	PARTIAL RELEASE OF LUNG	Surgery	13.96	11.84	$120.59
32310	0	REMOVAL OF CHEST LINING	Surgery	13.44	11.64	$120.59
32320	0	FREE/REMOVE CHEST LINING	Surgery	20.54	18.10	$120.59
32400	0	NEEDLE BIOPSY CHEST	Surgery	1.76	1.48	$120.59
32402	0	OPEN BIOPSY CHEST LINING	Surgery	7.56	7.58	$120.59
32405	0	BIOPSY, LUNG OR	Surgery	1.93	2.12	$120.59
32420	0	PUNCTURE/CLEAR LUNG	Surgery	2.18	1.50	$120.59
32440	0	REMOVAL OF LUNG	Surgery	21.02	18.56	$120.59
32442	0	SLEEVE PNEUMONECTOMY	Surgery	26.24	17.94	$120.59
32445	0	REMOVAL OF LUNG	Surgery	25.09	20.46	$120.59
32480	0	PARTIAL REMOVAL OF LUNG	Surgery	18.32	17.15	$120.59
32482	0	BILOBECTOMY	Surgery	19.71	17.15	$120.59
32484	0	SEGMENTECTOMY	Surgery	20.69	17.15	$120.59
32486	0	SLEEVE LOBECTOMY	Surgery	23.92	16.54	$120.59
32488	0	COMPLETION PNEUMONECTOMY	Surgery	25.71	17.74	$120.59
32491	0	LUNG VOLUME REDUCTION	Surgery	21.25	15.45	$120.59
32500	0	PARTIAL REMOVAL OF LUNG	Surgery	14.30	13.47	$120.59
32501	0	REPAIR BRONCHUS (ADD-ON)	Surgery	4.69	4.31	$120.59
32520	0	REMOVE LUNG & REVISE	Surgery	21.68	20.67	$120.59
32522	0	REMOVE LUNG & REVISE	Surgery	24.20	21.90	$120.59
32525	0	REMOVE LUNG & REVISE	Surgery	26.50	23.50	$120.59
32540	0	REMOVAL OF LUNG LESION	Surgery	14.64	11.67	$120.59
32601	0	THORACOSCOPY, DIAGNOSTIC	Surgery	5.46	3.47	$120.59
32602	0	THORACOSCOPY, DIAGNOSTIC	Surgery	5.96	3.87	$120.59
32603	0	THORACOSCOPY, DIAGNOSTIC	Surgery	7.81	3.47	$120.59
32604	0	THORACOSCOPY, DIAGNOSTIC	Surgery	8.78	3.87	$120.59
32605	0	THORACOSCOPY, DIAGNOSTIC	Surgery	6.93	3.47	$120.59
32606	0	THORACOSCOPY, DIAGNOSTIC	Surgery	8.40	3.87	$120.59
32650	0	THORACOSCOPY, SURGICAL	Surgery	10.75	7.62	$120.59
32651	0	THORACOSCOPY, SURGICAL	Surgery	12.91	11.84	$120.59
32652	0	THORACOSCOPY, SURGICAL	Surgery	18.66	15.81	$120.59
32653	0	THORACOSCOPY, SURGICAL	Surgery	12.87	10.34	$120.59
32654	0	THORACOSCOPY, SURGICAL	Surgery	12.44	11.51	$120.59
32655	0	THORACOSCOPY, SURGICAL	Surgery	13.10	13.42	$120.59
32656	0	THORACOSCOPY, SURGICAL	Surgery	12.91	13.36	$120.59
32657	0	THORACOSCOPY, SURGICAL	Surgery	13.65	13.47	$120.59
32658	0	THORACOSCOPY, SURGICAL	Surgery	11.63	12.79	$120.59
32659	0	THORACOSCOPY, SURGICAL	Surgery	11.59	12.75	$120.59
32660	0	THORACOSCOPY, SURGICAL	Surgery	17.43	19.17	$120.59
32661	0	THORACOSCOPY, SURGICAL	Surgery	13.25	9.25	$120.59
32662	0	THORACOSCOPY, SURGICAL	Surgery	16.44	14.55	$120.59
32663	0	THORACOSCOPY, SURGICAL	Surgery	18.47	17.15	$120.59
32664	0	THORACOSCOPY, SURGICAL	Surgery	14.20	10.55	$120.59
32665	0	THORACOSCOPY, SURGICAL	Surgery	15.54	14.33	$120.59
32800	0	REPAIR LUNG HERNIA	Surgery	13.69	8.28	$120.59
32810	0	CLOSE CHEST AFTER	Surgery	13.05	6.50	$120.59
32815	0	CLOSE BRONCHIAL FISTULA	Surgery	23.15	15.22	$120.59
32820	0	RECONSTRUCT INJURED	Surgery	21.48	19.01	$120.59
32851	0	LUNG TRANSPLANT, SINGLE	Surgery	38.63	25.55	$120.59
32852	0	LUNG TRANSPLANT W/BYPASS	Surgery	41.80	27.71	$120.59
32853	0	LUNG TRANSPLANT, DOUBLE	Surgery	47.81	31.94	$120.59
32854	0	LUNG TRANSPLANT W/BYPASS	Surgery	50.98	34.10	$120.59
32900	0	REMOVAL OF RIB(S)	Surgery	20.27	8.47	$120.59
32905	0	REVISE & REPAIR CHEST	Surgery	20.75	12.74	$120.59
32906	0	REVISE & REPAIR CHEST	Surgery	26.77	15.42	$120.59
32940	0	REVISION OF LUNG	Surgery	19.43	11.37	$120.59
32960	0	THERAPEUTIC PNEUMOTHORAX	Surgery	1.84	0.93	$120.59
33010	0	DRAINAGE OF HEART SAC	Surgery	2.24	1.54	$120.59
33011	0	REPEAT DRAINAGE OF HEART	Surgery	2.24	0.56	$120.59
33015	0	INCISION OF HEART SAC	Surgery	6.80	4.26	$120.59
33020	0	INCISION OF HEART SAC	Surgery	12.61	13.26	$120.59
33025	0	INCISION OF HEART SAC	Surgery	12.09	13.30	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
33030	0	PARTIAL REMOVAL OF HEART	Surgery	18.71	20.58	$120.59
33031	0	PARTIAL REMOVAL OF HEART	Surgery	21.79	13.25	$120.59
33050	0	REMOVAL OF HEART SAC	Surgery	14.36	9.25	$120.59
33120	0	REMOVAL OF HEART LESION	Surgery	24.56	27.02	$120.59
33130	0	REMOVAL OF HEART LESION	Surgery	21.39	13.50	$120.59
33200	0	INSERTION OF HEART	Surgery	12.48	12.27	$120.59
33201	0	INSERTION OF HEART	Surgery	10.18	11.19	$120.59
33206	0	INSERTION OF HEART	Surgery	6.67	7.34	$120.59
33207	0	INSERTION OF HEART	Surgery	8.04	8.84	$120.59
33208	0	INSERTION OF HEART	Surgery	8.13	8.94	$120.59
33210	0	INSERTION OF HEART	Surgery	3.30	3.30	$120.59
33211	0	INSERTION OF HEART	Surgery	3.40	3.30	$120.59
33212	0	INSERTION OF PULSE	Surgery	5.52	5.38	$120.59
33213	0	INSERTION OF PULSE	Surgery	6.37	5.38	$120.59
33214	0	UPGRADE OF PACEMAKER	Surgery	7.75	5.40	$120.59
33216	0	REVISION IMPLANTED	Surgery	5.39	5.02	$120.59
33217	0	INSERT/REVISE ELECTRODE	Surgery	5.75	5.02	$120.59
33218	0	REPAIR PACEMAKER	Surgery	5.44	4.59	$120.59
33220	0	REPAIR PACEMAKER	Surgery	5.52	4.59	$120.59
33222	0	PACEMAKER AICD POCKET	Surgery	4.96	5.46	$120.59
33223	0	PACEMAKER AICD POCKET	Surgery	6.46	5.70	$120.59
33233	0	REMOVAL OF PACEMAKER	Surgery	3.29	2.64	$120.59
33234	0	REMOVAL OF PACEMAKER	Surgery	7.82	2.84	$120.59
33235	0	REMOVAL PACEMAKER	Surgery	9.40	3.14	$120.59
33236	0	REMOVE ELECTRODE/	Surgery	12.60	3.98	$120.59
33237	0	REMOVE ELECTRODE/	Surgery	13.71	9.60	$120.59
33238	0	REMOVE ELECTRODE/	Surgery	15.22	10.29	$120.59
33240	0	INSERT/REPLACE PULSE	Surgery	7.60	5.38	$120.59
33241	0	REMOVE PULSE GENERATOR	Surgery	3.24	2.16	$120.59
33242	0	REPAIR PULSE GENERATOR/	Surgery	6.17	6.79	$120.59
33243	0	REMOVE GENERATOR/	Surgery	22.64	9.02	$120.59
33244	0	REMOVE GENERATOR	Surgery	8.97	9.02	$120.59
33245	0	IMPLANT HEART	Surgery	14.30	15.73	$120.59
33246	0	IMPLANT HEART	Surgery	20.71	20.79	$120.59
33247	0	INSERT/REPLACE LEADS	Surgery	10.21	11.23	$120.59
33249	0	INSERT/REPLACE LEADS/	Surgery	13.28	14.61	$120.59
33250	0	ABLATE HEART DYSRHYTHM	Surgery	21.85	11.56	$120.59
33251	0	ABLATE HEART DYSRHYTHM	Surgery	24.88	16.41	$120.59
33253	0	RECONSTRUCT ATRIA	Surgery	31.06	21.81	$120.59
33261	0	ABLATE HEART DYSRHYTHM	Surgery	24.88	13.96	$120.59
33300	0	REPAIR OF HEART WOUND	Surgery	17.92	14.36	$120.59
33305	0	REPAIR OF HEART WOUND	Surgery	21.44	17.40	$120.59
33310	0	EXPLORATORY HEART	Surgery	18.51	11.28	$120.59
33315	0	EXPLORATORY HEART	Surgery	22.37	14.48	$120.59
33320	0	REPAIR MAJOR BLOOD	Surgery	16.79	14.14	$120.59
33321	0	REPAIR MAJOR VESSEL	Surgery	20.20	21.75	$120.59
33322	0	REPAIR MAJOR BLOOD	Surgery	20.62	21.75	$120.59
33330	0	INSERT MAJOR VESSEL	Surgery	21.43	12.67	$120.59
33332	0	INSERT MAJOR VESSEL	Surgery	23.96	15.07	$120.59
33335	0	INSERT MAJOR VESSEL	Surgery	30.01	15.07	$120.59
33400	0	REPAIR OF AORTIC VALVE	Surgery	25.34	26.21	$120.59
33401	0	VALVULOPLASTY, OPEN	Surgery	23.91	26.21	$120.59
33403	0	VALVULOPLASTY, W/CP	Surgery	24.89	26.21	$120.59
33404	0	PREPARE HEART-AORTA	Surgery	28.54	31.25	$120.59
33405	0	REPLACEMENT OF AORTIC	Surgery	30.61	30.48	$120.59
33406	0	REPLACEMENT, AORTIC	Surgery	32.30	35.53	$120.59
33411	0	REPLACEMENT OF AORTIC	Surgery	32.47	35.72	$120.59
33412	0	REPLACEMENT OF AORTIC	Surgery	34.79	38.27	$120.59
33413	0	REPLACEMENT, AORTIC	Surgery	35.24	38.76	$120.59
33414	0	REPAIR, AORTIC VALVE	Surgery	30.35	33.39	$120.59
33415	0	REVISION, SUBVALVULAR	Surgery	27.15	29.87	$120.59
33416	0	REVISE VENTRICLE MUSCLE	Surgery	30.35	28.14	$120.59
33417	0	REPAIR OF AORTIC VALVE	Surgery	28.53	31.38	$120.59
33420	0	REVISION OF MITRAL VALVE	Surgery	22.70	19.82	$120.59
33422	0	REVISION OF MITRAL VALVE	Surgery	25.94	28.53	$120.59
33425	0	REPAIR OF MITRAL VALVE	Surgery	27.00	29.70	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
33426	0	REPAIR OF MITRAL VALVE	Surgery	31.03	31.96	$120.59
33427	0	REPAIR OF MITRAL VALVE	Surgery	33.72	34.71	$120.59
33430	0	REPLACEMENT OF MITRAL	Surgery	31.43	34.57	$120.59
33460	0	REVISION OF TRICUSPID	Surgery	23.60	25.96	$120.59
33463	0	VALVULOPLASTY, TRICUSPID	Surgery	25.62	28.18	$120.59
33464	0	VALVULOPLASTY, TRICUSPID	Surgery	27.33	30.06	$120.59
33465	0	REPLACE TRICUSPID VALVE	Surgery	28.79	31.67	$120.59
33468	0	REVISION OF TRICUSPID	Surgery	30.12	33.13	$120.59
33470	0	REVISION OF PULMONARY	Surgery	20.81	19.82	$120.59
33471	0	VALVOTOMY, PULMONARY	Surgery	22.25	24.48	$120.59
33472	0	REVISION OF PULMONARY	Surgery	22.25	24.48	$120.59
33474	0	REVISION OF PULMONARY	Surgery	23.04	25.34	$120.59
33475	0	REPLACEMENT, PULMONARY	Surgery	28.41	31.25	$120.59
33476	0	REVISION OF HEART	Surgery	25.77	28.14	$120.59
33478	0	REVISION OF HEART	Surgery	26.74	29.41	$120.59
33496	0	REPAIR, PROSTH VALVE	Surgery	27.25	29.98	$120.59
33500	0	REPAIR HEART VESSEL	Surgery	25.55	28.11	$120.59
33501	0	REPAIR HEART VESSEL	Surgery	17.78	14.14	$120.59
33502	0	CORONARY ARTERY	Surgery	21.04	14.14	$120.59
33503	0	CORONARY ARTERY GRAFT	Surgery	21.78	23.96	$120.59
33504	0	CORONARY ARTERY GRAFT	Surgery	24.66	27.13	$120.59
33505	0	REPAIR ARTERY W/TUNNEL	Surgery	26.84	29.52	$120.59
33506	0	REPAIR ARTERY,	Surgery	26.71	29.38	$120.59
33510	0	CABG, VEIN, SINGLE	Surgery	25.12	27.63	$120.59
33511	0	CABG, VEIN, TWO	Surgery	27.40	30.14	$120.59
33512	0	CABG, VEIN, THREE	Surgery	29.67	32.64	$120.59
33513	0	CABG, VEIN, FOUR	Surgery	31.95	35.15	$120.59
33514	0	CABG, VEIN, FIVE	Surgery	35.00	38.50	$120.59
33516	0	CABG, VEIN, SIX+	Surgery	37.40	41.14	$120.59
33517	0	CABG, ARTERY-VEIN,	Surgery	2.57	2.83	$120.59
33518	0	CABG, ARTERY-VEIN, TWO	Surgery	4.85	5.34	$120.59
33519	0	CABG, ARTERY-VEIN, THREE	Surgery	7.12	7.83	$120.59
33521	0	CABG, ARTERY-VEIN, FOUR	Surgery	9.40	10.34	$120.59
33522	0	CABG, ARTERY-VEIN, FIVE	Surgery	11.67	12.84	$120.59
33523	0	CABG, ARTERY-VEIN, SIX+	Surgery	13.95	15.35	$120.59
33530	0	CORONARY ARTERY, BYPASS/	Surgery	5.86	6.45	$120.59
33533	0	CABG, ARTERIAL, SINGLE	Surgery	25.83	28.41	$120.59
33534	0	CABG, ARTERIAL, TWO	Surgery	28.82	31.70	$120.59
33535	0	CABG, ARTERIAL, THREE	Surgery	31.81	34.99	$120.59
33536	0	CABG, ARTERIAL, FOUR+	Surgery	34.79	38.27	$120.59
33542	0	REMOVAL OF HEART LESION	Surgery	28.85	30.73	$120.59
33545	0	REPAIR OF HEART DAMAGE	Surgery	36.78	34.92	$120.59
33572	0	OPEN CORONARY	Surgery	4.45	3.23	$120.59
33600	0	CLOSURE OF VALVE	Surgery	29.51	32.46	$120.59
33602	0	CLOSURE OF VALVE	Surgery	28.54	30.48	$120.59
33606	0	ANASTOMOSIS/ARTERY-AORTA	Surgery	30.74	33.81	$120.59
33608	0	REPAIR ANOMALY W/CONDUIT	Surgery	31.09	34.20	$120.59
33610	0	REPAIR BY ENLARGEMENT	Surgery	30.61	33.67	$120.59
33611	0	REPAIR DOUBLE VENTRICLE	Surgery	32.30	35.53	$120.59
33612	0	REPAIR DOUBLE VENTRICLE	Surgery	33.26	36.59	$120.59
33615	0	REPAIR (SIMPLE FONTAN)	Surgery	32.06	35.27	$120.59
33617	0	REPAIR BY MODIFIED	Surgery	34.03	37.43	$120.59
33619	0	REPAIR SINGLE VENTRICLE	Surgery	37.57	41.33	$120.59
33641	0	REPAIR HEART SEPTUM	Surgery	21.39	23.53	$120.59
33645	0	REVISION OF HEART VEINS	Surgery	24.82	27.30	$120.59
33647	0	REPAIR HEART SEPTUM	Surgery	28.73	31.60	$120.59
33660	0	REPAIR OF HEART DEFECTS	Surgery	25.54	28.09	$120.59
33665	0	REPAIR OF HEART DEFECTS	Surgery	28.60	31.27	$120.59
33670	0	REPAIR OF HEART CHAMBERS	Surgery	32.73	36.00	$120.59
33681	0	REPAIR HEART SEPTUM	Surgery	27.67	30.44	$120.59
33684	0	REPAIR HEART SEPTUM	Surgery	29.65	32.62	$120.59
33688	0	REPAIR HEART SEPTUM	Surgery	30.62	33.68	$120.59
33690	0	REINFORCE PULMONARY	Surgery	19.55	21.51	$120.59
33692	0	REPAIR OF HEART DEFECTS	Surgery	30.75	33.83	$120.59
33694	0	REPAIR OF HEART DEFECTS	Surgery	31.73	34.90	$120.59
33697	0	REPAIR OF HEART DEFECTS	Surgery	33.71	37.08	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
33702	0	REPAIR OF HEART DEFECTS	Surgery	26.54	29.19	$120.59
33710	0	REPAIR OF HEART DEFECTS	Surgery	29.71	32.68	$120.59
33720	0	REPAIR OF HEART DEFECT	Surgery	26.56	29.22	$120.59
33722	0	REPAIR OF HEART DEFECT	Surgery	28.41	30.48	$120.59
33730	0	REPAIR HEART-VEIN	Surgery	31.67	34.84	$120.59
33732	0	REPAIR HEART-VEIN DEFECT	Surgery	28.16	30.98	$120.59
33735	0	REVISION OF HEART	Surgery	21.39	25.69	$120.59
33736	0	REVISION OF HEART	Surgery	23.52	25.69	$120.59
33737	0	REVISION OF HEART	Surgery	21.76	23.94	$120.59
33750	0	MAJOR VESSEL SHUNT	Surgery	21.41	22.10	$120.59
33755	0	MAJOR VESSEL SHUNT	Surgery	21.79	22.10	$120.59
33762	0	MAJOR VESSEL SHUNT	Surgery	21.79	22.10	$120.59
33764	0	MAJOR VESSEL SHUNT &	Surgery	21.79	22.10	$120.59
33766	0	MAJOR VESSEL SHUNT	Surgery	22.76	22.10	$120.59
33767	0	ATRIAL SEPTECTOMY/	Surgery	24.50	25.69	$120.59
33770	0	REPAIR GREAT VESSELS	Surgery	33.29	36.62	$120.59
33771	0	REPAIR GREAT VESSELS	Surgery	34.65	38.12	$120.59
33774	0	REPAIR GREAT VESSELS	Surgery	30.98	31.27	$120.59
33775	0	REPAIR GREAT VESSELS	Surgery	32.20	31.27	$120.59
33776	0	REPAIR GREAT VESSELS	Surgery	34.04	34.92	$120.59
33777	0	REPAIR GREAT VESSELS	Surgery	33.46	31.27	$120.59
33778	0	REPAIR GREAT VESSELS	Surgery	35.82	39.40	$120.59
33779	0	REPAIR GREAT VESSELS	Surgery	36.21	39.83	$120.59
33780	0	REPAIR GREAT VESSELS	Surgery	36.94	40.63	$120.59
33781	0	REPAIR GREAT VESSELS	Surgery	36.45	40.10	$120.59
33786	0	REPAIR ARTERIAL TRUNK	Surgery	34.84	38.32	$120.59
33788	0	REVISION OF PULMONARY	Surgery	26.62	29.28	$120.59
33800	0	AORTIC SUSPENSION	Surgery	16.24	14.14	$120.59
33802	0	REPAIR VESSEL DEFECT	Surgery	17.66	19.43	$120.59
33803	0	REPAIR VESSEL DEFECT	Surgery	19.60	21.56	$120.59
33813	0	REPAIR SEPTAL DEFECT	Surgery	20.65	22.10	$120.59
33814	0	REPAIR SEPTAL DEFECT	Surgery	25.77	28.35	$120.59
33820	0	REVISE MAJOR VESSEL	Surgery	16.29	17.92	$120.59
33822	0	REVISE MAJOR VESSEL	Surgery	17.32	19.05	$120.59
33824	0	REVISE MAJOR VESSEL	Surgery	19.52	21.47	$120.59
33840	0	REMOVE AORTA	Surgery	20.63	22.69	$120.59
33845	0	REMOVE AORTA	Surgery	22.12	24.33	$120.59
33851	0	REMOVE AORTA	Surgery	21.27	23.40	$120.59
33852	0	REPAIR SEPTAL DEFECT	Surgery	23.71	26.08	$120.59
33853	0	REPAIR SEPTAL DEFECT	Surgery	31.72	34.89	$120.59
33860	0	ASCENDING AORTA GRAFT	Surgery	33.96	34.71	$120.59
33861	0	ASCENDING AORTA GRAFT	Surgery	34.52	34.71	$120.59
33863	0	ASCENDING AORTA GRAFT	Surgery	36.47	34.71	$120.59
33870	0	TRANSVERSE AORTIC ARCH	Surgery	40.31	44.30	$120.59
33875	0	THORACIC AORTA GRAFT	Surgery	33.06	31.25	$120.59
33877	0	THORACOABDOMINAL GRAFT	Surgery	42.60	44.11	$120.59
33910	0	REMOVE LUNG ARTERY	Surgery	24.59	14.65	$120.59
33915	0	REMOVE LUNG ARTERY	Surgery	21.02	12.02	$120.59
33916	0	SURGERY OF GREAT VESSEL	Surgery	25.83	17.57	$120.59
33917	0	REPAIR PULMONARY ARTERY	Surgery	24.50	26.95	$120.59
33918	0	REPAIR PULMONARY ATRESIA	Surgery	26.45	29.10	$120.59
33919	0	REPAIR PULMONARY ATRESIA	Surgery	32.67	35.94	$120.59
33920	0	REPAIR PULMONARY ATRESIA	Surgery	31.95	35.15	$120.59
33922	0	TRANSECT PULMONARY	Surgery	23.52	25.87	$120.59
33924	0	REMOVE PULMONARY SHUNT	Surgery	5.50	4.00	$120.59
33935	0	TRANSPLANTATION, HEART/	Surgery	60.96	67.06	$120.59
33945	0	TRANSPLANTATION OF HEART	Surgery	42.10	46.31	$120.59
33960	0	EXTERNAL CIRCULATION	Surgery	19.36	7.01	$120.59
33961	0	EXTERNAL CIRCULATION	Surgery	10.93	7.01	$120.59
33970	0	AORTIC CIRCULATION	Surgery	6.75	7.43	$120.59
33971	0	AORTIC CIRCULATION	Surgery	9.69	5.16	$120.59
33973	0	INSERT BALLOON DEVICE	Surgery	9.76	7.54	$120.59
33974	0	REMOVE INTRA-AORTIC	Surgery	14.41	5.56	$120.59
33975	0	IMPLANT VENTRICULAR	Surgery	21.60	14.19	$120.59
33976	0	IMPLANT VENTRICULAR	Surgery	29.10	19.33	$120.59
33977	0	REMOVE VENTRICULAR	Surgery	19.29	12.41	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
33978	0	REMOVE VENTRICULAR	Surgery	21.73	14.19	$120.59
34001	0	REMOVAL OF ARTERY CLOT	Surgery	12.91	9.58	$120.59
34051	0	REMOVAL OF ARTERY CLOT	Surgery	15.21	8.81	$120.59
34101	0	REMOVAL OF ARTERY CLOT	Surgery	9.97	8.34	$120.59
34111	0	REMOVAL OF ARM ARTERY	Surgery	8.07	7.59	$120.59
34151	0	REMOVAL OF ARTERY CLOT	Surgery	16.86	11.96	$120.59
34201	0	REMOVAL OF ARTERY CLOT	Surgery	9.13	8.90	$120.59
34203	0	REMOVAL OF LEG ARTERY	Surgery	12.21	8.63	$120.59
34401	0	REMOVAL OF VEIN CLOT	Surgery	12.86	8.07	$120.59
34421	0	REMOVAL OF VEIN CLOT	Surgery	9.93	7.45	$120.59
34451	0	REMOVAL OF VEIN CLOT	Surgery	14.44	10.69	$120.59
34471	0	REMOVAL OF VEIN CLOT	Surgery	10.18	3.51	$120.59
34490	0	REMOVAL OF VEIN CLOT	Surgery	7.60	7.27	$120.59
34501	0	REPAIR VALVE, FEMORAL	Surgery	10.93	7.35	$120.59
34502	0	RECONSTRUCT, VENA CAVA	Surgery	26.95	18.65	$120.59
34510	0	TRANSPOSITION OF VEIN	Surgery	13.25	8.89	$120.59
34520	0	CROSS-OVER VEIN GRAFT	Surgery	13.74	9.33	$120.59
34530	0	LEG VEIN FUSION	Surgery	17.61	12.35	$120.59
35001	0	REPAIR DEFECT OF ARTERY	Surgery	19.64	15.90	$120.59
35002	0	REPAIR ARTERY RUPTURE,	Surgery	21.00	12.64	$120.59
35005	0	REPAIR DEFECT OF ARTERY	Surgery	18.12	10.28	$120.59
35011	0	REPAIR DEFECT OF ARTERY	Surgery	11.65	12.82	$120.59
35013	0	REPAIR ARTERY RUPTURE,	Surgery	17.40	14.70	$120.59
35021	0	REPAIR DEFECT OF ARTERY	Surgery	19.65	18.13	$120.59
35022	0	REPAIR ARTERY RUPTURE,	Surgery	23.18	14.78	$120.59
35045	0	REPAIR DEFECT OF ARM	Surgery	11.26	12.35	$120.59
35081	0	REPAIR DEFECT OF ARTERY	Surgery	28.01	21.45	$120.59
35082	0	REPAIR ARTERY RUPTURE,	Surgery	36.35	22.91	$120.59
35091	0	REPAIR DEFECT OF ARTERY	Surgery	35.40	22.67	$120.59
35092	0	REPAIR ARTERY RUPTURE,	Surgery	38.39	26.27	$120.59
35102	0	REPAIR DEFECT OF ARTERY	Surgery	30.76	22.15	$120.59
35103	0	REPAIR ARTERY RUPTURE,	Surgery	33.57	26.16	$120.59
35111	0	REPAIR DEFECT OF ARTERY	Surgery	16.43	17.60	$120.59
35112	0	REPAIR ARTERY RUPTURE,	Surgery	18.69	10.45	$120.59
35121	0	REPAIR DEFECT OF ARTERY	Surgery	25.99	19.12	$120.59
35122	0	REPAIR ARTERY RUPTURE,	Surgery	33.45	17.92	$120.59
35131	0	REPAIR DEFECT OF ARTERY	Surgery	18.55	15.88	$120.59
35132	0	REPAIR ARTERY RUPTURE,	Surgery	21.95	18.68	$120.59
35141	0	REPAIR DEFECT OF ARTERY	Surgery	14.46	14.70	$120.59
35142	0	REPAIR ARTERY RUPTURE,	Surgery	15.86	16.10	$120.59
35151	0	REPAIR DEFECT OF ARTERY	Surgery	17.00	15.36	$120.59
35152	0	REPAIR ARTERY RUPTURE,	Surgery	16.70	9.27	$120.59
35161	0	REPAIR DEFECT OF ARTERY	Surgery	18.76	15.88	$120.59
35162	0	REPAIR ARTERY RUPTURE	Surgery	19.78	18.68	$120.59
35180	0	REPAIR BLOOD VESSEL	Surgery	13.62	7.37	$120.59
35182	0	REPAIR BLOOD VESSEL	Surgery	17.74	10.65	$120.59
35184	0	REPAIR BLOOD VESSEL	Surgery	12.25	9.73	$120.59
35188	0	REPAIR BLOOD VESSEL	Surgery	14.28	8.11	$120.59
35189	0	REPAIR BLOOD VESSEL	Surgery	18.43	11.33	$120.59
35190	0	REPAIR BLOOD VESSEL	Surgery	12.75	10.34	$120.59
35201	0	REPAIR BLOOD VESSEL	Surgery	9.99	10.07	$120.59
35206	0	REPAIR BLOOD VESSEL	Surgery	9.25	10.15	$120.59
35207	0	REPAIR BLOOD VESSEL	Surgery	10.15	10.80	$120.59
35211	0	REPAIR BLOOD VESSEL	Surgery	22.12	13.38	$120.59
35216	0	REPAIR BLOOD VESSEL	Surgery	18.75	10.68	$120.59
35221	0	REPAIR BLOOD VESSEL	Surgery	16.42	11.09	$120.59
35226	0	REPAIR BLOOD VESSEL	Surgery	9.06	9.97	$120.59
35231	0	REPAIR BLOOD VESSEL	Surgery	12.00	13.20	$120.59
35236	0	REPAIR BLOOD VESSEL	Surgery	10.54	11.59	$120.59
35241	0	REPAIR BLOOD VESSEL	Surgery	23.12	13.49	$120.59
35246	0	REPAIR BLOOD VESSEL	Surgery	19.84	16.95	$120.59
35251	0	REPAIR BLOOD VESSEL	Surgery	17.49	9.59	$120.59
35256	0	REPAIR BLOOD VESSEL	Surgery	11.38	12.40	$120.59
35261	0	REPAIR BLOOD VESSEL	Surgery	11.63	12.79	$120.59
35266	0	REPAIR BLOOD VESSEL	Surgery	10.30	11.33	$120.59
35271	0	REPAIR BLOOD VESSEL	Surgery	22.12	12.53	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
35276	0	REPAIR BLOOD VESSEL	Surgery	18.75	10.85	$120.59
35281	0	REPAIR BLOOD VESSEL	Surgery	16.48	17.28	$120.59
35286	0	REPAIR BLOOD VESSEL	Surgery	11.87	11.71	$120.59
35301	0	RECHANNELING OF ARTERY	Surgery	18.70	14.46	$120.59
35311	0	RECHANNELING OF ARTERY	Surgery	23.85	22.06	$120.59
35321	0	RECHANNELING OF ARTERY	Surgery	11.97	12.96	$120.59
35331	0	RECHANNELING OF ARTERY	Surgery	23.52	13.34	$120.59
35341	0	RECHANNELING OF ARTERY	Surgery	25.11	17.37	$120.59
35351	0	RECHANNELING OF ARTERY	Surgery	20.11	14.95	$120.59
35355	0	RECHANNELING OF ARTERY	Surgery	16.09	15.42	$120.59
35361	0	RECHANNELING OF ARTERY	Surgery	23.59	19.37	$120.59
35363	0	RECHANNELING OF ARTERY	Surgery	24.66	22.77	$120.59
35371	0	RECHANNELING OF ARTERY	Surgery	11.64	12.51	$120.59
35372	0	RECHANNELING OF ARTERY	Surgery	13.56	11.20	$120.59
35381	0	RECHANNELING OF ARTERY	Surgery	15.81	13.67	$120.59
35390	0	REOPERATION, CAROTID	Surgery	3.19	1.67	$120.59
35400	0	ANGIOSCOPY	Surgery	3.00	2.27	$120.59
35450	0	REPAIR ARTERIAL BLOCKAGE	Surgery	10.07	11.08	$120.59
35452	0	REPAIR ARTERIAL BLOCKAGE	Surgery	6.91	4.35	$120.59
35454	0	REPAIR ARTERIAL BLOCKAGE	Surgery	6.04	6.64	$120.59
35456	0	REPAIR ARTERIAL BLOCKAGE	Surgery	7.35	8.09	$120.59
35458	0	REPAIR ARTERIAL BLOCKAGE	Surgery	9.49	10.13	$120.59
35459	0	REPAIR ARTERIAL BLOCKAGE	Surgery	8.63	9.49	$120.59
35460	0	REPAIR VENOUS BLOCKAGE	Surgery	6.04	3.16	$120.59
35470	0	REPAIR ARTERIAL BLOCKAGE	Surgery	8.63	9.49	$120.59
35471	0	REPAIR ARTERIAL BLOCKAGE	Surgery	10.07	11.08	$120.59
35472	0	REPAIR ARTERIAL BLOCKAGE	Surgery	6.91	3.61	$120.59
35473	0	REPAIR ARTERIAL BLOCKAGE	Surgery	6.04	6.64	$120.59
35474	0	REPAIR ARTERIAL BLOCKAGE	Surgery	7.36	8.10	$120.59
35475	0	REPAIR ARTERIAL BLOCKAGE	Surgery	9.49	10.13	$120.59
35476	0	REPAIR VENOUS BLOCKAGE	Surgery	6.04	3.16	$120.59
35480	0	ATHERECTOMY, OPEN	Surgery	11.08	12.19	$120.59
35481	0	ATHERECTOMY, OPEN	Surgery	7.61	4.35	$120.59
35482	0	ATHERECTOMY, OPEN	Surgery	6.65	7.32	$120.59
35483	0	ATHERECTOMY, OPEN	Surgery	8.10	8.91	$120.59
35484	0	ATHERECTOMY, OPEN	Surgery	10.44	10.13	$120.59
35485	0	ATHERECTOMY, OPEN	Surgery	9.49	4.52	$120.59
35490	0	ATHERECTOMY,	Surgery	11.08	12.19	$120.59
35491	0	ATHERECTOMY,	Surgery	7.61	4.35	$120.59
35492	0	ATHERECTOMY,	Surgery	6.65	7.32	$120.59
35493	0	ATHERECTOMY,	Surgery	8.10	8.91	$120.59
35494	0	ATHERECTOMY,	Surgery	10.44	10.13	$120.59
35495	0	ATHERECTOMY,	Surgery	9.49	4.52	$120.59
35501	0	ARTERY BYPASS GRAFT	Surgery	19.19	19.35	$120.59
35506	0	ARTERY BYPASS GRAFT	Surgery	19.67	19.17	$120.59
35507	0	ARTERY BYPASS GRAFT	Surgery	19.67	17.92	$120.59
35508	0	ARTERY BYPASS GRAFT	Surgery	18.65	18.11	$120.59
35509	0	ARTERY BYPASS GRAFT	Surgery	18.07	18.90	$120.59
35511	0	ARTERY BYPASS GRAFT	Surgery	16.83	10.40	$120.59
35515	0	ARTERY BYPASS GRAFT	Surgery	18.65	11.25	$120.59
35516	0	ARTERY BYPASS GRAFT	Surgery	16.32	17.37	$120.59
35518	0	ARTERY BYPASS GRAFT	Surgery	15.42	16.96	$120.59
35521	0	ARTERY BYPASS GRAFT	Surgery	16.17	17.53	$120.59
35526	0	ARTERY BYPASS GRAFT	Surgery	20.00	12.95	$120.59
35531	0	ARTERY BYPASS GRAFT	Surgery	25.61	20.25	$120.59
35533	0	ARTERY BYPASS GRAFT	Surgery	20.52	21.04	$120.59
35536	0	ARTERY BYPASS GRAFT	Surgery	23.11	21.37	$120.59
35541	0	ARTERY BYPASS GRAFT	Surgery	25.80	19.55	$120.59
35546	0	ARTERY BYPASS GRAFT	Surgery	25.54	21.39	$120.59
35548	0	ARTERY BYPASS GRAFT	Surgery	21.57	19.55	$120.59
35549	0	ARTERY BYPASS GRAFT	Surgery	23.35	21.39	$120.59
35551	0	ARTERY BYPASS GRAFT	Surgery	26.67	19.25	$120.59
35556	0	ARTERY BYPASS GRAFT	Surgery	21.76	18.71	$120.59
35558	0	ARTERY BYPASS GRAFT	Surgery	14.04	15.44	$120.59
35560	0	ARTERY BYPASS GRAFT	Surgery	23.56	20.22	$120.59
35563	0	ARTERY BYPASS GRAFT	Surgery	15.14	8.32	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
35565	0	ARTERY BYPASS GRAFT	Surgery	15.14	16.65	$120.59
35566	0	ARTERY BYPASS GRAFT	Surgery	26.92	20.62	$120.59
35571	0	ARTERY BYPASS GRAFT	Surgery	18.58	19.36	$120.59
35582	0	VEIN BYPASS GRAFT	Surgery	27.13	23.74	$120.59
35583	0	VEIN BYPASS GRAFT	Surgery	22.37	20.44	$120.59
35585	0	VEIN BYPASS GRAFT	Surgery	28.39	22.95	$120.59
35587	0	VEIN BYPASS GRAFT	Surgery	19.05	20.96	$120.59
35601	0	ARTERY BYPASS GRAFT	Surgery	17.50	18.83	$120.59
35606	0	ARTERY BYPASS GRAFT	Surgery	18.71	17.55	$120.59
35612	0	ARTERY BYPASS GRAFT	Surgery	15.76	16.75	$120.59
35616	0	ARTERY BYPASS GRAFT	Surgery	15.70	16.79	$120.59
35621	0	ARTERY BYPASS GRAFT	Surgery	14.54	15.99	$120.59
35623	0	BYPASS GRAFT, NOT VEIN	Surgery	16.62	8.06	$120.59
35626	0	ARTERY BYPASS GRAFT	Surgery	23.63	20.51	$120.59
35631	0	ARTERY BYPASS GRAFT	Surgery	24.60	17.87	$120.59
35636	0	ARTERY BYPASS GRAFT	Surgery	22.46	13.50	$120.59
35641	0	ARTERY BYPASS GRAFT	Surgery	24.57	20.56	$120.59
35642	0	ARTERY BYPASS GRAFT	Surgery	17.98	10.33	$120.59
35645	0	ARTERY BYPASS GRAFT	Surgery	17.47	11.15	$120.59
35646	0	ARTERY BYPASS GRAFT	Surgery	25.81	23.78	$120.59
35650	0	ARTERY BYPASS GRAFT	Surgery	14.36	15.80	$120.59
35651	0	ARTERY BYPASS GRAFT	Surgery	25.04	24.09	$120.59
35654	0	ARTERY BYPASS GRAFT	Surgery	18.61	20.47	$120.59
35656	0	ARTERY BYPASS GRAFT	Surgery	19.53	17.73	$120.59
35661	0	ARTERY BYPASS GRAFT	Surgery	13.18	14.50	$120.59
35663	0	ARTERY BYPASS GRAFT	Surgery	14.17	15.59	$120.59
35665	0	ARTERY BYPASS GRAFT	Surgery	15.40	16.94	$120.59
35666	0	ARTERY BYPASS GRAFT	Surgery	19.19	20.06	$120.59
35671	0	ARTERY BYPASS GRAFT	Surgery	14.80	15.60	$120.59
35681	0	ARTERY BYPASS GRAFT	Surgery	8.05	8.86	$120.59
35691	0	ARTERIAL TRANSPOSITION	Surgery	18.05	19.62	$120.59
35693	0	ARTERIAL TRANSPOSITION	Surgery	15.36	9.40	$120.59
35694	0	ARTERIAL TRANSPOSITION	Surgery	19.16	9.33	$120.59
35695	0	ARTERIAL TRANSPOSITION	Surgery	19.16	9.33	$120.59
35700	0	REOPERATION, BYPASS	Surgery	3.08	1.61	$120.59
35701	0	EXPLORATION, CAROTID	Surgery	5.55	5.82	$120.59
35721	0	EXPLORATION, FEMORAL	Surgery	5.28	5.56	$120.59
35741	0	EXPLORATION POPLITEAL	Surgery	5.37	5.73	$120.59
35761	0	EXPLORATION OF ARTERY/	Surgery	5.37	5.81	$120.59
35800	0	EXPLORE NECK VESSELS	Surgery	7.02	5.28	$120.59
35820	0	EXPLORE CHEST VESSELS	Surgery	12.88	7.92	$120.59
35840	0	EXPLORE ABDOMINAL	Surgery	9.77	7.23	$120.59
35860	0	EXPLORE LIMB VESSELS	Surgery	5.55	5.81	$120.59
35870	0	REPAIR VESSEL GRAFT	Surgery	22.17	10.64	$120.59
35875	0	REMOVAL OF CLOT IN GRAFT	Surgery	10.01	8.21	$120.59
35876	0	REMOVAL OF CLOT IN GRAFT	Surgery	13.67	8.21	$120.59
35901	0	EXCISION, GRAFT, NECK	Surgery	8.19	7.18	$120.59
35903	0	EXCISION, GRAFT,	Surgery	9.39	7.18	$120.59
35905	0	EXCISION, GRAFT, THORAX	Surgery	18.19	7.18	$120.59
35907	0	EXCISION, GRAFT, ABDOMEN	Surgery	19.24	7.18	$120.59
36000	0	PLACE NEEDLE IN VEIN	Surgery	0.18	0.24	$120.59
36005	0	INJECTION, VENOGRAPHY	Surgery	0.95	0.47	$120.59
36010	0	PLACE CATHETER IN VEIN	Surgery	2.43	2.11	$120.59
36011	0	PLACE CATHETER IN VEIN	Surgery	3.14	1.90	$120.59
36012	0	PLACE CATHETER IN VEIN	Surgery	3.52	2.67	$120.59
36013	0	PLACE CATHETER IN ARTERY	Surgery	2.52	2.11	$120.59
36014	0	PLACE CATHETER IN ARTERY	Surgery	3.02	2.28	$120.59
36015	0	PLACE CATHETER IN ARTERY	Surgery	3.52	2.67	$120.59
36100	0	ESTABLISH ACCESS TO	Surgery	3.02	2.59	$120.59
36120	0	ESTABLISH ACCESS TO	Surgery	2.01	2.21	$120.59
36140	0	ESTABLISH ACCESS TO	Surgery	2.01	1.41	$120.59
36145	0	ARTERY TO VEIN SHUNT	Surgery	2.01	2.21	$120.59
36160	0	ESTABLISH ACCESS TO	Surgery	2.52	2.32	$120.59
36200	0	PLACE CATHETER IN AORTA	Surgery	3.02	2.73	$120.59
36215	0	PLACE CATHETER IN ARTERY	Surgery	4.68	2.78	$120.59
36216	0	PLACE CATHETER IN ARTERY	Surgery	5.28	3.29	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
36217	0	PLACE CATHETER IN ARTERY	Surgery	6.30	3.92	$120.59
36218	0	PLACE CATHETER IN ARTERY	Surgery	1.01	0.62	$120.59
36245	0	PLACE CATHETER IN ARTERY	Surgery	4.68	3.15	$120.59
36246	0	PLACE CATHETER IN ARTERY	Surgery	5.28	3.29	$120.59
36247	0	PLACE CATHETER IN ARTERY	Surgery	6.30	3.92	$120.59
36248	0	PLACE CATHETER IN ARTERY	Surgery	1.01	0.62	$120.59
36260	0	INSERTION OF INFUSION	Surgery	9.71	6.74	$120.59
36261	0	REVISION OF INFUSION	Surgery	5.45	2.23	$120.59
36262	0	REMOVAL OF INFUSION PUMP	Surgery	4.02	1.93	$120.59
36400	0	DRAWING BLOOD	Surgery	0.18	0.09	$120.59
36405	0	DRAWING BLOOD	Surgery	0.18	0.45	$120.59
36406	0	DRAWING BLOOD	Surgery	0.18	0.16	$120.59
36410	0	DRAWING BLOOD	Surgery	0.18	0.22	$120.59
36420	0	ESTABLISH ACCESS TO VEIN	Surgery	1.01	0.51	$120.59
36425	0	ESTABLISH ACCESS TO VEIN	Surgery	0.76	0.08	$120.59
36430	0	BLOOD TRANSFUSION	Surgery	0.00	0.96	$120.59
36440	0	BLOOD TRANSFUSION	Surgery	1.03	0.94	$120.59
36450	0	EXCHANGE TRANSFUSION	Surgery	2.23	0.94	$120.59
36455	0	EXCHANGE TRANSFUSION	Surgery	2.43	2.27	$120.59
36460	0	TRANSFUSION SERVICE,	Surgery	6.59	4.71	$120.59
36470	0	INJECTION THERAPY OF	Surgery	1.09	0.27	$120.59
36471	0	INJECTION THERAPY OF	Surgery	1.57	0.39	$120.59
36481	0	INSERTION OF CATHETER,	Surgery	6.99	5.30	$120.59
36488	0	INSERTION OF CATHETER,	Surgery	1.35	0.97	$120.59
36489	0	INSERTION OF CATHETER,	Surgery	1.22	1.12	$120.59
36490	0	INSERTION OF CATHETER,	Surgery	1.67	1.38	$120.59
36491	0	INSERTION OF CATHETER,	Surgery	1.43	1.57	$120.59
36493	0	REPOSITIONING OF CVC	Surgery	1.21	0.63	$120.59
36500	0	INSERTION OF CATHETER,	Surgery	3.52	0.08	$120.59
36510	0	INSERTION OF CATHETER,	Surgery	1.09	0.34	$120.59
36520	0	PLASMA AND/OR CELL	Surgery	1.74	1.91	$120.59
36522	0	PHOTOPHERESIS	Surgery	1.67	1.84	$120.59
36530	0	INSERTION OF INFUSION	Surgery	6.20	4.82	$120.59
36531	0	REVISION OF INFUSION	Surgery	4.87	4.37	$120.59
36532	0	REMOVAL OF INFUSION PUMP	Surgery	3.30	1.77	$120.59
36533	0	INSERTION OF ACCESS PORT	Surgery	5.32	4.29	$120.59
36534	0	REVISION OF ACCESS PORT	Surgery	2.80	3.08	$120.59
36535	0	REMOVAL OF ACCESS PORT	Surgery	2.27	1.81	$120.59
36600	0	WITHDRAWAL OF ARTERIAL	Surgery	0.32	0.28	$120.59
36620	0	INSERTION CATHETER,	Surgery	1.15	0.66	$120.59
36625	0	INSERTION CATHETER,	Surgery	2.11	0.86	$120.59
36640	0	INSERTION CATHETER,	Surgery	2.10	2.31	$120.59
36660	0	INSERTION CATHETER,	Surgery	1.40	0.49	$120.59
36680	0	INSERT NEEDLE, BONE	Surgery	1.20	1.24	$120.59
36800	0	INSERTION OF CANNULA	Surgery	2.43	2.22	$120.59
36810	0	INSERTION OF CANNULA	Surgery	3.97	4.37	$120.59
36815	0	INSERTION OF CANNULA	Surgery	2.62	2.88	$120.59
36821	0	ARTERY-VEIN FUSION	Surgery	8.93	7.24	$120.59
36822	0	INSERTION OF CANNULA(S)	Surgery	5.42	5.60	$120.59
36825	0	ARTERY-VEIN GRAFT	Surgery	9.84	10.82	$120.59
36830	0	ARTERY-VEIN GRAFT	Surgery	12.00	9.96	$120.59
36832	0	REVISE ARTERY-VEIN	Surgery	6.45	7.10	$120.59
36834	0	REPAIR A-V ANEURYSM	Surgery	9.93	7.80	$120.59
36835	0	ARTERY TO VEIN SHUNT	Surgery	7.15	3.42	$120.59
36860	0	CANNULA DECLOTTING	Surgery	2.01	2.21	$120.59
36861	0	CANNULA DECLOTTING	Surgery	2.52	2.77	$120.59
37140	0	REVISION OF CIRCULATION	Surgery	23.60	16.29	$120.59
37145	0	REVISION OF CIRCULATION	Surgery	24.61	17.13	$120.59
37160	0	REVISION OF CIRCULATION	Surgery	21.60	17.74	$120.59
37180	0	REVISION OF CIRCULATION	Surgery	24.61	14.19	$120.59
37181	0	SPLICE SPLEEN/KIDNEY	Surgery	26.68	16.41	$120.59
37195	0	THROMBOLYTIC THERAPY,	Surgery	0.00	7.68	$120.59
37200	0	TRANSCATHETER BIOPSY	Surgery	4.56	1.59	$120.59
37201	0	TRANSCATHETER THERAPY	Surgery	5.00	5.50	$120.59
37202	0	TRANSCATHETER THERAPY	Surgery	5.68	4.30	$120.59
37203	0	TRANSCATHETER RETRIEVAL	Surgery	5.03	3.82	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
37204	0	TRANSCATHETER OCCLUSION	Surgery	18.14	13.76	$120.59
37205	0	TRANSCATHETER STENT	Surgery	8.28	5.16	$120.59
37206	0	TRANSCATHETER STENT	Surgery	4.13	2.58	$120.59
37207	0	TRANSCATHETER STENT	Surgery	8.28	5.16	$120.59
37208	0	TRANSCATHETER STENT	Surgery	4.13	2.58	$120.59
37209	0	EXCHANGE ARTERIAL	Surgery	2.27	1.41	$120.59
37250	0	INTRAVASCULAR US	Surgery	2.10	1.14	$120.59
37251	0	INTRAVASCULAR US	Surgery	1.60	0.87	$120.59
37565	0	LIGATION OF NECK VEIN	Surgery	4.44	3.79	$120.59
37600	0	LIGATION OF NECK ARTERY	Surgery	4.57	4.98	$120.59
37605	0	LIGATION OF NECK ARTERY	Surgery	6.19	5.56	$120.59
37606	0	LIGATION OF NECK ARTERY	Surgery	6.28	5.92	$120.59
37607	0	LIGATION OF FISTULA	Surgery	6.16	3.06	$120.59
37609	0	TEMPORAL ARTERY	Surgery	2.30	2.22	$120.59
37615	0	LIGATION OF NECK ARTERY	Surgery	5.73	5.62	$120.59
37616	0	LIGATION OF CHEST ARTERY	Surgery	16.49	4.21	$120.59
37617	0	LIGATION OF ABDOMEN	Surgery	15.95	8.00	$120.59
37618	0	LIGATION OF EXTREMITY	Surgery	4.84	4.98	$120.59
37620	0	REVISION OF MAJOR VEIN	Surgery	10.56	8.81	$120.59
37650	0	REVISION OF MAJOR VEIN	Surgery	5.13	4.02	$120.59
37660	0	REVISION OF MAJOR VEIN	Surgery	10.61	5.75	$120.59
37700	0	REVISE LEG VEIN	Surgery	3.73	3.64	$120.59
37720	0	REMOVAL OF LEG VEIN	Surgery	5.66	5.11	$120.59
37730	0	REMOVAL OF LEG VEINS	Surgery	7.33	6.95	$120.59
37735	0	REMOVAL OF LEG VEINS/	Surgery	10.53	8.34	$120.59
37760	0	REVISION OF LEG VEINS	Surgery	10.47	7.48	$120.59
37780	0	REVISION OF LEG VEIN	Surgery	3.84	1.89	$120.59
37785	0	REVISE SECONDARY	Surgery	3.88	0.98	$120.59
37788	0	REVASCULARIZATION, PENIS	Surgery	22.01	15.14	$120.59
37790	0	PENILE VENOUS OCCLUSION	Surgery	8.34	5.70	$120.59
38100	0	REMOVAL OF SPLEEN, TOTAL	Surgery	13.01	8.55	$120.59
38101	0	REMOVAL OF SPLEEN,	Surgery	13.74	6.99	$120.59
38102	0	REMOVAL OF SPLEEN, TOTAL	Surgery	4.80	2.51	$120.59
38115	0	REPAIR OF RUPTURED	Surgery	14.19	7.64	$120.59
38200	0	INJECTION FOR SPLEEN X-	Surgery	2.64	1.71	$120.59
38230	0	BONE MARROW COLLECTION	Surgery	4.54	2.78	$120.59
38231	0	STEM CELL COLLECTION	Surgery	1.50	1.37	$120.59
38240	0	BONE MARROW/STEM	Surgery	2.24	2.08	$120.59
38241	0	BONE MARROW/STEM	Surgery	2.24	2.04	$120.59
38300	0	DRAINAGE LYMPH NODE	Surgery	1.53	0.29	$120.59
38305	0	DRAINAGE LYMPH NODE	Surgery	4.61	1.96	$120.59
38308	0	INCISION OF LYMPH	Surgery	4.95	3.37	$120.59
38380	0	THORACIC DUCT PROCEDURE	Surgery	7.46	4.44	$120.59
38381	0	THORACIC DUCT PROCEDURE	Surgery	12.88	7.56	$120.59
38382	0	THORACIC DUCT PROCEDURE	Surgery	10.08	4.84	$120.59
38500	0	BIOPSY/REMOVAL, LYMPH	Surgery	2.88	1.59	$120.59
38505	0	NEEDLE BIOPSY, LYMPH	Surgery	1.14	0.56	$120.59
38510	0	BIOPSY/REMOVAL, LYMPH	Surgery	4.14	2.54	$120.59
38520	0	BIOPSY/REMOVAL, LYMPH	Surgery	5.12	2.99	$120.59
38525	0	BIOPSY/REMOVAL, LYMPH	Surgery	4.66	2.59	$120.59
38530	0	BIOPSY/REMOVAL, LYMPH	Surgery	6.13	3.17	$120.59
38542	0	EXPLORE DEEP NODE(S),	Surgery	5.91	4.26	$120.59
38550	0	REMOVAL NECK/ARMPIT	Surgery	6.73	3.23	$120.59
38555	0	REMOVAL NECK/ARMPIT	Surgery	14.27	7.27	$120.59
38562	0	REMOVAL, PELVIC LYMPH	Surgery	10.49	6.88	$120.59
38564	0	REMOVAL, ABDOMEN LYMPH	Surgery	10.83	7.39	$120.59
38700	0	REMOVAL OF LYMPH NODES,	Surgery	8.24	9.06	$120.59
38720	0	REMOVAL OF LYMPH NODES,	Surgery	13.61	14.97	$120.59
38724	0	REMOVAL OF LYMPH NODES,	Surgery	14.54	14.36	$120.59
38740	0	REMOVE ARMPIT LYMPH	Surgery	6.77	4.72	$120.59
38745	0	REMOVE ARMPITS LYMPH	Surgery	8.84	8.28	$120.59
38746	0	REMOVE THORACIC LYMPH	Surgery	4.39	2.29	$120.59
38747	0	REMOVE ABDOMINAL LYMPH	Surgery	4.89	2.56	$120.59
38760	0	REMOVE GROIN LYMPH NODES	Surgery	8.74	6.63	$120.59
38765	0	REMOVE GROIN LYMPH NODES	Surgery	16.06	12.67	$120.59
38770	0	REMOVE PELVIS LYMPH	Surgery	13.23	14.55	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
38780	0	REMOVE ABDOMEN LYMPH	Surgery	16.59	16.06	$120.59
38790	0	INJECTION FOR LYMPHATIC	Surgery	1.29	1.42	$120.59
38794	0	ACCESS THORACIC LYMPH	Surgery	4.45	2.84	$120.59
39000	0	EXPLORATION OF CHEST	Surgery	6.10	6.05	$120.59
39010	0	EXPLORATION OF CHEST	Surgery	11.79	11.46	$120.59
39200	0	REMOVAL CHEST LESION	Surgery	13.62	11.58	$120.59
39220	0	REMOVAL CHEST LESION	Surgery	17.42	14.94	$120.59
39400	0	VISUALIZATION OF CHEST	Surgery	5.61	5.12	$120.59
39501	0	REPAIR DIAPHRAGM	Surgery	13.19	10.66	$120.59
39502	0	REPAIR PARAESOPHAGEAL	Surgery	16.33	11.93	$120.59
39503	0	REPAIR OF DIAPHRAGM	Surgery	34.85	25.18	$120.59
39520	0	REPAIR OF DIAPHRAGM	Surgery	16.10	12.53	$120.59
39530	0	REPAIR OF DIAPHRAGM	Surgery	15.41	14.06	$120.59
39531	0	REPAIR OF DIAPHRAGM	Surgery	16.42	10.00	$120.59
39540	0	REPAIR OF DIAPHRAGM	Surgery	13.32	11.98	$120.59
39541	0	REPAIR OF DIAPHRAGM	Surgery	14.41	12.16	$120.59
39545	0	REVISION OF DIAPHRAGM	Surgery	13.37	7.90	$120.59
40490	0	BIOPSY OF LIP	Surgery	1.22	0.74	$120.59
40500	0	PARTIAL EXCISION OF LIP	Surgery	4.28	4.71	$120.59
40510	0	PARTIAL EXCISION OF LIP	Surgery	4.70	5.17	$120.59
40520	0	PARTIAL EXCISION OF LIP	Surgery	4.67	4.50	$120.59
40525	0	RECONSTRUCT LIP WITH	Surgery	7.55	8.31	$120.59
40527	0	RECONSTRUCT LIP WITH	Surgery	9.13	10.04	$120.59
40530	0	PARTIAL REMOVAL OF LIP	Surgery	5.40	5.10	$120.59
40650	0	REPAIR LIP	Surgery	3.64	4.00	$120.59
40652	0	REPAIR LIP	Surgery	4.26	4.69	$120.59
40654	0	REPAIR LIP	Surgery	5.31	5.84	$120.59
40700	0	REPAIR CLEFT LIP/NASAL	Surgery	12.79	8.46	$120.59
40701	0	REPAIR CLEFT LIP/NASAL	Surgery	15.85	19.33	$120.59
40702	0	REPAIR CLEFT LIP/NASAL	Surgery	13.04	9.37	$120.59
40720	0	REPAIR CLEFT LIP/NASAL	Surgery	13.55	9.59	$120.59
40761	0	REPAIR CLEFT LIP/NASAL	Surgery	14.72	10.84	$120.59
40800	0	DRAINAGE OF MOUTH LESION	Surgery	1.17	0.74	$120.59
40801	0	DRAINAGE OF MOUTH LESION	Surgery	2.53	0.85	$120.59
40804	0	REMOVAL FOREIGN BODY,	Surgery	1.24	0.58	$120.59
40805	0	REMOVAL FOREIGN BODY,	Surgery	2.69	2.50	$120.59
40806	0	INCISION OF LIP FOLD	Surgery	0.31	0.36	$120.59
40808	0	BIOPSY OF MOUTH LESION	Surgery	0.96	0.76	$120.59
40810	0	EXCISION OF MOUTH LESION	Surgery	1.31	1.18	$120.59
40812	0	EXCISE/REPAIR MOUTH	Surgery	2.31	1.50	$120.59
40814	0	EXCISE/REPAIR MOUTH	Surgery	3.42	1.62	$120.59
40816	0	EXCISION OF MOUTH LESION	Surgery	3.67	1.61	$120.59
40818	0	EXCISE ORAL MUCOSA FOR	Surgery	2.41	2.25	$120.59
40819	0	EXCISE LIP OR CHEEK FOLD	Surgery	2.41	0.62	$120.59
40820	0	TREATMENT OF MOUTH	Surgery	1.28	0.27	$120.59
40830	0	REPAIR MOUTH LACERATION	Surgery	1.76	0.67	$120.59
40831	0	REPAIR MOUTH LACERATION	Surgery	2.46	1.94	$120.59
40840	0	RECONSTRUCTION OF MOUTH	Surgery	8.73	6.28	$120.59
40842	0	RECONSTRUCTION OF MOUTH	Surgery	8.73	6.28	$120.59
40843	0	RECONSTRUCTION OF MOUTH	Surgery	12.10	8.80	$120.59
40844	0	RECONSTRUCTION OF MOUTH	Surgery	16.01	11.63	$120.59
40845	0	RECONSTRUCTION OF MOUTH	Surgery	18.58	20.44	$120.59
41000	0	DRAINAGE OF MOUTH LESION	Surgery	1.30	0.38	$120.59
41005	0	DRAINAGE OF MOUTH LESION	Surgery	1.26	0.62	$120.59
41006	0	DRAINAGE OF MOUTH LESION	Surgery	3.24	1.01	$120.59
41007	0	DRAINAGE OF MOUTH LESION	Surgery	3.10	2.90	$120.59
41008	0	DRAINAGE OF MOUTH LESION	Surgery	3.37	0.53	$120.59
41009	0	DRAINAGE OF MOUTH LESION	Surgery	3.59	3.31	$120.59
41010	0	INCISION OF TONGUE FOLD	Surgery	1.06	0.37	$120.59
41015	0	DRAINAGE OF MOUTH LESION	Surgery	3.96	0.87	$120.59
41016	0	DRAINAGE OF MOUTH LESION	Surgery	4.07	3.69	$120.59
41017	0	DRAINAGE OF MOUTH LESION	Surgery	4.07	1.40	$120.59
41018	0	DRAINAGE OF MOUTH LESION	Surgery	5.10	3.93	$120.59
41100	0	BIOPSY OF TONGUE	Surgery	1.63	0.80	$120.59
41105	0	BIOPSY OF TONGUE	Surgery	1.42	0.52	$120.59
41108	0	BIOPSY OF FLOOR OF MOUTH	Surgery	1.05	0.85	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
41110	0	EXCISION OF TONGUE	Surgery	1.51	0.65	$120.59
41112	0	EXCISION OF TONGUE	Surgery	2.73	1.20	$120.59
41113	0	EXCISION OF TONGUE	Surgery	3.19	1.71	$120.59
41114	0	EXCISION OF TONGUE	Surgery	8.47	6.39	$120.59
41115	0	EXCISION OF TONGUE FOLD	Surgery	1.74	1.78	$120.59
41116	0	EXCISION OF MOUTH LESION	Surgery	2.44	2.49	$120.59
41120	0	PARTIAL REMOVAL OF	Surgery	9.77	7.28	$120.59
41130	0	PARTIAL REMOVAL OF	Surgery	11.15	9.06	$120.59
41135	0	TONGUE AND NECK SURGERY	Surgery	23.09	18.30	$120.59
41140	0	REMOVAL OF TONGUE	Surgery	25.50	18.89	$120.59
41145	0	TONGUE REMOVAL; NECK	Surgery	30.06	22.79	$120.59
41150	0	TONGUE, MOUTH, JAW	Surgery	23.04	18.96	$120.59
41153	0	TONGUE, MOUTH, NECK	Surgery	23.77	25.00	$120.59
41155	0	TONGUE, JAW, & NECK	Surgery	27.72	29.95	$120.59
41250	0	REPAIR TONGUE LACERATION	Surgery	1.91	1.07	$120.59
41251	0	REPAIR TONGUE LACERATION	Surgery	2.27	2.07	$120.59
41252	0	REPAIR TONGUE LACERATION	Surgery	2.97	2.35	$120.59
41500	0	FIXATION OF TONGUE	Surgery	3.71	3.29	$120.59
41510	0	TONGUE TO LIP SURGERY	Surgery	3.42	2.53	$120.59
41520	0	RECONSTRUCTION, TONGUE	Surgery	2.73	2.88	$120.59
41800	0	DRAINAGE OF GUM LESION	Surgery	1.17	0.35	$120.59
41805	0	REMOVAL FOREIGN BODY,	Surgery	1.24	0.84	$120.59
41806	0	REMOVAL FOREIGN BODY,	Surgery	2.69	0.82	$120.59
41822	0	EXCISION OF GUM LESION	Surgery	2.31	3.03	$120.59
41823	0	EXCISION OF GUM LESION	Surgery	3.30	3.63	$120.59
41825	0	EXCISION OF GUM LESION	Surgery	1.31	1.49	$120.59
41826	0	EXCISION OF GUM LESION	Surgery	2.31	2.07	$120.59
41827	0	EXCISION OF GUM LESION	Surgery	3.42	1.88	$120.59
41828	0	EXCISION OF GUM LESION	Surgery	3.09	4.07	$120.59
41830	0	REMOVAL OF GUM TISSUE	Surgery	3.35	3.69	$120.59
41872	0	REPAIR GUM	Surgery	2.59	2.85	$120.59
41874	0	REPAIR TOOTH SOCKET	Surgery	3.09	3.40	$120.59
42000	0	DRAINAGE MOUTH ROOF	Surgery	1.23	0.31	$120.59
42100	0	BIOPSY ROOF OF MOUTH	Surgery	1.31	0.79	$120.59
42104	0	EXCISION LESION, MOUTH	Surgery	1.64	0.81	$120.59
42106	0	EXCISION LESION, MOUTH	Surgery	2.10	1.11	$120.59
42107	0	EXCISION LESION, MOUTH	Surgery	4.44	2.44	$120.59
42120	0	REMOVE PALATE/LESION	Surgery	6.17	6.79	$120.59
42140	0	EXCISION OF UVULA	Surgery	1.62	1.35	$120.59
42145	0	REPAIR, PALATE, PHARYNX/	Surgery	8.05	8.86	$120.59
42160	0	TREATMENT MOUTH ROOF	Surgery	1.80	0.77	$120.59
42180	0	REPAIR PALATE	Surgery	2.50	2.24	$120.59
42182	0	REPAIR PALATE	Surgery	3.83	3.47	$120.59
42200	0	RECONSTRUCT CLEFT PALATE	Surgery	12.00	7.19	$120.59
42205	0	RECONSTRUCT CLEFT PALATE	Surgery	9.59	10.55	$120.59
42210	0	RECONSTRUCT CLEFT PALATE	Surgery	14.50	12.51	$120.59
42215	0	RECONSTRUCT CLEFT PALATE	Surgery	8.82	7.68	$120.59
42220	0	RECONSTRUCT CLEFT PALATE	Surgery	7.02	5.40	$120.59
42225	0	RECONSTRUCT CLEFT PALATE	Surgery	9.54	6.90	$120.59
42226	0	LENGTHENING OF PALATE	Surgery	10.01	7.89	$120.59
42227	0	LENGTHENING OF PALATE	Surgery	9.52	7.41	$120.59
42235	0	REPAIR PALATE	Surgery	7.87	5.55	$120.59
42260	0	REPAIR NOSE TO LIP	Surgery	9.80	3.98	$120.59
42280	0	PREPARATION, PALATE MOLD	Surgery	1.54	1.99	$120.59
42281	0	INSERTION, PALATE	Surgery	1.93	1.47	$120.59
42300	0	DRAINAGE OF SALIVARY	Surgery	1.93	0.48	$120.59
42305	0	DRAINAGE OF SALIVARY	Surgery	6.07	2.18	$120.59
42310	0	DRAINAGE OF SALIVARY	Surgery	1.56	0.52	$120.59
42320	0	DRAINAGE OF SALIVARY	Surgery	2.35	1.83	$120.59
42325	0	CREATE SALIVARY CYST	Surgery	2.75	2.12	$120.59
42326	0	CREATE SALIVARY CYST	Surgery	3.78	4.16	$120.59
42330	0	REMOVAL OF SALIVARY	Surgery	2.21	1.10	$120.59
42335	0	REMOVAL OF SALIVARY	Surgery	3.31	1.24	$120.59
42340	0	REMOVAL OF SALIVARY	Surgery	4.60	2.13	$120.59
42400	0	BIOPSY OF SALIVARY GLAND	Surgery	0.78	0.79	$120.59
42405	0	BIOPSY OF SALIVARY GLAND	Surgery	3.29	0.77	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
42408	0	EXCISION OF SALIVARY	Surgery	4.54	3.24	$120.59
42409	0	DRAINAGE OF SALIVARY	Surgery	2.81	2.81	$120.59
42410	0	EXCISE PAROTID GLAND/	Surgery	9.34	5.94	$120.59
42415	0	EXCISE PAROTID GLAND/	Surgery	16.89	12.68	$120.59
42420	0	EXCISE PAROTID GLAND/	Surgery	19.59	14.82	$120.59
42425	0	EXCISE PAROTID GLAND/	Surgery	13.02	11.10	$120.59
42426	0	EXCISE PAROTID GLAND/	Surgery	21.26	23.39	$120.59
42440	0	EXCISION SUBMAXILLARY	Surgery	6.97	7.67	$120.59
42450	0	EXCISION SUBLINGUAL	Surgery	4.62	3.42	$120.59
42500	0	REPAIR SALIVARY DUCT	Surgery	4.30	4.61	$120.59
42505	0	REPAIR SALIVARY DUCT	Surgery	6.18	6.80	$120.59
42507	0	PAROTID DUCT DIVERSION	Surgery	6.11	4.65	$120.59
42508	0	PAROTID DUCT DIVERSION	Surgery	9.10	7.61	$120.59
42509	0	PAROTID DUCT DIVERSION	Surgery	11.54	7.31	$120.59
42510	0	PAROTID DUCT DIVERSION	Surgery	8.15	7.65	$120.59
42550	0	INJECTION FOR SALIVARY X-	Surgery	1.25	0.44	$120.59
42600	0	CLOSURE OF SALIVARY	Surgery	4.82	3.89	$120.59
42650	0	DILATION OF SALIVARY	Surgery	0.77	0.39	$120.59
42660	0	DILATION OF SALIVARY	Surgery	1.13	0.50	$120.59
42665	0	LIGATION OF SALIVARY	Surgery	2.53	2.04	$120.59
42700	0	DRAINAGE OF TONSIL	Surgery	1.62	0.43	$120.59
42720	0	DRAINAGE OF THROAT	Surgery	5.42	1.89	$120.59
42725	0	DRAINAGE OF THROAT	Surgery	10.72	4.45	$120.59
42800	0	BIOPSY OF THROAT	Surgery	1.39	0.74	$120.59
42802	0	BIOPSY OF THROAT	Surgery	1.54	1.02	$120.59
42804	0	BIOPSY OF UPPER NOSE/	Surgery	1.24	1.09	$120.59
42806	0	BIOPSY OF UPPER NOSE/	Surgery	1.58	1.40	$120.59
42808	0	EXCISE PHARYNX LESION	Surgery	2.30	2.52	$120.59
42809	0	REMOVE PHARYNX FOREIGN	Surgery	1.81	0.82	$120.59
42810	0	EXCISION OF NECK CYST	Surgery	3.33	3.14	$120.59
42815	0	EXCISION OF NECK CYST	Surgery	7.23	7.95	$120.59
42820	0	REMOVE TONSILS AND	Surgery	3.91	3.15	$120.59
42821	0	REMOVE TONSILS AND	Surgery	4.29	3.93	$120.59
42825	0	REMOVAL OF TONSILS	Surgery	3.42	2.64	$120.59
42826	0	REMOVAL OF TONSILS	Surgery	3.38	3.72	$120.59
42830	0	REMOVAL OF ADENOIDS	Surgery	2.57	1.86	$120.59
42831	0	REMOVAL OF ADENOIDS	Surgery	2.71	2.36	$120.59
42835	0	REMOVAL OF ADENOIDS	Surgery	2.30	1.86	$120.59
42836	0	REMOVAL OF ADENOIDS	Surgery	3.18	2.79	$120.59
42842	0	EXTENSIVE SURGERY OF	Surgery	8.76	6.69	$120.59
42844	0	EXTENSIVE SURGERY OF	Surgery	14.31	10.85	$120.59
42845	0	EXTENSIVE SURGERY OF	Surgery	24.29	18.62	$120.59
42860	0	EXCISION OF TONSIL TAGS	Surgery	2.22	1.89	$120.59
42870	0	EXCISION OF LINGUAL	Surgery	5.40	2.32	$120.59
42890	0	PARTIAL REMOVAL OF	Surgery	12.94	8.99	$120.59
42892	0	REVISION OF PHARYNGEAL	Surgery	15.83	10.92	$120.59
42894	0	REVISION OF PHARYNGEAL	Surgery	22.88	16.06	$120.59
42900	0	REPAIR THROAT WOUND	Surgery	5.25	4.26	$120.59
42950	0	RECONSTRUCTION OF THROAT	Surgery	8.10	8.91	$120.59
42953	0	REPAIR THROAT, ESOPHAGUS	Surgery	8.96	6.34	$120.59
42955	0	SURGICAL OPENING OF	Surgery	7.39	3.32	$120.59
42960	0	CONTROL THROAT BLEEDING	Surgery	2.33	1.08	$120.59
42961	0	CONTROL THROAT BLEEDING	Surgery	5.59	1.75	$120.59
42962	0	CONTROL THROAT BLEEDING	Surgery	7.14	5.98	$120.59
42970	0	CONTROL NOSE/THROAT	Surgery	5.43	1.03	$120.59
42971	0	CONTROL NOSE/THROAT	Surgery	6.21	2.90	$120.59
42972	0	CONTROL NOSE/THROAT	Surgery	7.20	4.55	$120.59
43020	0	INCISION OF ESOPHAGUS	Surgery	8.09	6.58	$120.59
43030	0	THROAT MUSCLE SURGERY	Surgery	7.69	8.46	$120.59
43045	0	INCISION OF ESOPHAGUS	Surgery	20.12	12.45	$120.59
43100	0	EXCISION OF ESOPHAGUS	Surgery	9.19	6.19	$120.59
43101	0	EXCISION OF ESOPHAGUS	Surgery	16.24	9.48	$120.59
43107	0	REMOVAL OF ESOPHAGUS	Surgery	28.79	22.50	$120.59
43108	0	REMOVAL OF ESOPHAGUS	Surgery	34.19	25.27	$120.59
43112	0	REMOVAL OF ESOPHAGUS	Surgery	31.22	21.65	$120.59
43113	0	REMOVAL OF ESOPHAGUS	Surgery	35.27	25.27	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
43116	0	PARTIAL REMOVAL OF	Surgery	31.22	25.27	$120.59
43117	0	PARTIAL REMOVAL OF	Surgery	30.02	25.27	$120.59
43118	0	PARTIAL REMOVAL OF	Surgery	33.20	25.27	$120.59
43121	0	PARTIAL REMOVAL OF	Surgery	29.19	21.36	$120.59
43122	0	PARITAL REMOVAL OF	Surgery	29.11	21.36	$120.59
43123	0	PARTIAL REMOVAL OF	Surgery	33.20	25.27	$120.59
43124	0	REMOVAL OF ESOPHAGUS	Surgery	27.32	22.50	$120.59
43130	0	REMOVAL OF ESOPHAGUS	Surgery	11.75	10.51	$120.59
43135	0	REMOVAL OF ESOPHAGUS	Surgery	16.10	11.72	$120.59
43200	0	ESOPHAGUS ENDOSCOPY	Surgery	1.59	1.75	$120.59
43202	0	ESOPHAGUS ENDOSCOPY,	Surgery	1.89	2.08	$120.59
43204	0	ESOPHAGUS ENDOSCOPY &	Surgery	3.77	4.15	$120.59
43205	0	ESOPHAGUS ENDOSCOPY/	Surgery	3.79	2.70	$120.59
43215	0	ESOPHAGUS ENDOSCOPY	Surgery	2.60	2.86	$120.59
43216	0	ESOPHAGUS ENDOSCOPY/	Surgery	2.40	2.64	$120.59
43217	0	ESOPHAGUS ENDOSCOPY	Surgery	2.90	3.19	$120.59
43219	0	ESOPHAGUS ENDOSCOPY	Surgery	2.80	3.08	$120.59
43220	0	ESOPHAGUS ENDOSCOPY,	Surgery	2.10	2.31	$120.59
43226	0	ESOPHAGUS ENDOSCOPY,	Surgery	2.34	2.57	$120.59
43227	0	ESOPHAGUS ENDOSCOPY,	Surgery	3.60	3.96	$120.59
43228	0	ESOPHAGUS ENDOSCOPY,	Surgery	3.77	4.15	$120.59
43234	0	UPPER GI ENDOSCOPY, EXAM	Surgery	2.01	2.21	$120.59
43235	0	UPPER GI ENDOSCOPY,	Surgery	2.39	2.63	$120.59
43239	0	UPPER GI ENDOSCOPY,	Surgery	2.69	2.96	$120.59
43241	0	UPPER GI ENDOSCOPY WITH	Surgery	2.59	2.85	$120.59
43243	0	UPPER GI ENDOSCOPY &	Surgery	4.57	5.03	$120.59
43244	0	UPPER GI ENDOSCOPY/	Surgery	4.59	3.47	$120.59
43245	0	OPERATIVE UPPER GI	Surgery	3.39	3.73	$120.59
43246	0	PLACE GASTROSTOMY TUBE	Surgery	4.33	4.76	$120.59
43247	0	OPERATIVE UPPER GI	Surgery	3.39	3.73	$120.59
43248	0	UPPER GI ENDOSCOPY/	Surgery	3.15	3.47	$120.59
43249	0	ESOPHAGUS ENDOSCOPY,	Surgery	2.90	3.19	$120.59
43250	0	UPPER GI ENDOSCOPY/TUMOR	Surgery	3.20	3.52	$120.59
43251	0	OPERATIVE UPPER GI	Surgery	3.70	4.07	$120.59
43255	0	OPERATIVE UPPER GI	Surgery	4.40	4.84	$120.59
43258	0	OPERATIVE UPPER GI	Surgery	4.55	5.01	$120.59
43259	0	ENDOSCOPIC ULTRASOUND	Surgery	4.89	4.02	$120.59
43260	0	ENDOSCOPY, BILE DUCT/	Surgery	5.96	5.98	$120.59
43261	0	ENDOSCOPY, BILE DUCT/	Surgery	6.27	5.98	$120.59
43262	0	ENDOSCOPY, BILE DUCT/	Surgery	7.39	8.13	$120.59
43263	0	ENDOSCOPY, BILE DUCT/	Surgery	6.19	5.83	$120.59
43264	0	ENDOSCOPY, BILE DUCT/	Surgery	8.90	8.92	$120.59
43265	0	ENDOSCOPY, BILE DUCT/	Surgery	8.90	6.82	$120.59
43267	0	ENDOSCOPY, BILE DUCT/	Surgery	7.39	7.41	$120.59
43268	0	ENDOSCOPY, BILE DUCT/	Surgery	7.39	8.13	$120.59
43269	0	ENDOSCOPY, BILE DUCT/	Surgery	6.04	6.64	$120.59
43271	0	ENDOSCOPY, BILE DUCT/	Surgery	7.39	7.63	$120.59
43272	0	ENDOSCOPY, BILE DUCT/	Surgery	7.39	5.60	$120.59
43300	0	REPAIR OF ESOPHAGUS	Surgery	9.14	10.05	$120.59
43305	0	REPAIR ESOPHAGUS AND	Surgery	17.15	13.71	$120.59
43310	0	REPAIR OF ESOPHAGUS	Surgery	25.39	16.99	$120.59
43312	0	REPAIR ESOPHAGUS AND	Surgery	28.42	13.72	$120.59
43320	0	FUSE ESOPHAGUS & STOMACH	Surgery	16.07	11.68	$120.59
43324	0	REVISE ESOPHAGUS &	Surgery	16.58	11.88	$120.59
43325	0	REVISE ESOPHAGUS &	Surgery	16.17	11.61	$120.59
43326	0	REVISE ESOPHAGUS &	Surgery	15.91	7.52	$120.59
43330	0	REPAIR OF ESOPHAGUS	Surgery	15.94	11.36	$120.59
43331	0	REPAIR OF ESOPHAGUS	Surgery	16.23	14.33	$120.59
43340	0	FUSE ESOPHAGUS &	Surgery	15.81	12.44	$120.59
43341	0	FUSE ESOPHAGUS &	Surgery	16.81	9.90	$120.59
43350	0	SURGICAL OPENING,	Surgery	12.72	7.88	$120.59
43351	0	SURGICAL OPENING,	Surgery	14.79	8.77	$120.59
43352	0	SURGICAL OPENING,	Surgery	12.30	8.86	$120.59
43360	0	GASTROINTESTINAL REPAIR	Surgery	28.78	21.36	$120.59
43361	0	GASTROINTESTINAL REPAIR	Surgery	32.65	25.27	$120.59
43400	0	LIGATE ESOPHAGUS VEINS	Surgery	17.09	10.82	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
43401	0	ESOPHAGUS SURGERY FOR	Surgery	17.81	9.59	$120.59
43405	0	LIGATE/STAPLE ESOPHAGUS	Surgery	16.13	14.33	$120.59
43410	0	REPAIR ESOPHAGUS WOUND	Surgery	10.86	8.90	$120.59
43415	0	REPAIR ESOPHAGUS WOUND	Surgery	17.06	12.74	$120.59
43420	0	REPAIR ESOPHAGUS OPENING	Surgery	11.57	5.88	$120.59
43425	0	REPAIR ESOPHAGUS OPENING	Surgery	16.95	9.94	$120.59
43450	0	DILATE ESOPHAGUS	Surgery	1.38	0.68	$120.59
43453	0	DILATE ESOPHAGUS	Surgery	1.51	1.51	$120.59
43456	0	DILATE ESOPHAGUS	Surgery	2.57	2.47	$120.59
43458	0	DILATION OF ESOPHAGUS	Surgery	3.06	1.52	$120.59
43460	0	PRESSURE TREATMENT	Surgery	3.80	1.67	$120.59
43500	0	SURGICAL OPENING OF	Surgery	8.44	6.13	$120.59
43501	0	SURGICAL REPAIR OF	Surgery	15.31	8.58	$120.59
43502	0	SURGICAL REPAIR OF	Surgery	17.67	8.58	$120.59
43510	0	SURGICAL OPENING OF	Surgery	9.99	8.29	$120.59
43520	0	INCISION OF PYLORIC	Surgery	7.63	4.48	$120.59
43600	0	BIOPSY OF STOMACH	Surgery	1.91	0.50	$120.59
43605	0	BIOPSY OF STOMACH	Surgery	9.15	5.91	$120.59
43610	0	EXCISION OF STOMACH	Surgery	11.15	8.17	$120.59
43611	0	EXCISION OF STOMACH	Surgery	13.63	8.17	$120.59
43620	0	REMOVAL OF STOMACH	Surgery	22.54	15.38	$120.59
43621	0	REMOVAL OF STOMACH	Surgery	23.06	15.38	$120.59
43622	0	REMOVAL OF STOMACH	Surgery	24.41	15.38	$120.59
43631	0	REMOVAL OF STOMACH,	Surgery	19.66	12.42	$120.59
43632	0	REMOVAL STOMACH, PARTIAL	Surgery	19.66	12.42	$120.59
43633	0	REMOVAL STOMACH, PARTIAL	Surgery	20.10	12.42	$120.59
43634	0	REMOVAL STOMACH, PARTIAL	Surgery	21.86	20.83	$120.59
43635	0	PARTIAL REMOVAL OF	Surgery	2.06	1.08	$120.59
43638	0	PARTIAL REMOVAL OF	Surgery	21.76	12.75	$120.59
43639	0	REMOVAL STOMACH, PARTIAL	Surgery	22.25	12.75	$120.59
43640	0	VAGOTOMY & PYLORUS	Surgery	14.81	10.34	$120.59
43641	0	VAGOTOMY & PYLORUS	Surgery	15.03	10.34	$120.59
43750	0	PLACE GASTROSTOMY TUBE	Surgery	4.49	4.35	$120.59
43760	0	CHANGE GASTROSTOMY TUBE	Surgery	1.10	0.69	$120.59
43761	0	REPOSITION GASTROSTOMY	Surgery	2.01	1.06	$120.59
43800	0	RECONSTRUCTION OF	Surgery	10.46	6.85	$120.59
43810	0	FUSION OF STOMACH AND	Surgery	11.19	7.64	$120.59
43820	0	FUSION OF STOMACH AND	Surgery	11.74	8.29	$120.59
43825	0	FUSION OF STOMACH AND	Surgery	14.68	11.08	$120.59
43830	0	PLACE GASTROSTOMY TUBE	Surgery	7.28	6.19	$120.59
43831	0	PLACE GASTROSTOMY TUBE	Surgery	7.33	5.20	$120.59
43832	0	PLACE GASTROSTOMY TUBE	Surgery	11.92	7.95	$120.59
43840	0	REPAIR OF STOMACH LESION	Surgery	11.89	7.84	$120.59
43842	0	GASTROPLASTY FOR OBESITY	Surgery	14.71	13.72	$120.59
43843	0	GASTROPLASTY FOR OBESITY	Surgery	14.85	13.72	$120.59
43846	0	GASTRIC BYPASS FOR	Surgery	19.15	14.80	$120.59
43847	0	GASTRIC BYPASS FOR	Surgery	21.44	14.80	$120.59
43848	0	REVISION GASTROPLASTY	Surgery	23.41	14.80	$120.59
43850	0	REVISE STOMACH-BOWEL	Surgery	19.69	11.64	$120.59
43855	0	REVISE STOMACH-BOWEL	Surgery	20.83	10.44	$120.59
43860	0	REVISE STOMACH-BOWEL	Surgery	19.91	11.46	$120.59
43865	0	REVISE STOMACH-BOWEL	Surgery	21.12	13.39	$120.59
43870	0	REPAIR STOMACH OPENING	Surgery	7.40	5.77	$120.59
43880	0	REPAIR STOMACH-BOWEL	Surgery	19.63	8.25	$120.59
44005	0	FREEING OF BOWEL	Surgery	13.84	8.28	$120.59
44010	0	INCISION OF SMALL BOWEL	Surgery	10.68	6.91	$120.59
44015	0	INSERT NEEDLE CATHETER,	Surgery	2.62	2.88	$120.59
44020	0	EXPLORATION OF SMALL	Surgery	11.93	7.81	$120.59
44021	0	DECOMPRESS SMALL BOWEL	Surgery	12.01	7.00	$120.59
44025	0	INCISION OF LARGE BOWEL	Surgery	12.18	7.74	$120.59
44050	0	REDUCE BOWEL OBSTRUCTION	Surgery	11.40	7.77	$120.59
44055	0	CORRECT MALROTATION OF	Surgery	13.14	7.66	$120.59
44100	0	BIOPSY OF BOWEL	Surgery	2.01	1.38	$120.59
44110	0	EXCISION OF BOWEL	Surgery	10.07	7.67	$120.59
44111	0	EXCISION OF BOWEL	Surgery	12.19	9.67	$120.59
44120	0	REMOVAL OF SMALL	Surgery	14.50	9.46	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
44121	0	REMOVAL OF SMALL	Surgery	4.45	2.32	$120.59
44125	0	REMOVAL OF SMALL	Surgery	14.96	10.75	$120.59
44130	0	BOWEL TO BOWEL FUSION	Surgery	12.36	8.67	$120.59
44139	0	MOBILIZATION OF COLON	Surgery	2.23	1.17	$120.59
44140	0	PARTIAL REMOVAL OF COLON	Surgery	18.35	11.37	$120.59
44141	0	PARTIAL REMOVAL OF COLON	Surgery	19.51	11.86	$120.59
44143	0	PARTIAL REMOVAL OF COLON	Surgery	20.17	12.26	$120.59
44144	0	PARTIAL REMOVAL OF COLON	Surgery	18.89	12.06	$120.59
44145	0	PARTIAL REMOVAL OF COLON	Surgery	23.18	13.25	$120.59
44146	0	PARTIAL REMOVAL OF COLON	Surgery	24.16	14.98	$120.59
44147	0	PARTIAL REMOVAL OF COLON	Surgery	18.17	15.34	$120.59
44150	0	REMOVAL OF COLON	Surgery	21.01	14.84	$120.59
44151	0	REMOVAL OF COLON/	Surgery	20.04	10.21	$120.59
44152	0	REMOVAL OF COLON/	Surgery	24.41	15.44	$120.59
44153	0	REMOVAL OF COLON/	Surgery	26.83	19.35	$120.59
44155	0	REMOVAL OF COLON	Surgery	24.44	16.65	$120.59
44156	0	REMOVAL OF COLON/	Surgery	23.01	11.40	$120.59
44160	0	REMOVAL OF COLON	Surgery	15.88	12.44	$120.59
44300	0	OPEN BOWEL TO SKIN	Surgery	8.88	6.03	$120.59
44310	0	ILEOSTOMY/JEJUNOSTOMY	Surgery	11.70	7.88	$120.59
44312	0	REVISION OF ILEOSTOMY	Surgery	5.88	3.08	$120.59
44314	0	REVISION OF ILEOSTOMY	Surgery	11.04	6.68	$120.59
44316	0	DEVISE BOWEL POUCH	Surgery	15.47	9.64	$120.59
44320	0	COLOSTOMY	Surgery	12.94	7.46	$120.59
44322	0	COLOSTOMY WITH BIOPSIES	Surgery	11.98	9.07	$120.59
44340	0	REVISION OF COLOSTOMY	Surgery	5.66	1.68	$120.59
44345	0	REVISION OF COLOSTOMY	Surgery	11.32	4.84	$120.59
44346	0	REVISION OF COLOSTOMY	Surgery	12.46	6.65	$120.59
44360	0	SMALL BOWEL ENDOSCOPY	Surgery	2.92	3.21	$120.59
44361	0	SMALL BOWEL ENDOSCOPY,	Surgery	3.23	3.55	$120.59
44363	0	SMALL BOWEL ENDOSCOPY	Surgery	3.94	2.99	$120.59
44364	0	SMALL BOWEL ENDOSCOPY	Surgery	4.22	4.64	$120.59
44365	0	SMALL BOWEL ENDOSCOPY	Surgery	3.73	4.10	$120.59
44366	0	SMALL BOWEL ENDOSCOPY	Surgery	4.97	5.47	$120.59
44369	0	SMALL BOWEL ENDOSCOPY	Surgery	5.09	5.60	$120.59
44372	0	SMALL BOWEL ENDOSCOPY	Surgery	4.97	5.47	$120.59
44373	0	SMALL BOWEL ENDOSCOPY	Surgery	3.94	4.33	$120.59
44376	0	SMALL BOWEL ENDOSCOPY	Surgery	5.69	4.05	$120.59
44377	0	SMALL BOWEL ENDOSCOPY	Surgery	5.98	4.26	$120.59
44378	0	SMALL BOWEL ENDOSCOPY	Surgery	7.71	5.27	$120.59
44380	0	SMALL BOWEL ENDOSCOPY	Surgery	1.51	1.66	$120.59
44382	0	SMALL BOWEL ENDOSCOPY	Surgery	1.82	2.00	$120.59
44385	0	ENDOSCOPY OF BOWEL POUCH	Surgery	1.82	2.00	$120.59
44386	0	ENDOSCOPY, BOWEL POUCH,	Surgery	2.12	1.54	$120.59
44388	0	COLON ENDOSCOPY	Surgery	2.82	3.10	$120.59
44389	0	COLONOSCOPY WITH BIOPSY	Surgery	3.13	3.44	$120.59
44390	0	COLONOSCOPY FOR FOREIGN	Surgery	3.83	2.63	$120.59
44391	0	COLONOSCOPY FOR BLEEDING	Surgery	4.32	4.75	$120.59
44392	0	COLONOSCOPY &	Surgery	3.82	4.20	$120.59
44393	0	COLONOSCOPY, LESION	Surgery	4.84	5.32	$120.59
44394	0	COLONOSCOPY W/SNARE	Surgery	4.43	4.87	$120.59
44500	0	INTRO, GASTROINTESTINAL	Surgery	0.49	0.36	$120.59
44602	0	SUTURE, SMALL INTESTINE	Surgery	10.61	7.65	$120.59
44603	0	SUTURE, SMALL INTESTINE	Surgery	14.00	9.09	$120.59
44604	0	SUTURE, LARGE INTESTINE	Surgery	14.28	7.87	$120.59
44605	0	REPAIR OF BOWEL LESION	Surgery	15.37	9.37	$120.59
44615	0	INTESTINAL	Surgery	14.19	6.74	$120.59
44620	0	REPAIR BOWEL OPENING	Surgery	10.87	5.97	$120.59
44625	0	REPAIR BOWEL OPENING	Surgery	13.41	9.58	$120.59
44626	0	REPAIR BOWEL OPENING	Surgery	22.59	11.37	$120.59
44640	0	REPAIR BOWEL-SKIN	Surgery	14.83	6.54	$120.59
44650	0	REPAIR BOWEL FISTULA	Surgery	15.25	7.33	$120.59
44660	0	REPAIR BOWEL-BLADDER	Surgery	14.63	8.34	$120.59
44661	0	REPAIR BOWEL-BLADDER	Surgery	16.99	13.94	$120.59
44680	0	SURGICAL REVISION,	Surgery	13.72	9.71	$120.59
44700	0	SUSPEND BOWEL W/	Surgery	14.35	11.37	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
44800	0	EXCISION OF BOWEL POUCH	Surgery	11.23	5.24	$120.59
44820	0	EXCISION OF MESENTERY	Surgery	10.31	5.80	$120.59
44850	0	REPAIR OF MESENTERY	Surgery	9.57	5.60	$120.59
44900	0	DRAIN, APP ABSCESS, OPEN	Surgery	8.82	4.28	$120.59
44901	0	DRAIN, APP ABSCESS, PERC	Surgery	3.38	2.56	$120.59
44950	0	APPENDECTOMY	Surgery	8.70	4.89	$120.59
44955	0	APPENDECTOMY	Surgery	1.53	1.68	$120.59
44960	0	APPENDECTOMY	Surgery	10.74	5.89	$120.59
45000	0	DRAINAGE OF PELVIC	Surgery	4.52	1.59	$120.59
45005	0	DRAINAGE OF RECTAL	Surgery	1.99	1.29	$120.59
45020	0	DRAINAGE OF RECTAL	Surgery	4.72	2.61	$120.59
45100	0	BIOPSY OF RECTUM	Surgery	3.68	1.88	$120.59
45108	0	REMOVAL OF ANORECTAL	Surgery	4.76	2.66	$120.59
45110	0	REMOVAL OF RECTUM	Surgery	23.80	16.32	$120.59
45111	0	PARTIAL REMOVAL OF	Surgery	16.48	11.77	$120.59
45112	0	REMOVAL OF RECTUM	Surgery	25.96	16.06	$120.59
45113	0	PARTIAL PROCTECTOMY	Surgery	25.99	16.06	$120.59
45114	0	PARTIAL REMOVAL OF	Surgery	23.22	15.39	$120.59
45116	0	PARTIAL REMOVAL OF	Surgery	20.89	10.77	$120.59
45119	0	REMOVE, RECTUM W/	Surgery	26.21	16.06	$120.59
45120	0	REMOVAL OF RECTUM	Surgery	24.60	16.39	$120.59
45121	0	REMOVAL OF RECTUM AND	Surgery	27.04	10.79	$120.59
45123	0	PARTIAL PROCTECTOMY	Surgery	14.20	11.77	$120.59
45130	0	EXCISION OF RECTAL	Surgery	13.97	8.92	$120.59
45135	0	EXCISION OF RECTAL	Surgery	16.39	15.95	$120.59
45150	0	EXCISION OF RECTAL	Surgery	5.67	3.38	$120.59
45160	0	EXCISION OF RECTAL	Surgery	13.02	7.46	$120.59
45170	0	EXCISION OF RECTAL	Surgery	9.77	4.62	$120.59
45190	0	DESTRUCTION, RECTAL	Surgery	8.28	5.09	$120.59
45300	0	PROCTOSIGMOIDOSCOPY	Surgery	0.70	0.55	$120.59
45303	0	PROCTOSIGMOIDOSCOPY	Surgery	0.80	0.64	$120.59
45305	0	PROCTOSIGMOIDOSCOPY;	Surgery	1.01	0.42	$120.59
45307	0	PROCTOSIGMOIDOSCOPY	Surgery	1.71	1.27	$120.59
45308	0	PROCTOSIGMOIDOSCOPY	Surgery	1.51	0.57	$120.59
45309	0	PROCTOSIGMOIDOSCOPY	Surgery	2.01	0.57	$120.59
45315	0	PROCTOSIGMOIDOSCOPY	Surgery	2.54	1.19	$120.59
45317	0	PROCTOSIGMOIDOSCOPY	Surgery	2.73	1.26	$120.59
45320	0	PROCTOSIGMOIDOSCOPY	Surgery	2.88	1.87	$120.59
45321	0	PROCTOSIGMOIDOSCOPY	Surgery	2.12	1.47	$120.59
45330	0	SIGMOIDOSCOPY,	Surgery	0.96	1.23	$120.59
45331	0	SIGMOIDOSCOPY AND BIOPSY	Surgery	1.26	1.39	$120.59
45332	0	SIGMOIDOSCOPY	Surgery	1.96	1.76	$120.59
45333	0	SIGMOIDOSCOPY &	Surgery	1.96	2.16	$120.59
45334	0	SIGMOIDOSCOPY FOR	Surgery	2.99	2.71	$120.59
45337	0	SIGMOIDOSCOPY,	Surgery	2.36	2.60	$120.59
45338	0	SIGMOIDOSCOPY	Surgery	2.57	2.24	$120.59
45339	0	SIGMOIDOSCOPY	Surgery	3.14	3.24	$120.59
45355	0	SURGICAL COLONOSCOPY	Surgery	3.52	1.17	$120.59
45378	0	DIAGNOSTIC COLONOSCOPY	Surgery	3.70	4.07	$120.59
45379	0	COLONOSCOPY	Surgery	4.72	5.19	$120.59
45380	0	COLONOSCOPY AND BIOPSY	Surgery	4.01	4.41	$120.59
45382	0	COLONOSCOPY, CONTROL	Surgery	5.73	5.87	$120.59
45383	0	COLONOSCOPY, LESION	Surgery	5.87	5.92	$120.59
45384	0	COLONOSCOPY	Surgery	4.70	5.17	$120.59
45385	0	COLONOSCOPY, LESION	Surgery	5.31	5.84	$120.59
45500	0	REPAIR OF RECTUM	Surgery	7.29	5.95	$120.59
45505	0	REPAIR OF RECTUM	Surgery	6.02	6.29	$120.59
45520	0	TREATMENT OF RECTAL	Surgery	0.55	0.61	$120.59
45540	0	CORRECT RECTAL PROLAPSE	Surgery	12.92	9.89	$120.59
45541	0	CORRECT RECTAL PROLAPSE	Surgery	10.64	10.17	$120.59
45550	0	REPAIR RECTUM; REMOVE	Surgery	18.26	11.49	$120.59
45560	0	REPAIR OF RECTOCELE	Surgery	8.40	4.79	$120.59
45562	0	EXPLORATION/REPAIR OF	Surgery	12.21	8.09	$120.59
45563	0	EXPLORATION/REPAIR OF	Surgery	18.63	12.77	$120.59
45800	0	REPAIR RECTUMBLADDER	Surgery	14.11	9.82	$120.59
45805	0	REPAIR FISTULA;	Surgery	16.50	12.32	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
45820	0	REPAIR RECTOURETHRAL	Surgery	14.67	8.98	$120.59
45825	0	REPAIR FISTULA;	Surgery	16.87	9.87	$120.59
45900	0	REDUCTION OF RECTAL	Surgery	1.83	0.58	$120.59
45905	0	DILATION OF ANAL	Surgery	1.61	0.71	$120.59
45910	0	DILATION OF RECTAL	Surgery	1.96	0.87	$120.59
45915	0	REMOVE RECTAL	Surgery	2.20	0.78	$120.59
46030	0	REMOVAL OF RECTAL MARKER	Surgery	1.23	0.40	$120.59
46040	0	INCISION OF RECTAL	Surgery	4.96	1.69	$120.59
46045	0	INCISION OF RECTAL	Surgery	4.32	1.85	$120.59
46050	0	INCISION OF ANAL ABSCESS	Surgery	1.19	0.30	$120.59
46060	0	INCISION OF RECTAL	Surgery	5.69	5.35	$120.59
46070	0	INCISION OF ANAL SEPTUM	Surgery	2.71	1.37	$120.59
46080	0	INCISION OF ANAL	Surgery	2.49	2.13	$120.59
46083	0	INCISE EXTERNAL	Surgery	1.40	0.63	$120.59
46200	0	REMOVAL OF ANAL FISSURE	Surgery	3.42	3.29	$120.59
46210	0	REMOVAL OF ANAL CRYPT	Surgery	2.67	0.77	$120.59
46211	0	REMOVAL OF ANAL CRYPTS	Surgery	4.25	1.90	$120.59
46220	0	REMOVAL OF ANAL TAB	Surgery	1.56	0.63	$120.59
46221	0	LIGATION OF	Surgery	1.43	0.66	$120.59
46230	0	REMOVAL OF ANAL TABS	Surgery	2.57	0.83	$120.59
46250	0	HEMORRHOIDECTOMY	Surgery	4.53	2.84	$120.59
46255	0	HEMORRHOIDECTOMY	Surgery	5.36	4.72	$120.59
46257	0	REMOVE HEMORRHOIDS &	Surgery	6.28	5.23	$120.59
46258	0	REMOVE HEMORRHOIDS &	Surgery	6.67	5.87	$120.59
46260	0	HEMORRHOIDECTOMY	Surgery	7.42	6.07	$120.59
46261	0	REMOVE HEMORRHOIDS &	Surgery	8.24	6.62	$120.59
46262	0	REMOVE HEMORRHOIDS &	Surgery	8.73	6.72	$120.59
46270	0	REMOVAL OF ANAL FISTULA	Surgery	3.72	1.87	$120.59
46275	0	REMOVAL OF ANAL FISTULA	Surgery	4.56	5.02	$120.59
46280	0	REMOVAL OF ANAL FISTULA	Surgery	5.98	6.08	$120.59
46285	0	REMOVAL OF ANAL FISTULA	Surgery	4.09	2.28	$120.59
46288	0	REPAIR ANAL FISTULA	Surgery	7.13	3.57	$120.59
46320	0	REMOVAL OF HEMORRHOID	Surgery	1.61	0.70	$120.59
46500	0	INJECTION INTO	Surgery	1.61	0.32	$120.59
46600	0	DIAGNOSTIC ANOSCOPY	Surgery	0.50	0.28	$120.59
46604	0	ANOSCOPY AND DILATION	Surgery	1.31	0.38	$120.59
46606	0	ANOSCOPY AND BIOPSY	Surgery	0.81	0.36	$120.59
46608	0	ANOSCOPY; REMOVE FOREIGN	Surgery	1.51	1.07	$120.59
46610	0	ANOSCOPY; REMOVE LESION	Surgery	1.32	0.85	$120.59
46611	0	ANOSCOPY	Surgery	1.81	0.43	$120.59
46612	0	ANOSCOPY; REMOVE LESIONS	Surgery	2.34	1.39	$120.59
46614	0	ANOSCOPY; CONTROL	Surgery	2.01	1.55	$120.59
46615	0	ANOSCOPY	Surgery	2.68	0.78	$120.59
46700	0	REPAIR OF ANAL STRICTURE	Surgery	7.25	6.14	$120.59
46705	0	REPAIR OF ANAL STRICTURE	Surgery	7.17	3.60	$120.59
46715	0	REPAIR OF ANOVAGINAL	Surgery	7.46	3.51	$120.59
46716	0	REPAIR OF ANOVAGINAL	Surgery	12.15	6.05	$120.59
46730	0	CONSTRUCTION OF ABSENT	Surgery	21.57	10.74	$120.59
46735	0	CONSTRUCTION OF ABSENT	Surgery	25.94	13.04	$120.59
46740	0	CONSTRUCTION OF ABSENT	Surgery	23.11	11.55	$120.59
46742	0	REPAIR, IMPERFORATED	Surgery	29.67	19.75	$120.59
46744	0	REPAIR, CLOACAL ANOMALY	Surgery	33.21	22.17	$120.59
46746	0	REPAIR, CLOACAL ANOMALY	Surgery	36.74	24.26	$120.59
46748	0	REPAIR, CLOACAL ANOMALY	Surgery	40.52	27.03	$120.59
46750	0	REPAIR OF ANAL SPHINCTER	Surgery	8.14	6.00	$120.59
46751	0	REPAIR OF ANAL SPHINCTER	Surgery	8.56	4.07	$120.59
46753	0	RECONSTRUCTION OF ANUS	Surgery	6.58	4.89	$120.59
46754	0	REMOVAL OF SUTURE FROM	Surgery	1.54	1.48	$120.59
46760	0	REPAIR OF ANAL SPHINCTER	Surgery	11.46	6.80	$120.59
46761	0	REPAIR OF ANAL SPHINCTER	Surgery	10.99	6.83	$120.59
46762	0	IMPLANT ARTIFICIAL	Surgery	10.09	5.72	$120.59
46900	0	DESTRUCTION, ANAL	Surgery	1.91	0.39	$120.59
46910	0	DESTRUCTION, ANAL	Surgery	1.86	0.64	$120.59
46916	0	CRYOSURGERY, ANAL	Surgery	1.86	0.67	$120.59
46917	0	LASER SURGERY, ANAL	Surgery	1.86	1.94	$120.59
46922	0	EXCISION OF ANAL	Surgery	1.86	1.28	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
46924	0	DESTRUCTION, ANAL	Surgery	2.76	2.56	$120.59
46934	0	DESTRUCTION OF	Surgery	4.08	1.19	$120.59
46935	0	DESTRUCTION OF	Surgery	2.43	1.62	$120.59
46936	0	DESTRUCTION OF	Surgery	4.30	2.29	$120.59
46937	0	CRYOTHERAPY OF RECTAL	Surgery	2.69	2.35	$120.59
46938	0	CRYOTHERAPY OF RECTAL	Surgery	4.66	2.50	$120.59
46940	0	TREATMENT OF ANAL	Surgery	2.32	0.51	$120.59
46942	0	TREATMENT OF ANAL	Surgery	2.04	0.46	$120.59
46945	0	LIGATION OF HEMORRHOIDS	Surgery	2.14	0.63	$120.59
46946	0	LIGATION OF HEMORRHOIDS	Surgery	3.00	0.94	$120.59
47000	0	NEEDLE BIOPSY OF LIVER	Surgery	1.90	1.40	$120.59
47001	0	NEEDLE BIOPSY, LIVER	Surgery	1.90	1.40	$120.59
47010	0	OPEN DRAINAGE, LIVER	Surgery	10.28	6.75	$120.59
47011	0	PERCUT DRAIN, LIVER	Surgery	3.70	2.80	$120.59
47015	0	INJECT/ASPIRATE LIVER	Surgery	9.70	6.75	$120.59
47100	0	WEDGE BIOPSY OF LIVER	Surgery	7.49	3.29	$120.59
47120	0	PARTIAL REMOVAL OF LIVER	Surgery	22.79	12.00	$120.59
47122	0	EXTENSIVE REMOVAL OF	Surgery	35.39	17.58	$120.59
47125	0	PARTIAL REMOVAL OF LIVER	Surgery	31.58	17.43	$120.59
47130	0	PARTIAL REMOVAL OF LIVER	Surgery	34.25	19.19	$120.59
47134	0	PARTIAL REMOVAL, DONOR	Surgery	39.15	20.48	$120.59
47135	0	TRANSPLANTATION OF LIVER	Surgery	81.52	54.48	$120.59
47136	0	TRANSPLANTATION OF LIVER	Surgery	68.60	33.50	$120.59
47300	0	SURGERY FOR LIVER LESION	Surgery	9.68	7.67	$120.59
47350	0	REPAIR LIVER WOUND	Surgery	12.56	7.46	$120.59
47360	0	REPAIR LIVER WOUND	Surgery	17.28	10.93	$120.59
47361	0	REPAIR LIVER WOUND	Surgery	30.25	14.64	$120.59
47362	0	REPAIR LIVER WOUND	Surgery	11.88	5.23	$120.59
47400	0	INCISION OF LIVER DUCT	Surgery	20.86	8.53	$120.59
47420	0	INCISION OF BILE DUCT	Surgery	16.72	9.48	$120.59
47425	0	INCISION OF BILE DUCT	Surgery	16.68	11.71	$120.59
47460	0	INCISE BILE DUCT	Surgery	15.17	15.54	$120.59
47480	0	INCISION OF GALLBLADDER	Surgery	9.10	7.60	$120.59
47490	0	INCISION OF GALLBLADDER	Surgery	7.23	3.57	$120.59
47500	0	INJECTION FOR LIVER X-	Surgery	1.96	1.51	$120.59
47505	0	INJECTION FOR LIVER X-	Surgery	0.76	0.98	$120.59
47510	0	INSERT CATHETER, BILE	Surgery	7.83	2.87	$120.59
47511	0	INSERT BILE DUCT DRAIN	Surgery	10.50	2.87	$120.59
47525	0	CHANGE BILE DUCT	Surgery	5.55	1.59	$120.59
47530	0	REVISE, REINSERT BILE	Surgery	5.85	1.51	$120.59
47550	0	BILE DUCT ENDOSCOPY	Surgery	3.02	1.56	$120.59
47552	0	BILIARY ENDOSCOPY, THRU	Surgery	6.04	1.36	$120.59
47553	0	BILIARY ENDOSCOPY, THRU	Surgery	6.35	3.80	$120.59
47554	0	BILIARY ENDOSCOPY, THRU	Surgery	9.06	3.93	$120.59
47555	0	BILIARY ENDOSCOPY, THRU	Surgery	7.56	2.63	$120.59
47556	0	BILIARY ENDOSCOPY, THRU	Surgery	8.56	2.63	$120.59
47600	0	REMOVAL OF GALLBLADDER	Surgery	11.42	7.53	$120.59
47605	0	REMOVAL OF GALLBLADDER	Surgery	12.36	8.14	$120.59
47610	0	REMOVAL OF GALLBLADDER	Surgery	15.83	9.37	$120.59
47612	0	REMOVAL OF GALLBLADDER	Surgery	15.80	14.23	$120.59
47620	0	REMOVAL OF GALLBLADDER	Surgery	17.36	11.23	$120.59
47630	0	REMOVE BILE DUCT STONE	Surgery	9.11	3.75	$120.59
47700	0	EXPLORATION OF BILE	Surgery	14.93	7.63	$120.59
47701	0	BILE DUCT REVISION	Surgery	27.81	8.21	$120.59
47711	0	EXCISION OF BILE DUCT	Surgery	19.37	12.06	$120.59
47712	0	EXCISION OF BILE DUCT	Surgery	25.44	12.06	$120.59
47715	0	EXCISION OF BILE DUCT	Surgery	15.81	8.22	$120.59
47716	0	FUSION OF BILE DUCT CYST	Surgery	13.83	6.56	$120.59
47720	0	FUSE GALLBLADDER & BOWEL	Surgery	13.38	9.16	$120.59
47721	0	FUSE UPPER GI STRUCTURES	Surgery	16.08	11.42	$120.59
47740	0	FUSE GALLBLADDER & BOWEL	Surgery	15.54	10.21	$120.59
47741	0	FUSE GALLBLADDER & BOWEL	Surgery	17.95	14.35	$120.59
47760	0	FUSE BILE DUCTS AND	Surgery	21.74	11.61	$120.59
47765	0	FUSE LIVER DUCTS & BOWEL	Surgery	20.93	14.61	$120.59
47780	0	FUSE BILE DUCTS AND	Surgery	22.29	13.07	$120.59
47785	0	FUSE BILE DUCTS AND	Surgery	26.23	13.07	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
47800	0	RECONSTRUCTION OF BILE	Surgery	19.60	13.22	$120.59
47801	0	PLACEMENT, BILE DUCT	Surgery	12.76	5.48	$120.59
47802	0	FUSE LIVER DUCT &	Surgery	18.13	10.27	$120.59
47900	0	SUTURE BILE DUCT INJURY	Surgery	16.74	13.22	$120.59
48000	0	DRAINAGE OF ABDOMEN	Surgery	14.91	7.05	$120.59
48001	0	PLACEMENT OF DRAIN,	Surgery	18.83	8.13	$120.59
48005	0	RESECT/DEBRIDE PANCREAS	Surgery	22.40	9.19	$120.59
48020	0	REMOVAL OF PANCREATIC	Surgery	14.22	6.78	$120.59
48100	0	BIOPSY OF PANCREAS	Surgery	11.08	4.21	$120.59
48102	0	NEEDLE BIOPSY, PANCREAS	Surgery	4.68	2.41	$120.59
48120	0	REMOVAL OF PANCREAS	Surgery	14.36	9.72	$120.59
48140	0	PARTIAL REMOVAL OF	Surgery	20.78	13.29	$120.59
48145	0	PARTIAL REMOVAL OF	Surgery	21.76	15.71	$120.59
48146	0	PANCREATECTOMY	Surgery	23.91	16.49	$120.59
48148	0	REMOVAL OF PANCREATIC	Surgery	15.71	8.23	$120.59
48150	0	PARTIAL REMOVAL OF	Surgery	43.48	22.54	$120.59
48152	0	PANCREATECTOMY	Surgery	39.63	22.54	$120.59
48153	0	PANCREATECTOMY	Surgery	43.38	22.54	$120.59
48154	0	PANCREATECTOMY	Surgery	39.95	22.54	$120.59
48155	0	REMOVAL OF PANCREAS	Surgery	22.32	20.40	$120.59
48180	0	FUSE PANCREAS AND BOWEL	Surgery	22.39	12.60	$120.59
48400	0	INJECTION,	Surgery	1.95	1.03	$120.59
48500	0	SURGERY OF PANCREAS CYST	Surgery	13.84	8.53	$120.59
48510	0	DRAIN PANCREATIC	Surgery	12.96	7.54	$120.59
48511	0	DRAIN PANCREATIC	Surgery	4.00	3.03	$120.59
48520	0	FUSE PANCREAS CYST AND	Surgery	14.12	11.30	$120.59
48540	0	FUSE PANCREAS CYST AND	Surgery	17.86	12.66	$120.59
48545	0	PANCREATORRHAPHY	Surgery	16.47	7.66	$120.59
48547	0	DUODENAL EXCLUSION	Surgery	23.40	11.08	$120.59
48556	0	REMOVAL, ALLOGRAFT	Surgery	15.71	7.26	$120.59
49000	0	EXPLORATION OF ABDOMEN	Surgery	11.68	6.79	$120.59
49002	0	REOPENING OF ABDOMEN	Surgery	10.49	6.05	$120.59
49010	0	EXPLORATION BEHIND	Surgery	12.28	6.95	$120.59
49020	0	DRAIN ABDOMINAL ABSCESS	Surgery	16.79	4.82	$120.59
49021	0	DRAIN ABDOMINAL ABSCESS	Surgery	3.38	3.72	$120.59
49040	0	OPEN DRAINAGE ABDOM	Surgery	9.94	6.54	$120.59
49041	0	PERCUT DRAIN ABDOM	Surgery	4.00	3.03	$120.59
49060	0	OPEN DRAIN RETROPER	Surgery	11.66	5.54	$120.59
49061	0	PERCUTDRAIN RETROPER	Surgery	3.70	2.80	$120.59
49062	0	DRAIN TO PERITONEAL	Surgery	11.36	8.07	$120.59
49080	0	PUNCTURE, PERITONEAL	Surgery	1.35	0.87	$120.59
49081	0	REMOVAL OF ABDOMINAL	Surgery	1.26	0.75	$120.59
49085	0	REMOVE ABDOMEN FOREIGN	Surgery	8.93	3.46	$120.59
49180	0	BIOPSY, ABDOMINAL MASS	Surgery	1.73	1.82	$120.59
49200	0	REMOVAL OF ABDOMINAL	Surgery	10.25	8.38	$120.59
49201	0	REMOVAL OF ABDOMINAL	Surgery	14.84	12.10	$120.59
49215	0	EXCISE SACRAL SPINE	Surgery	22.36	8.50	$120.59
49220	0	MULTIPLE SURGERY,	Surgery	14.88	12.30	$120.59
49250	0	EXCISION OF UMBILICUS	Surgery	8.35	4.52	$120.59
49255	0	REMOVAL OF OMENTUM	Surgery	11.14	5.16	$120.59
49400	0	AIR INJECTION INTO	Surgery	1.88	1.12	$120.59
49420	0	INSERT ABDOMINAL DRAIN	Surgery	2.22	1.58	$120.59
49421	0	INSERT ABDOMINAL DRAIN	Surgery	5.54	4.14	$120.59
49422	0	REMOVE PERM CANNULA/	Surgery	6.25	4.14	$120.59
49423	0	EXCHANGE DRAINAGE CATH	Surgery	1.46	1.10	$120.59
49424	0	ASSESS CYST, CONTRAST	Surgery	0.76	0.57	$120.59
49425	0	INSERT ABDOMEN-VENOUS	Surgery	11.37	8.48	$120.59
49426	0	REVISE ABDOMEN-VENOUS	Surgery	9.63	5.39	$120.59
49427	0	INJECTION, ABDOMINAL	Surgery	0.89	0.49	$120.59
49428	0	LIGATION OF SHUNT	Surgery	2.38	1.04	$120.59
49429	0	REMOVAL OF SHUNT	Surgery	7.40	3.32	$120.59
49495	0	REPAIR INGUINAL HERNIA,	Surgery	5.89	4.98	$120.59
49496	0	REPAIR INGUINAL HERNIA,	Surgery	8.79	5.04	$120.59
49500	0	REPAIR INGUINAL HERNIA	Surgery	4.68	4.98	$120.59
49501	0	REPAIR INGUINAL HERNIA,	Surgery	7.58	5.04	$120.59
49505	0	REPAIR INGUINAL HERNIA	Surgery	6.49	4.51	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
49507	0	REPAIR, INGUINAL HERNIA	Surgery	8.17	5.04	$120.59
49520	0	REREPAIR INGUINAL HERNIA	Surgery	8.22	5.22	$120.59
49521	0	REPAIR INGUINAL HERNIA,	Surgery	10.22	5.04	$120.59
49525	0	REPAIR INGUINAL HERNIA	Surgery	7.32	5.55	$120.59
49540	0	REPAIR LUMBAR HERNIA	Surgery	8.87	5.20	$120.59
49550	0	REPAIR FEMORAL HERNIA	Surgery	7.37	4.61	$120.59
49553	0	REPAIR FEMORAL HERNIA,	Surgery	8.06	4.61	$120.59
49555	0	REPAIR FEMORAL HERNIA	Surgery	7.71	6.07	$120.59
49557	0	REPAIR FEMORAL HERNIA,	Surgery	9.52	6.07	$120.59
49560	0	REPAIR ABDOMINAL HERNIA	Surgery	9.88	5.65	$120.59
49561	0	REPAIR INCISIONAL HERNIA	Surgery	12.17	5.65	$120.59
49565	0	REREPAIR ABDOMINAL	Surgery	9.88	6.41	$120.59
49566	0	REPAIR INCISIONAL HERNIA	Surgery	12.30	6.41	$120.59
49568	0	HERNIA REPAIR W/MESH	Surgery	4.89	2.56	$120.59
49570	0	REPAIR EPIGASTRIC HERNIA	Surgery	4.86	4.38	$120.59
49572	0	REPAIR, EPIGASTRIC	Surgery	5.75	5.60	$120.59
49580	0	REPAIR UMBILICAL HERNIA	Surgery	3.51	3.86	$120.59
49582	0	REPAIR UMBILICAL HERNIA	Surgery	5.68	4.61	$120.59
49585	0	REPAIR UMBILICAL HERNIA	Surgery	5.32	4.41	$120.59
49587	0	REPAIR UMBILICAL HERNIA	Surgery	6.46	4.41	$120.59
49590	0	REPAIR ABDOMINAL HERNIA	Surgery	7.29	5.63	$120.59
49600	0	REPAIR UMBILICAL LESION	Surgery	10.35	5.26	$120.59
49605	0	REPAIR UMBILICAL LESION	Surgery	22.66	8.57	$120.59
49606	0	REPAIR UMBILICAL LESION	Surgery	18.60	8.31	$120.59
49610	0	REPAIR UMBILICAL LESION	Surgery	10.50	5.48	$120.59
49611	0	REPAIR UMBILICAL LESION	Surgery	8.92	9.00	$120.59
49900	0	REPAIR OF ABDOMINAL WALL	Surgery	12.28	3.66	$120.59
49905	0	OMENTAL FLAP	Surgery	6.55	3.42	$120.59
50010	0	EXPLORATION OF KIDNEY	Surgery	10.98	9.55	$120.59
50020	0	OPEN DRAIN RENAL ABSCESS	Surgery	14.66	6.80	$120.59
50021	0	PERCUT DRAIN RENAL	Surgery	3.38	2.56	$120.59
50040	0	DRAINAGE OF KIDNEY	Surgery	14.94	7.18	$120.59
50045	0	EXPLORATION OF KIDNEY	Surgery	15.46	9.81	$120.59
50060	0	REMOVAL OF KIDNEY STONE	Surgery	19.30	12.25	$120.59
50065	0	INCISION OF KIDNEY	Surgery	20.79	13.93	$120.59
50070	0	INCISION OF KIDNEY	Surgery	20.32	12.87	$120.59
50075	0	REMOVAL OF KIDNEY STONE	Surgery	25.34	16.87	$120.59
50080	0	REMOVAL OF KIDNEY STONE	Surgery	14.71	12.20	$120.59
50081	0	REMOVAL OF KIDNEY STONE	Surgery	21.80	14.96	$120.59
50100	0	REVISE KIDNEY BLOOD	Surgery	16.09	10.34	$120.59
50120	0	EXPLORATION OF KIDNEY	Surgery	15.91	10.91	$120.59
50125	0	EXPLORE AND DRAIN KIDNEY	Surgery	16.52	10.95	$120.59
50130	0	REMOVAL OF KIDNEY STONE	Surgery	17.29	12.80	$120.59
50135	0	EXPLORATION OF KIDNEY	Surgery	19.18	17.05	$120.59
50200	0	BIOPSY OF KIDNEY	Surgery	2.63	2.61	$120.59
50205	0	BIOPSY OF KIDNEY	Surgery	11.31	5.64	$120.59
50220	0	REMOVAL OF KIDNEY	Surgery	17.15	13.31	$120.59
50225	0	REMOVAL OF KIDNEY	Surgery	20.23	16.52	$120.59
50230	0	REMOVAL OF KIDNEY	Surgery	22.07	18.40	$120.59
50234	0	REMOVAL OF KIDNEY &	Surgery	22.40	16.65	$120.59
50236	0	REMOVAL OF KIDNEY &	Surgery	24.86	17.74	$120.59
50240	0	PARTIAL REMOVAL OF	Surgery	22.00	16.00	$120.59
50280	0	REMOVAL OF KIDNEY LESION	Surgery	15.67	10.86	$120.59
50290	0	REMOVAL OF KIDNEY LESION	Surgery	14.73	8.87	$120.59
50320	0	REMOVAL OF DONOR KIDNEY	Surgery	22.21	16.49	$120.59
50340	0	REMOVAL OF KIDNEY	Surgery	12.15	12.49	$120.59
50360	0	TRANSPLANTATION OF	Surgery	31.53	24.45	$120.59
50365	0	TRANSPLANTATION OF	Surgery	36.81	30.71	$120.59
50370	0	REMOVE TRANSPLANTED	Surgery	13.72	11.08	$120.59
50380	0	REIMPLANTATION OF KIDNEY	Surgery	20.76	10.12	$120.59
50390	0	DRAINAGE OF KIDNEY	Surgery	1.96	1.69	$120.59
50392	0	INSERT KIDNEY DRAIN	Surgery	3.38	2.36	$120.59
50393	0	INSERT URETERAL TUBE	Surgery	4.16	3.01	$120.59
50394	0	INJECTION FOR KIDNEY X-	Surgery	0.76	0.55	$120.59
50395	0	CREATE PASSAGE TO KIDNEY	Surgery	3.38	3.33	$120.59
50396	0	MEASURE KIDNEY PRESSURE	Surgery	2.09	0.50	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
50398	0	CHANGE KIDNEY TUBE	Surgery	1.46	0.53	$120.59
50400	0	REVISION OF KIDNEY/	Surgery	19.50	13.66	$120.59
50405	0	REVISION OF KIDNEY/	Surgery	23.93	17.29	$120.59
50500	0	REPAIR OF KIDNEY WOUND	Surgery	19.57	12.46	$120.59
50520	0	CLOSE KIDNEY-SKIN	Surgery	17.23	10.34	$120.59
50525	0	REPAIR RENAL-ABDOMEN	Surgery	22.27	12.61	$120.59
50526	0	REPAIR RENAL-ABDOMEN	Surgery	24.02	7.39	$120.59
50540	0	REVISION OF HORSESHOE	Surgery	19.93	13.41	$120.59
50551	0	KIDNEY ENDOSCOPY	Surgery	5.60	2.19	$120.59
50553	0	KIDNEY ENDOSCOPY	Surgery	5.99	1.66	$120.59
50555	0	KIDNEY ENDOSCOPY &	Surgery	6.53	4.70	$120.59
50557	0	KIDNEY ENDOSCOPY &	Surgery	6.62	4.71	$120.59
50559	0	RENAL ENDOSCOPY;	Surgery	6.78	1.34	$120.59
50561	0	KIDNEY ENDOSCOPY &	Surgery	7.59	5.12	$120.59
50570	0	KIDNEY ENDOSCOPY	Surgery	9.54	1.45	$120.59
50572	0	KIDNEY ENDOSCOPY	Surgery	10.35	7.25	$120.59
50574	0	KIDNEY ENDOSCOPY &	Surgery	11.02	7.08	$120.59
50575	0	KIDNEY ENDOSCOPY	Surgery	13.98	9.93	$120.59
50576	0	KIDNEY ENDOSCOPY &	Surgery	10.99	8.69	$120.59
50578	0	RENAL ENDOSCOPY;	Surgery	11.35	3.79	$120.59
50580	0	KIDNEY ENDOSCOPY &	Surgery	11.86	3.58	$120.59
50590	0	FRAGMENTING OF KIDNEY	Surgery	9.09	10.00	$120.59
50600	0	EXPLORATION OF URETER	Surgery	15.84	9.69	$120.59
50605	0	INSERT URETERAL SUPPORT	Surgery	15.46	6.11	$120.59
50610	0	REMOVAL OF URETER STONE	Surgery	15.92	11.77	$120.59
50620	0	REMOVAL OF URETER STONE	Surgery	15.16	11.49	$120.59
50630	0	REMOVAL OF URETER STONE	Surgery	14.94	12.71	$120.59
50650	0	REMOVAL OF URETER	Surgery	17.41	12.07	$120.59
50660	0	REMOVAL OF URETER	Surgery	19.55	12.49	$120.59
50684	0	INJECTION FOR URETER X-	Surgery	0.76	0.49	$120.59
50686	0	MEASURE URETER PRESSURE	Surgery	1.51	0.37	$120.59
50688	0	CHANGE OF URETER TUBE	Surgery	1.17	0.39	$120.59
50690	0	INJECTION FOR URETER X-	Surgery	1.16	0.32	$120.59
50700	0	REVISION OF URETER	Surgery	15.21	12.57	$120.59
50715	0	RELEASE OF URETER	Surgery	18.90	11.24	$120.59
50722	0	RELEASE OF URETER	Surgery	16.35	10.32	$120.59
50725	0	RELEASE/REVISE URETER	Surgery	18.49	12.05	$120.59
50727	0	REVISE URETER	Surgery	8.18	5.37	$120.59
50728	0	REVISE URETER	Surgery	12.02	7.90	$120.59
50740	0	FUSION OF URETER &	Surgery	18.42	13.03	$120.59
50750	0	FUSION OF URETER &	Surgery	19.51	14.04	$120.59
50760	0	FUSION OF URETERS	Surgery	18.42	13.47	$120.59
50770	0	SPLICING OF URETERS	Surgery	19.51	15.23	$120.59
50780	0	REIMPLANT URETER IN	Surgery	18.36	13.78	$120.59
50782	0	REIMPLANT URETER IN	Surgery	19.54	13.78	$120.59
50783	0	REIMPLANT URETER IN	Surgery	20.55	13.78	$120.59
50785	0	REIMPLANT URETER IN	Surgery	20.52	15.42	$120.59
50800	0	IMPLANT URETER IN BOWEL	Surgery	14.52	14.67	$120.59
50810	0	FUSION OF URETER & BOWEL	Surgery	20.05	12.57	$120.59
50815	0	URINE SHUNT TO BOWEL	Surgery	19.93	19.76	$120.59
50820	0	CONSTRUCT BOWEL BLADDER	Surgery	21.89	18.97	$120.59
50825	0	CONSTRUCT BOWEL BLADDER	Surgery	28.18	30.54	$120.59
50830	0	REVISE URINE FLOW	Surgery	31.28	20.93	$120.59
50840	0	REPLACE URETER BY BOWEL	Surgery	20.00	13.32	$120.59
50845	0	APPENDICO-VESICOSTOMY	Surgery	20.89	13.87	$120.59
50860	0	TRANSPLANT URETER TO	Surgery	15.36	10.92	$120.59
50900	0	REPAIR OF URETER	Surgery	13.62	9.98	$120.59
50920	0	CLOSURE URETER/SKIN	Surgery	14.33	9.52	$120.59
50930	0	CLOSURE URETER/BOWEL	Surgery	18.72	12.50	$120.59
50940	0	RELEASE OF URETER	Surgery	14.51	9.90	$120.59
50951	0	ENDOSCOPY OF URETER	Surgery	5.84	1.67	$120.59
50953	0	ENDOSCOPY OF URETER	Surgery	6.24	1.66	$120.59
50955	0	URETER ENDOSCOPY &	Surgery	6.75	2.55	$120.59
50957	0	URETER ENDOSCOPY &	Surgery	6.79	2.50	$120.59
50959	0	URETER ENDOSCOPY &	Surgery	4.40	3.38	$120.59
50961	0	URETER ENDOSCOPY &	Surgery	6.05	2.62	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
50970	0	URETER ENDOSCOPY	Surgery	7.14	5.17	$120.59
50972	0	URETER ENDOSCOPY &	Surgery	6.89	1.54	$120.59
50974	0	URETER ENDOSCOPY &	Surgery	9.17	7.01	$120.59
50976	0	URETER ENDOSCOPY &	Surgery	9.04	6.41	$120.59
50978	0	URETER ENDOSCOPY &	Surgery	5.10	4.05	$120.59
50980	0	URETER ENDOSCOPY &	Surgery	6.85	3.13	$120.59
51000	0	DRAINAGE OF BLADDER	Surgery	0.78	0.48	$120.59
51005	0	DRAINAGE OF BLADDER	Surgery	1.02	0.46	$120.59
51010	0	DRAINAGE OF BLADDER	Surgery	3.53	0.97	$120.59
51020	0	INCISE & TREAT BLADDER	Surgery	6.71	6.85	$120.59
51030	0	INCISE & TREAT BLADDER	Surgery	6.77	4.53	$120.59
51040	0	INCISE & DRAIN BLADDER	Surgery	4.40	4.84	$120.59
51045	0	INCISE BLADDER, DRAIN	Surgery	6.77	4.96	$120.59
51050	0	REMOVAL OF BLADDER STONE	Surgery	6.92	7.12	$120.59
51060	0	REMOVAL OF URETER STONE	Surgery	8.85	9.74	$120.59
51065	0	REMOVAL OF URETER STONE	Surgery	8.85	7.08	$120.59
51080	0	DRAINAGE OF BLADDER	Surgery	5.96	5.18	$120.59
51500	0	REMOVAL OF BLADDER CYST	Surgery	10.14	6.86	$120.59
51520	0	REMOVAL OF BLADDER	Surgery	9.29	8.53	$120.59
51525	0	REMOVAL OF BLADDER	Surgery	13.97	10.67	$120.59
51530	0	REMOVAL OF BLADDER	Surgery	12.38	9.25	$120.59
51535	0	REPAIR OF URETER LESION	Surgery	12.57	7.68	$120.59
51550	0	PARTIAL REMOVAL OF	Surgery	15.66	10.71	$120.59
51555	0	PARTIAL REMOVAL OF	Surgery	21.23	12.26	$120.59
51565	0	REVISE BLADDER &	Surgery	21.62	15.84	$120.59
51570	0	REMOVAL OF BLADDER	Surgery	24.24	15.66	$120.59
51575	0	REMOVAL OF BLADDER &	Surgery	30.45	22.87	$120.59
51580	0	REMOVE BLADDER; REVISE	Surgery	31.08	19.95	$120.59
51585	0	REMOVAL OF BLADDER &	Surgery	35.23	25.12	$120.59
51590	0	REMOVE BLADDER; REVISE	Surgery	32.66	24.52	$120.59
51595	0	REMOVE BLADDER; REVISE	Surgery	37.14	33.80	$120.59
51596	0	REMOVE BLADDER, CREATE	Surgery	39.52	34.89	$120.59
51597	0	REMOVAL OF PELVIC	Surgery	38.35	30.63	$120.59
51600	0	INJECTION FOR BLADDER X-	Surgery	0.88	0.28	$120.59
51605	0	PREPARATION FOR BLADDER	Surgery	0.64	0.30	$120.59
51610	0	INJECTION FOR BLADDER X-	Surgery	1.05	0.27	$120.59
51700	0	IRRIGATION OF BLADDER	Surgery	0.88	0.22	$120.59
51705	0	CHANGE OF BLADDER TUBE	Surgery	1.02	0.38	$120.59
51710	0	CHANGE OF BLADDER TUBE	Surgery	1.49	0.29	$120.59
51715	0	ENDOSCOPIC INJECTION/	Surgery	3.74	2.65	$120.59
51720	0	TREATMENT OF BLADDER	Surgery	1.96	0.45	$120.59
51725	26	SIMPLE CYSTOMETROGRAM	Surgery	1.51	0.63	$120.59
51726	26	COMPLEX CYSTOMETROGRAM	Surgery	1.71	0.81	$120.59
51736	0	URINE FLOW MEASUREMENT	Surgery	0.61	0.41	$120.59
51741	0	ELECTRO-UROFLOWMETRY,	Surgery	1.14	0.56	$120.59
51772	26	URETHRA PRESSURE PROFILE	Surgery	1.61	0.52	$120.59
51784	26	ANAL/URINARY MUSCLE	Surgery	1.53	0.65	$120.59
51785	26	ANAL/URINARY MUSCLE	Surgery	1.53	0.65	$120.59
51792	0	URINARY REFLEX STUDY	Surgery	1.10	1.93	$120.59
51795	26	URINE VOIDING PRESSURE	Surgery	1.53	0.57	$120.59
51797	0	INTRAABDOMINAL PRESSURE	Surgery	1.60	0.96	$120.59
51800	0	REVISION OF BLADDER/	Surgery	17.42	12.02	$120.59
51820	0	REVISION OF URINARY	Surgery	17.89	7.39	$120.59
51840	0	ATTACH BLADDER/URETHRA	Surgery	10.71	9.22	$120.59
51841	0	ATTACH BLADDER/URETHRA	Surgery	13.03	11.01	$120.59
51845	0	REPAIR BLADDER NECK	Surgery	9.73	10.70	$120.59
51860	0	REPAIR OF BLADDER WOUND	Surgery	12.02	7.62	$120.59
51865	0	REPAIR OF BLADDER WOUND	Surgery	15.04	10.96	$120.59
51880	0	REPAIR OF BLADDER	Surgery	7.66	4.96	$120.59
51900	0	REPAIR BLADDER/VAGINA	Surgery	12.97	11.65	$120.59
51920	0	CLOSE BLADDER-UTERUS	Surgery	11.81	7.51	$120.59
51925	0	HYSTERECTOMY/BLADDER	Surgery	15.58	10.07	$120.59
51940	0	CORRECTION OF BLADDER	Surgery	26.81	18.95	$120.59
51960	0	REVISION OF BLADDER &	Surgery	23.01	21.40	$120.59
51980	0	CONSTRUCT BLADDER	Surgery	11.36	7.46	$120.59
52000	0	CYSTOSCOPY	Surgery	2.01	0.67	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
52005	0	CYSTOSCOPY & URETER	Surgery	2.37	2.20	$120.59
52007	0	CYSTOSCOPY AND BIOPSY	Surgery	3.02	2.82	$120.59
52010	0	CYSTOSCOPY & DUCT	Surgery	3.02	0.95	$120.59
52204	0	CYSTOSCOPY	Surgery	2.37	2.38	$120.59
52214	0	CYSTOSCOPY AND TREATMENT	Surgery	3.71	2.80	$120.59
52224	0	CYSTOSCOPY AND TREATMENT	Surgery	3.14	2.90	$120.59
52234	0	CYSTOSCOPY AND TREATMENT	Surgery	4.63	4.71	$120.59
52235	0	CYSTOSCOPY AND TREATMENT	Surgery	5.45	6.00	$120.59
52240	0	CYSTOSCOPY AND TREATMENT	Surgery	9.72	10.65	$120.59
52250	0	CYSTOSCOPY & RADIOTRACER	Surgery	4.50	2.86	$120.59
52260	0	CYSTOSCOPY & TREATMENT	Surgery	3.92	2.11	$120.59
52265	0	CYSTOSCOPY & TREATMENT	Surgery	2.94	1.35	$120.59
52270	0	CYSTOSCOPY & REVISE	Surgery	3.37	3.47	$120.59
52275	0	CYSTOSCOPY & REVISE	Surgery	4.70	3.42	$120.59
52276	0	CYSTOSCOPY AND TREATMENT	Surgery	5.00	4.58	$120.59
52277	0	CYSTOSCOPY AND TREATMENT	Surgery	6.17	4.82	$120.59
52281	0	CYSTOSCOPY AND TREATMENT	Surgery	2.80	1.16	$120.59
52282	0	CYSTOSCOPY, IMPLANT	Surgery	6.40	4.58	$120.59
52283	0	CYSTOSCOPY AND TREATMENT	Surgery	3.74	1.51	$120.59
52285	0	CYSTOSCOPY AND TREATMENT	Surgery	3.61	1.47	$120.59
52290	0	CYSTOSCOPY AND TREATMENT	Surgery	4.59	2.34	$120.59
52300	0	CYSTOSCOPY AND TREATMENT	Surgery	5.31	3.47	$120.59
52301	0	CYSTOSCOPY AND TREATMENT	Surgery	5.51	3.47	$120.59
52305	0	CYSTOSCOPY AND TREATMENT	Surgery	5.31	3.50	$120.59
52310	0	CYSTOSCOPY AND TREATMENT	Surgery	2.81	2.99	$120.59
52315	0	CYSTOSCOPY AND TREATMENT	Surgery	5.21	4.07	$120.59
52317	0	REMOVE BLADDER STONE	Surgery	6.72	6.19	$120.59
52318	0	REMOVE BLADDER STONE	Surgery	9.19	7.88	$120.59
52320	0	CYSTOSCOPY AND TREATMENT	Surgery	4.70	4.86	$120.59
52325	0	CYSTOSCOPY, STONE	Surgery	6.16	6.78	$120.59
52327	0	CYSTOSCOPY, INJECT	Surgery	5.19	3.69	$120.59
52330	0	CYSTOSCOPY AND TREATMENT	Surgery	5.04	3.47	$120.59
52332	0	CYSTOSCOPY AND TREATMENT	Surgery	2.83	3.11	$120.59
52334	0	CREATE PASSAGE TO KIDNEY	Surgery	4.83	3.33	$120.59
52335	0	ENDOSCOPY OF URINARY	Surgery	5.86	4.69	$120.59
52336	0	CYSTOSCOPY, STONE	Surgery	6.88	7.57	$120.59
52337	0	CYSTOSCOPY, STONE	Surgery	7.97	8.77	$120.59
52338	0	CYSTOSCOPY AND TREATMENT	Surgery	7.34	5.92	$120.59
52339	0	CYSTOSCOPY AND TREATMENT	Surgery	8.82	5.92	$120.59
52340	0	CYSTOSCOPY AND TREATMENT	Surgery	9.68	5.15	$120.59
52450	0	INCISION OF PROSTATE	Surgery	7.64	4.99	$120.59
52500	0	REVISION OF BLADDER NECK	Surgery	8.47	7.44	$120.59
52510	0	DILATION PROSTATIC	Surgery	6.72	7.39	$120.59
52601	0	PROSTATECTOMY (TURP)	Surgery	12.37	11.87	$120.59
52606	0	CONTROL POSTOP BLEEDING	Surgery	8.13	3.32	$120.59
52612	0	PROSTATECTOMY, FIRST	Surgery	7.98	8.78	$120.59
52614	0	PROSTATECTOMY, SECOND	Surgery	6.84	7.09	$120.59
52620	0	REMOVE RESIDUAL PROSTATE	Surgery	6.61	5.33	$120.59
52630	0	REMOVE PROSTATE REGROWTH	Surgery	7.26	7.99	$120.59
52640	0	RELIEVE BLADDER	Surgery	6.62	6.43	$120.59
52647	0	LASER SURGERY OF	Surgery	10.36	11.40	$120.59
52648	0	LASER SURGERY OF	Surgery	11.21	11.87	$120.59
52700	0	DRAINAGE OF PROSTATE	Surgery	6.80	3.30	$120.59
53000	0	INCISION OF URETHRA	Surgery	2.28	1.76	$120.59
53010	0	INCISION OF URETHRA	Surgery	3.64	3.52	$120.59
53020	0	INCISION OF URETHRA	Surgery	1.77	0.82	$120.59
53025	0	INCISION OF URETHRA	Surgery	1.13	0.80	$120.59
53040	0	DRAINAGE OF URETHRA	Surgery	6.40	1.85	$120.59
53060	0	DRAINAGE OF URETHRA	Surgery	2.63	0.51	$120.59
53080	0	DRAINAGE OF URINARY	Surgery	6.29	3.98	$120.59
53085	0	DRAINAGE OF URINARY	Surgery	10.27	6.75	$120.59
53200	0	BIOPSY OF URETHRA	Surgery	2.59	1.10	$120.59
53210	0	REMOVAL OF URETHRA	Surgery	12.57	6.64	$120.59
53215	0	REMOVAL OF URETHRA	Surgery	15.58	10.00	$120.59
53220	0	TREATMENT OF URETHRA	Surgery	7.00	4.77	$120.59
53230	0	REMOVAL OF URETHRA	Surgery	9.58	7.93	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
53235	0	REMOVAL OF URETHRA	Surgery	10.14	5.02	$120.59
53240	0	SURGERY FOR URETHRA	Surgery	6.45	4.33	$120.59
53250	0	REMOVAL OF URETHRA GLAND	Surgery	5.89	4.05	$120.59
53260	0	TREATMENT OF URETHRA	Surgery	2.98	1.12	$120.59
53265	0	TREATMENT OF URETHRA	Surgery	3.12	1.88	$120.59
53270	0	REMOVAL OF URETHRA GLAND	Surgery	3.09	0.84	$120.59
53275	0	REPAIR OF URETHRA DEFECT	Surgery	4.53	2.37	$120.59
53400	0	REVISE URETHRA, 1ST	Surgery	12.77	7.47	$120.59
53405	0	REVISE URETHRA, 2ND	Surgery	14.48	10.38	$120.59
53410	0	RECONSTRUCTION OF	Surgery	16.44	8.56	$120.59
53415	0	RECONSTRUCTION OF	Surgery	19.41	11.87	$120.59
53420	0	RECONSTRUCT URETHRA,	Surgery	14.08	10.88	$120.59
53425	0	RECONSTRUCT URETHRA,	Surgery	15.98	9.25	$120.59
53430	0	RECONSTRUCTION OF	Surgery	16.34	7.16	$120.59
53440	0	CORRECT BLADDER FUNCTION	Surgery	12.34	13.14	$120.59
53442	0	REMOVE PERINEAL	Surgery	8.27	5.84	$120.59
53443	0	RECONSTRUCTION OF	Surgery	19.89	10.03	$120.59
53445	0	CORRECT URINE FLOW	Surgery	14.06	15.47	$120.59
53447	0	REMOVE ARTIFICIAL	Surgery	13.17	9.16	$120.59
53449	0	CORRECT ARTIFICIAL	Surgery	9.70	8.41	$120.59
53450	0	REVISION OF URETHRA	Surgery	6.14	2.74	$120.59
53460	0	REVISION OF URETHRA	Surgery	7.12	2.44	$120.59
53502	0	REPAIR OF URETHRA INJURY	Surgery	7.63	4.97	$120.59
53505	0	REPAIR OF URETHRA INJURY	Surgery	7.63	5.18	$120.59
53510	0	REPAIR OF URETHRA INJURY	Surgery	10.11	6.98	$120.59
53515	0	REPAIR OF URETHRA INJURY	Surgery	13.31	9.03	$120.59
53520	0	REPAIR OF URETHRA DEFECT	Surgery	8.68	5.89	$120.59
53600	0	DILATE URETHRA STRICTURE	Surgery	1.21	0.33	$120.59
53601	0	DILATE URETHRA STRICTURE	Surgery	0.98	0.29	$120.59
53605	0	DILATE URETHRA STRICTURE	Surgery	1.28	0.46	$120.59
53620	0	DILATE URETHRA STRICTURE	Surgery	1.62	0.47	$120.59
53621	0	DILATE URETHRA STRICTURE	Surgery	1.35	0.38	$120.59
53660	0	DILATION OF URETHRA	Surgery	0.71	0.28	$120.59
53661	0	DILATION OF URETHRA	Surgery	0.72	0.25	$120.59
53665	0	DILATION OF URETHRA	Surgery	0.76	0.36	$120.59
53670	0	INSERT URINARY CATHETER	Surgery	0.50	0.22	$120.59
53675	0	INSERT URINARY CATHETER	Surgery	1.47	0.47	$120.59
53850	0	PROSTATIC MICROWAVE	Surgery	9.45	6.71	$120.59
53852	0	PROSTATIC RF THERMOTX	Surgery	9.88	7.01	$120.59
54000	0	SLITTING OF PREPUCE	Surgery	1.54	0.63	$120.59
54001	0	SLITTING OF PREPUCE	Surgery	2.19	0.84	$120.59
54015	0	DRAIN PENIS LESION	Surgery	5.32	0.83	$120.59
54050	0	DESTRUCTION, PENIS	Surgery	1.24	0.38	$120.59
54055	0	DESTRUCTION, PENIS	Surgery	1.22	0.61	$120.59
54056	0	CRYOSURGERY, PENIS	Surgery	1.24	0.53	$120.59
54057	0	LASER SURG, PENIS	Surgery	1.24	1.36	$120.59
54060	0	EXCISION OF PENIS	Surgery	1.93	1.17	$120.59
54065	0	DESTRUCTION, PENIS	Surgery	2.42	1.24	$120.59
54100	0	BIOPSY OF PENIS	Surgery	1.90	0.65	$120.59
54105	0	BIOPSY OF PENIS	Surgery	3.50	1.01	$120.59
54110	0	TREATMENT OF PENIS	Surgery	10.13	6.03	$120.59
54111	0	TREAT PENIS LESION,	Surgery	13.57	9.18	$120.59
54112	0	TREAT PENIS LESION,	Surgery	15.86	10.84	$120.59
54115	0	TREATMENT OF PENIS	Surgery	6.15	4.18	$120.59
54120	0	PARTIAL REMOVAL OF PENIS	Surgery	9.97	6.47	$120.59
54125	0	REMOVAL OF PENIS	Surgery	13.53	11.56	$120.59
54130	0	REMOVE PENIS & NODES	Surgery	20.14	14.66	$120.59
54135	0	REMOVE PENIS & NODES	Surgery	26.36	17.75	$120.59
54150	0	CIRCUMCISION	Surgery	1.81	0.54	$120.59
54152	0	CIRCUMCISION	Surgery	2.31	1.82	$120.59
54160	0	CIRCUMCISION	Surgery	2.48	1.66	$120.59
54161	0	CIRCUMCISION	Surgery	3.27	2.17	$120.59
54200	0	TREATMENT OF PENIS	Surgery	1.06	0.32	$120.59
54205	0	TREATMENT OF PENIS	Surgery	7.93	5.11	$120.59
54220	0	TREATMENT OF PENIS	Surgery	2.42	1.58	$120.59
54230	0	PREPARE PENIS STUDY	Surgery	1.34	1.34	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
54231	0	DYNAMIC CAVERNOSOMETRY	Surgery	2.04	1.44	$120.59
54235	0	PENILE INJECTION	Surgery	1.19	0.43	$120.59
54240	0	PENIS STUDY	Surgery	1.31	0.99	$120.59
54250	0	PENIS STUDY	Surgery	2.22	0.80	$120.59
54300	0	REVISION OF PENIS	Surgery	10.41	6.88	$120.59
54304	0	REVISION OF PENIS	Surgery	12.49	8.66	$120.59
54308	0	RECONSTRUCTION OF	Surgery	11.83	5.84	$120.59
54312	0	RECONSTRUCTION OF	Surgery	13.57	9.37	$120.59
54316	0	RECONSTRUCTION OF	Surgery	16.82	11.34	$120.59
54318	0	RECONSTRUCTION OF	Surgery	11.25	7.53	$120.59
54322	0	RECONSTRUCTION OF	Surgery	13.01	7.61	$120.59
54324	0	RECONSTRUCTION OF	Surgery	16.31	10.98	$120.59
54326	0	RECONSTRUCTION OF	Surgery	15.72	10.51	$120.59
54328	0	REVISE PENIS, URETHRA	Surgery	15.65	10.72	$120.59
54332	0	REVISE PENIS, URETHRA	Surgery	17.08	12.52	$120.59
54336	0	REVISE PENIS, URETHRA	Surgery	20.04	18.79	$120.59
54340	0	SECONDARY URETHRAL	Surgery	8.91	6.07	$120.59
54344	0	SECONDARY URETHRAL	Surgery	15.94	16.61	$120.59
54348	0	SECONDARY URETHRAL	Surgery	17.15	11.62	$120.59
54352	0	RECONSTRUCT URETHRA,	Surgery	24.74	16.18	$120.59
54360	0	PENIS PLASTIC SURGERY	Surgery	11.93	7.02	$120.59
54380	0	REPAIR PENIS	Surgery	13.18	9.42	$120.59
54385	0	REPAIR PENIS	Surgery	15.39	10.46	$120.59
54390	0	REPAIR PENIS AND BLADDER	Surgery	21.61	13.57	$120.59
54400	0	INSERT SEMI-RIGID	Surgery	8.99	9.89	$120.59
54401	0	INSERT SELF-CONTD	Surgery	10.28	11.31	$120.59
54402	0	REMOVE PENIS PROSTHESIS	Surgery	9.21	6.00	$120.59
54405	0	INSERT MULTI-COMP	Surgery	13.43	14.77	$120.59
54407	0	REMOVE MULTI-COMP	Surgery	13.34	11.22	$120.59
54409	0	REVISE PENIS PROSTHESIS	Surgery	12.20	8.97	$120.59
54420	0	REVISION OF PENIS	Surgery	11.42	7.74	$120.59
54430	0	REVISION OF PENIS	Surgery	10.15	6.99	$120.59
54435	0	REVISION OF PENIS	Surgery	6.12	4.15	$120.59
54450	0	PREPUTIAL STRETCHING	Surgery	1.12	0.68	$120.59
54500	0	BIOPSY OF TESTIS	Surgery	1.31	0.44	$120.59
54505	0	BIOPSY OF TESTIS	Surgery	3.46	1.86	$120.59
54510	0	REMOVAL OF TESTIS LESION	Surgery	5.45	3.03	$120.59
54520	0	REMOVAL OF TESTIS	Surgery	5.23	5.31	$120.59
54530	0	REMOVAL OF TESTIS	Surgery	8.58	7.32	$120.59
54535	0	EXTENSIVE TESTIS SURGERY	Surgery	12.16	8.54	$120.59
54550	0	EXPLORATION FOR TESTIS	Surgery	7.78	5.25	$120.59
54560	0	EXPLORATION FOR TESTIS	Surgery	11.13	7.23	$120.59
54600	0	REDUCE TESTIS TORSION	Surgery	7.01	4.62	$120.59
54620	0	SUSPENSION OF TESTIS	Surgery	4.90	3.32	$120.59
54640	0	SUSPENSION OF TESTIS	Surgery	6.90	7.59	$120.59
54650	0	ORCHIOPEXY (FOWLER-	Surgery	11.45	7.82	$120.59
54660	0	REVISION OF TESTIS	Surgery	5.11	3.40	$120.59
54670	0	REPAIR TESTIS INJURY	Surgery	6.41	4.30	$120.59
54680	0	RELOCATION OF TESTIS(ES)	Surgery	12.65	8.19	$120.59
54700	0	DRAINAGE OF SCROTUM	Surgery	3.43	0.90	$120.59
54800	0	BIOPSY OF EPIDIDYMIS	Surgery	2.33	1.97	$120.59
54820	0	EXPLORATION OF	Surgery	5.14	2.62	$120.59
54830	0	REMOVE EPIDIDYMIS LESION	Surgery	5.38	3.51	$120.59
54840	0	REMOVE EPIDIDYMIS LESION	Surgery	5.20	4.84	$120.59
54860	0	REMOVAL OF EPIDIDYMIS	Surgery	6.32	5.17	$120.59
54861	0	REMOVAL OF EPIDIDYMIS	Surgery	8.90	7.30	$120.59
54900	0	FUSION OF SPERMATIC	Surgery	13.20	8.95	$120.59
54901	0	FUSION OF SPERMATIC	Surgery	17.94	12.29	$120.59
55000	0	DRAINAGE OF HYDROCELE	Surgery	1.43	0.40	$120.59
55040	0	REMOVAL OF HYDROCELE	Surgery	5.36	4.88	$120.59
55041	0	REMOVAL OF HYDROCELES	Surgery	7.74	7.47	$120.59
55060	0	REPAIR OF HYDROCELE	Surgery	5.52	4.13	$120.59
55100	0	DRAINAGE OF SCROTUM	Surgery	2.13	0.63	$120.59
55110	0	EXPLORE SCROTUM	Surgery	5.70	3.48	$120.59
55120	0	REMOVAL OF SCROTUM	Surgery	5.09	1.79	$120.59
55150	0	REMOVAL OF SCROTUM	Surgery	7.22	5.45	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
55175	0	REVISION OF SCROTUM	Surgery	5.24	4.49	$120.59
55180	0	REVISION OF SCROTUM	Surgery	10.72	6.83	$120.59
55200	0	INCISION OF SPERM DUCT	Surgery	4.24	1.97	$120.59
55250	0	REMOVAL OF SPERM DUCT(S)	Surgery	3.29	1.32	$120.59
55300	0	PREPARATION, SPERM DUCT	Surgery	3.51	2.71	$120.59
55400	0	REPAIR OF SPERM DUCT	Surgery	8.49	6.56	$120.59
55450	0	LIGATION OF SPERM DUCT	Surgery	4.12	2.61	$120.59
55500	0	REMOVAL OF HYDROCELE	Surgery	5.59	4.32	$120.59
55520	0	REMOVAL OF SPERM CORD	Surgery	6.03	3.12	$120.59
55530	0	REVISE SPERMATIC CORD	Surgery	5.66	5.20	$120.59
55535	0	REVISE SPERMATIC CORD	Surgery	6.56	4.40	$120.59
55540	0	REVISE HERNIA & SPERM	Surgery	7.67	4.54	$120.59
55600	0	INCISE SPERM DUCT POUCH	Surgery	6.38	4.31	$120.59
55605	0	INCISE SPERM DUCT POUCH	Surgery	7.96	5.60	$120.59
55650	0	REMOVE SPERM DUCT POUCH	Surgery	11.80	7.22	$120.59
55680	0	REMOVE SPERM POUCH	Surgery	5.19	4.43	$120.59
55700	0	BIOPSY OF PROSTATE	Surgery	1.57	0.75	$120.59
55705	0	BIOPSY OF PROSTATE	Surgery	4.57	3.37	$120.59
55720	0	DRAINAGE OF PROSTATE	Surgery	7.64	3.51	$120.59
55725	0	DRAINAGE OF PROSTATE	Surgery	8.68	5.62	$120.59
55801	0	REMOVAL OF PROSTATE	Surgery	17.80	12.76	$120.59
55810	0	EXTENSIVE PROSTATE	Surgery	22.58	17.88	$120.59
55812	0	EXTENSIVE PROSTATE	Surgery	27.51	17.68	$120.59
55815	0	EXTENSIVE PROSTATE	Surgery	30.46	25.20	$120.59
55821	0	REMOVAL OF PROSTATE	Surgery	14.25	13.59	$120.59
55831	0	REMOVAL OF PROSTATE	Surgery	15.62	14.56	$120.59
55840	0	EXTENSIVE PROSTATE	Surgery	22.69	16.60	$120.59
55842	0	EXTENSIVE PROSTATE	Surgery	24.38	19.16	$120.59
55845	0	EXTENSIVE PROSTATE	Surgery	28.55	25.10	$120.59
55859	0	PERCUT/NEEDLE INSERT,	Surgery	12.52	5.89	$120.59
55860	0	SURGICAL EXPOSURE,	Surgery	14.45	7.13	$120.59
55862	0	EXTENSIVE PROSTATE	Surgery	18.39	11.69	$120.59
55865	0	EXTENSIVE PROSTATE	Surgery	22.87	24.52	$120.59
55870	0	ELECTROEJACULATION	Surgery	2.58	1.83	$120.59
56300	0	LAPAROSCOPY; DIAGNOSTIC	Surgery	5.10	4.45	$120.59
56301	0	LAPAROSCOPY; TUBAL	Surgery	5.60	4.71	$120.59
56302	0	LAPAROSCOPY; TUBAL BLOCK	Surgery	5.60	5.26	$120.59
56303	0	LAPAROSCOPY; EXCISE	Surgery	11.79	5.53	$120.59
56304	0	LAPAROSCOPY; LYSIS	Surgery	11.29	5.60	$120.59
56305	0	LAPAROSCOPY; BIOPSY	Surgery	5.40	4.90	$120.59
56306	0	LAPAROSCOPY; ASPIRATION	Surgery	5.70	4.87	$120.59
56307	0	LAPAROSCOPY; REMOVE	Surgery	11.05	7.16	$120.59
56308	0	LAPAROSCOPY;	Surgery	14.19	9.39	$120.59
56309	0	LAPAROSCOPY; REMOVE	Surgery	14.21	4.76	$120.59
56310	0	LAPAROSCOPIC ENTEROLYSIS	Surgery	14.44	8.28	$120.59
56311	0	LAPAROSCOPIC LYMPH NODE	Surgery	9.25	6.38	$120.59
56312	0	LAPAROSCOPIC	Surgery	12.38	8.56	$120.59
56313	0	LAPAROSCOPIC	Surgery	14.32	10.01	$120.59
56314	0	LAPAR; DRAIN LYMPHOCELE	Surgery	9.48	6.73	$120.59
56315	0	LAPAROSCOPIC	Surgery	8.70	4.89	$120.59
56316	0	LAPAROSCOPIC HERNIA	Surgery	6.27	4.51	$120.59
56317	0	LAPAROSCOPIC HERNIA	Surgery	8.24	5.22	$120.59
56318	0	LAPAROSCOPIC ORCHIECTOMY	Surgery	10.96	7.23	$120.59
56320	0	LAPAROSCOPY, SPERMATIC	Surgery	6.57	4.40	$120.59
56322	0	LAPAROSCOPY, VAGUS	Surgery	10.15	5.07	$120.59
56323	0	LAPAROSCOPY, VAGUS	Surgery	12.15	6.09	$120.59
56324	0	LAPAROSCOPY,	Surgery	12.58	9.16	$120.59
56340	0	LAPAROSCOPIC	Surgery	11.09	7.99	$120.59
56341	0	LAPAROSCOPIC	Surgery	11.94	8.43	$120.59
56342	0	LAPAROSCOPIC	Surgery	14.23	9.37	$120.59
56343	0	LAPAROSCOPIC	Surgery	13.74	5.28	$120.59
56344	0	LAPAROSCOPIC	Surgery	12.88	5.11	$120.59
56346	0	LAPAROSCOPIC GASTROSTOMY	Surgery	7.73	6.19	$120.59
56348	0	LAPARO; RESECT INTESTINE	Surgery	22.04	13.25	$120.59
56349	0	LAPAROSCOPY; FUNDOPLASTY	Surgery	17.25	11.88	$120.59
56350	0	HYSTEROSCOPY; DIAGNOSTIC	Surgery	3.33	1.99	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
56351	0	HYSTEROSCOPY; BIOPSY	Surgery	4.75	1.99	$120.59
56352	0	HYSTEROSCOPY; LYSIS	Surgery	6.17	3.77	$120.59
56353	0	HYSTEROSCOPY; RESECT	Surgery	7.00	3.77	$120.59
56354	0	HYSTEROSCOPY; REMOVE	Surgery	10.00	4.93	$120.59
56355	0	HYSTEROSCOPY; REMOVE	Surgery	5.21	1.99	$120.59
56356	0	HYSTEROSCOPY; ABLATION	Surgery	6.17	4.39	$120.59
56362	0	LAPAROSCOPY W/CHOLANGIO	Surgery	4.89	2.77	$120.59
56363	0	LAPAROSCOPY W/BIOPSY	Surgery	5.18	3.93	$120.59
56405	0	I & D OF VULVA/PERINEUM	Surgery	1.44	0.38	$120.59
56420	0	DRAINAGE OF GLAND	Surgery	1.39	0.80	$120.59
56440	0	SURGERY FOR VULVA LESION	Surgery	2.84	2.63	$120.59
56441	0	LYSIS OF LABIAL	Surgery	1.97	1.65	$120.59
56501	0	DESTRUCTION, VULVA	Surgery	1.53	0.54	$120.59
56515	0	DESTRUCTION, VULVA	Surgery	1.88	2.07	$120.59
56605	0	BIOPSY OF VULVA/PERINEUM	Surgery	1.10	0.34	$120.59
56606	0	BIOPSY OF VULVA/PERINEUM	Surgery	0.55	0.35	$120.59
56620	0	PARTIAL REMOVAL OF VULVA	Surgery	7.47	6.47	$120.59
56625	0	COMPLETE REMOVAL OF	Surgery	8.40	9.24	$120.59
56630	0	EXTENSIVE VULVA SURGERY	Surgery	12.36	13.46	$120.59
56631	0	EXTENSIVE VULVA SURGERY	Surgery	16.20	17.82	$120.59
56632	0	EXTENSIVE VULVA SURGERY	Surgery	20.29	21.32	$120.59
56633	0	EXTENSIVE VULVA SURGERY	Surgery	16.47	15.97	$120.59
56634	0	EXTENSIVE VULVA SURGERY	Surgery	17.88	19.67	$120.59
56637	0	EXTENSIVE VULVA SURGERY	Surgery	21.97	21.42	$120.59
56640	0	EXTENSIVE VULVA SURGERY	Surgery	22.17	19.95	$120.59
56700	0	PARTIAL REMOVAL OF HYMEN	Surgery	2.52	1.82	$120.59
56720	0	INCISION OF HYMEN	Surgery	0.68	0.48	$120.59
56740	0	REMOVE VAGINA GLAND	Surgery	3.76	2.87	$120.59
56800	0	REPAIR OF VAGINA	Surgery	3.89	2.92	$120.59
56805	0	REPAIR CLITORIS	Surgery	18.86	11.75	$120.59
56810	0	REPAIR OF PERINEUM	Surgery	4.13	2.62	$120.59
57000	0	EXPLORATION OF VAGINA	Surgery	2.97	2.03	$120.59
57010	0	DRAINAGE OF PELVIC	Surgery	6.03	2.65	$120.59
57020	0	DRAINAGE OF PELVIC FLUID	Surgery	1.50	0.65	$120.59
57061	0	DESTRUCTION VAGINA	Surgery	1.25	0.82	$120.59
57065	0	DESTRUCTION VAGINA	Surgery	2.61	2.87	$120.59
57100	0	BIOPSY OF VAGINA	Surgery	0.97	0.62	$120.59
57105	0	BIOPSY OF VAGINA	Surgery	1.69	1.57	$120.59
57108	0	PARTIAL REMOVAL OF	Surgery	6.36	5.28	$120.59
57110	0	REMOVAL OF VAGINA	Surgery	14.29	7.88	$120.59
57120	0	CLOSURE OF VAGINA	Surgery	7.41	6.99	$120.59
57130	0	REMOVE VAGINA LESION	Surgery	2.43	2.62	$120.59
57135	0	REMOVE VAGINA LESION	Surgery	2.67	1.93	$120.59
57150	0	TREAT VAGINA INFECTION	Surgery	0.55	0.19	$120.59
57160	0	INSERTION OF PESSARY/	Surgery	0.89	0.25	$120.59
57170	0	FITTING OF DIAPHRAGM/CAP	Surgery	0.91	0.32	$120.59
57180	0	TREAT VAGINAL BLEEDING	Surgery	1.58	0.28	$120.59
57200	0	REPAIR OF VAGINA	Surgery	3.94	2.71	$120.59
57210	0	REPAIR VAGINA/PERINEUM	Surgery	5.17	3.27	$120.59
57220	0	REVISION OF URETHRA	Surgery	4.31	4.44	$120.59
57230	0	REPAIR OF URETHRAL	Surgery	5.64	3.84	$120.59
57240	0	REPAIR BLADDER & VAGINA	Surgery	6.07	6.68	$120.59
57250	0	REPAIR RECTUM & VAGINA	Surgery	5.53	6.08	$120.59
57260	0	REPAIR OF VAGINA	Surgery	8.27	8.65	$120.59
57265	0	EXTENSIVE REPAIR OF	Surgery	11.34	9.42	$120.59
57268	0	REPAIR OF BOWEL BULGE	Surgery	6.76	7.02	$120.59
57270	0	REPAIR OF BOWEL POUCH	Surgery	12.11	6.83	$120.59
57280	0	SUSPENSION OF VAGINA	Surgery	15.04	8.53	$120.59
57282	0	REPAIR OF VAGINAL	Surgery	8.86	8.72	$120.59
57284	0	REPAIR PARAVAGINAL	Surgery	12.70	8.59	$120.59
57288	0	REPAIR BLADDER DEFECT	Surgery	13.02	10.72	$120.59
57289	0	REPAIR BLADDER & VAGINA	Surgery	11.58	8.19	$120.59
57291	0	CONSTRUCTION OF VAGINA	Surgery	7.95	5.35	$120.59
57292	0	CONSTRUCT VAGINA WITH	Surgery	13.09	6.55	$120.59
57300	0	REPAIR RECTUM-VAGINA	Surgery	7.61	7.91	$120.59
57305	0	REPAIR RECTUM-VAGINA	Surgery	13.77	7.55	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
57307	0	FISTULA REPAIR &	Surgery	15.93	6.11	$120.59
57308	0	FISTULA REPAIR,	Surgery	9.94	7.23	$120.59
57310	0	REPAIR URETHROVAGINAL	Surgery	6.78	4.32	$120.59
57311	0	REPAIR URETHROVAGINAL	Surgery	7.98	5.58	$120.59
57320	0	REPAIR BLADDER-VAGINA	Surgery	8.01	8.81	$120.59
57330	0	REPAIR BLADDER-VAGINA	Surgery	12.35	8.29	$120.59
57335	0	REPAIR VAGINA	Surgery	18.73	6.91	$120.59
57400	0	DILATION OF VAGINA	Surgery	2.27	0.33	$120.59
57410	0	PELVIC EXAMINATION	Surgery	1.75	0.36	$120.59
57415	0	REMOVAL VAGINAL FOREIGN	Surgery	2.17	0.36	$120.59
57452	0	EXAMINATION OF VAGINA	Surgery	0.99	0.65	$120.59
57454	0	VAGINA EXAMINATION &	Surgery	1.27	1.21	$120.59
57460	0	CERVIX EXCISION	Surgery	2.83	1.01	$120.59
57500	0	BIOPSY OF CERVIX	Surgery	0.97	0.57	$120.59
57505	0	ENDOCERVICAL CURETTAGE	Surgery	1.14	0.63	$120.59
57510	0	CAUTERIZATION OF CERVIX	Surgery	1.90	0.52	$120.59
57511	0	CRYOCAUTERY OF CERVIX	Surgery	1.90	0.85	$120.59
57513	0	LASER SURGERY OF CERVIX	Surgery	1.90	2.09	$120.59
57520	0	CONIZATION OF CERVIX	Surgery	4.04	3.45	$120.59
57522	0	CONIZATION OF CERVIX	Surgery	3.36	3.45	$120.59
57530	0	REMOVAL OF CERVIX	Surgery	4.79	3.61	$120.59
57531	0	REMOVAL OF CERVIX,	Surgery	22.04	17.77	$120.59
57540	0	REMOVAL OF RESIDUAL	Surgery	12.22	6.74	$120.59
57545	0	REMOVE CERVIX, REPAIR	Surgery	13.03	4.58	$120.59
57550	0	REMOVAL OF RESIDUAL	Surgery	5.53	6.08	$120.59
57555	0	REMOVE CERVIX, REPAIR	Surgery	8.95	9.85	$120.59
57556	0	REMOVE CERVIX, REPAIR	Surgery	8.37	9.21	$120.59
57700	0	REVISION OF CERVIX	Surgery	3.55	2.39	$120.59
57720	0	REVISION OF CERVIX	Surgery	4.13	2.76	$120.59
57800	0	DILATION OF CERVICAL	Surgery	0.77	0.24	$120.59
57820	0	D&C OF RESIDUAL CERVIX	Surgery	1.67	2.08	$120.59
58100	0	BIOPSY OF UTERUS LINING	Surgery	0.71	0.66	$120.59
58120	0	DILATION AND CURETTAGE	Surgery	3.27	2.70	$120.59
58140	0	REMOVAL OF UTERUS LESION	Surgery	14.60	8.33	$120.59
58145	0	REMOVAL OF UTERUS LESION	Surgery	8.04	8.24	$120.59
58150	0	TOTAL HYSTERECTOMY	Surgery	15.24	9.57	$120.59
58152	0	TOTAL HYSTERECTOMY	Surgery	15.09	11.99	$120.59
58180	0	PARTIAL HYSTERECTOMY	Surgery	15.29	9.76	$120.59
58200	0	EXTENSIVE HYSTERECTOMY	Surgery	21.59	12.98	$120.59
58210	0	EXTENSIVE HYSTERECTOMY	Surgery	28.85	17.77	$120.59
58240	0	REMOVAL OF PELVIS	Surgery	38.39	28.73	$120.59
58260	0	VAGINAL HYSTERECTOMY	Surgery	12.20	9.39	$120.59
58262	0	VAGINAL HYSTERECTOMY	Surgery	13.99	9.39	$120.59
58263	0	VAGINAL HYSTERECTOMY	Surgery	15.28	10.32	$120.59
58267	0	HYSTERECTOMY & VAGINA	Surgery	15.00	11.53	$120.59
58270	0	HYSTERECTOMY & VAGINA	Surgery	13.48	10.32	$120.59
58275	0	HYSTERECTOMY, REVISE	Surgery	14.98	11.02	$120.59
58280	0	HYSTERECTOMY, REVISE	Surgery	15.41	10.50	$120.59
58285	0	EXTENSIVE HYSTERECTOMY	Surgery	18.57	11.60	$120.59
58300	0	INSERT INTRAUTERINE	Surgery	1.01	0.77	$120.59
58301	0	REMOVE INTRAUTERINE	Surgery	1.27	0.45	$120.59
58321	0	ARTIFICIAL INSEMINATION	Surgery	0.92	0.71	$120.59
58322	0	ARTIFICIAL INSEMINATION	Surgery	1.10	0.71	$120.59
58323	0	SPERM WASHING	Surgery	0.23	0.16	$120.59
58340	0	CATHETER FOR	Surgery	0.88	0.57	$120.59
58345	0	REOPEN FALLOPIAN TUBE	Surgery	4.66	3.49	$120.59
58350	0	REOPEN FALLOPIAN TUBE	Surgery	1.01	0.69	$120.59
58400	0	SUSPENSION OF UTERUS	Surgery	6.36	5.64	$120.59
58410	0	SUSPENSION OF UTERUS	Surgery	12.73	5.53	$120.59
58520	0	REPAIR OF RUPTURED	Surgery	11.92	4.24	$120.59
58540	0	REVISION OF UTERUS	Surgery	14.64	6.13	$120.59
58600	0	DIVISION OF FALLOPIAN	Surgery	3.84	4.22	$120.59
58605	0	DIVISION OF FALLOPIAN	Surgery	3.34	3.67	$120.59
58611	0	LIGATE OVIDUCT(S)	Surgery	0.63	0.47	$120.59
58615	0	OCCLUDE FALLOPIAN	Surgery	3.90	2.91	$120.59
58700	0	REMOVAL OF FALLOPIAN	Surgery	6.49	6.33	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
58720	0	REMOVAL OF OVARY/TUBE(S)	Surgery	11.36	7.50	$120.59
58740	0	REVISE FALLOPIAN TUBE(S)	Surgery	5.83	6.41	$120.59
58750	0	REPAIR OVIDUCT	Surgery	14.84	6.31	$120.59
58752	0	REVISE OVARIAN TUBE(S)	Surgery	14.84	6.74	$120.59
58760	0	REMOVE TUBAL OBSTRUCTION	Surgery	13.13	5.11	$120.59
58770	0	CREATE NEW TUBAL OPENING	Surgery	13.97	5.28	$120.59
58800	0	DRAINAGE OF OVARIAN	Surgery	4.14	2.68	$120.59
58805	0	DRAINAGE OF OVARIAN	Surgery	5.88	6.38	$120.59
58820	0	OPEN DRAIN OVARY ABSCESS	Surgery	4.22	2.76	$120.59
58822	0	PERCUT DRAIN OVARY	Surgery	10.13	3.55	$120.59
58823	0	PERCUT DRAIN PELVIC	Surgery	3.38	2.56	$120.59
58825	0	TRANSPOSITION, OVARY(S)	Surgery	6.13	4.03	$120.59
58900	0	BIOPSY OF OVARY(S)	Surgery	5.99	5.19	$120.59
58920	0	PARTIAL REMOVAL OF	Surgery	6.78	6.78	$120.59
58925	0	REMOVAL OF OVARIAN	Surgery	11.36	6.56	$120.59
58940	0	REMOVAL OF OVARY(S)	Surgery	7.29	6.49	$120.59
58943	0	REMOVAL OF OVARY(S)	Surgery	18.43	12.11	$120.59
58950	0	RESECT OVARIAN	Surgery	15.27	11.24	$120.59
58951	0	RESECT OVARIAN	Surgery	21.81	18.34	$120.59
58952	0	RESECT OVARIAN	Surgery	25.01	18.11	$120.59
58960	0	EXPLORATION OF ABDOMEN	Surgery	14.65	12.98	$120.59
58970	0	RETRIEVAL OF OOCYTE	Surgery	3.53	2.52	$120.59
58976	0	TRANSFER OF EMBRYO	Surgery	3.83	2.73	$120.59
59000	0	AMNIOCENTESIS	Maternity—Normal Deliveries	1.30	0.97	$74.33
59012	0	FETAL CORD PUNCTURE,	Maternity—Normal Deliveries	3.45	2.62	$74.33
59015	0	CHORION BIOPSY	Maternity—Normal Deliveries	2.20	1.20	$74.33
59020	26	FETAL CONTRACT STRESS	Maternity—Normal Deliveries	0.66	0.73	$74.33
59025	0	FETAL NON-STRESS TEST	Maternity—Normal Deliveries	0.53	0.61	$74.33
59030	0	FETAL SCALP BLOOD SAMPLE	Maternity—Normal Deliveries	1.99	1.58	$74.33
59050	0	FETAL MONITOR W/REPORT	Maternity—Normal Deliveries	0.89	0.81	$74.33
59051	0	FETAL MONITOR/INTERPRET	Maternity—Normal Deliveries	0.74	0.81	$74.33
59100	0	REMOVE UTERUS LESION	Maternity—Normal Deliveries	12.35	4.14	$74.33
59120	0	TREAT ECTOPIC PREGNANCY	Maternity—Normal Deliveries	11.49	7.86	$74.33
59121	0	TREAT ECTOPIC PREGNANCY	Maternity—Normal Deliveries	11.67	5.38	$74.33
59130	0	TREAT ECTOPIC PREGNANCY	Maternity—Normal Deliveries	14.22	5.96	$74.33
59135	0	TREAT ECTOPIC PREGNANCY	Maternity—Normal Deliveries	13.88	9.85	$74.33
59136	0	TREAT ECTOPIC PREGNANCY	Maternity—Normal Deliveries	13.18	6.22	$74.33
59140	0	TREAT ECTOPIC PREGNANCY	Maternity—Normal Deliveries	5.46	4.66	$74.33
59150	0	TREAT ECTOPIC PREGNANCY	Maternity—Normal Deliveries	6.89	4.53	$74.33
59151	0	TREAT ECTOPIC PREGNANCY	Maternity—Normal Deliveries	7.86	8.61	$74.33
59160	0	D&C AFTER DELIVERY	Maternity—Normal Deliveries	2.71	2.93	$74.33
59200	0	INSERT CERVICAL DILATOR	Maternity—Normal Deliveries	0.79	0.54	$74.33
59300	0	EPISIOTOMY OR VAGINAL	Maternity—Normal Deliveries	2.41	0.99	$74.33
59320	0	REVISION OF CERVIX	Maternity—Normal Deliveries	2.48	1.78	$74.33
59325	0	REVISION OF CERVIX	Maternity—Normal Deliveries	4.07	2.89	$74.33
59350	0	REPAIR OF UTERUS	Maternity—Normal Deliveries	4.95	3.54	$74.33
59400	0	OBSTETRICAL CARE	Maternity—Non-Deliveries	23.06	14.99	$131.60
59409	0	OBSTETRICAL CARE	Maternity—Non-Deliveries	13.50	9.48	$131.60
59410	0	OBSTETRICAL CARE	Maternity—Non-Deliveries	14.78	10.31	$131.60
59412	0	ANTEPARTUM MANIPULATION	Maternity—Non-Deliveries	1.71	1.22	$131.60
59414	0	DELIVER PLACENTA	Maternity—Non-Deliveries	1.61	1.15	$131.60
59425	0	ANTEPARTUM CARE ONLY	Maternity—Non-Deliveries	4.81	2.88	$131.60
59426	0	ANTEPARTUM CARE ONLY	Maternity—Non-Deliveries	8.28	4.94	$131.60
59430	0	CARE AFTER DELIVERY	Maternity—Non-Deliveries	2.13	0.38	$131.60
59510	0	CESAREAN DELIVERY	Maternity—Cesarean Deliveries	26.22	16.90	$78.85
59514	0	CESAREAN DELIVERY ONLY	Maternity—Cesarean Deliveries	15.97	10.99	$78.85
59515	0	CESAREAN DELIVERY	Maternity—Cesarean Deliveries	17.37	11.82	$78.85
59525	0	REMOVE UTERUS AFTER	Surgery	8.54	3.81	$120.59
59610	0	VBAC DELIVERY	Maternity—Non-Deliveries	24.62	14.99	$131.60
59612	0	VBAC DELIVERY ONLY	Maternity—Non-Deliveries	15.06	9.48	$131.60
59614	0	VBAC CARE AFTER DELIVERY	Maternity—Non-Deliveries	16.34	10.31	$131.60
59618	0	ATTEMPTED VBAC DELIVERY	Maternity—Cesarean Deliveries	27.78	16.90	$78.85
59620	0	ATTEMPTED VBAC DELIVERY	Maternity—Cesarean Deliveries	17.53	10.99	$78.85
59622	0	ATTEMPTED VBAC AFTER	Maternity—Cesarean Deliveries	18.93	11.82	$78.85
59812	0	TREATMENT OF MISCARRIAGE	Maternity—Normal Deliveries	3.25	3.58	$74.33
59820	0	CARE OF MISCARRIAGE	Maternity—Normal Deliveries	4.01	3.75	$74.33

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
59821	0	TREATMENT OF MISCARRIAGE	Maternity—Normal Deliveries	4.47	2.72	$74.33
59830	0	TREAT UTERUS INFECTION	Maternity—Normal Deliveries	6.11	4.53	$74.33
59840	0	ABORTION	Maternity—Normal Deliveries	3.01	3.22	$74.33
59841	0	ABORTION	Maternity—Normal Deliveries	5.24	3.75	$74.33
59850	0	ABORTION	Maternity—Normal Deliveries	5.91	4.00	$74.33
59851	0	ABORTION	Maternity—Normal Deliveries	5.93	4.28	$74.33
59852	0	ABORTION	Maternity—Normal Deliveries	8.24	5.51	$74.33
59855	0	ABORTION	Maternity—Normal Deliveries	6.12	4.14	$74.33
59856	0	ABORTION	Maternity—Normal Deliveries	7.48	5.11	$74.33
59857	0	ABORTION	Maternity—Normal Deliveries	9.29	6.22	$74.33
59866	0	ABORTION	Maternity—Normal Deliveries	4.00	2.86	$74.33
59870	0	EVACUATE MOLE OF UTERUS	Maternity—Normal Deliveries	4.28	2.91	$74.33
59871	0	REMOVE CERCLAGE SUTURE	Maternity—Normal Deliveries	2.13	1.78	$74.33
60000	0	DRAIN THYROID/TONGUE	Surgery	1.76	0.30	$120.59
60001	0	ASPIRATE/INJECT THYRIOD	Surgery	0.97	1.05	$120.59
60100	0	BIOPSY OF THYROID	Surgery	0.97	0.53	$120.59
60200	0	REMOVE THYROID LESION	Surgery	9.55	6.02	$120.59
60210	0	PARTIAL EXCISION THYROID	Surgery	10.88	8.68	$120.59
60212	0	PARITAL THYROID EXCISION	Surgery	16.03	9.04	$120.59
60220	0	PARTIAL REMOVAL OF	Surgery	10.53	8.54	$120.59
60225	0	PARTIAL REMOVAL OF	Surgery	14.19	10.49	$120.59
60240	0	REMOVAL OF THYROID	Surgery	16.06	10.58	$120.59
60252	0	REMOVAL OF THYROID	Surgery	18.20	13.65	$120.59
60254	0	EXTENSIVE THYROID	Surgery	23.88	19.21	$120.59
60260	0	REPEAT THYROID SURGERY	Surgery	15.46	3.14	$120.59
60270	0	REMOVAL OF THYROID	Surgery	17.94	13.97	$120.59
60271	0	REMOVAL OF THYROID	Surgery	14.89	12.14	$120.59
60280	0	REMOVE THYROID DUCT	Surgery	6.08	6.69	$120.59
60281	0	REMOVE THYROID DUCT	Surgery	8.53	5.04	$120.59
60500	0	EXPLORE PARATHYROID	Surgery	16.23	11.36	$120.59
60502	0	RE-EXPLORE PARATHYROIDS	Surgery	20.35	11.39	$120.59
60505	0	EXPLORE PARATHYROID	Surgery	21.49	13.14	$120.59
60512	0	AUTOTRANSPLANT,	Surgery	4.45	2.32	$120.59
60520	0	REMOVAL OF THYMUS GLAND	Surgery	16.81	13.54	$120.59
60521	0	REMOVAL THYMUS GLAND	Surgery	18.87	13.54	$120.59
60522	0	REMOVAL OF THYMUS GLAND	Surgery	23.09	13.54	$120.59
60540	0	EXPLORE ADRENAL GLAND	Surgery	17.03	12.05	$120.59
60545	0	EXPLORE ADRENAL GLAND	Surgery	19.88	14.27	$120.59
60600	0	REMOVE CAROTID BODY	Surgery	17.93	11.46	$120.59
60605	0	REMOVE CAROTID BODY	Surgery	20.24	10.71	$120.59
61000	0	REMOVE CRANIAL CAVITY	Surgery	1.58	1.07	$120.59
61001	0	REMOVE CRANIAL CAVITY	Surgery	1.49	0.88	$120.59
61020	0	REMOVE BRAIN CAVITY	Surgery	1.51	1.26	$120.59
61026	0	INJECTION INTO BRAIN	Surgery	1.69	1.86	$120.59
61050	0	REMOVE BRAIN CANAL FLUID	Surgery	1.51	1.23	$120.59
61055	0	INJECTION INTO BRAIN	Surgery	2.10	1.88	$120.59
61070	0	BRAIN CANAL SHUNT	Surgery	0.89	0.25	$120.59
61105	0	DRILL SKULL FOR	Surgery	5.14	5.65	$120.59
61106	0	DRILL SKULL FOR EXAM/	Surgery	4.62	5.08	$120.59
61107	0	DRILL SKULL FOR	Surgery	5.00	5.50	$120.59
61108	0	DRILL SKULL FOR DRAINAGE	Surgery	10.19	11.21	$120.59
61120	0	PIERCE SKULL FOR	Surgery	8.76	5.95	$120.59
61130	0	PIERCE SKULL, EXAM/	Surgery	6.37	4.95	$120.59
61140	0	PIERCE SKULL FOR BIOPSY	Surgery	15.90	14.13	$120.59
61150	0	PIERCE SKULL FOR	Surgery	17.57	14.65	$120.59
61151	0	PIERCE SKULL FOR	Surgery	12.42	2.13	$120.59
61154	0	PIERCE SKULL, REMOVE	Surgery	14.99	16.49	$120.59
61156	0	PIERCE SKULL FOR	Surgery	16.32	16.19	$120.59
61210	0	PIERCE SKULL; IMPLANT	Surgery	5.84	6.04	$120.59
61215	0	INSERT BRAIN-FLUID	Surgery	4.89	5.38	$120.59
61250	0	PIERCE SKULL & EXPLORE	Surgery	10.42	8.03	$120.59
61253	0	PIERCE SKULL & EXPLORE	Surgery	12.36	9.62	$120.59
61304	0	OPEN SKULL FOR	Surgery	21.96	24.16	$120.59
61305	0	OPEN SKULL FOR	Surgery	26.61	29.11	$120.59
61312	0	OPEN SKULL FOR DRAINAGE	Surgery	24.57	24.13	$120.59
61313	0	OPEN SKULL FOR DRAINAGE	Surgery	24.93	24.04	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
61314	0	OPEN SKULL FOR DRAINAGE	Surgery	24.23	25.62	$120.59
61315	0	OPEN SKULL FOR DRAINAGE	Surgery	27.68	24.41	$120.59
61320	0	OPEN SKULL FOR DRAINAGE	Surgery	25.62	18.70	$120.59
61321	0	OPEN SKULL FOR DRAINAGE	Surgery	28.50	19.83	$120.59
61330	0	DECOMPRESS EYE SOCKET	Surgery	23.32	12.97	$120.59
61332	0	EXPLORE/BIOPSY EYE	Surgery	27.28	20.72	$120.59
61333	0	EXPLORE ORBIT; REMOVE	Surgery	27.95	20.46	$120.59
61334	0	EXPLORE ORBIT; REMOVE	Surgery	18.27	14.65	$120.59
61340	0	RELIEVE CRANIAL PRESSURE	Surgery	18.66	14.80	$120.59
61343	0	INCISE SKULL, PRESSURE	Surgery	29.77	30.05	$120.59
61345	0	RELIEVE CRANIAL PRESSURE	Surgery	27.20	19.18	$120.59
61440	0	INCISE SKULL FOR SURGERY	Surgery	26.63	20.75	$120.59
61450	0	INCISE SKULL FOR SURGERY	Surgery	25.95	20.43	$120.59
61458	0	INCISE SKULL FOR BRAIN	Surgery	27.29	27.28	$120.59
61460	0	INCISE SKULL FOR SURGERY	Surgery	28.39	25.05	$120.59
61470	0	INCISE SKULL FOR SURGERY	Surgery	26.06	13.86	$120.59
61480	0	INCISE SKULL FOR SURGERY	Surgery	26.49	15.07	$120.59
61490	0	INCISE SKULL FOR SURGERY	Surgery	25.66	11.72	$120.59
61500	0	REMOVAL OF SKULL LESION	Surgery	17.92	19.71	$120.59
61501	0	REMOVE INFECTED SKULL	Surgery	14.84	16.32	$120.59
61510	0	REMOVAL OF BRAIN LESION	Surgery	28.45	27.04	$120.59
61512	0	REMOVE BRAIN LINING	Surgery	35.09	29.02	$120.59
61514	0	REMOVAL OF BRAIN ABSCESS	Surgery	25.26	25.52	$120.59
61516	0	REMOVAL OF BRAIN LESION	Surgery	24.61	26.48	$120.59
61518	0	REMOVAL OF BRAIN LESION	Surgery	37.32	30.02	$120.59
61519	0	REMOVE BRAIN LINING	Surgery	41.39	31.22	$120.59
61520	0	REMOVAL OF BRAIN LESION	Surgery	54.84	33.85	$120.59
61521	0	REMOVAL OF BRAIN LESION	Surgery	44.48	32.97	$120.59
61522	0	REMOVAL OF BRAIN ABSCESS	Surgery	29.45	19.96	$120.59
61524	0	REMOVAL OF BRAIN LESION	Surgery	27.86	27.45	$120.59
61526	0	REMOVAL OF BRAIN LESION	Surgery	52.17	34.01	$120.59
61530	0	REMOVAL OF BRAIN LESION	Surgery	43.86	34.01	$120.59
61531	0	IMPLANT BRAIN ELECTRODES	Surgery	14.63	14.98	$120.59
61533	0	IMPLANT BRAIN ELECTRODES	Surgery	19.71	17.02	$120.59
61534	0	REMOVAL OF BRAIN LESION	Surgery	20.97	6.38	$120.59
61535	0	REMOVE BRAIN ELECTRODES	Surgery	11.63	7.66	$120.59
61536	0	REMOVAL OF BRAIN LESION	Surgery	35.52	21.96	$120.59
61538	0	REMOVAL OF BRAIN TISSUE	Surgery	26.81	29.08	$120.59
61539	0	REMOVAL OF BRAIN TISSUE	Surgery	32.08	22.96	$120.59
61541	0	INCISION OF BRAIN TISSUE	Surgery	28.85	19.80	$120.59
61542	0	REMOVAL OF BRAIN TISSUE	Surgery	31.02	19.91	$120.59
61543	0	REMOVAL OF BRAIN TISSUE	Surgery	29.22	17.24	$120.59
61544	0	REMOVE & TREAT BRAIN	Surgery	25.50	28.05	$120.59
61545	0	EXCISION OF BRAIN TUMOR	Surgery	43.80	25.66	$120.59
61546	0	REMOVAL OF PITUITARY	Surgery	31.30	27.01	$120.59
61548	0	REMOVAL OF PITUITARY	Surgery	21.53	23.68	$120.59
61550	0	RELEASE OF SKULL SEAMS	Surgery	14.65	11.81	$120.59
61552	0	RELEASE OF SKULL SEAMS	Surgery	19.56	13.83	$120.59
61556	0	INCISE SKULL/SUTURES	Surgery	22.26	15.53	$120.59
61557	0	INCISE SKULL/SUTURES	Surgery	22.38	15.62	$120.59
61558	0	EXCISION OF SKULL/	Surgery	25.58	17.74	$120.59
61559	0	EXCISION OF SKULL/	Surgery	32.79	23.01	$120.59
61563	0	EXCISION OF SKULL TUMOR	Surgery	26.83	18.81	$120.59
61564	0	EXCISION OF SKULL TUMOR	Surgery	33.83	23.73	$120.59
61570	0	REMOVE BRAIN FOREIGN	Surgery	24.60	16.49	$120.59
61571	0	INCISE SKULL FOR BRAIN	Surgery	26.39	18.32	$120.59
61575	0	SKULL BASE/BRAINSTEM	Surgery	34.36	32.99	$120.59
61576	0	SKULL BASE/BRAINSTEM	Surgery	52.43	28.23	$120.59
61580	0	CRANIOFACIAL APPROACH,	Surgery	30.35	21.01	$120.59
61581	0	CRANIOFACIAL APPROACH,	Surgery	34.60	23.84	$120.59
61582	0	CRANIOFACIAL APPROACH,	Surgery	31.66	21.65	$120.59
61583	0	CRANIOFACIAL APPROACH,	Surgery	36.21	24.70	$120.59
61584	0	ORBITOCRANIAL APPROACH/	Surgery	34.65	23.91	$120.59
61585	0	ORBITOCRANIAL APPROACH/	Surgery	38.61	26.75	$120.59
61586	0	RESECT NASOPHARYNX,	Surgery	25.10	21.38	$120.59
61590	0	INFRATEMPORAL APPROACH/	Surgery	41.78	29.10	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
61591	0	INFRATEMPORAL APPROACH/	Surgery	43.68	30.52	$120.59
61592	0	ORBITOCRANIAL APPROACH/	Surgery	39.64	27.68	$120.59
61595	0	TRANSTEMPORAL APPROACH/	Surgery	29.57	20.44	$120.59
61596	0	TRANSCOCHLEAR APPROACH/	Surgery	35.63	24.84	$120.59
61597	0	TRANSCONDYLAR APPROACH/	Surgery	37.96	26.26	$120.59
61598	0	TRANSPETROSAL APPROACH/	Surgery	33.41	23.13	$120.59
61600	0	RESECT/EXCISE CRANIAL	Surgery	25.85	17.74	$120.59
61601	0	RESECT/EXCISE CRANIAL	Surgery	27.89	19.03	$120.59
61605	0	RESECT/EXCISE CRANIAL	Surgery	29.33	20.09	$120.59
61606	0	RESECT/EXCISE CRANIAL	Surgery	38.83	26.90	$120.59
61607	0	RESECT/EXCISE CRANIAL	Surgery	36.27	25.13	$120.59
61608	0	RESECT/EXCISE CRANIAL	Surgery	42.10	29.24	$120.59
61609	0	TRANSECT, ARTERY, SINUS	Surgery	9.89	7.19	$120.59
61610	0	TRANSECT, ARTERY, SINUS	Surgery	29.67	21.57	$120.59
61611	0	TRANSECT, ARTERY, SINUS	Surgery	7.42	5.39	$120.59
61612	0	TRANSECT, ARTERY, SINUS	Surgery	27.88	20.27	$120.59
61613	0	REMOVE ANEURYSM, SINUS	Surgery	40.86	28.67	$120.59
61615	0	RESECT/EXCISE LESION,	Surgery	32.07	22.07	$120.59
61616	0	RESECT/EXCISE LESION,	Surgery	43.33	30.03	$120.59
61618	0	REPAIR DURA	Surgery	16.99	11.35	$120.59
61619	0	REPAIR DURA	Surgery	20.71	14.19	$120.59
61624	0	OCCLUSION/EMBOLIZATION	Surgery	20.15	15.28	$120.59
61626	0	OCCLUSION/EMBOLIZATION	Surgery	16.62	12.60	$120.59
61680	0	INTRACRANIAL VESSEL	Surgery	30.71	31.06	$120.59
61682	0	INTRACRANIAL VESSEL	Surgery	61.57	35.31	$120.59
61684	0	INTRACRANIAL VESSEL	Surgery	39.81	29.76	$120.59
61686	0	INTRACRANIAL VESSEL	Surgery	64.49	35.98	$120.59
61690	0	INTRACRANIAL VESSEL	Surgery	29.31	27.46	$120.59
61692	0	INTRACRANIAL VESSEL	Surgery	51.87	28.79	$120.59
61700	0	INNER SKULL VESSEL	Surgery	50.52	31.69	$120.59
61702	0	INNER SKULL VESSEL	Surgery	48.41	36.31	$120.59
61703	0	CLAMP NECK ARTERY	Surgery	17.47	12.21	$120.59
61705	0	REVISE CIRCULATION TO	Surgery	36.20	30.41	$120.59
61708	0	REVISE CIRCULATION TO	Surgery	35.30	25.20	$120.59
61710	0	REVISE CIRCULATION TO	Surgery	29.67	16.63	$120.59
61711	0	FUSION OF SKULL ARTERIES	Surgery	36.33	33.04	$120.59
61712	0	SKULL OR SPINE	Surgery	3.49	3.84	$120.59
61720	0	INCISE SKULL/BRAIN	Surgery	16.77	18.45	$120.59
61735	0	INCISE SKULL/BRAIN	Surgery	20.43	12.96	$120.59
61750	0	INCISE SKULL; BRAIN	Surgery	18.20	13.54	$120.59
61751	0	BRAIN BIOPSY WITH CAT	Surgery	17.62	19.38	$120.59
61760	0	IMPLANT BRAIN ELECTRODES	Surgery	22.27	14.98	$120.59
61770	0	INCISE SKULL FOR	Surgery	21.44	19.38	$120.59
61790	0	TREAT TRIGEMINAL NERVE	Surgery	10.86	11.95	$120.59
61791	0	TREAT TRIGEMINAL TRACT	Surgery	14.61	9.77	$120.59
61793	0	FOCUS RADIATION BEAM	Surgery	17.24	18.96	$120.59
61795	0	BRAIN SURGERY USING	Surgery	4.04	4.44	$120.59
61850	0	IMPLANT NEUROELECTRODES	Surgery	12.39	11.63	$120.59
61855	0	IMPLANT NEUROELECTRODES	Surgery	13.39	10.39	$120.59
61860	0	IMPLANT NEUROELECTRODES	Surgery	20.87	8.14	$120.59
61865	0	IMPLANT NEUROELECTRODES	Surgery	22.97	15.78	$120.59
61870	0	IMPLANT NEUROELECTRODES	Surgery	14.94	4.19	$120.59
61875	0	IMPLANT NEUROELECTRODES	Surgery	15.06	6.69	$120.59
61880	0	REVISE/REMOVE	Surgery	6.29	4.79	$120.59
61885	0	IMPLANT NEURORECEIVER	Surgery	5.85	1.96	$120.59
61888	0	REVISE/REMOVE	Surgery	5.07	2.25	$120.59
62000	0	REPAIR OF SKULL FRACTURE	Surgery	12.53	5.73	$120.59
62005	0	REPAIR OF SKULL FRACTURE	Surgery	16.17	11.08	$120.59
62010	0	TREATMENT OF HEAD INJURY	Surgery	19.81	19.20	$120.59
62100	0	REPAIR BRAIN FLUID	Surgery	22.03	21.62	$120.59
62115	0	REDUCTION OF SKULL	Surgery	21.66	15.51	$120.59
62116	0	REDUCTION OF SKULL	Surgery	23.59	16.98	$120.59
62117	0	REDUCTION OF SKULL	Surgery	26.60	19.20	$120.59
62120	0	REPAIR SKULL CAVITY	Surgery	23.35	16.90	$120.59
62121	0	INCISE SKULL REPAIR	Surgery	21.58	17.51	$120.59
62140	0	REPAIR OF SKULL DEFECT	Surgery	13.51	13.43	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
62141	0	REPAIR OF SKULL DEFECT	Surgery	14.91	16.40	$120.59
62142	0	REMOVE SKULL PLATE/FLAP	Surgery	10.79	11.87	$120.59
62143	0	REPLACE SKULL PLATE/FLAP	Surgery	13.05	9.17	$120.59
62145	0	REPAIR OF SKULL & BRAIN	Surgery	18.82	13.16	$120.59
62146	0	REPAIR OF SKULL WITH	Surgery	16.12	10.99	$120.59
62147	0	REPAIR OF SKULL WITH	Surgery	19.34	13.17	$120.59
62180	0	ESTABLISH BRAIN CAVITY	Surgery	21.06	14.21	$120.59
62190	0	ESTABLISH BRAIN CAVITY	Surgery	11.07	12.18	$120.59
62192	0	ESTABLISH BRAIN CAVITY	Surgery	12.25	13.48	$120.59
62194	0	REPLACE/IRRIGATE	Surgery	5.03	1.88	$120.59
62200	0	ESTABLISH BRAIN CAVITY	Surgery	18.32	16.95	$120.59
62201	0	ESTABLISH BRAIN CAVITY	Surgery	14.86	8.78	$120.59
62220	0	ESTABLISH BRAIN CAVITY	Surgery	13.00	14.30	$120.59
62223	0	ESTABLISH BRAIN CAVITY	Surgery	12.87	14.16	$120.59
62225	0	REPLACE/IRRIGATE	Surgery	5.41	4.80	$120.59
62230	0	REPLACE/REVISE BRAIN	Surgery	10.54	9.83	$120.59
62256	0	REMOVE BRAIN CAVITY	Surgery	6.60	6.38	$120.59
62258	0	REPLACE BRAIN CAVITY	Surgery	14.54	14.78	$120.59
62268	0	DRAIN SPINAL CORD CYST	Surgery	4.74	2.98	$120.59
62269	0	NEEDLE BIOPSY SPINAL	Surgery	5.02	1.75	$120.59
62270	0	SPINAL FLUID TAP,	Surgery	1.13	0.71	$120.59
62272	0	DRAIN SPINAL FLUID	Surgery	1.35	1.01	$120.59
62273	0	TREAT LUMBAR SPINE	Surgery	2.15	1.12	$120.59
62274	0	INJECT SPINAL ANESTHETIC	Surgery	1.78	0.74	$120.59
62275	0	INJECT SPINAL ANESTHETIC	Surgery	1.79	0.59	$120.59
62276	0	INJECT SPINAL ANESTHETIC	Surgery	2.04	1.23	$120.59
62277	0	INJECT SPINAL ANESTHETIC	Surgery	2.15	0.84	$120.59
62278	0	INJECT SPINAL ANESTHETIC	Surgery	1.51	0.98	$120.59
62279	0	INJECT SPINAL ANESTHETIC	Surgery	1.58	0.82	$120.59
62280	0	TREAT SPINAL CORD LESION	Surgery	2.63	0.71	$120.59
62281	0	TREAT SPINAL CORD LESION	Surgery	2.66	0.87	$120.59
62282	0	TREAT SPINAL CANAL	Surgery	2.33	1.70	$120.59
62284	0	INJECTION FOR MYELOGRAM	Surgery	1.54	1.69	$120.59
62287	0	PERCUTANEOUS DISKECTOMY	Surgery	8.08	6.96	$120.59
62288	0	INJECTION INTO SPINAL	Surgery	1.74	1.12	$120.59
62289	0	INJECTION INTO SPINAL	Surgery	1.64	1.07	$120.59
62290	0	INJECT FOR SPINE DISK X-	Surgery	3.00	1.86	$120.59
62291	0	INJECT FOR SPINE DISK X-	Surgery	2.91	1.78	$120.59
62292	0	INJECTION INTO DISK	Surgery	7.86	8.65	$120.59
62294	0	INJECTION INTO SPINAL	Surgery	11.83	5.84	$120.59
62298	0	INJECTION INTO SPINAL	Surgery	2.20	1.04	$120.59
62350	0	IMPLANT SPINAL CATHETER	Surgery	6.87	3.49	$120.59
62351	0	IMPLANT SPINAL CATHETER	Surgery	10.00	5.16	$120.59
62355	0	REMOVE SPINAL CANAL	Surgery	5.45	3.49	$120.59
62360	0	INSERT SPINE INFUSION	Surgery	2.62	1.12	$120.59
62361	0	IMPLANT SPINE INFUSION	Surgery	5.42	2.68	$120.59
62362	0	IMPLANT SPINE INFUSION	Surgery	7.04	3.51	$120.59
62365	0	REMOVE SPINE INFUSION	Surgery	5.42	3.47	$120.59
62367	26	ANALYZE SPINE INFUSION	Surgery	0.48	0.35	$120.59
62368	26	ANALYZE SPINE INFUSION	Surgery	0.75	0.55	$120.59
63001	0	REMOVAL OF SPINAL LAMINA	Surgery	15.82	17.40	$120.59
63003	0	REMOVAL OF SPINAL LAMINA	Surgery	15.95	17.55	$120.59
63005	0	REMOVAL OF SPINAL LAMINA	Surgery	14.92	16.41	$120.59
63011	0	REMOVAL OF SPINAL LAMINA	Surgery	14.52	9.99	$120.59
63012	0	REMOVAL OF SPINAL LAMINA	Surgery	15.40	16.94	$120.59
63015	0	REMOVAL OF SPINAL LAMINA	Surgery	19.35	21.23	$120.59
63016	0	REMOVAL OF SPINAL LAMINA	Surgery	19.20	21.12	$120.59
63017	0	REMOVAL OF SPINAL LAMINA	Surgery	15.94	17.53	$120.59
63020	0	NECK SPINE DISK SURGERY	Surgery	14.81	16.04	$120.59
63030	0	LOW BACK DISK SURGERY	Surgery	12.00	13.20	$120.59
63035	0	ADDED SPINAL DISK	Surgery	3.15	3.47	$120.59
63040	0	NECK SPINE DISK SURGERY	Surgery	18.81	20.69	$120.59
63042	0	LOW BACK DISK SURGERY	Surgery	17.47	19.22	$120.59
63045	0	REMOVAL OF SPINAL LAMINA	Surgery	16.50	18.15	$120.59
63046	0	REMOVAL OF SPINAL LAMINA	Surgery	15.80	17.38	$120.59
63047	0	REMOVAL OF SPINAL LAMINA	Surgery	14.61	16.07	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
63048	0	REMOVAL OF SPINAL LAMINA	Surgery	3.26	3.59	$120.59
63055	0	DECOMPRESS SPINAL CORD	Surgery	21.99	23.73	$120.59
63056	0	DECOMPRESS SPINAL CORD	Surgery	20.36	21.84	$120.59
63057	0	DECOMPRESS SPINAL CORD	Surgery	5.26	3.84	$120.59
63064	0	DECOMPRESS SPINAL CORD	Surgery	24.61	23.83	$120.59
63066	0	DECOMPRESS SPINAL CORD	Surgery	3.26	2.48	$120.59
63075	0	NECK SPINE DISK SURGERY	Surgery	19.41	17.57	$120.59
63076	0	NECK SPINE DISK SURGERY	Surgery	4.05	4.46	$120.59
63077	0	SPINE DISK SURGERY,	Surgery	21.44	18.42	$120.59
63078	0	SPINE DISK SURGERY,	Surgery	3.28	2.61	$120.59
63081	0	REMOVAL OF VERTEBRAL	Surgery	23.73	26.10	$120.59
63082	0	REMOVAL OF VERTEBRAL	Surgery	4.37	4.81	$120.59
63085	0	REMOVAL OF VERTEBRAL	Surgery	26.92	27.39	$120.59
63086	0	REMOVAL OF VERTEBRAL	Surgery	3.19	3.51	$120.59
63087	0	REMOVAL OF VERTEBRAL	Surgery	35.57	28.25	$120.59
63088	0	REMOVAL OF VERTEBRAL	Surgery	4.33	4.76	$120.59
63090	0	REMOVAL OF VERTEBRAL	Surgery	28.16	29.22	$120.59
63091	0	REMOVAL OF VERTEBRAL	Surgery	3.03	2.73	$120.59
63170	0	INCISE SPINAL CORD	Surgery	19.83	18.88	$120.59
63172	0	DRAINAGE OF SPINAL CYST	Surgery	17.66	19.43	$120.59
63173	0	DRAINAGE OF SPINAL CYST	Surgery	21.99	15.47	$120.59
63180	0	REVISE SPINAL CORD	Surgery	18.27	11.61	$120.59
63182	0	REVISE SPINAL CORD	Surgery	20.50	16.44	$120.59
63185	0	INCISE SPINAL COLUMN/	Surgery	15.04	15.55	$120.59
63190	0	INCISE SPINAL COLUMN/	Surgery	17.45	19.20	$120.59
63191	0	INCISE SPINAL COLUMN/	Surgery	17.54	13.04	$120.59
63194	0	INCISE SPINAL COLUMN &	Surgery	19.19	13.02	$120.59
63195	0	INCISE SPINAL COLUMN &	Surgery	18.84	13.86	$120.59
63196	0	INCISE SPINAL COLUMN &	Surgery	22.30	15.59	$120.59
63197	0	INCISE SPINAL COLUMN &	Surgery	21.11	14.36	$120.59
63198	0	INCISE SPINAL COLUMN &	Surgery	25.38	16.32	$120.59
63200	0	RELEASE OF SPINAL CORD	Surgery	19.18	12.49	$120.59
63250	0	REVISE SPINAL CORD	Surgery	40.76	27.99	$120.59
63251	0	REVISE SPINAL CORD	Surgery	41.20	22.74	$120.59
63252	0	REVISE SPINAL CORD	Surgery	41.19	28.25	$120.59
63265	0	EXCISE INTRASPINAL	Surgery	21.56	22.01	$120.59
63266	0	EXCISE INTRASPINAL	Surgery	22.30	24.53	$120.59
63267	0	EXCISE INTRASPINAL	Surgery	17.95	19.75	$120.59
63268	0	EXCISE INTRASPINAL	Surgery	18.52	12.56	$120.59
63270	0	EXCISE INTRASPINAL	Surgery	26.80	18.14	$120.59
63271	0	EXCISE INTRASPINAL	Surgery	26.92	26.60	$120.59
63272	0	EXCISE INTRASPINAL	Surgery	25.32	23.15	$120.59
63273	0	EXCISE INTRASPINAL	Surgery	24.29	17.56	$120.59
63275	0	BIOPSY/EXCISE SPINAL	Surgery	23.68	26.05	$120.59
63276	0	BIOPSY/EXCISE SPINAL	Surgery	23.45	25.31	$120.59
63277	0	BIOPSY/EXCISE SPINAL	Surgery	20.83	22.91	$120.59
63278	0	BIOPSY/EXCISE SPINAL	Surgery	20.56	22.62	$120.59
63280	0	BIOPSY/EXCISE SPINAL	Surgery	28.35	28.08	$120.59
63281	0	BIOPSY/EXCISE SPINAL	Surgery	28.05	27.67	$120.59
63282	0	BIOPSY/EXCISE SPINAL	Surgery	26.39	24.11	$120.59
63283	0	BIOPSY/EXCISE SPINAL	Surgery	25.00	18.77	$120.59
63285	0	BIOPSY/EXCISE SPINAL	Surgery	36.00	24.49	$120.59
63286	0	BIOPSY/EXCISE SPINAL	Surgery	35.63	28.76	$120.59
63287	0	BIOPSY/EXCISE SPINAL	Surgery	36.70	25.72	$120.59
63290	0	BIOPSY/EXCISE SPINAL	Surgery	37.38	27.16	$120.59
63300	0	REMOVAL OF VERTEBRAL	Surgery	24.43	17.27	$120.59
63301	0	REMOVAL OF VERTEBRAL	Surgery	27.60	18.45	$120.59
63302	0	REMOVAL OF VERTEBRAL	Surgery	27.81	21.36	$120.59
63303	0	REMOVAL OF VERTEBRAL	Surgery	30.50	18.50	$120.59
63304	0	REMOVAL OF VERTEBRAL	Surgery	30.33	21.31	$120.59
63305	0	REMOVAL OF VERTEBRAL	Surgery	32.03	22.49	$120.59
63306	0	REMOVAL OF VERTEBRAL	Surgery	32.22	22.76	$120.59
63307	0	REMOVAL OF VERTEBRAL	Surgery	31.63	24.42	$120.59
63308	0	REMOVAL OF VERTEBRAL	Surgery	5.25	4.05	$120.59
63600	0	REMOVE SPINAL CORD	Surgery	14.02	10.70	$120.59
63610	0	STIMULATION OF SPINAL	Surgery	8.73	6.73	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
63615	0	REMOVE LESION OF SPINAL	Surgery	16.28	11.55	$120.59
63650	0	IMPLANT NEUROELECTRODES	Surgery	6.74	7.41	$120.59
63655	0	IMPLANT NEUROELECTRODES	Surgery	10.29	11.32	$120.59
63660	0	REVISE/REMOVE	Surgery	6.16	6.78	$120.59
63685	0	IMPLANT NEURORECEIVER	Surgery	7.04	7.40	$120.59
63688	0	REVISE/REMOVE	Surgery	5.39	5.93	$120.59
63690	0	ANALYSIS OF	Surgery	0.45	0.58	$120.59
63691	0	ANALYSIS OF	Surgery	0.65	0.41	$120.59
63700	0	REPAIR OF SPINAL	Surgery	16.53	11.35	$120.59
63702	0	REPAIR OF SPINAL	Surgery	18.48	12.78	$120.59
63704	0	REPAIR OF SPINAL	Surgery	21.18	14.19	$120.59
63706	0	REPAIR OF SPINAL	Surgery	24.11	16.33	$120.59
63707	0	REPAIR SPINAL FLUID	Surgery	11.26	12.39	$120.59
63709	0	REPAIR SPINAL FLUID	Surgery	14.32	15.75	$120.59
63710	0	GRAFT REPAIR OF SPINE	Surgery	14.07	9.75	$120.59
63740	0	INSTALL SPINAL SHUNT	Surgery	11.36	12.50	$120.59
63741	0	INSTALL SPINAL SHUNT	Surgery	8.25	9.08	$120.59
63744	0	REVISION OF SPINAL SHUNT	Surgery	8.10	8.15	$120.59
63746	0	REMOVAL OF SPINAL SHUNT	Surgery	6.43	5.52	$120.59
64400	0	INJECTION FOR NERVE	Surgery	1.11	0.48	$120.59
64402	0	INJECTION FOR NERVE	Surgery	1.25	0.62	$120.59
64405	0	INJECTION FOR NERVE	Surgery	1.32	0.64	$120.59
64408	0	INJECTION FOR NERVE	Surgery	1.41	1.04	$120.59
64410	0	INJECTION FOR NERVE	Surgery	1.43	0.71	$120.59
64412	0	INJECTION FOR NERVE	Surgery	1.18	0.62	$120.59
64413	0	INJECTION FOR NERVE	Surgery	1.40	0.74	$120.59
64415	0	INJECTION FOR NERVE	Surgery	1.48	0.26	$120.59
64417	0	INJECTION FOR NERVE	Surgery	1.44	0.63	$120.59
64418	0	INJECTION FOR NERVE	Surgery	1.32	0.85	$120.59
64420	0	INJECTION FOR NERVE	Surgery	1.18	0.64	$120.59
64421	0	INJECTION FOR NERVE	Surgery	1.68	0.83	$120.59
64425	0	INJECTION FOR NERVE	Surgery	1.75	0.57	$120.59
64430	0	INJECTION FOR NERVE	Surgery	1.46	0.70	$120.59
64435	0	INJECTION FOR NERVE	Surgery	1.45	0.47	$120.59
64440	0	INJECTION FOR NERVE	Surgery	1.34	0.79	$120.59
64441	0	INJECTION FOR NERVE	Surgery	1.79	1.01	$120.59
64442	0	INJECTION FOR NERVE	Surgery	1.41	1.19	$120.59
64443	0	INJECTION FOR NERVE	Surgery	0.98	0.63	$120.59
64445	0	INJECTION FOR NERVE	Surgery	1.48	0.49	$120.59
64450	0	INJECTION FOR NERVE	Surgery	1.27	0.53	$120.59
64505	0	INJECTION FOR NERVE	Surgery	1.36	0.62	$120.59
64508	0	INJECTION FOR NERVE	Surgery	1.12	1.04	$120.59
64510	0	INJECTION FOR NERVE	Surgery	1.22	0.71	$120.59
64520	0	INJECTION FOR NERVE	Surgery	1.35	0.72	$120.59
64530	0	INJECTION FOR NERVE	Surgery	1.58	1.17	$120.59
64553	0	IMPLANT NEUROELECTRODES	Surgery	2.31	1.02	$120.59
64555	0	IMPLANT NEUROELECTRODES	Surgery	2.27	0.42	$120.59
64560	0	IMPLANT NEUROELECTRODES	Surgery	2.36	1.45	$120.59
64565	0	IMPLANT NEUROELECTRODES	Surgery	1.76	0.76	$120.59
64573	0	IMPLANT NEUROELECTRODES	Surgery	4.43	3.16	$120.59
64575	0	IMPLANT NEUROELECTRODES	Surgery	4.35	3.07	$120.59
64577	0	IMPLANT NEUROELECTRODES	Surgery	4.62	2.76	$120.59
64580	0	IMPLANT NEUROELECTRODES	Surgery	4.12	2.91	$120.59
64585	0	REVISE/REMOVE	Surgery	2.06	0.97	$120.59
64590	0	IMPLANT NEURORECEIVER	Surgery	2.40	1.84	$120.59
64595	0	REVISE/REMOVE	Surgery	1.73	1.12	$120.59
64600	0	INJECTION TREATMENT OF	Surgery	3.45	1.69	$120.59
64605	0	INJECTION TREATMENT OF	Surgery	5.61	1.56	$120.59
64610	0	INJECTION TREATMENT OF	Surgery	7.16	7.26	$120.59
64612	0	DESTROY NERVE, FACE	Surgery	1.96	1.45	$120.59
64613	0	DESTROY NERVE, SPINE	Surgery	1.96	1.45	$120.59
64620	0	INJECTION TREATMENT OF	Surgery	2.84	1.00	$120.59
64622	0	INJECTION TREATMENT OF	Surgery	3.00	1.82	$120.59
64623	0	INJECTION TREATMENT OF	Surgery	0.99	0.85	$120.59
64630	0	INJECTION TREATMENT OF	Surgery	3.00	1.74	$120.59
64640	0	INJECTION TREATMENT OF	Surgery	2.76	0.92	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
64680	0	INJECTION TREATMENT OF	Surgery	2.62	1.55	$120.59
64702	0	REVISE FINGER/TOE NERVE	Surgery	4.23	4.22	$120.59
64704	0	REVISE HAND/FOOT NERVE	Surgery	4.57	5.03	$120.59
64708	0	REVISE ARM/LEG NERVE	Surgery	6.12	6.73	$120.59
64712	0	REVISION OF SCIATIC	Surgery	7.75	8.53	$120.59
64713	0	REVISION OF ARM NERVE(S)	Surgery	11.00	9.40	$120.59
64714	0	REVISE LOW BACK NERVE(S)	Surgery	10.33	6.13	$120.59
64716	0	REVISION OF CRANIAL	Surgery	6.31	4.83	$120.59
64718	0	REVISE ULNAR NERVE AT	Surgery	5.99	6.59	$120.59
64719	0	REVISE ULNAR NERVE AT	Surgery	4.85	4.95	$120.59
64721	0	CARPAL TUNNEL SURGERY	Surgery	4.29	4.72	$120.59
64722	0	RELIEVE PRESSURE ON	Surgery	4.70	5.17	$120.59
64726	0	RELEASE FOOT/TOE NERVE	Surgery	4.18	0.72	$120.59
64727	0	INTERNAL NERVE REVISION	Surgery	3.10	3.24	$120.59
64732	0	INCISION OF BROW NERVE	Surgery	4.41	4.31	$120.59
64734	0	INCISION OF CHEEK NERVE	Surgery	4.92	4.61	$120.59
64736	0	INCISION OF CHIN NERVE	Surgery	4.60	4.46	$120.59
64738	0	INCISION OF JAW NERVE	Surgery	5.73	5.07	$120.59
64740	0	INCISION OF TONGUE NERVE	Surgery	5.59	5.18	$120.59
64742	0	INCISION OF FACIAL NERVE	Surgery	6.22	5.00	$120.59
64744	0	INCISE NERVE, BACK OF	Surgery	5.24	5.76	$120.59
64746	0	INCISE DIAPHRAGM NERVE	Surgery	5.93	3.77	$120.59
64752	0	INCISION OF VAGUS NERVE	Surgery	7.06	3.93	$120.59
64755	0	INCISION OF STOMACH	Surgery	13.52	10.47	$120.59
64760	0	INCISION OF VAGUS NERVE	Surgery	6.96	6.65	$120.59
64761	0	INCISION OF PELVIS NERVE	Surgery	6.41	4.66	$120.59
64763	0	INCISE HIP/THIGH NERVE	Surgery	6.93	4.80	$120.59
64766	0	INCISE HIP/THIGH NERVE	Surgery	8.67	6.67	$120.59
64771	0	SEVER CRANIAL NERVE	Surgery	7.35	6.42	$120.59
64772	0	INCISION OF SPINAL NERVE	Surgery	7.21	6.77	$120.59
64774	0	REMOVE SKIN NERVE LESION	Surgery	5.17	2.74	$120.59
64776	0	REMOVE DIGIT NERVE	Surgery	5.12	2.78	$120.59
64778	0	ADDED DIGIT NERVE	Surgery	3.11	2.73	$120.59
64782	0	REMOVE LIMB NERVE LESION	Surgery	6.23	4.70	$120.59
64783	0	ADDED LIMB NERVE SURGERY	Surgery	3.72	3.26	$120.59
64784	0	REMOVE NERVE LESION	Surgery	9.82	5.64	$120.59
64786	0	REMOVE SCIATIC NERVE	Surgery	15.46	12.66	$120.59
64787	0	IMPLANT NERVE END	Surgery	4.30	3.47	$120.59
64788	0	REMOVE SKIN NERVE LESION	Surgery	4.61	3.63	$120.59
64790	0	REMOVAL OF NERVE LESION	Surgery	11.31	7.11	$120.59
64792	0	REMOVAL OF NERVE LESION	Surgery	14.92	8.99	$120.59
64795	0	BIOPSY OF NERVE	Surgery	3.01	2.38	$120.59
64802	0	REMOVE SYMPATHETIC	Surgery	9.15	5.40	$120.59
64804	0	REMOVE SYMPATHETIC	Surgery	14.64	12.77	$120.59
64809	0	REMOVE SYMPATHETIC	Surgery	13.67	10.55	$120.59
64818	0	REMOVE SYMPATHETIC	Surgery	10.30	8.57	$120.59
64820	0	REMOVE SYMPATHETIC	Surgery	10.37	7.27	$120.59
64830	0	MICROREPAIR OF NERVE	Surgery	3.10	2.01	$120.59
64831	0	REPAIR OF DIGIT NERVE	Surgery	9.44	3.38	$120.59
64832	0	REPAIR ADDITIONAL NERVE	Surgery	5.66	1.40	$120.59
64834	0	REPAIR OF HAND OR FOOT	Surgery	10.19	3.50	$120.59
64835	0	REPAIR OF HAND OR FOOT	Surgery	10.94	5.96	$120.59
64836	0	REPAIR OF HAND OR FOOT	Surgery	10.94	6.70	$120.59
64837	0	REPAIR ADDITIONAL NERVE	Surgery	6.26	4.45	$120.59
64840	0	REPAIR OF LEG NERVE	Surgery	13.02	10.35	$120.59
64856	0	REPAIR/TRANSPOSE NERVE	Surgery	13.80	8.21	$120.59
64857	0	REPAIR ARM/LEG NERVE	Surgery	14.49	9.53	$120.59
64858	0	REPAIR SCIATIC NERVE	Surgery	16.49	10.98	$120.59
64859	0	ADDITIONAL NERVE SURGERY	Surgery	4.26	3.50	$120.59
64861	0	REPAIR OF ARM NERVES	Surgery	19.24	13.42	$120.59
64862	0	REPAIR OF LOW BACK	Surgery	19.44	21.56	$120.59
64864	0	REPAIR OF FACIAL NERVE	Surgery	12.55	7.86	$120.59
64865	0	REPAIR OF FACIAL NERVE	Surgery	15.24	12.34	$120.59
64866	0	FUSION OF FACIAL/OTHER	Surgery	15.74	11.19	$120.59
64868	0	FUSION OF FACIAL/OTHER	Surgery	14.04	11.19	$120.59
64870	0	FUSION OF FACIAL/OTHER	Surgery	15.99	13.91	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
64872	0	SUBSEQUENT REPAIR OF	Surgery	1.99	1.44	$120.59
64874	0	REPAIR & REVISE NERVE	Surgery	2.98	2.17	$120.59
64876	0	REPAIR NERVE; SHORTEN	Surgery	3.38	2.46	$120.59
64885	0	NERVE GRAFT, HEAD OR	Surgery	17.53	12.69	$120.59
64886	0	NERVE GRAFT, HEAD OR	Surgery	20.75	15.13	$120.59
64890	0	NERVE GRAFT, HAND OR	Surgery	15.15	12.26	$120.59
64891	0	NERVE GRAFT, HAND OR	Surgery	16.14	10.42	$120.59
64892	0	NERVE GRAFT, ARM OR LEG	Surgery	14.65	11.04	$120.59
64893	0	NERVE GRAFT, ARM OR LEG	Surgery	15.60	13.93	$120.59
64895	0	NERVE GRAFT, HAND OR	Surgery	19.25	13.16	$120.59
64896	0	NERVE GRAFT, HAND OR	Surgery	20.49	17.53	$120.59
64897	0	NERVE GRAFT, ARM OR LEG	Surgery	18.24	12.63	$120.59
64898	0	NERVE GRAFT, ARM OR LEG	Surgery	19.50	14.40	$120.59
64901	0	ADDITIONAL NERVE GRAFT	Surgery	10.22	10.16	$120.59
64902	0	ADDITIONAL NERVE GRAFT	Surgery	11.83	11.92	$120.59
64905	0	NERVE PEDICLE TRANSFER	Surgery	14.02	9.40	$120.59
64907	0	NERVE PEDICLE TRANSFER	Surgery	18.83	13.02	$120.59
65091	0	REVISE EYE	Surgery	6.46	7.11	$120.59
65093	0	REVISE EYE WITH IMPLANT	Surgery	6.87	7.56	$120.59
65101	0	REMOVAL OF EYE	Surgery	7.03	7.73	$120.59
65103	0	REMOVE EYE/INSERT	Surgery	7.57	8.33	$120.59
65105	0	REMOVE EYE/ATTACH	Surgery	8.49	9.34	$120.59
65110	0	REMOVAL OF EYE	Surgery	13.95	15.35	$120.59
65112	0	REMOVE EYE, REVISE	Surgery	16.38	12.16	$120.59
65114	0	REMOVE EYE, REVISE	Surgery	17.53	13.07	$120.59
65125	0	REVISE OCULAR IMPLANT	Surgery	3.12	2.47	$120.59
65130	0	INSERT OCULAR IMPLANT	Surgery	7.15	7.87	$120.59
65135	0	INSERT OCULAR IMPLANT	Surgery	7.33	5.42	$120.59
65140	0	ATTACH OCULAR IMPLANT	Surgery	8.02	6.22	$120.59
65150	0	REVISE OCULAR IMPLANT	Surgery	6.26	6.89	$120.59
65155	0	REINSERT OCULAR IMPLANT	Surgery	8.66	9.53	$120.59
65175	0	REMOVAL OF OCULAR	Surgery	6.28	6.91	$120.59
65205	0	REMOVE FOREIGN BODY FROM	Surgery	0.71	0.37	$120.59
65210	0	REMOVE FOREIGN BODY FROM	Surgery	0.84	0.46	$120.59
65220	0	REMOVE FOREIGN BODY FROM	Surgery	0.71	0.52	$120.59
65222	0	REMOVE FOREIGN BODY FROM	Surgery	0.93	0.57	$120.59
65235	0	REMOVE FOREIGN BODY FROM	Surgery	7.57	5.61	$120.59
65260	0	REMOVE FOREIGN BODY FROM	Surgery	10.96	8.63	$120.59
65265	0	REMOVE FOREIGN BODY FROM	Surgery	12.59	10.04	$120.59
65270	0	REPAIR OF EYE WOUND	Surgery	1.90	1.17	$120.59
65272	0	REPAIR OF EYE WOUND	Surgery	3.82	1.64	$120.59
65273	0	REPAIR OF EYE WOUND	Surgery	4.36	3.22	$120.59
65275	0	REPAIR OF EYE WOUND	Surgery	5.34	0.66	$120.59
65280	0	REPAIR OF EYE WOUND	Surgery	7.66	8.43	$120.59
65285	0	REPAIR OF EYE WOUND	Surgery	12.90	12.26	$120.59
65286	0	REPAIR OF EYE WOUND	Surgery	5.51	2.40	$120.59
65290	0	REPAIR OF EYE SOCKET	Surgery	5.41	5.95	$120.59
65400	0	REMOVAL OF EYE LESION	Surgery	6.06	6.46	$120.59
65410	0	BIOPSY OF CORNEA	Surgery	1.47	1.59	$120.59
65420	0	REMOVAL OF EYE LESION	Surgery	4.17	4.28	$120.59
65426	0	REMOVAL OF EYE LESION	Surgery	5.25	5.78	$120.59
65430	0	CORNEAL SMEAR	Surgery	1.47	0.54	$120.59
65435	0	CURETTE/TREAT CORNEA	Surgery	0.92	0.77	$120.59
65436	0	CURETTE/TREAT CORNEA	Surgery	4.19	0.77	$120.59
65450	0	TREATMENT OF CORNEAL	Surgery	3.27	3.28	$120.59
65600	0	REVISION OF CORNEA	Surgery	3.40	2.62	$120.59
65710	0	CORNEAL TRANSPLANT	Surgery	12.35	12.44	$120.59
65730	0	CORNEAL TRANSPLANT	Surgery	14.25	15.14	$120.59
65750	0	CORNEAL TRANSPLANT	Surgery	15.00	16.10	$120.59
65755	0	CORNEAL TRANSPLANT	Surgery	14.89	16.10	$120.59
65770	0	REVISE CORNEA WITH	Surgery	17.56	13.81	$120.59
65772	0	CORRECTION OF	Surgery	4.29	2.36	$120.59
65775	0	CORRECTION OF	Surgery	5.79	6.37	$120.59
65800	0	DRAINAGE OF EYE	Surgery	1.91	1.72	$120.59
65805	0	DRAINAGE OF EYE	Surgery	1.91	0.91	$120.59
65810	0	DRAINAGE OF EYE	Surgery	4.87	5.36	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
65815	0	DRAINAGE OF EYE	Surgery	5.05	4.49	$120.59
65820	0	RELIEVE INNER EYE	Surgery	8.13	9.54	$120.59
65850	0	INCISION OF EYE	Surgery	10.52	11.57	$120.59
65855	0	LASER SURGERY OF EYE	Surgery	4.30	3.01	$120.59
65860	0	INCISE INNER EYE	Surgery	3.55	1.96	$120.59
65865	0	INCISE INNER EYE	Surgery	5.60	6.16	$120.59
65870	0	INCISE INNER EYE	Surgery	6.27	5.86	$120.59
65875	0	INCISE INNER EYE	Surgery	6.54	6.28	$120.59
65880	0	INCISE INNER EYE	Surgery	7.09	6.85	$120.59
65900	0	REMOVE EYE LESION	Surgery	10.93	7.91	$120.59
65920	0	REMOVE IMPLANT FROM EYE	Surgery	8.40	8.36	$120.59
65930	0	REMOVE BLOOD CLOT FROM	Surgery	7.44	7.68	$120.59
66020	0	INJECTION TREATMENT OF	Surgery	1.59	1.75	$120.59
66030	0	INJECTION TREATMENT OF	Surgery	1.25	0.27	$120.59
66130	0	REMOVE EYE LESION	Surgery	7.69	5.28	$120.59
66150	0	GLAUCOMA SURGERY	Surgery	8.30	9.13	$120.59
66155	0	GLAUCOMA SURGERY	Surgery	8.29	9.12	$120.59
66160	0	GLAUCOMA SURGERY	Surgery	10.17	10.77	$120.59
66165	0	GLAUCOMA SURGERY	Surgery	8.01	8.81	$120.59
66170	0	GLAUCOMA SURGERY	Surgery	12.16	12.15	$120.59
66172	0	INCISION OF EYE	Surgery	15.04	12.15	$120.59
66180	0	IMPLANT EYE SHUNT	Surgery	14.55	16.01	$120.59
66185	0	REVISE EYE SHUNT	Surgery	8.14	8.95	$120.59
66220	0	REPAIR EYE LESION	Surgery	7.77	5.95	$120.59
66225	0	REPAIR/GRAFT EYE LESION	Surgery	11.05	12.16	$120.59
66250	0	FOLLOW-UP SURGERY OF EYE	Surgery	5.98	6.58	$120.59
66500	0	INCISION OF IRIS	Surgery	3.71	4.08	$120.59
66505	0	INCISION OF IRIS	Surgery	4.08	3.27	$120.59
66600	0	REMOVE IRIS AND LESION	Surgery	8.68	9.36	$120.59
66605	0	REMOVAL OF IRIS	Surgery	12.79	11.87	$120.59
66625	0	REMOVAL OF IRIS	Surgery	5.13	5.64	$120.59
66630	0	REMOVAL OF IRIS	Surgery	6.16	6.78	$120.59
66635	0	REMOVAL OF IRIS	Surgery	6.25	6.88	$120.59
66680	0	REPAIR IRIS & CILIARY	Surgery	5.44	5.98	$120.59
66682	0	REPAIR IRIS AND CILIARY	Surgery	6.21	6.83	$120.59
66700	0	DESTRUCTION, CILIARY	Surgery	4.78	5.26	$120.59
66710	0	DESTRUCTION, CILIARY	Surgery	4.78	5.26	$120.59
66720	0	DESTRUCTION, CILIARY	Surgery	4.78	5.26	$120.59
66740	0	DESTRUCTION, CILIARY	Surgery	4.78	5.26	$120.59
66761	0	REVISION OF IRIS	Surgery	4.07	2.24	$120.59
66762	0	REVISION OF IRIS	Surgery	4.58	2.52	$120.59
66770	0	REMOVAL OF INNER EYE	Surgery	5.18	2.85	$120.59
66820	0	INCISION, SECONDARY	Surgery	3.89	4.28	$120.59
66821	0	AFTER CATARACT LASER	Surgery	2.35	2.59	$120.59
66825	0	REPOSITION INTRAOCULAR	Surgery	8.23	7.33	$120.59
66830	0	REMOVAL OF LENS LESION	Surgery	8.20	7.67	$120.59
66840	0	REMOVAL OF LENS MATERIAL	Surgery	7.91	8.70	$120.59
66850	0	REMOVAL OF LENS MATERIAL	Surgery	9.11	10.02	$120.59
66852	0	REMOVAL OF LENS MATERIAL	Surgery	9.97	10.97	$120.59
66920	0	EXTRACTION OF LENS	Surgery	8.86	9.75	$120.59
66930	0	EXTRACTION OF LENS	Surgery	10.18	10.49	$120.59
66940	0	EXTRACTION OF LENS	Surgery	8.93	9.82	$120.59
66983	0	REMOVE CATARACT, INSERT	Surgery	8.99	9.89	$120.59
66984	0	REMOVE CATARACT, INSERT	Surgery	10.28	11.31	$120.59
66985	0	INSERT LENS PROSTHESIS	Surgery	8.39	9.23	$120.59
66986	0	EXCHANGE LENS PROSTHESIS	Surgery	12.28	12.20	$120.59
67005	0	PARTIAL REMOVAL OF EYE	Surgery	5.70	6.27	$120.59
67010	0	PARTIAL REMOVAL OF EYE	Surgery	6.87	7.56	$120.59
67015	0	RELEASE OF EYE FLUID	Surgery	6.92	6.45	$120.59
67025	0	REPLACE EYE FLUID	Surgery	6.84	6.75	$120.59
67027	0	IMPLANT EYE DRUG SYSTEM	Surgery	10.85	9.04	$120.59
67028	0	INJECTION EYE DRUG	Surgery	2.52	2.77	$120.59
67030	0	INCISE INNER EYE STRANDS	Surgery	4.84	5.32	$120.59
67031	0	LASER SURGERY, EYE	Surgery	3.67	2.02	$120.59
67036	0	REMOVAL OF INNER EYE	Surgery	11.89	13.08	$120.59
67038	0	STRIP RETINAL MEMBRANE	Surgery	21.24	23.36	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
67039	0	LASER TREATMENT OF	Surgery	14.52	15.97	$120.59
67040	0	LASER TREATMENT OF	Surgery	17.23	18.95	$120.59
67101	0	REPAIR, DETACHED RETINA	Surgery	7.53	4.14	$120.59
67105	0	REPAIR, DETACHED RETINA	Surgery	7.41	4.57	$120.59
67107	0	REPAIR DETACHED RETINA	Surgery	14.84	16.32	$120.59
67108	0	REPAIR DETACHED RETINA	Surgery	20.82	22.90	$120.59
67110	0	REPAIR DETACHED RETINA	Surgery	8.81	9.69	$120.59
67112	0	RE-REPAIR DETACHED	Surgery	16.86	16.51	$120.59
67115	0	RELEASE, ENCIRCLING	Surgery	4.99	5.49	$120.59
67120	0	REMOVE EYE IMPLANT	Surgery	5.98	6.58	$120.59
67121	0	REMOVE EYE IMPLANT	Surgery	10.67	9.42	$120.59
67141	0	TREATMENT OF RETINA	Surgery	5.20	2.86	$120.59
67145	0	TREATMENT OF RETINA	Surgery	5.37	6.50	$120.59
67208	0	TREATMENT OF RETINAL	Surgery	6.70	3.69	$120.59
67210	0	TREATMENT OF RETINAL	Surgery	10.05	9.02	$120.59
67218	0	TREATMENT OF RETINAL	Surgery	13.52	13.31	$120.59
67227	0	TREATMENT OF RETINAL	Surgery	6.58	7.24	$120.59
67228	0	TREATMENT OF RETINAL	Surgery	12.74	9.39	$120.59
67250	0	REINFORCE EYE WALL	Surgery	8.66	6.99	$120.59
67255	0	REINFORCE/GRAFT EYE WALL	Surgery	8.90	9.79	$120.59
67311	0	REVISE EYE MUSCLE	Surgery	6.65	7.32	$120.59
67312	0	REVISE TWO EYE MUSCLES	Surgery	8.54	9.39	$120.59
67314	0	REVISE EYE MUSCLE	Surgery	7.52	8.27	$120.59
67316	0	REVISE TWO EYE MUSCLES	Surgery	9.66	10.27	$120.59
67318	0	REVISE EYE MUSCLE(S)	Surgery	7.85	6.21	$120.59
67320	0	REVISE EYE MUSCLE(S)	Surgery	8.66	9.53	$120.59
67331	0	EYE SURGERY FOLLOW-UP	Surgery	8.12	8.93	$120.59
67332	0	REREVISE EYE MUSCLES	Surgery	8.99	9.89	$120.59
67334	0	REVISE EYE MUSCLE W/	Surgery	7.96	6.30	$120.59
67335	0	EYE SUTURE DURING	Surgery	2.49	2.74	$120.59
67340	0	REVISE EYE MUSCLE	Surgery	9.85	7.88	$120.59
67343	0	RELEASE EYE TISSUE	Surgery	7.35	5.83	$120.59
67345	0	DESTROY NERVE OF EYE	Surgery	2.96	2.22	$120.59
67350	0	BIOPSY EYE MUSCLE	Surgery	2.87	2.39	$120.59
67400	0	EXPLORE/BIOPSY EYE	Surgery	9.76	10.74	$120.59
67405	0	EXPLORE/DRAIN EYE SOCKET	Surgery	7.93	8.72	$120.59
67412	0	EXPLORE/TREAT EYE SOCKET	Surgery	9.50	10.45	$120.59
67413	0	EXPLORE/TREAT EYE SOCKET	Surgery	10.00	8.09	$120.59
67414	0	EXPLORE/DECOMPRESS EYE	Surgery	11.13	8.39	$120.59
67415	0	ASPIRATION ORBITAL	Surgery	1.76	1.94	$120.59
67420	0	EXPLORE/TREAT EYE SOCKET	Surgery	20.06	16.78	$120.59
67430	0	EXPLORE/TREAT EYE SOCKET	Surgery	13.39	10.65	$120.59
67440	0	EXPLORE/DRAIN EYE SOCKET	Surgery	13.09	14.40	$120.59
67445	0	EXPLORE/DECOMPRESS EYE	Surgery	14.42	11.13	$120.59
67450	0	EXPLORE/BIOPSY EYE	Surgery	13.51	14.86	$120.59
67500	0	INJECT/TREAT EYE SOCKET	Surgery	0.79	0.73	$120.59
67505	0	INJECT/TREAT EYE SOCKET	Surgery	0.82	0.90	$120.59
67515	0	INJECT/TREAT EYE SOCKET	Surgery	0.61	0.56	$120.59
67550	0	INSERT EYE SOCKET	Surgery	10.19	9.62	$120.59
67560	0	REVISE EYE SOCKET	Surgery	10.60	8.30	$120.59
67570	0	DECOMPRESS OPTIC NERVE	Surgery	13.58	7.56	$120.59
67700	0	DRAINAGE OF EYELID	Surgery	1.35	0.49	$120.59
67710	0	INCISION OF EYELID	Surgery	1.02	0.51	$120.59
67715	0	INCISION OF EYELID FOLD	Surgery	1.22	1.34	$120.59
67800	0	REMOVE EYELID LESION	Surgery	1.38	0.94	$120.59
67801	0	REMOVE EYELID LESIONS	Surgery	1.88	1.39	$120.59
67805	0	REMOVE EYELID LESIONS	Surgery	2.22	1.38	$120.59
67808	0	REMOVE EYELID LESION(S)	Surgery	3.80	2.13	$120.59
67810	0	BIOPSY OF EYELID	Surgery	1.48	0.81	$120.59
67820	0	REVISE EYELASHES	Surgery	0.89	0.38	$120.59
67825	0	REVISE EYELASHES	Surgery	1.38	0.90	$120.59
67830	0	REVISE EYELASHES	Surgery	1.70	1.87	$120.59
67835	0	REVISE EYELASHES	Surgery	5.56	6.12	$120.59
67840	0	REMOVE EYELID LESION	Surgery	2.04	1.22	$120.59
67850	0	TREAT EYELID LESION	Surgery	1.69	0.82	$120.59
67875	0	CLOSURE OF EYELID BY	Surgery	1.35	1.49	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
67880	0	REVISION OF EYELID	Surgery	3.80	3.94	$120.59
67882	0	REVISION OF EYELID	Surgery	5.07	5.58	$120.59
67900	0	REPAIR BROW DEFECT	Surgery	6.14	3.78	$120.59
67901	0	REPAIR EYELID DEFECT	Surgery	6.97	7.67	$120.59
67902	0	REPAIR EYELID DEFECT	Surgery	7.03	7.73	$120.59
67903	0	REPAIR EYELID DEFECT	Surgery	6.37	7.01	$120.59
67904	0	REPAIR EYELID DEFECT	Surgery	6.26	6.89	$120.59
67906	0	REPAIR EYELID DEFECT	Surgery	6.79	5.46	$120.59
67908	0	REPAIR EYELID DEFECT	Surgery	5.13	5.64	$120.59
67909	0	REVISE EYELID DEFECT	Surgery	5.40	5.94	$120.59
67911	0	REVISE EYELID DEFECT	Surgery	5.27	5.80	$120.59
67914	0	REPAIR EYELID DEFECT	Surgery	3.68	4.05	$120.59
67915	0	REPAIR EYELID DEFECT	Surgery	3.18	1.25	$120.59
67916	0	REPAIR EYELID DEFECT	Surgery	5.31	5.84	$120.59
67917	0	REPAIR EYELID DEFECT	Surgery	6.02	6.62	$120.59
67921	0	REPAIR EYELID DEFECT	Surgery	3.40	3.74	$120.59
67922	0	REPAIR EYELID DEFECT	Surgery	3.06	1.19	$120.59
67923	0	REPAIR EYELID DEFECT	Surgery	5.88	6.47	$120.59
67924	0	REPAIR EYELID DEFECT	Surgery	5.79	6.37	$120.59
67930	0	REPAIR EYELID WOUND	Surgery	3.61	0.64	$120.59
67935	0	REPAIR EYELID WOUND	Surgery	6.22	3.79	$120.59
67938	0	REMOVE EYELID FOREIGN	Surgery	1.33	0.52	$120.59
67950	0	REVISION OF EYELID	Surgery	5.82	6.40	$120.59
67961	0	REVISION OF EYELID	Surgery	5.69	6.26	$120.59
67966	0	REVISION OF EYELID	Surgery	6.57	7.23	$120.59
67971	0	RECONSTRUCTION OF EYELID	Surgery	9.79	10.68	$120.59
67973	0	RECONSTRUCTION OF EYELID	Surgery	12.87	13.54	$120.59
67974	0	RECONSTRUCTION OF EYELID	Surgery	12.84	14.07	$120.59
67975	0	RECONSTRUCTION OF EYELID	Surgery	9.13	4.15	$120.59
68020	0	INCISE/DRAIN EYELID	Surgery	1.37	0.51	$120.59
68040	0	TREATMENT OF EYELID	Surgery	0.85	0.45	$120.59
68100	0	BIOPSY OF EYELID LINING	Surgery	1.35	0.99	$120.59
68110	0	REMOVE EYELID LINING	Surgery	1.77	0.62	$120.59
68115	0	REMOVE EYELID LINING	Surgery	2.36	1.93	$120.59
68130	0	REMOVE EYELID LINING	Surgery	4.93	4.09	$120.59
68135	0	REMOVE EYELID LINING	Surgery	1.84	0.74	$120.59
68200	0	TREAT EYELID BY	Surgery	0.49	0.52	$120.59
68320	0	REVISE/GRAFT EYELID	Surgery	5.37	5.91	$120.59
68325	0	REVISE/GRAFT EYELID	Surgery	7.36	8.10	$120.59
68326	0	REVISE/GRAFT EYELID	Surgery	7.15	7.87	$120.59
68328	0	REVISE/GRAFT EYELID	Surgery	8.18	9.00	$120.59
68330	0	REVISE EYELID LINING	Surgery	4.83	5.31	$120.59
68335	0	REVISE/GRAFT EYELID	Surgery	7.19	7.91	$120.59
68340	0	SEPARATE EYELID	Surgery	4.17	3.14	$120.59
68360	0	REVISE EYELID LINING	Surgery	4.37	4.81	$120.59
68362	0	REVISE EYELID LINING	Surgery	7.34	8.01	$120.59
68400	0	INCISE/DRAIN TEAR GLAND	Surgery	1.69	1.00	$120.59
68420	0	INCISE/DRAIN TEAR SAC	Surgery	2.30	1.02	$120.59
68440	0	INCISE TEAR DUCT OPENING	Surgery	0.94	0.76	$120.59
68500	0	REMOVAL OF TEAR GLAND	Surgery	11.02	7.61	$120.59
68505	0	PARTIAL REMOVAL TEAR	Surgery	10.94	8.69	$120.59
68510	0	BIOPSY OF TEAR GLAND	Surgery	4.61	3.69	$120.59
68520	0	REMOVAL OF TEAR SAC	Surgery	7.51	8.26	$120.59
68525	0	BIOPSY OF TEAR SAC	Surgery	4.43	3.68	$120.59
68530	0	CLEARANCE OF TEAR DUCT	Surgery	3.66	2.85	$120.59
68540	0	REMOVE TEAR GLAND LESION	Surgery	10.60	8.31	$120.59
68550	0	REMOVE TEAR GLAND LESION	Surgery	13.26	11.34	$120.59
68700	0	REPAIR TEAR DUCTS	Surgery	6.60	2.69	$120.59
68705	0	REVISE TEAR DUCT OPENING	Surgery	2.06	0.51	$120.59
68720	0	CREATE TEAR SAC DRAIN	Surgery	8.96	9.84	$120.59
68745	0	CREATE TEAR DUCT DRAIN	Surgery	8.63	6.56	$120.59
68750	0	CREATE TEAR DUCT DRAIN	Surgery	8.66	9.53	$120.59
68760	0	CLOSE TEAR DUCT OPENING	Surgery	1.73	0.92	$120.59
68761	0	CLOSE TEAR DUCT OPENING	Surgery	1.36	0.92	$120.59
68770	0	CLOSE TEAR SYSTEM	Surgery	7.02	2.12	$120.59
68801	0	DILATE TEAR DUCT OPENING	Surgery	0.94	0.42	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
68810	0	PROBE NASOLACRIMAL DUCT	Surgery	1.90	0.28	$120.59
68811	0	PROBE NASOLACRIMAL DUCT	Surgery	2.35	1.49	$120.59
68815	0	PROBE NASOLACRIMAL DUCT	Surgery	3.20	0.97	$120.59
68840	0	EXPLORE/IRRIGATE TEAR	Surgery	1.25	0.49	$120.59
68850	0	INJECTION FOR TEAR SAC X-	Surgery	0.80	0.51	$120.59
69000	0	DRAIN EXTERNAL EAR	Surgery	1.45	0.35	$120.59
69005	0	DRAIN EXTERNAL EAR	Surgery	2.11	0.58	$120.59
69020	0	DRAIN OUTER EAR CANAL	Surgery	1.48	0.45	$120.59
69100	0	BIOPSY OF EXTERNAL EAR	Surgery	0.81	0.66	$120.59
69105	0	BIOPSY OF EXTERNAL EAR	Surgery	0.85	0.80	$120.59
69110	0	PARTIAL REMOVAL EXTERNAL	Surgery	3.44	2.63	$120.59
69120	0	REMOVAL OF EXTERNAL EAR	Surgery	4.05	0.78	$120.59
69140	0	REMOVE EAR CANAL	Surgery	7.97	8.00	$120.59
69145	0	REMOVE EAR CANAL	Surgery	2.62	2.51	$120.59
69150	0	EXTENSIVE EAR CANAL	Surgery	13.43	10.46	$120.59
69155	0	EXTENSIVE EAR/NECK	Surgery	20.80	15.92	$120.59
69200	0	CLEAR OUTER EAR CANAL	Surgery	0.77	0.42	$120.59
69205	0	CLEAR OUTER EAR CANAL	Surgery	1.20	1.07	$120.59
69210	0	REMOVE IMPACTED EAR WAX	Surgery	0.61	0.23	$120.59
69220	0	CLEAN OUT MASTOID CAVITY	Surgery	0.83	0.50	$120.59
69222	0	CLEAN OUT MASTOID CAVITY	Surgery	1.40	0.74	$120.59
69300	0	REVISE EXTERNAL EAR	Surgery	6.36	5.30	$120.59
69310	0	REBUILD OUTER EAR CANAL	Surgery	10.79	9.84	$120.59
69320	0	REBUILD OUTER EAR CANAL	Surgery	16.96	14.65	$120.59
69400	0	INFLATE MIDDLE EAR CANAL	Surgery	0.83	0.45	$120.59
69401	0	INFLATE MIDDLE EAR CANAL	Surgery	0.63	0.25	$120.59
69405	0	CATHETERIZE MIDDLE EAR	Surgery	2.63	0.48	$120.59
69410	0	INSET MIDDLE EAR BAFFLE	Surgery	0.33	0.60	$120.59
69420	0	INCISION OF EARDRUM	Surgery	1.33	0.69	$120.59
69421	0	INCISION OF EARDRUM	Surgery	1.73	1.14	$120.59
69424	0	REMOVE VENTILATING TUBE	Surgery	0.85	0.30	$120.59
69433	0	CREATE EARDRUM OPENING	Surgery	1.52	1.33	$120.59
69436	0	CREATE EARDRUM OPENING	Surgery	1.96	2.13	$120.59
69440	0	EXPLORATION OF MIDDLE	Surgery	7.57	8.33	$120.59
69450	0	EARDRUM REVISION	Surgery	5.57	6.13	$120.59
69501	0	MASTOIDECTOMY	Surgery	9.07	9.98	$120.59
69502	0	MASTOIDECTOMY	Surgery	12.38	13.36	$120.59
69505	0	REMOVE MASTOID	Surgery	12.99	14.29	$120.59
69511	0	EXTENSIVE MASTOID	Surgery	13.52	14.87	$120.59
69530	0	EXTENSIVE MASTOID	Surgery	19.19	16.71	$120.59
69535	0	REMOVE PART OF TEMPORAL	Surgery	36.14	25.27	$120.59
69540	0	REMOVE EAR LESION	Surgery	1.20	1.27	$120.59
69550	0	REMOVE EAR LESION	Surgery	10.99	12.09	$120.59
69552	0	REMOVE EAR LESION	Surgery	19.46	16.73	$120.59
69554	0	REMOVE EAR LESION	Surgery	33.16	22.87	$120.59
69601	0	MASTOID SURGERY REVISION	Surgery	13.24	14.02	$120.59
69602	0	MASTOID SURGERY REVISION	Surgery	13.58	14.94	$120.59
69603	0	MASTOID SURGERY REVISION	Surgery	14.02	15.42	$120.59
69604	0	MASTOID SURGERY REVISION	Surgery	14.02	15.42	$120.59
69605	0	MASTOID SURGERY REVISION	Surgery	18.49	14.95	$120.59
69610	0	REPAIR OF EARDRUM	Surgery	4.43	0.93	$120.59
69620	0	REPAIR OF EARDRUM	Surgery	5.89	6.48	$120.59
69631	0	REPAIR EARDRUM	Surgery	9.86	10.85	$120.59
69632	0	REBUILD EARDRUM	Surgery	12.75	14.03	$120.59
69633	0	REBUILD EARDRUM	Surgery	12.10	13.31	$120.59
69635	0	REPAIR EARDRUM	Surgery	13.33	14.66	$120.59
69636	0	REBUILD EARDRUM	Surgery	15.22	16.74	$120.59
69637	0	REBUILD EARDRUM	Surgery	15.11	16.62	$120.59
69641	0	REVISE MIDDLE EAR &	Surgery	12.71	13.98	$120.59
69642	0	REVISE MIDDLE EAR &	Surgery	16.84	18.52	$120.59
69643	0	REVISE MIDDLE EAR &	Surgery	15.32	16.85	$120.59
69644	0	REVISE MIDDLE EAR &	Surgery	16.97	18.67	$120.59
69645	0	REVISE MIDDLE EAR &	Surgery	16.38	18.02	$120.59
69646	0	REVISE MIDDLE EAR &	Surgery	17.99	19.79	$120.59
69650	0	RELEASE MIDDLE EAR BONE	Surgery	9.66	10.63	$120.59
69660	0	REVISE MIDDLE EAR BONE	Surgery	11.90	13.09	$120.59

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
69661	0	REVISE MIDDLE EAR BONE	Surgery	15.74	17.31	$120.59
69662	0	REVISE MIDDLE EAR BONE	Surgery	15.44	16.98	$120.59
69666	0	REPAIR MIDDLE EAR	Surgery	9.75	10.73	$120.59
69667	0	REPAIR MIDDLE EAR	Surgery	9.76	10.74	$120.59
69670	0	REMOVE MASTOID AIR CELLS	Surgery	11.51	10.18	$120.59
69676	0	REMOVE MIDDLE EAR NERVE	Surgery	9.52	8.53	$120.59
69700	0	CLOSE MASTOID FISTULA	Surgery	8.23	7.86	$120.59
69711	0	REMOVE/REPAIR HEARING	Surgery	10.44	8.44	$120.59
69720	0	RELEASE FACIAL NERVE	Surgery	14.38	15.82	$120.59
69725	0	RELEASE FACIAL NERVE	Surgery	25.38	14.65	$120.59
69740	0	REPAIR FACIAL NERVE	Surgery	15.96	11.83	$120.59
69745	0	REPAIR FACIAL NERVE	Surgery	16.69	15.95	$120.59
69801	0	INCISE INNER EAR	Surgery	8.56	9.42	$120.59
69802	0	INCISE INNER EAR	Surgery	13.10	11.24	$120.59
69805	0	EXPLORE INNER EAR	Surgery	13.82	13.14	$120.59
69806	0	EXPLORE INNER EAR	Surgery	12.35	13.59	$120.59
69820	0	ESTABLISH INNER EAR	Surgery	10.34	8.85	$120.59
69840	0	REVISE INNER EAR WINDOW	Surgery	10.26	8.49	$120.59
69905	0	REMOVE INNER EAR	Surgery	11.10	12.21	$120.59
69910	0	REMOVE INNER EAR &	Surgery	13.63	14.99	$120.59
69915	0	INCISE INNER EAR NERVE	Surgery	21.23	17.71	$120.59
69930	0	IMPLANT COCHLEAR DEVICE	Surgery	16.81	18.49	$120.59
69950	0	INCISE INNER EAR NERVE	Surgery	25.64	17.99	$120.59
69955	0	RELEASE FACIAL NERVE	Surgery	27.04	20.28	$120.59
69960	0	RELEASE INNER EAR CANAL	Surgery	27.04	17.85	$120.59
69970	0	REMOVE INNER EAR LESION	Surgery	30.04	19.69	$120.59
70010	26	CONTRAST X-RAY OF BRAIN	Radiology	1.19	0.52	$139.16
70015	26	CONTRAST X-RAY OF BRAIN	Radiology	1.19	0.52	$139.16
70030	26	X-RAY EYE FOR FOREIGN	Radiology	0.17	0.08	$139.16
70100	26	X-RAY EXAM OF JAW	Radiology	0.18	0.09	$139.16
70110	26	X-RAY EXAM OF JAW	Radiology	0.25	0.12	$139.16
70120	26	X-RAY EXAM OF MASTOIDS	Radiology	0.18	0.09	$139.16
70130	26	X-RAY EXAM OF MASTOIDS	Radiology	0.34	0.16	$139.16
70134	26	X-RAY EXAM OF MIDDLE EAR	Radiology	0.34	0.16	$139.16
70140	26	X-RAY EXAM OF FACIAL	Radiology	0.19	0.09	$139.16
70150	26	X-RAY EXAM OF FACIAL	Radiology	0.26	0.12	$139.16
70160	26	X-RAY EXAM OF NASAL	Radiology	0.17	0.08	$139.16
70170	26	X-RAY EXAM OF TEAR DUCT	Radiology	0.30	0.14	$139.16
70190	26	X-RAY EXAM OF EYE	Radiology	0.21	0.10	$139.16
70200	26	X-RAY EXAM OF EYE	Radiology	0.28	0.13	$139.16
70210	26	X-RAY EXAM OF SINUSES	Radiology	0.17	0.08	$139.16
70220	26	X-RAY EXAM OF SINUSES	Radiology	0.25	0.12	$139.16
70240	26	X-RAY EXAM PITUITARY	Radiology	0.19	0.09	$139.16
70250	26	X-RAY EXAM OF SKULL	Radiology	0.24	0.11	$139.16
70260	26	X-RAY EXAM OF SKULL	Radiology	0.34	0.16	$139.16
70300	26	X-RAY EXAM OF TEETH	Radiology	0.10	0.05	$139.16
70310	26	X-RAY EXAM OF TEETH	Radiology	0.16	0.07	$139.16
70320	26	FULL MOUTH X-RAY OF	Radiology	0.22	0.10	$139.16
70328	26	X-RAY EXAM OF JAW JOINT	Radiology	0.18	0.09	$139.16
70330	26	X-RAY EXAM OF JAW JOINTS	Radiology	0.24	0.11	$139.16
70332	26	X-RAY EXAM OF JAW JOINT	Radiology	0.54	0.25	$139.16
70336	26	MAGNETIC IMAGE JAW JOINT	Radiology	1.48	0.43	$139.16
70350	26	X-RAY HEAD FOR	Radiology	0.17	0.08	$139.16
70355	26	PANORAMIC X-RAY OF JAWS	Radiology	0.20	0.09	$139.16
70360	26	X-RAY EXAM OF NECK	Radiology	0.17	0.08	$139.16
70370	26	THROAT X-RAY &	Radiology	0.32	0.15	$139.16
70371	26	SPEECH EVALUATION,	Radiology	0.84	0.38	$139.16
70373	26	CONTRAST X-RAY OF LARYNX	Radiology	0.44	0.20	$139.16
70380	26	X-RAY EXAM OF SALIVARY	Radiology	0.17	0.08	$139.16
70390	26	X-RAY EXAM OF SALIVARY	Radiology	0.38	0.17	$139.16
70450	26	CAT SCAN OF HEAD OR	Radiology	0.85	0.38	$139.16
70460	26	CONTRAST CAT SCAN OF	Radiology	1.13	0.50	$139.16
70470	26	CONTRAST CAT SCANS OF	Radiology	1.27	0.56	$139.16
70480	26	CAT SCAN OF SKULL	Radiology	1.28	0.57	$139.16
70481	26	CONTRAST CAT SCAN OF	Radiology	1.38	0.61	$139.16
70482	26	CONTRAST CAT SCANS OF	Radiology	1.45	0.64	$139.16

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
70486	26	CAT SCAN OF FACE, JAW	Radiology	1.14	0.50	$139.16
70487	26	CONTRAST CAT SCAN, FACE/	Radiology	1.30	0.57	$139.16
70488	26	CONTRAST CAT SCANS FACE/	Radiology	1.42	0.63	$139.16
70490	26	CAT SCAN OF NECK TISSUE	Radiology	1.28	0.57	$139.16
70491	26	CONTRAST CAT OF NECK	Radiology	1.38	0.61	$139.16
70492	26	CONTRAST CAT OF NECK	Radiology	1.45	0.64	$139.16
70540	26	MAGNETIC IMAGE, FACE,	Radiology	1.48	0.66	$139.16
70541	26	MAGNETIC IMAGE, HEAD	Radiology	1.81	0.66	$139.16
70551	26	MAGNETIC IMAGE, BRAIN	Radiology	1.48	0.66	$139.16
70552	26	MAGNETIC IMAGE, BRAIN	Radiology	1.78	0.80	$139.16
70553	26	MAGNETIC IMAGE, BRAIN	Radiology	2.36	1.07	$139.16
71010	26	CHEST X-RAY	Radiology	0.18	0.08	$139.16
71015	26	X-RAY EXAM OF CHEST	Radiology	0.21	0.10	$139.16
71020	26	CHEST X-RAY	Radiology	0.22	0.10	$139.16
71021	26	CHEST X-RAY	Radiology	0.27	0.12	$139.16
71022	26	CHEST X-RAY	Radiology	0.31	0.14	$139.16
71023	26	CHEST X-RAY AND	Radiology	0.38	0.17	$139.16
71030	26	CHEST X-RAY	Radiology	0.31	0.14	$139.16
71034	26	CHEST X-RAY &	Radiology	0.46	0.21	$139.16
71035	26	CHEST X-RAY	Radiology	0.18	0.08	$139.16
71036	26	X-RAY GUIDANCE FOR	Radiology	0.54	0.25	$139.16
71038	26	X-RAY GUIDANCE FOR	Radiology	0.54	0.25	$139.16
71040	26	CONTRAST X-RAY OF	Radiology	0.58	0.27	$139.16
71060	26	CONTRAST X-RAY OF	Radiology	0.74	0.34	$139.16
71090	26	X-RAY & PACEMAKER	Radiology	0.54	0.25	$139.16
71100	26	X-RAY EXAM OF RIBS	Radiology	0.22	0.10	$139.16
71101	26	X-RAY EXAM OF RIBS,	Radiology	0.27	0.13	$139.16
71110	26	X-RAY EXAM OF RIBS	Radiology	0.27	0.13	$139.16
71111	26	X-RAY EXAM OF RIBS,	Radiology	0.32	0.15	$139.16
71120	26	X-RAY EXAM OF BREASTBONE	Radiology	0.20	0.09	$139.16
71130	26	X-RAY EXAM OF BREASTBONE	Radiology	0.22	0.10	$139.16
71250	26	CAT SCAN OF CHEST	Radiology	1.16	0.51	$139.16
71260	26	CONTRAST CAT SCAN OF	Radiology	1.24	0.55	$139.16
71270	26	CONTRAST CAT SCANS OF	Radiology	1.38	0.61	$139.16
71550	26	MAGNETIC IMAGE, CHEST	Radiology	1.60	0.72	$139.16
71555	26	MAGNETIC IMAGING/CHEST	Radiology	1.81	0.72	$139.16
72010	26	X-RAY EXAM OF SPINE	Radiology	0.45	0.20	$139.16
72020	26	X-RAY EXAM OF SPINE	Radiology	0.15	0.07	$139.16
72040	26	X-RAY EXAM OF NECK SPINE	Radiology	0.22	0.10	$139.16
72050	26	X-RAY EXAM OF NECK SPINE	Radiology	0.31	0.14	$139.16
72052	26	X-RAY EXAM OF NECK SPINE	Radiology	0.36	0.17	$139.16
72069	26	X-RAY EXAM OF TRUNK	Radiology	0.22	0.10	$139.16
72070	26	X-RAY EXAM OF THORAX	Radiology	0.22	0.10	$139.16
72072	26	X-RAY EXAM OF THORACIC	Radiology	0.22	0.10	$139.16
72074	26	X-RAY EXAM OF THORACIC	Radiology	0.22	0.10	$139.16
72080	26	X-RAY EXAM OF TRUNK	Radiology	0.22	0.10	$139.16
72090	26	X-RAY EXAM OF TRUNK	Radiology	0.28	0.13	$139.16
72100	26	X-RAY EXAM OF LOWER	Radiology	0.22	0.10	$139.16
72110	26	X-RAY EXAM OF LOWER	Radiology	0.31	0.14	$139.16
72114	26	X-RAY EXAM OF LOWER	Radiology	0.36	0.17	$139.16
72120	26	X-RAY EXAM OF LOWER	Radiology	0.22	0.10	$139.16
72125	26	CAT SCAN OF NECK SPINE	Radiology	1.16	0.51	$139.16
72126	26	CONTRAST CAT SCAN OF	Radiology	1.22	0.53	$139.16
72127	26	CONTRAST CAT SCANS OF	Radiology	1.27	0.56	$139.16
72128	26	CAT SCAN OF THORAX SPINE	Radiology	1.16	0.51	$139.16
72129	26	CONTRAST CAT SCAN OF	Radiology	1.22	0.53	$139.16
72130	26	CONTRAST CAT SCANS OF	Radiology	1.27	0.56	$139.16
72131	26	CAT SCAN OF LOWER SPINE	Radiology	1.16	0.51	$139.16
72132	26	CONTRAST CAT OF LOWER	Radiology	1.22	0.53	$139.16
72133	26	CONTRAST CAT SCANS, LOW	Radiology	1.27	0.56	$139.16
72141	26	MAGNETIC IMAGE, NECK	Radiology	1.60	0.72	$139.16
72142	26	MAGNETIC IMAGE, NECK	Radiology	1.92	0.86	$139.16
72146	26	MAGNETIC IMAGE, CHEST	Radiology	1.60	0.72	$139.16
72147	26	MAGNETIC IMAGE, CHEST	Radiology	1.92	0.86	$139.16
72148	26	MAGNETIC IMAGE, LUMBAR	Radiology	1.48	0.66	$139.16
72149	26	MAGNETIC IMAGE, LUMBAR	Radiology	1.78	0.80	$139.16

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
72156	26	MAGNETIC IMAGE, NECK	Radiology	2.57	1.15	$139.16
72157	26	MAGNETIC IMAGE, CHEST	Radiology	2.57	1.15	$139.16
72158	26	MAGNETIC IMAGE, LUMBAR	Radiology	2.36	1.07	$139.16
72159	26	MAGNETIC IMAGING/SPINE	Radiology	1.80	0.66	$139.16
72170	26	X-RAY EXAM OF PELVIS	Radiology	0.17	0.07	$139.16
72190	26	X-RAY EXAM OF PELVIS	Radiology	0.21	0.10	$139.16
72192	26	CAT SCAN OF PELVIS	Radiology	1.09	0.48	$139.16
72193	26	CONTRAST CAT SCAN OF	Radiology	1.16	0.51	$139.16
72194	26	CONTRAST CAT SCANS OF	Radiology	1.22	0.53	$139.16
72196	26	MAGNETIC IMAGE, PELVIS	Radiology	1.60	0.72	$139.16
72198	26	MAGNETIC IMAGING/	Radiology	1.80	0.72	$139.16
72200	26	X-RAY EXAM SACROILIAC	Radiology	0.17	0.08	$139.16
72202	26	X-RAY EXAM SACROILIAC	Radiology	0.19	0.09	$139.16
72220	26	X-RAY EXAM OF TAILBONE	Radiology	0.17	0.08	$139.16
72240	26	CONTRAST X-RAY OF NECK	Radiology	0.91	0.41	$139.16
72255	26	CONTRAST X-RAY THORAX	Radiology	0.91	0.41	$139.16
72265	26	CONTRAST X-RAY LOWER	Radiology	0.83	0.38	$139.16
72270	26	CONTRAST X-RAY OF SPINE	Radiology	1.33	0.59	$139.16
72285	26	X-RAY OF NECK SPINE DISK	Radiology	0.83	0.38	$139.16
72295	26	X-RAY OF LOWER SPINE	Radiology	0.83	0.38	$139.16
73000	26	X-RAY EXAM OF COLLARBONE	Radiology	0.16	0.07	$139.16
73010	26	X-RAY EXAM OF SHOULDER	Radiology	0.17	0.08	$139.16
73020	26	X-RAY EXAM OF SHOULDER	Radiology	0.15	0.07	$139.16
73030	26	X-RAY EXAM OF SHOULDER	Radiology	0.18	0.08	$139.16
73040	26	CONTRAST X-RAY OF	Radiology	0.54	0.25	$139.16
73050	26	X-RAY EXAM OF SHOULDERS	Radiology	0.20	0.09	$139.16
73060	26	X-RAY EXAM OF HUMERUS	Radiology	0.17	0.08	$139.16
73070	26	X-RAY EXAM OF ELBOW	Radiology	0.15	0.07	$139.16
73080	26	X-RAY EXAM OF ELBOW	Radiology	0.17	0.08	$139.16
73085	26	CONTRAST X-RAY OF ELBOW	Radiology	0.54	0.25	$139.16
73090	26	X-RAY EXAM OF FOREARM	Radiology	0.16	0.07	$139.16
73092	26	X-RAY EXAM OF ARM,	Radiology	0.16	0.07	$139.16
73100	26	X-RAY EXAM OF WRIST	Radiology	0.16	0.07	$139.16
73110	26	X-RAY EXAM OF WRIST	Radiology	0.17	0.08	$139.16
73115	26	CONTRAST X-RAY OF WRIST	Radiology	0.54	0.25	$139.16
73120	26	X-RAY EXAM OF HAND	Radiology	0.16	0.07	$139.16
73130	26	X-RAY EXAM OF HAND	Radiology	0.17	0.08	$139.16
73140	26	X-RAY EXAM OF FINGER(S)	Radiology	0.13	0.06	$139.16
73200	26	CAT SCAN OF ARM	Radiology	1.09	0.48	$139.16
73201	26	CONTRAST CAT SCAN OF ARM	Radiology	1.16	0.51	$139.16
73202	26	CONTRAST CAT SCANS OF	Radiology	1.22	0.53	$139.16
73220	26	MAGNETIC IMAGE, ARM,	Radiology	1.48	0.66	$139.16
73221	26	MAGNETIC IMAGE, JOINT OF	Radiology	1.48	0.43	$139.16
73225	26	MAGNETIC IMAGING/UPPER	Radiology	1.73	0.66	$139.16
73500	26	X-RAY EXAM OF HIP	Radiology	0.17	0.08	$139.16
73510	26	X-RAY EXAM OF HIP	Radiology	0.21	0.10	$139.16
73520	26	X-RAY EXAM OF HIPS	Radiology	0.26	0.12	$139.16
73525	26	CONTRAST X-RAY OF HIP	Radiology	0.54	0.25	$139.16
73530	26	X-RAY EXAM OF HIP	Radiology	0.29	0.13	$139.16
73540	26	X-RAY EXAM OF PELVIS &	Radiology	0.20	0.10	$139.16
73550	26	X-RAY EXAM OF THIGH	Radiology	0.17	0.08	$139.16
73560	26	X-RAY EXAM OF KNEE	Radiology	0.17	0.07	$139.16
73562	26	X-RAY EXAM OF KNEE	Radiology	0.18	0.09	$139.16
73564	26	X-RAY EXAM OF KNEE	Radiology	0.22	0.10	$139.16
73565	26	X-RAY EXAM OF KNEE	Radiology	0.17	0.07	$139.16
73580	26	CONTRAST X-RAY OF KNEE	Radiology	0.54	0.25	$139.16
73590	26	X-RAY EXAM OF LOWER LEG	Radiology	0.17	0.07	$139.16
73592	26	X-RAY EXAM OF LEG,	Radiology	0.16	0.07	$139.16
73600	26	X-RAY EXAM OF ANKLE	Radiology	0.16	0.07	$139.16
73610	26	X-RAY EXAM OF ANKLE	Radiology	0.17	0.08	$139.16
73615	26	CONTRAST X-RAY OF ANKLE	Radiology	0.54	0.25	$139.16
73620	26	X-RAY EXAM OF FOOT	Radiology	0.16	0.07	$139.16
73630	26	X-RAY EXAM OF FOOT	Radiology	0.17	0.08	$139.16
73650	26	X-RAY EXAM OF HEEL	Radiology	0.16	0.07	$139.16
73660	26	X-RAY EXAM OF TOE(S)	Radiology	0.13	0.06	$139.16
73700	26	CAT SCAN OF LEG	Radiology	1.09	0.48	$139.16

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
73701	26	CONTRAST CAT SCAN OF LEG	Radiology	1.16	0.51	$139.16
73702	26	CONTRAST CAT SCANS OF	Radiology	1.22	0.53	$139.16
73720	26	MAGNETIC IMAGE, LEG,	Radiology	1.48	0.66	$139.16
73721	26	MAGNETIC IMAGE, JOINT OF	Radiology	1.48	0.43	$139.16
73725	26	MAGNETIC IMAGING/LOWER	Radiology	1.82	0.66	$139.16
74000	26	X-RAY EXAM OF ABDOMEN	Radiology	0.18	0.08	$139.16
74010	26	X-RAY EXAM OF ABDOMEN	Radiology	0.23	0.11	$139.16
74020	26	X-RAY EXAM OF ABDOMEN	Radiology	0.27	0.13	$139.16
74022	26	X-RAY EXAM SERIES,	Radiology	0.32	0.15	$139.16
74150	26	CAT SCAN OF ABDOMEN	Radiology	1.19	0.52	$139.16
74160	26	CONTRAST CAT SCAN OF	Radiology	1.27	0.56	$139.16
74170	26	CONTRAST CAT SCANS,	Radiology	1.40	0.62	$139.16
74181	26	MAGNETIC IMAGE, ABDOMEN	Radiology	1.60	0.72	$139.16
74185	26	MAGNETIC IMAGE/ABDOMEN	Radiology	1.80	0.72	$139.16
74190	26	X-RAY EXAM OF PERITONEUM	Radiology	0.48	0.13	$139.16
74210	26	CONTRAST X-RAY EXAM OF	Radiology	0.36	0.16	$139.16
74220	26	CONTRAST X-RAY	Radiology	0.46	0.21	$139.16
74230	26	CINEMA X-RAY THROAT/	Radiology	0.53	0.25	$139.16
74235	26	REMOVE ESOPHAGUS	Radiology	1.19	0.52	$139.16
74240	26	X-RAY EXAM UPPER GI	Radiology	0.69	0.32	$139.16
74241	26	X-RAY EXAM UPPER GI	Radiology	0.69	0.32	$139.16
74245	26	X-RAY EXAM UPPER GI	Radiology	0.91	0.41	$139.16
74246	26	CONTRAST X-RAY UPPER GI	Radiology	0.69	0.32	$139.16
74247	26	CONTRAST X-RAY UPPER GI	Radiology	0.69	0.32	$139.16
74249	26	CONTRAST X-RAY UPPER GI	Radiology	0.91	0.41	$139.16
74250	26	X-RAY EXAM OF SMALL	Radiology	0.47	0.21	$139.16
74251	26	X-RAY EXAM OF SMALL	Radiology	0.69	0.21	$139.16
74260	26	X-RAY EXAM OF SMALL	Radiology	0.50	0.23	$139.16
74270	26	CONTRAST X-RAY EXAM OF	Radiology	0.69	0.32	$139.16
74280	26	CONTRAST X-RAY EXAM OF	Radiology	0.99	0.45	$139.16
74283	26	CONTRAST X-RAY EXAM OF	Radiology	2.02	0.90	$139.16
74290	26	CONTRAST X-RAY,	Radiology	0.32	0.15	$139.16
74291	26	CONTRAST X-RAYS,	Radiology	0.20	0.09	$139.16
74300	26	X-RAY BILE DUCTS,	Radiology	0.36	0.17	$139.16
74301	26	ADDITIONAL X-RAYS AT	Radiology	0.21	0.10	$139.16
74305	26	X-RAY BILE DUCTS,	Radiology	0.42	0.19	$139.16
74320	26	CONTRAST X-RAY OF BILE	Radiology	0.54	0.25	$139.16
74327	26	X-RAY FOR BILE STONE	Radiology	0.70	0.32	$139.16
74328	26	X-RAY FOR BILE DUCT	Radiology	0.70	0.32	$139.16
74329	26	X-RAY FOR PANCREAS	Radiology	0.70	0.32	$139.16
74330	26	X-RAY, BILE/PANCREAS	Radiology	0.90	0.32	$139.16
74340	26	X-RAY GUIDE FOR GI TUBE	Radiology	0.54	0.25	$139.16
74350	26	X-RAY GUIDE, STOMACH	Radiology	0.76	0.35	$139.16
74355	26	X-RAY GUIDE, INTESTINAL	Radiology	0.76	0.35	$139.16
74360	26	X-RAY GUIDE, GI DILATION	Radiology	0.54	0.25	$139.16
74363	26	X-RAY, BILE DUCT	Radiology	0.88	0.40	$139.16
74400	26	CONTRAST X-RAY URINARY	Radiology	0.49	0.22	$139.16
74405	26	CONTRAST X-RAY URINARY	Radiology	0.49	0.22	$139.16
74410	26	CONTRAST X-RAY URINARY	Radiology	0.49	0.22	$139.16
74415	26	CONTRAST X-RAY URINARY	Radiology	0.49	0.22	$139.16
74420	26	CONTRAST X-RAY URINARY	Radiology	0.36	0.16	$139.16
74425	26	CONTRAST X-RAY URINARY	Radiology	0.36	0.16	$139.16
74430	26	CONTRAST X-RAY OF	Radiology	0.32	0.15	$139.16
74440	26	X-RAY EXAM MALE GENITAL	Radiology	0.38	0.17	$139.16
74445	26	X-RAY EXAM OF PENIS	Radiology	1.14	0.50	$139.16
74450	26	X-RAY EXAM URETHRA/	Radiology	0.33	0.15	$139.16
74455	26	X-RAY EXAM URETHRA/	Radiology	0.33	0.15	$139.16
74470	26	X-RAY EXAM OF KIDNEY	Radiology	0.54	0.25	$139.16
74475	26	X-RAY CONTROL CATHETER	Radiology	0.54	0.25	$139.16
74480	26	X-RAY CONTROL CATHETER	Radiology	0.54	0.25	$139.16
74485	26	X-RAY GUIDE, GU DILATION	Radiology	0.54	0.25	$139.16
74710	26	X-RAY MEASUREMENT OF	Radiology	0.34	0.16	$139.16
74740	26	X-RAY FEMALE GENITAL	Radiology	0.38	0.17	$139.16
74742	26	X-RAY FALLOPIAN TUBE	Radiology	0.61	0.25	$139.16
74775	26	X-RAY EXAM OF PERINEUM	Radiology	0.62	0.29	$139.16
75552	26	MAGNETIC IMAGE,	Radiology	1.60	0.72	$139.16

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
75553	26	MAGNETIC IMAGE,	Radiology	2.00	0.72	$139.16
75554	26	CARDIAC MRI/FUNCTION	Radiology	1.83	0.72	$139.16
75555	26	CARDIAC MRI/LIMITED	Radiology	1.74	0.72	$139.16
75600	26	CONTRAST X-RAY EXAM OF	Radiology	0.49	0.22	$139.16
75605	26	CONTRAST X-RAY EXAM OF	Radiology	1.14	0.50	$139.16
75625	26	CONTRAST X-RAY EXAM OF	Radiology	1.14	0.50	$139.16
75630	26	X-RAY AORTA, LEG	Radiology	1.79	0.58	$139.16
75650	26	ARTERY X-RAYS, HEAD &	Radiology	1.49	0.66	$139.16
75658	26	X-RAY EXAM OF ARM	Radiology	1.31	0.58	$139.16
75660	26	ARTERY X-RAYS, HEAD &	Radiology	1.31	0.58	$139.16
75662	26	ARTERY X-RAYS, HEAD &	Radiology	1.66	0.74	$139.16
75665	26	ARTERY X-RAYS, HEAD &	Radiology	1.31	0.58	$139.16
75671	26	ARTERY X-RAYS, HEAD &	Radiology	1.66	0.74	$139.16
75676	26	ARTERY X-RAYS, NECK	Radiology	1.31	0.58	$139.16
75680	26	ARTERY X-RAYS, NECK	Radiology	1.66	0.74	$139.16
75685	26	ARTERY X-RAYS, SPINE	Radiology	1.31	0.58	$139.16
75705	26	ARTERY X-RAYS, SPINE	Radiology	2.18	0.98	$139.16
75710	26	ARTERY X-RAYS, ARM/LEG	Radiology	1.14	0.50	$139.16
75716	26	ARTERY X-RAYS, ARMS/LEGS	Radiology	1.31	0.58	$139.16
75722	26	ARTERY X-RAYS, KIDNEY	Radiology	1.14	0.50	$139.16
75724	26	ARTERY X-RAYS, KIDNEYS	Radiology	1.49	0.66	$139.16
75726	26	ARTERY X-RAYS, ABDOMEN	Radiology	1.14	0.50	$139.16
75731	26	ARTERY X-RAYS, ADRENAL	Radiology	1.14	0.50	$139.16
75733	26	ARTERY X-RAYS, ADRENAL	Radiology	1.31	0.58	$139.16
75736	26	ARTERY X-RAYS, PELVIS	Radiology	1.14	0.50	$139.16
75741	26	ARTERY X-RAYS, LUNG	Radiology	1.31	0.58	$139.16
75743	26	ARTERY X-RAYS, LUNGS	Radiology	1.66	0.74	$139.16
75746	26	ARTERY X-RAYS, LUNG	Radiology	1.14	0.50	$139.16
75756	26	ARTERY X-RAYS, CHEST	Radiology	1.14	0.50	$139.16
75774	26	ARTERY X-RAY, EACH	Radiology	0.36	0.16	$139.16
75790	26	VISUALIZE A-V SHUNT	Radiology	1.84	0.83	$139.16
75801	26	LYMPH VESSEL X-RAY, ARM/	Radiology	0.81	0.37	$139.16
75803	26	LYMPH VESSEL X-RAY,ARMS/	Radiology	1.17	0.51	$139.16
75805	26	LYMPH VESSEL X-RAY,	Radiology	0.81	0.37	$139.16
75807	26	LYMPH VESSEL X-RAY,	Radiology	1.17	0.51	$139.16
75809	26	NONVASCULAR SHUNT, X-RAY	Radiology	0.47	0.19	$139.16
75810	26	VEIN X-RAY, SPLEEN/LIVER	Radiology	1.14	0.50	$139.16
75820	26	VEIN X-RAY, ARM/LEG	Radiology	0.70	0.32	$139.16
75822	26	VEIN X-RAY, ARMS/LEGS	Radiology	1.06	0.47	$139.16
75825	26	VEIN X-RAY, TRUNK	Radiology	1.14	0.50	$139.16
75827	26	VEIN X-RAY, CHEST	Radiology	1.14	0.50	$139.16
75831	26	VEIN X-RAY, KIDNEY	Radiology	1.14	0.50	$139.16
75833	26	VEIN X-RAY, KIDNEYS	Radiology	1.49	0.66	$139.16
75840	26	VEIN X-RAY, ADRENAL	Radiology	1.14	0.50	$139.16
75842	26	VEIN X-RAY, ADRENAL	Radiology	1.49	0.66	$139.16
75860	26	VEIN X-RAY, NECK	Radiology	1.14	0.50	$139.16
75870	26	VEIN X-RAY, SKULL	Radiology	1.14	0.50	$139.16
75872	26	VEIN X-RAY, SKULL	Radiology	1.14	0.50	$139.16
75880	26	VEIN X-RAY, EYE SOCKET	Radiology	0.70	0.32	$139.16
75885	26	VEIN X-RAY, LIVER	Radiology	1.44	0.64	$139.16
75887	26	VEIN X-RAY, LIVER	Radiology	1.44	0.64	$139.16
75889	26	VEIN X-RAY, LIVER	Radiology	1.14	0.50	$139.16
75891	26	VEIN X-RAY, LIVER	Radiology	1.14	0.50	$139.16
75893	26	VENOUS SAMPLING BY	Radiology	0.54	0.25	$139.16
75894	26	XRAYS, TRANSCATHETER	Radiology	1.31	0.58	$139.16
75896	26	XRAYS, TRANSCATHETER	Radiology	1.31	0.58	$139.16
75898	26	FOLLOW-UP ANGIOGRAM	Radiology	1.65	0.74	$139.16
75900	26	ARTERIAL CATHETER	Radiology	0.49	0.23	$139.16
75940	26	X-RAY PLACEMENT, VEIN	Radiology	0.54	0.25	$139.16
75945	26	INTRAVASCULAR US	Radiology	0.40	0.22	$139.16
75946	26	INTRAVASCULAR US	Radiology	0.40	0.22	$139.16
75960	26	TRANSCATHETER INTRO,	Radiology	0.82	0.37	$139.16
75961	26	RETRIEVAL, BROKEN	Radiology	4.25	1.90	$139.16
75962	26	REPAIR ARTERIAL BLOCKAGE	Radiology	0.54	0.25	$139.16
75964	26	REPAIR ARTERY BLOCKAGE,	Radiology	0.36	0.16	$139.16
75966	26	REPAIR ARTERIAL BLOCKAGE	Radiology	1.31	0.58	$139.16

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
75968	26	REPAIR ARTERY BLOCKAGE,	Radiology	0.36	0.16	$139.16
75970	26	VASCULAR BIOPSY	Radiology	0.83	0.38	$139.16
75978	26	REPAIR VENOUS BLOCKAGE	Radiology	0.54	0.48	$139.16
75980	26	CONTRAST X-RAY EXAM BILE	Radiology	1.44	0.64	$139.16
75982	26	CONTRAST X-RAY EXAM BILE	Radiology	1.44	0.64	$139.16
75984	26	X-RAY CONTROL CATHETER	Radiology	0.72	0.33	$139.16
75989	26	ABSCESS DRAINAGE UNDER X-	Radiology	1.19	0.52	$139.16
75992	26	ATHERECTOMY, X-RAY EXAM	Radiology	0.54	0.25	$139.16
75993	26	ATHERECTOMY, X-RAY EXAM	Radiology	0.36	0.16	$139.16
75994	26	ATHERECTOMY, X-RAY EXAM	Radiology	1.31	0.58	$139.16
75995	26	ATHERECTOMY, X-RAY EXAM	Radiology	1.31	0.58	$139.16
75996	26	ATHERECTOMY, X-RAY EXAM	Radiology	0.36	0.16	$139.16
76000	26	FLUOROSCOPE EXAMINATION	Radiology	0.17	0.07	$139.16
76001	26	FLUOROSCOPE EXAM,	Radiology	0.67	0.31	$139.16
76003	26	NEEDLE LOCALIZATION BY X-	Radiology	0.54	0.25	$139.16
76010	26	X-RAY, NOSE TO RECTUM	Radiology	0.18	0.08	$139.16
76020	26	X-RAYS FOR BONE AGE	Radiology	0.19	0.09	$139.16
76040	26	X-RAYS, BONE EVALUATION	Radiology	0.27	0.13	$139.16
76061	26	X-RAYS, BONE SURVEY	Radiology	0.45	0.20	$139.16
76062	26	X-RAYS, BONE SURVEY	Radiology	0.54	0.25	$139.16
76065	26	X-RAYS, BONE EVALUATION	Radiology	0.28	0.13	$139.16
76066	26	JOINT(S) SURVEY, SINGLE	Radiology	0.31	0.14	$139.16
76070	26	CT SCAN, BONE DENSITY	Radiology	0.25	0.12	$139.16
76075	26	DUAL ENERGY X-RAY STUDY	Radiology	0.30	0.12	$139.16
76076	26	DUAL ENERGY X-RAY STUDY	Radiology	0.22	0.10	$139.16
76078	26	PHOTODENSITOMETRY	Radiology	0.20	0.10	$139.16
76080	26	X-RAY EXAM OF FISTULA	Radiology	0.54	0.25	$139.16
76086	26	X-RAY OF MAMMARY DUCT	Radiology	0.36	0.17	$139.16
76088	26	X-RAY OF MAMMARY DUCTS	Radiology	0.45	0.20	$139.16
76090	26	MAMMOGRAM, ONE BREAST	Radiology	0.58	0.12	$139.16
76091	26	MAMMOGRAM, BOTH BREASTS	Radiology	0.69	0.18	$139.16
76093	26	MAGNETIC IMAGE, BREAST	Radiology	1.63	0.72	$139.16
76094	26	MAGNETIC IMAGE, BOTH	Radiology	1.63	0.72	$139.16
76095	26	STEREOTACTIC BREAST	Radiology	1.59	0.71	$139.16
76096	26	X-RAY OF NEEDLE WIRE,	Radiology	0.56	0.26	$139.16
76098	26	X-RAY EXAM, BREAST	Radiology	0.16	0.07	$139.16
76100	26	X-RAY EXAM OF BODY	Radiology	0.58	0.27	$139.16
76101	26	COMPLEX BODY SECTION X-	Radiology	0.58	0.27	$139.16
76102	26	COMPLEX BODY SECTION X-	Radiology	0.58	0.27	$139.16
76120	26	CINEMATIC X-RAYS	Radiology	0.38	0.17	$139.16
76125	26	CINEMATIC X-RAYS	Radiology	0.27	0.12	$139.16
76355	26	CAT SCAN FOR	Radiology	1.21	0.53	$139.16
76360	26	CAT SCAN FOR NEEDLE	Radiology	1.16	0.50	$139.16
76365	26	CAT SCAN FOR CYST	Radiology	1.16	0.50	$139.16
76370	26	CAT SCAN FOR THERAPY	Radiology	0.85	0.38	$139.16
76375	26	3D/HOLOGRAPH RECONSTR	Radiology	0.16	0.07	$139.16
76380	26	CAT SCAN FOLLOW-UP STUDY	Radiology	0.98	0.44	$139.16
76390	26	MR SPECTROSCOPY	Radiology	1.40	0.66	$139.16
76400	26	MAGNETIC IMAGE, BONE	Radiology	1.60	0.72	$139.16
76506	26	ECHO EXAM OF HEAD	Radiology	0.63	0.29	$139.16
76511	26	ECHO EXAM OF EYE	Radiology	0.94	0.25	$139.16
76512	26	ECHO EXAM OF EYE	Radiology	0.66	0.30	$139.16
76513	26	ECHO EXAM OF EYE, WATER	Radiology	0.66	0.30	$139.16
76516	26	ECHO EXAM OF EYE	Radiology	0.54	0.25	$139.16
76519	26	ECHO EXAM OF EYE	Radiology	0.54	0.25	$139.16
76529	26	ECHO EXAM OF EYE	Radiology	0.57	0.26	$139.16
76536	26	ECHO EXAM OF HEAD AND	Radiology	0.56	0.26	$139.16
76604	26	ECHO EXAM OF CHEST	Radiology	0.55	0.26	$139.16
76645	26	ECHO EXAM OF BREAST	Radiology	0.54	0.25	$139.16
76700	26	ECHO EXAM OF ABDOMEN	Radiology	0.81	0.37	$139.16
76705	26	ECHO EXAM OF ABDOMEN	Radiology	0.59	0.27	$139.16
76770	26	ECHO EXAM ABDOMEN BACK	Radiology	0.74	0.34	$139.16
76775	26	ECHO EXAM ABDOMEN BACK	Radiology	0.58	0.27	$139.16
76778	26	ECHO EXAM KIDNEY	Radiology	0.74	0.34	$139.16
76800	26	ECHO EXAM SPINAL CANAL	Radiology	1.13	0.50	$139.16
76805	26	ECHO EXAM OF PREGNANT	Radiology	0.99	0.45	$139.16

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
76810	26	ECHO EXAM OF PREGNANT	Radiology	1.97	0.88	$139.16
76815	26	ECHO EXAM OF PREGNANT	Radiology	0.65	0.30	$139.16
76816	26	ECHO EXAM FOLLOWUP OR	Radiology	0.57	0.26	$139.16
76818	26	FETAL BIOPHYSICAL	Radiology	0.77	0.35	$139.16
76825	26	ECHO EXAM OF FETAL HEART	Radiology	1.67	0.35	$139.16
76826	26	ECHO EXAM OF FETAL HEART	Radiology	0.83	0.68	$139.16
76827	26	ECHO EXAM OF FETAL HEART	Radiology	0.58	0.64	$139.16
76828	26	ECHO EXAM OF FETAL HEART	Radiology	0.56	0.28	$139.16
76830	26	ECHO EXAM, TRANSVAGINAL	Radiology	0.69	0.32	$139.16
76831	26	ECHO EXAM, UTERUS	Radiology	0.72	0.32	$139.16
76856	26	ECHO EXAM OF PELVIS	Radiology	0.69	0.32	$139.16
76857	26	ECHO EXAM OF PELVIS	Radiology	0.38	0.17	$139.16
76870	26	ECHO EXAM OF SCROTUM	Radiology	0.64	0.29	$139.16
76872	26	ECHO EXAM, TRANSRECTAL	Radiology	0.69	0.32	$139.16
76880	26	ECHO EXAM OF EXTREMITY	Radiology	0.59	0.27	$139.16
76885	26	ECHO EXAM, INFANT HIPS	Radiology	0.74	0.32	$139.16
76886	26	ECHO EXAM, INFANT HIPS	Radiology	0.62	0.27	$139.16
76930	26	ECHO GUIDE FOR HEART SAC	Radiology	0.67	0.31	$139.16
76932	26	ECHO GUIDE FOR HEART	Radiology	0.67	0.31	$139.16
76934	26	ECHO GUIDE FOR CHEST TAP	Radiology	0.67	0.31	$139.16
76936	26	ECHO GUIDE FOR ARTERY	Radiology	1.99	1.24	$139.16
76938	26	ECHO EXAM FOR DRAINAGE	Radiology	0.67	0.31	$139.16
76941	26	ECHO GUIDE FOR	Radiology	1.34	0.61	$139.16
76942	26	ECHO GUIDE FOR BIOPSY	Radiology	0.67	0.31	$139.16
76945	26	ECHO GUIDE, VILLUS	Radiology	0.67	0.61	$139.16
76946	26	ECHO GUIDE FOR	Radiology	0.38	0.17	$139.16
76948	26	ECHO GUIDE, OVA	Radiology	0.38	0.17	$139.16
76950	26	ECHO GUIDANCE	Radiology	0.58	0.27	$139.16
76960	26	ECHO GUIDANCE	Radiology	0.58	0.27	$139.16
76965	26	ECHO GUIDANCE	Radiology	1.34	1.47	$139.16
76970	26	ULTRASOUND EXAM FOLLOW-	Radiology	0.40	0.18	$139.16
76975	26	GI ENDOSCOPIC ULTRASOUND	Radiology	0.81	0.34	$139.16
76986	26	ECHO EXAM AT SURGERY	Radiology	1.20	0.53	$139.16
77261	0	RADIATION THERAPY	Radiology	1.39	0.62	$139.16
77262	0	RADIATION THERAPY	Radiology	2.11	0.94	$139.16
77263	0	RADIATION THERAPY	Radiology	3.14	1.40	$139.16
77280	26	SET RADIATION THERAPY	Radiology	0.70	0.32	$139.16
77285	26	SET RADIATION THERAPY	Radiology	1.05	0.46	$139.16
77290	26	SET RADIATION THERAPY	Radiology	1.56	0.70	$139.16
77295	26	SET RADIATION THERAPY	Radiology	4.57	2.06	$139.16
77300	26	RADIATION THERAPY DOSE	Radiology	0.62	0.28	$139.16
77305	26	RADIATION THERAPY DOSE	Radiology	0.70	0.32	$139.16
77310	26	RADIATION THERAPY DOSE	Radiology	1.05	0.46	$139.16
77315	26	RADIATION THERAPY DOSE	Radiology	1.56	0.70	$139.16
77321	26	RADIATION THERAPY PORT	Radiology	0.95	0.43	$139.16
77326	26	RADIATION THERAPY DOSE	Radiology	0.93	0.42	$139.16
77327	26	RADIATION THERAPY DOSE	Radiology	1.39	0.62	$139.16
77328	26	RADIATION THERAPY DOSE	Radiology	2.09	0.93	$139.16
77331	26	SPECIAL RADIATION	Radiology	0.87	0.39	$139.16
77332	26	RADIATION TREATMENT	Radiology	0.54	0.25	$139.16
77333	26	RADIATION TREATMENT	Radiology	0.84	0.38	$139.16
77334	26	RADIATION TREATMENT	Radiology	1.24	0.54	$139.16
77419	0	WEEKLY RADIATION THERAPY	Radiology	3.60	1.61	$139.16
77420	0	WEEKLY RADIATION THERAPY	Radiology	1.61	0.72	$139.16
77425	0	WEEKLY RADIATION THERAPY	Radiology	2.44	1.10	$139.16
77430	0	WEEKLY RADIATION THERAPY	Radiology	3.60	1.61	$139.16
77431	0	RADIATION THERAPY	Radiology	1.81	0.81	$139.16
77432	0	STEREOTACTIC RADIATION	Radiology	7.93	4.94	$139.16
77470	26	SPECIAL RADIATION	Radiology	2.09	0.93	$139.16
77600	26	HYPERTHERMIA TREATMENT	Radiology	1.56	0.70	$139.16
77605	26	HYPERTHERMIA TREATMENT	Radiology	2.09	0.93	$139.16
77610	26	HYPERTHERMIA TREATMENT	Radiology	1.56	0.70	$139.16
77615	26	HYPERTHERMIA TREATMENT	Radiology	2.09	0.93	$139.16
77620	26	HYPERTHERMIA TREATMENT	Radiology	1.56	0.70	$139.16
77750	26	INFUSE RADIOACTIVE	Radiology	4.91	2.05	$139.16
77761	26	RADIOELEMENT APPLICATION	Radiology	3.81	1.59	$139.16

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
77762	26	RADIOELEMENT APPLICATION	Radiology	5.72	2.39	$139.16
77763	26	RADIOELEMENT APPLICATION	Radiology	8.57	3.58	$139.16
77776	26	RADIOELEMENT APPLICATION	Radiology	4.66	2.09	$139.16
77777	26	RADIOELEMENT APPLICATION	Radiology	7.48	3.13	$139.16
77778	26	RADIOELEMENT APPLICATION	Radiology	11.19	4.69	$139.16
77781	26	HIGH INTENSITY	Radiology	1.66	0.69	$139.16
77782	26	HIGH INTENSITY	Radiology	2.49	1.05	$139.16
77783	26	HIGH INTENSITY	Radiology	3.73	1.55	$139.16
77784	26	HIGH INTENSITY	Radiology	5.61	2.34	$139.16
77789	26	RADIOELEMENT APPLICATION	Radiology	1.12	0.46	$139.16
77790	26	RADIOELEMENT HANDLING	Radiology	1.05	0.46	$139.16
78000	26	THYROID, SINGLE UPTAKE	Radiology	0.19	0.09	$139.16
78001	26	THYROID, MULTIPLE	Radiology	0.26	0.12	$139.16
78003	26	THYROID SUPPRESS/STIMUL	Radiology	0.33	0.15	$139.16
78006	26	THYROID, IMAGING WITH	Radiology	0.49	0.22	$139.16
78007	26	THYROID, IMAGE, MULT	Radiology	0.50	0.23	$139.16
78010	26	THYROID IMAGING	Radiology	0.39	0.17	$139.16
78011	26	THYROID IMAGING WITH	Radiology	0.45	0.21	$139.16
78015	26	THYROID MET IMAGING	Radiology	0.67	0.31	$139.16
78016	26	THYROID MET IMAGING/	Radiology	0.82	0.38	$139.16
78017	26	THYROID MET IMAGING,	Radiology	0.87	0.39	$139.16
78018	26	THYROID, MET IMAGING,	Radiology	0.95	0.43	$139.16
78070	26	PARATHYROID NUCLEAR	Radiology	0.82	0.23	$139.16
78075	26	ADRENAL NUCLEAR IMAGING	Radiology	0.74	0.34	$139.16
78102	26	BONE MARROW IMAGING, LTD	Radiology	0.55	0.25	$139.16
78103	26	BONE MARROW IMAGING,	Radiology	0.75	0.34	$139.16
78104	26	BONE MARROW IMAGING,	Radiology	0.80	0.37	$139.16
78110	26	PLASMA VOLUME, SINGLE	Radiology	0.19	0.09	$139.16
78111	26	PLASMA VOLUME, MULTIPLE	Radiology	0.22	0.10	$139.16
78120	26	RED CELL MASS, SINGLE	Radiology	0.23	0.11	$139.16
78121	26	RED CELL MASS, MULTIPLE	Radiology	0.32	0.15	$139.16
78122	26	BLOOD VOLUME	Radiology	0.45	0.20	$139.16
78130	26	RED CELL SURVIVAL STUDY	Radiology	0.61	0.28	$139.16
78135	26	RED CELL SURVIVAL	Radiology	0.64	0.29	$139.16
78140	26	RED CELL SEQUESTRATION	Radiology	0.61	0.28	$139.16
78160	26	PLASMA IRON TURNOVER	Radiology	0.33	0.15	$139.16
78162	26	IRON ABSORPTION EXAM	Radiology	0.45	0.20	$139.16
78170	26	RED CELL IRON	Radiology	0.41	0.18	$139.16
78172	26	TOTAL BODY IRON	Radiology	0.53	0.25	$139.16
78185	26	SPLEEN IMAGING	Radiology	0.40	0.18	$139.16
78190	26	PLATELET SURVIVAL,	Radiology	1.09	0.48	$139.16
78191	26	PLATELET SURVIVAL	Radiology	0.61	0.28	$139.16
78195	26	LYMPH SYSTEM IMAGING	Radiology	1.20	0.32	$139.16
78201	26	LIVER IMAGING	Radiology	0.44	0.19	$139.16
78202	26	LIVER IMAGING WITH FLOW	Radiology	0.51	0.23	$139.16
78205	26	LIVER IMAGING (3D)	Radiology	0.71	0.33	$139.16
78215	26	LIVER AND SPLEEN IMAGING	Radiology	0.49	0.22	$139.16
78216	26	LIVER & SPLEEN IMAGE,	Radiology	0.57	0.26	$139.16
78220	26	LIVER FUNCTION STUDY	Radiology	0.49	0.22	$139.16
78223	26	HEPATOBILIARY IMAGING	Radiology	0.84	0.38	$139.16
78230	26	SALIVARY GLAND IMAGING	Radiology	0.45	0.21	$139.16
78231	26	SERIAL SALIVARY IMAGING	Radiology	0.52	0.24	$139.16
78232	26	SALIVARY GLAND FUNCTION	Radiology	0.47	0.22	$139.16
78258	26	ESOPHAGEAL MOTILITY	Radiology	0.74	0.34	$139.16
78261	26	GASTRIC MUCOSA IMAGING	Radiology	0.69	0.32	$139.16
78262	26	GASTROESOPHAGEAL REFLUX	Radiology	0.68	0.31	$139.16
78264	26	GASTRIC EMPTYING STUDY	Radiology	0.78	0.36	$139.16
78270	26	VIT B-12 ABSORPTION EXAM	Radiology	0.20	0.10	$139.16
78271	26	VIT B-12 ABSORP EXAM, IF	Radiology	0.20	0.10	$139.16
78272	26	VIT B-12 ABSORP,	Radiology	0.27	0.13	$139.16
78278	26	ACUTE GI BLOOD LOSS	Radiology	0.99	0.45	$139.16
78282	26	GI PROTEIN LOSS EXAM	Radiology	0.38	0.17	$139.16
78290	26	MECKEL'S DIVERT EXAM	Radiology	0.68	0.31	$139.16
78291	26	LEVEEN/SHUNT PATENCY	Radiology	0.88	0.39	$139.16
78300	26	BONE IMAGING, LIMITED	Radiology	0.62	0.29	$139.16
78305	26	BONE IMAGING, MULTIPLE	Radiology	0.83	0.38	$139.16

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
78306	26	BONE IMAGING, WHOLE BODY	Radiology	0.86	0.39	$139.16
78315	26	BONE IMAGING, 3 PHASE	Radiology	1.02	0.45	$139.16
78320	26	BONE IMAGING (3D)	Radiology	1.04	0.46	$139.16
78350	26	BONE MINERAL, SINGLE	Radiology	0.22	0.10	$139.16
78351	0	BONE MINERAL, DUAL	Radiology	0.30	0.19	$139.16
78414	26	NON-IMAGING HEART	Radiology	0.45	0.20	$139.16
78428	26	CARDIAC SHUNT IMAGING	Radiology	0.78	0.36	$139.16
78445	26	VASCULAR FLOW IMAGING	Radiology	0.49	0.24	$139.16
78455	26	VENOUS THROMBOSIS STUDY	Radiology	0.73	0.33	$139.16
78457	26	VENOUS THROMBOSIS	Radiology	0.77	0.35	$139.16
78458	26	VEN THROMBOSIS IMAGES,	Radiology	0.90	0.40	$139.16
78459	26	HEART MUSCLE IMAGING	Radiology	1.88	1.34	$139.16
78460	26	HEART MUSCLE BLOOD	Radiology	0.86	0.39	$139.16
78461	26	HEART MUSCLE BLOOD	Radiology	1.23	0.54	$139.16
78464	26	HEART IMAGE (3D) SINGLE	Radiology	1.09	0.48	$139.16
78465	26	HEART IMAGE (3D)	Radiology	1.46	0.65	$139.16
78466	26	HEART INFARCT IMAGE	Radiology	0.69	0.32	$139.16
78468	26	HEART INFARCT IMAGE, EF	Radiology	0.80	0.36	$139.16
78469	26	HEART INFARCT IMAGE (3D)	Radiology	0.92	0.41	$139.16
78472	26	GATED HEART, RESTING	Radiology	0.98	0.44	$139.16
78473	26	GATED HEART, MULTIPLE	Radiology	1.47	0.65	$139.16
78478	26	HEART WALL MOTION (ADD-	Radiology	0.62	0.28	$139.16
78480	26	HEART FUNCTION, (ADD-ON)	Radiology	0.62	0.28	$139.16
78481	26	HEART FIRST PASS SINGLE	Radiology	0.98	0.44	$139.16
78483	26	HEART FIRST PASS	Radiology	1.47	0.65	$139.16
78491	26	HEART IMAGE (PET) SINGLE	Radiology	1.50	1.34	$139.16
78492	26	HEART IMAGE (PET)	Radiology	1.87	1.34	$139.16
78580	26	LUNG PERFUSION IMAGING	Radiology	0.74	0.34	$139.16
78584	26	LUNG V/Q IMAGE SINGLE	Radiology	0.99	0.45	$139.16
78585	26	LUNG V/Q IMAGING	Radiology	1.09	0.48	$139.16
78586	26	AEROSOL LUNG IMAGE,	Radiology	0.40	0.18	$139.16
78587	26	AEROSOL LUNG IMAGE,	Radiology	0.49	0.22	$139.16
78591	26	VENT IMAGE, 1 BREATH, 1	Radiology	0.40	0.18	$139.16
78593	26	VENT IMAGE, 1 PROJ, GAS	Radiology	0.49	0.22	$139.16
78594	26	VENT IMAGE, MULT PROJ,	Radiology	0.53	0.25	$139.16
78596	26	LUNG DIFFERENTIAL	Radiology	1.27	0.56	$139.16
78600	26	BRAIN IMAGING, LTD	Radiology	0.44	0.20	$139.16
78601	26	BRAIN LTD IMAGING & FLOW	Radiology	0.51	0.24	$139.16
78605	26	BRAIN IMAGING, COMPLETE	Radiology	0.53	0.25	$139.16
78606	26	BRAIN IMAGING COMP &	Radiology	0.64	0.29	$139.16
78607	26	BRAIN IMAGING (3D)	Radiology	1.23	0.54	$139.16
78610	26	BRAIN FLOW IMAGING ONLY	Radiology	0.30	0.14	$139.16
78615	26	CEREBRAL BLOOD FLOW	Radiology	0.42	0.19	$139.16
78630	26	CEREBROSPINAL FLUID SCAN	Radiology	0.68	0.31	$139.16
78635	26	CSF VENTRICULOGRAPHY	Radiology	0.61	0.28	$139.16
78645	26	CSF SHUNT EVALUATION	Radiology	0.57	0.26	$139.16
78647	26	CEREBROSPINAL FLUID SCAN	Radiology	0.90	0.41	$139.16
78650	26	CSF LEAKAGE IMAGING	Radiology	0.61	0.28	$139.16
78660	26	NUCLEAR EXAM OF TEAR	Radiology	0.53	0.25	$139.16
78700	26	KIDNEY IMAGING, STATIC	Radiology	0.45	0.20	$139.16
78701	26	KIDNEY IMAGING WITH FLOW	Radiology	0.49	0.22	$139.16
78704	26	IMAGING RENOGRAM	Radiology	0.74	0.34	$139.16
78707	26	KIDNEY FLOW & FUNCTION	Radiology	0.96	0.42	$139.16
78708	26	KIDNEY FLOW & FUNCTION	Radiology	1.21	0.42	$139.16
78709	26	KIDNEY FLOW & FUNCTION	Radiology	1.41	0.42	$139.16
78710	26	KIDNEY IMAGING (3D)	Radiology	0.66	0.30	$139.16
78715	26	RENAL VASCULAR FLOW EXAM	Radiology	0.30	0.14	$139.16
78725	26	KIDNEY FUNCTION STUDY	Radiology	0.38	0.17	$139.16
78730	26	URINARY BLADDER	Radiology	0.36	0.16	$139.16
78740	26	URETERAL REFLUX STUDY	Radiology	0.57	0.26	$139.16
78760	26	TESTICULAR IMAGING	Radiology	0.66	0.30	$139.16
78761	26	TESTICULAR IMAGING &	Radiology	0.71	0.33	$139.16
78800	26	TUMOR IMAGING, LIMITED	Radiology	0.66	0.30	$139.16
78801	26	TUMOR IMAGING, MULT	Radiology	0.79	0.36	$139.16
78802	26	TUMOR IMAGING, WHOLE	Radiology	0.86	0.39	$139.16
78803	26	TUMOR IMAGING (3D)	Radiology	1.09	0.48	$139.16

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
78805	26	ABSCESS IMAGING, LTD	Radiology	0.73	0.33	$139.16
78806	26	ABSCESS IMAGING, WHOLE	Radiology	0.86	0.38	$139.16
78807	26	NUCLEAR LOCALIZATION/	Radiology	1.09	0.48	$139.16
78810	26	TUMOR IMAGING (PET)	Radiology	1.93	1.37	$139.16
78890	26	NUCLEAR MEDICINE DATA	Radiology	0.05	0.02	$139.16
78891	26	NUCLEAR MED DATA PROC	Radiology	0.10	0.05	$139.16
79000	26	INTIAL HYPERTHYROID	Radiology	1.80	0.81	$139.16
79001	26	REPEAT HYPERTHYROID	Radiology	1.05	0.46	$139.16
79020	26	THYROID ABLATION	Radiology	1.81	0.81	$139.16
79030	26	THYROID ABLATION,	Radiology	2.10	0.94	$139.16
79035	26	THYROID METASTATIC	Radiology	2.52	1.13	$139.16
79100	26	HEMATOPOETIC NUCLEAR	Radiology	1.32	0.58	$139.16
79200	26	INTRACAVITARY NUC	Radiology	1.99	0.89	$139.16
79300	26	INTERSTITIAL NUCLEAR	Radiology	1.60	0.71	$139.16
79400	26	NONHEMATO NUCLEAR	Radiology	1.96	0.87	$139.16
79420	26	INTRAVASCULAR NUC	Radiology	1.51	0.67	$139.16
79440	26	NUCLEAR JOINT THERAPY	Radiology	1.99	0.89	$139.16
90780	0	IV INFUSION THERAPY, 1	Therapeutic Injections	0.00	1.06	$144.14
90781	0	IV INFUSION, ADDITIONAL	Therapeutic Injections	0.00	0.53	$144.14
90782	0	INJECTION (SC)/(IM)	Therapeutic Injections	0.00	0.10	$144.14
90783	0	INJECTION (IA)	Therapeutic Injections	0.00	0.39	$144.14
90784	0	INJECTION (IV)	Therapeutic Injections	0.00	0.45	$144.14
90788	0	INJECTION OF ANTIBIOTIC	Therapeutic Injections	0.00	0.11	$144.14
90801	0	PSY DX INTERVIEW	Outpatient Psych/Alcohol & Drug Abuse.	2.80	0.67	$63.12
90802	0	INTAC PSY DX INTERVIEW	Outpatient Psych/Alcohol & Drug Abuse.	3.01	0.38	$63.12
90805	0	PSYTX, OFFICE (20–30) W/	Outpatient Psych/Alcohol & Drug Abuse.	1.47	0.35	$63.12
90806	0	PSYTX, OFFICE (45–50)	Outpatient Psych/Alcohol & Drug Abuse.	1.73	0.54	$63.12
90807	0	PSYTX, OFFICE (45–50) W/	Outpatient Psych/Alcohol & Drug Abuse.	2.00	0.54	$63.12
90808	0	PSYTX, OFFICE (75–80)	Outpatient Psych/Alcohol & Drug Abuse.	2.76	1.05	$63.12
90809	0	PSYTX, OFFICE (75–80) W/	Outpatient Psych/Alcohol & Drug Abuse.	3.15	1.05	$63.12
90810	0	INTAC PSYTX, OFFICE (20–	Outpatient Psych/Alcohol & Drug Abuse.	1.19	0.59	$63.12
90811	0	INTAC PSYTX, OFF 20–30 W/	Outpatient Psych/Alcohol & Drug Abuse.	1.58	0.59	$63.12
90812	0	INTAC PSYTX, OFFICE (45–	Outpatient Psych/Alcohol & Drug Abuse.	1.86	0.59	$63.12
90813	0	INTAC PSYTX, OFF 45–50 W/	Outpatient Psych/Alcohol & Drug Abuse.	2.15	0.59	$63.12
90814	0	INTAC PSYTX, OFFICE (75–	Outpatient Psych/Alcohol & Drug Abuse.	2.97	0.59	$63.12
90815	0	INTAC PSYTX, OFF 75–80 W/	Outpatient Psych/Alcohol & Drug Abuse.	3.39	0.59	$63.12
90816	0	PSYTX, HOSP (20–30)	Outpatient Psych/Alcohol & Drug Abuse.	1.24	0.35	$63.12
90817	0	PSYTX, HOSP (20–30) W/	Outpatient Psych/Alcohol & Drug Abuse.	1.65	0.35	$63.12
90818	0	PSYTX, HOSP (45–50)	Outpatient Psych/Alcohol & Drug Abuse.	1.94	0.54	$63.12
90819	0	PSYTX, HOSP (45–50) W/	Outpatient Psych/Alcohol & Drug Abuse.	2.24	0.54	$63.12
90821	0	PSYTX, HOSP (75–80)	Outpatient Psych/Alcohol & Drug Abuse.	3.09	1.05	$63.12
90822	0	PSYTX, HOSP (75–80) W/	Outpatient Psych/Alcohol & Drug Abuse.	3.53	1.05	$63.12
90823	0	INTAC PSYTX, HOSP (20–	Outpatient Psych/Alcohol & Drug Abuse.	1.33	0.59	$63.12
90824	0	INTAC PSYTX, HSP 20–30 W/	Outpatient Psych/Alcohol & Drug Abuse.	1.77	0.59	$63.12

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
90826	0	INTAC PSYTX, HOSP (45–	Outpatient Psych/Alcohol & Drug Abuse.	2.08	0.59	$63.12
90827	0	INTAC PSYTX, HSP 45–50 W/	Outpatient Psych/Alcohol & Drug Abuse.	2.41	0.59	$63.12
90828	0	INTAC PSYTX, HOSP (75–	Outpatient Psych/Alcohol & Drug Abuse.	3.32	0.59	$63.12
90829	0	INTAC PSYTX, HSP 75–80 W/	Outpatient Psych/Alcohol & Drug Abuse.	3.80	0.59	$63.12
90845	0	PSYCHOANALYSIS	Outpatient Psych/Alcohol & Drug Abuse.	1.79	0.41	$63.12
90846	0	FAMILY PSYTX W/O PATIENT	Outpatient Psych/Alcohol & Drug Abuse.	1.83	0.62	$63.12
90847	0	FAMILY PSYTX W/PATIENT	Outpatient Psych/Alcohol & Drug Abuse.	2.21	0.58	$63.12
90849	0	MULTIPLE FAMILY GROUP	Outpatient Psych/Alcohol & Drug Abuse.	0.59	0.26	$63.12
90853	0	GROUP PSYCHOTHERAPY	Outpatient Psych/Alcohol & Drug Abuse.	0.59	0.26	$63.12
90857	0	INTAC GROUP PSYTX	Outpatient Psych/Alcohol & Drug Abuse.	0.63	0.15	$63.12
90862	0	MEDICATION MANAGEMENT	Outpatient Psych/Alcohol & Drug Abuse.	0.95	0.37	$63.12
90865	0	NARCOSYNTHESIS	Outpatient Psych/Alcohol & Drug Abuse.	2.84	0.50	$63.12
90870	0	ELECTROCONVULSIVE	Outpatient Psych/Alcohol & Drug Abuse.	1.88	0.55	$63.12
90871	0	ELECTROCONVULSIVE	Outpatient Psych/Alcohol & Drug Abuse.	2.72	0.83	$63.12
90875	0	PSYCHOPHYSIOLOGICAL	Outpatient Psych/Alcohol & Drug Abuse.	1.20	0.00	$63.12
90876	0	PSYCHOPHYSIOLOGICAL	Outpatient Psych/Alcohol & Drug Abuse.	1.90	0.00	$63.12
90880	0	HYPNOTHERAPY	Outpatient Psych/Alcohol & Drug Abuse.	2.19	0.64	$63.12
90885	0	PSY EVALUATION OF	Outpatient Psych/Alcohol & Drug Abuse.	0.97	0.31	$63.12
90887	0	CONSULTATION WITH FAMILY	Outpatient Psych/Alcohol & Drug Abuse.	1.48	0.33	$63.12
90918	0	ESRD RELATED SERVICES,	Miscellaneous Medical	11.18	2.19	$78.24
90919	0	ESRD RELATED SERVICES,	Miscellaneous Medical	8.54	2.19	$78.24
90920	0	ESRD RELATED SERVICES,	Miscellaneous Medical	7.27	2.19	$78.24
90921	0	ESRD RELATED SERVICES,	Miscellaneous Medical	4.47	2.19	$78.24
90922	0	ESRD RELATED SERVICES,	Miscellaneous Medical	0.37	0.07	$78.24
90923	0	ESRD RELATED SERVICES,	Miscellaneous Medical	0.28	0.07	$78.24
90924	0	ESRD RELATED SERVICES,	Miscellaneous Medical	0.24	0.07	$78.24
90925	0	ESRD RELATED SERVICES,	Miscellaneous Medical	0.15	0.07	$78.24
90935	0	HEMODIALYSIS, ONE	Miscellaneous Medical	1.22	1.34	$78.24
90937	0	HEMODIALYSIS, REPEATED	Miscellaneous Medical	2.11	2.32	$78.24
90945	0	DIALYSIS, ONE EVALUATION	Miscellaneous Medical	1.28	1.27	$78.24
90947	0	DIALYSIS, REPEATED EVAL	Miscellaneous Medical	2.16	2.09	$78.24
90997	0	HEMOPERFUSION	Miscellaneous Medical	1.84	2.02	$78.24
91000	0	ESOPHAGEAL INTUBATION	Miscellaneous Medical	0.73	0.66	$78.24
91010	26	ESOPHAGUS MOTILITY STUDY	Miscellaneous Medical	1.25	1.38	$78.24
91011	26	ESOPHAGUS MOTILITY STUDY	Miscellaneous Medical	1.50	1.65	$78.24
91012	26	ESOPHAGUS MOTILITY STUDY	Miscellaneous Medical	1.46	1.61	$78.24
91020	26	GASTRIC MOTILITY	Miscellaneous Medical	1.44	1.58	$78.24
91030	26	ACID PERFUSION OF	Miscellaneous Medical	0.91	0.35	$78.24
91032	26	ESOPHAGUS, ACID REFLUX	Miscellaneous Medical	1.21	1.25	$78.24
91033	26	PROLONGED ACID REFLUX	Miscellaneous Medical	1.30	1.43	$78.24
91052	26	GASTRIC ANALYSIS TEST	Miscellaneous Medical	0.79	0.50	$78.24
91055	26	GASTRIC INTUBATION FOR	Miscellaneous Medical	0.94	0.51	$78.24
91060	26	GASTRIC SALINE LOAD TEST	Miscellaneous Medical	0.45	0.50	$78.24
91065	26	BREATH HYDROGEN TEST	Miscellaneous Medical	0.20	0.22	$78.24
91100	0	PASS INTESTINE BLEEDING	Miscellaneous Medical	1.08	0.56	$78.24
91105	0	GASTRIC INTUBATION	Miscellaneous Medical	0.37	0.41	$78.24
91122	26	ANAL PRESSURE RECORD	Miscellaneous Medical	1.77	1.06	$78.24

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
92002	0	EYE EXAM, NEW PATIENT	Vision Exams	0.88	0.49	$56.28
92004	0	EYE EXAM, NEW PATIENT	Vision Exams	1.67	0.57	$56.28
92012	0	EYE EXAM ESTABLISHED PT	Vision Exams	0.67	0.44	$56.28
92014	0	EYE EXAM & TREATMENT	Vision Exams	1.10	0.54	$56.28
92015	0	REFRACTION	Vision Exams	0.38	0.32	$56.28
92018	0	NEW EYE EXAM & TREATMENT	Miscellaneous Medical	1.51	0.47	$78.24
92019	0	EYE EXAM & TREATMENT	Miscellaneous Medical	1.31	0.47	$78.24
92020	0	SPECIAL EYE EVALUATION	Miscellaneous Medical	0.37	0.29	$78.24
92060	0	SPECIAL EYE EVALUATION	Miscellaneous Medical	0.69	0.39	$78.24
92065	0	ORTHOPTIC/PLEOPTIC	Miscellaneous Medical	0.37	0.36	$78.24
92070	0	FITTING OF CONTACT LENS	Miscellaneous Medical	0.70	1.20	$78.24
92081	0	VISUAL FIELD	Miscellaneous Medical	0.36	0.32	$78.24
92082	0	VISUAL FIELD	Miscellaneous Medical	0.44	0.49	$78.24
92083	0	VISUAL FIELD	Miscellaneous Medical	0.50	0.83	$78.24
92100	0	SERIAL TONOMETRY EXAM(S)	Miscellaneous Medical	0.92	0.25	$78.24
92120	0	TONOGRAPHY & EYE	Miscellaneous Medical	0.81	0.31	$78.24
92130	0	WATER PROVOCATION	Miscellaneous Medical	0.81	0.49	$78.24
92140	0	GLAUCOMA PROVOCATIVE	Miscellaneous Medical	0.50	0.30	$78.24
92225	0	SPECIAL EYE EXAM,	Miscellaneous Medical	0.38	0.45	$78.24
92226	0	SPECIAL EYE EXAM,	Miscellaneous Medical	0.33	0.40	$78.24
92230	0	EYE EXAM WITH PHOTOS	Miscellaneous Medical	0.60	0.69	$78.24
92235	0	EYE EXAM WITH PHOTOS	Miscellaneous Medical	0.81	1.58	$78.24
92240	0	ICG ANGIOGRAPHY	Miscellaneous Medical	1.10	1.58	$78.24
92250	0	EYE EXAM WITH PHOTOS	Miscellaneous Medical	0.44	0.42	$78.24
92260	0	OPHTHALMOSCOPY/	Miscellaneous Medical	0.20	0.54	$78.24
92265	0	EYE MUSCLE EVALUATION	Miscellaneous Medical	0.81	0.29	$78.24
92270	0	ELECTRO-OCULOGRAPHY	Miscellaneous Medical	0.81	0.67	$78.24
92275	0	ELECTRORETINOGRAPHY	Miscellaneous Medical	1.01	0.90	$78.24
92283	0	COLOR VISION EXAMINATION	Miscellaneous Medical	0.17	0.29	$78.24
92284	0	DARK ADAPTATION EYE EXAM	Miscellaneous Medical	0.24	0.45	$78.24
92285	0	EYE PHOTOGRAPHY	Miscellaneous Medical	0.20	0.29	$78.24
92286	0	INTERNAL EYE PHOTOGRAPHY	Miscellaneous Medical	0.66	1.22	$78.24
92287	0	INTERNAL EYE PHOTOGRAPHY	Miscellaneous Medical	0.81	1.52	$78.24
92310	0	CONTACT LENS FITTING	Vision Exams	1.17	1.29	$56.28
92311	0	CONTACT LENS FITTING	Miscellaneous Medical	1.08	0.90	$78.24
92312	0	CONTACT LENS FITTING	Miscellaneous Medical	1.26	1.16	$78.24
92313	0	CONTACT LENS FITTING	Miscellaneous Medical	0.92	0.88	$78.24
92314	0	PRESCRIPTION OF CONTACT	Vision Exams	0.69	0.76	$56.28
92315	0	PRESCRIPTION OF CONTACT	Miscellaneous Medical	0.45	0.66	$78.24
92316	0	PRESCRIPTION OF CONTACT	Miscellaneous Medical	0.68	0.95	$78.24
92317	0	PRESCRIPTION OF CONTACT	Miscellaneous Medical	0.45	0.39	$78.24
92325	0	MODIFICATION OF CONTACT	Vision Exams	0.00	0.38	$56.28
92326	0	REPLACEMENT OF CONTACT	Vision Exams	0.00	1.56	$56.28
92330	0	FITTING OF ARTIFICIAL	Miscellaneous Medical	1.08	1.13	$78.24
92335	0	FITTING OF ARTIFICIAL	Miscellaneous Medical	0.45	1.97	$78.24
92340	0	FITTING OF SPECTACLES	Vision Exams	0.37	0.42	$56.28
92341	0	FITTING OF SPECTACLES	Vision Exams	0.47	0.53	$56.28
92342	0	FITTING OF SPECTACLES	Vision Exams	0.53	0.60	$56.28
92352	0	SPECIAL SPECTACLES	Miscellaneous Medical	0.37	0.30	$78.24
92353	0	SPECIAL SPECTACLES	Miscellaneous Medical	0.50	0.40	$78.24
92354	0	SPECIAL SPECTACLES	Miscellaneous Medical	0.00	8.44	$78.24
92355	0	SPECIAL SPECTACLES	Miscellaneous Medical	0.00	4.13	$78.24
92358	0	EYE PROSTHESIS SERVICE	Miscellaneous Medical	0.00	0.92	$78.24
92370	0	REPAIR & ADJUST	Miscellaneous Medical	0.32	0.36	$78.24
92371	0	REPAIR & ADJUST	Miscellaneous Medical	0.00	0.59	$78.24
92392	0	SUPPLY OF LOW VISION	Miscellaneous Medical	0.00	3.85	$78.24
92393	0	SUPPLY OF ARTIFICIAL EYE	Miscellaneous Medical	0.00	11.96	$78.24
92395	0	SUPPLY OF SPECTACLES	Miscellaneous Medical	0.00	1.31	$78.24
92396	0	SUPPLY OF CONTACT LENSES	Miscellaneous Medical	0.00	2.19	$78.24
92502	0	EAR AND THROAT	Miscellaneous Medical	1.51	1.12	$78.24
92504	0	EAR MICROSCOPY	Miscellaneous Medical	0.18	0.26	$78.24
92511	0	NASOPHARYNGOSCOPY	Miscellaneous Medical	0.84	0.85	$78.24
92512	0	NASAL FUNCTION STUDIES	Miscellaneous Medical	0.55	0.47	$78.24
92516	0	FACIAL NERVE FUNCTION	Miscellaneous Medical	0.43	0.39	$78.24
92520	0	LARYNGEAL FUNCTION	Miscellaneous Medical	0.76	0.27	$78.24
92541	0	SPONTANEOUS NYSTAGMUS	Miscellaneous Medical	0.40	0.67	$78.24

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
92542	0	POSITIONAL NYSTAGMUS	Miscellaneous Medical	0.33	0.61	$78.24
92543	0	CALORIC VESTIBULAR TEST	Miscellaneous Medical	0.38	0.82	$78.24
92544	0	OPTOKINETIC NYSTAGMUS	Miscellaneous Medical	0.26	0.47	$78.24
92545	0	OSCILLATING TRACKING	Miscellaneous Medical	0.23	0.40	$78.24
92546	0	SINUSOIDAL ROTATIONAL	Miscellaneous Medical	0.29	0.53	$78.24
92547	0	SUPPLEMENTAL ELECTRICAL	Miscellaneous Medical	0.00	0.53	$78.24
92548	0	POSTUROGRAPHY	Miscellaneous Medical	0.50	1.85	$78.24
92585	0	AUDITORY EVOKED	Hearing/Speech Exams	0.50	3.25	$79.65
92950	0	HEART/LUNG RESUSCITATION	Cardiovascular	3.80	2.27	$91.42
92953	0	TEMPORARY EXTERNAL	Cardiovascular	0.23	0.25	$91.42
92960	0	HEART ELECTROCONVERSION	Cardiovascular	2.25	1.88	$91.42
92970	0	CARDIOASSIST, INTERNAL	Cardiovascular	3.52	3.47	$91.42
92971	0	CARDIOASSIST, EXTERNAL	Cardiovascular	1.77	1.11	$91.42
92975	0	DISSOLVE CLOT, HEART	Cardiovascular	7.25	5.71	$91.42
92977	0	DISSOLVE CLOT, HEART	Cardiovascular	0.00	7.68	$91.42
92978	0	INTRAVAS US, HEART (ADD-	Cardiovascular	1.80	5.41	$91.42
92979	0	INTRAVAS US, HEART (ADD-	Cardiovascular	1.44	3.03	$91.42
92980	0	INSERT INTRACORONARY	Surgery	14.84	16.32	$120.59
92981	0	INSERT INTRACORONARY	Surgery	4.17	4.59	$120.59
92982	0	CORONARY ARTERY DILATION	Surgery	10.98	12.08	$120.59
92984	0	CORONARY ARTERY DILATION	Surgery	2.97	3.27	$120.59
92986	0	REVISION OF AORTIC VALVE	Surgery	21.80	12.04	$120.59
92987	0	REVISION OF MITRAL VALVE	Surgery	22.70	12.20	$120.59
92990	0	REVISION OF PULMONARY	Surgery	17.34	9.59	$120.59
92995	0	CORONARY ATHERECTOMY	Surgery	12.09	13.30	$120.59
92996	0	CORONARY ATHERECTOMY	Surgery	3.26	3.59	$120.59
92997	0	PUL ART BALLOON REPAIR,	Surgery	12.00	13.20	$120.59
92998	0	PUL ART BALLOON REPAIR,	Surgery	6.00	3.80	$120.59
93000	0	ELECTROCARDIOGRAM,	Cardiovascular	0.17	0.59	$91.42
93005	0	ELECTROCARDIOGRAM,	Cardiovascular	0.00	0.43	$91.42
93010	0	ELECTROCARDIOGRAM REPORT	Cardiovascular	0.17	0.16	$91.42
93012	0	TRANSMISSION OF ECG	Cardiovascular	0.00	2.25	$91.42
93014	0	REPORT ON TRANSMITTED	Cardiovascular	0.52	0.40	$91.42
93015	0	CARDIOVASCULAR STRESS	Cardiovascular	0.75	2.32	$91.42
93016	0	CARDIOVASCULAR STRESS	Cardiovascular	0.45	0.39	$91.42
93017	0	CARDIOVASCULAR STRESS	Cardiovascular	0.00	1.60	$91.42
93018	0	CARDIOVASCULAR STRESS	Cardiovascular	0.30	0.33	$91.42
93024	26	CARDIAC DRUG STRESS TEST	Cardiovascular	1.17	1.29	$91.42
93040	0	RHYTHM ECG WITH REPORT	Cardiovascular	0.16	0.26	$91.42
93041	0	RHYTHM ECG, TRACING	Cardiovascular	0.00	0.14	$91.42
93042	0	RHYTHM ECG, REPORT	Cardiovascular	0.16	0.12	$91.42
93224	0	ECG MONITOR/REPORT, 24	Cardiovascular	0.52	3.83	$91.42
93225	0	ECG MONITOR/RECORD, 24	Cardiovascular	0.00	1.18	$91.42
93226	0	ECG MONITOR/REPORT, 24	Cardiovascular	0.00	2.08	$91.42
93227	0	ECG MONITOR/REVIEW, 24	Cardiovascular	0.52	0.57	$91.42
93230	0	ECG MONITOR/REPORT, 24	Cardiovascular	0.52	4.09	$91.42
93231	0	ECG MONITOR/RECORD, 24	Cardiovascular	0.00	1.45	$91.42
93232	0	ECG MONITOR/REPORT, 24	Cardiovascular	0.00	2.07	$91.42
93233	0	ECG MONITOR/REVIEW, 24	Cardiovascular	0.52	0.57	$91.42
93235	0	ECG MONITOR/REPORT, 24	Cardiovascular	0.45	3.00	$91.42
93236	0	ECG MONITOR/REPORT, 24	Cardiovascular	0.00	2.50	$91.42
93237	0	ECG MONITOR/REVIEW, 24	Cardiovascular	0.45	0.50	$91.42
93268	0	ECG RECORD/REVIEW	Cardiovascular	0.52	3.83	$91.42
93270	0	ECG RECORDING	Cardiovascular	0.00	1.18	$91.42
93271	0	ECG/MONITORING AND	Cardiovascular	0.00	2.25	$91.42
93272	0	ECG/REVIEW, INTERPRET	Cardiovascular	0.52	0.40	$91.42
93278	26	ECG/SIGNAL-AVERAGED	Cardiovascular	0.25	0.28	$91.42
93303	26	ECHO TRANSTHORACIC	Cardiovascular	1.30	1.00	$91.42
93304	26	ECHO TRANSTHORACIC	Cardiovascular	0.75	0.68	$91.42
93307	26	ECHO EXAM OF HEART	Cardiovascular	0.92	1.00	$91.42
93308	26	ECHO EXAM OF HEART	Cardiovascular	0.53	0.58	$91.42
93312	26	ECHO TRANSESOPHAGEAL	Cardiovascular	2.20	1.35	$91.42
93313	0	ECHO TRANSESOPHAGEAL	Cardiovascular	0.95	0.67	$91.42
93314	26	ECHO TRANSESOPHAGEAL	Cardiovascular	1.25	0.67	$91.42
93315	26	ECHO TRANSESOPHAGEAL	Cardiovascular	2.78	1.35	$91.42
93316	0	ECHO TRANSESOPHAGEAL	Cardiovascular	0.95	0.67	$91.42

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
93317	26	ECHO TRANSESOPHAGEAL	Cardiovascular	1.83	0.67	$91.42
93320	26	DOPPLER ECHO EXAM, HEART	Cardiovascular	0.38	0.42	$91.42
93321	26	DOPPLER ECHO EXAM, HEART	Cardiovascular	0.15	0.17	$91.42
93325	26	DOPPLER COLOR FLOW	Cardiovascular	0.07	0.04	$91.42
93350	0	ECHO TRANSTHORACIC	Cardiovascular	0.78	2.54	$91.42
93501	26	RIGHT HEART	Surgery	3.02	3.32	$120.59
93503	0	INSERT/PLACE HEART	Surgery	2.91	2.37	$120.59
93505	26	BIOPSY OF HEART LINING	Surgery	4.38	3.03	$120.59
93508	26	CATH PLACEMENT,	Surgery	4.10	2.78	$120.59
93510	26	LEFT HEART	Surgery	4.33	3.06	$120.59
93511	26	LEFT HEART	Surgery	5.03	2.62	$120.59
93514	26	LEFT HEART	Surgery	7.05	4.55	$120.59
93524	26	LEFT HEART	Surgery	6.95	4.65	$120.59
93526	26	RT & LT HEART CATHETERS	Surgery	5.99	5.45	$120.59
93527	26	RT & LT HEART CATHETERS	Surgery	7.28	7.14	$120.59
93528	26	RT & LT HEART CATHETERS	Surgery	9.00	4.43	$120.59
93529	26	RT, LT HEART	Surgery	4.80	2.93	$120.59
93530	26	RT HEART CATH,	Surgery	4.23	3.61	$120.59
93531	26	R & L HEART CATH,	Surgery	8.35	5.45	$120.59
93532	26	R & L HEART CATH,	Surgery	10.00	7.14	$120.59
93533	26	R & L HEART CATH,	Surgery	6.70	2.93	$120.59
93536	0	INSERT CIRCULATION ASSI	Surgery	4.85	5.34	$120.59
93539	0	INJECTION, CARDIAC CATH	Cardiovascular	0.40	0.88	$91.42
93540	0	INJECTION, CARDIAC CATH	Cardiovascular	0.43	0.88	$91.42
93541	0	INJECTION FOR LUNG	Cardiovascular	0.29	0.32	$91.42
93542	0	INJECTION FOR HEART X-	Cardiovascular	0.29	0.32	$91.42
93543	0	INJECTION FOR HEART X-	Cardiovascular	0.29	0.57	$91.42
93544	0	INJECTION FOR	Cardiovascular	0.25	0.57	$91.42
93545	0	INJECTION FOR CORONARY X-	Cardiovascular	0.40	0.44	$91.42
93555	26	IMAGING, CARDIAC CATH	Cardiovascular	0.81	0.27	$91.42
93556	26	IMAGING, CARDIAC CATH	Cardiovascular	0.83	0.45	$91.42
93561	0	CARDIAC OUTPUT	Surgery	0.50	1.05	$120.59
93562	0	CARDIAC OUTPUT	Surgery	0.16	0.48	$120.59
93600	26	BUNDLE OF HIS RECORDING	Cardiovascular	2.12	2.33	$91.42
93602	26	INTRA-ATRIAL RECORDING	Cardiovascular	2.12	1.77	$91.42
93603	26	RIGHT VENTRICULAR	Cardiovascular	2.12	2.19	$91.42
93607	26	RIGHT VENTRICULAR	Cardiovascular	3.26	2.21	$91.42
93609	26	MAPPING OF TACHYCARDIA	Cardiovascular	10.07	3.84	$91.42
93610	26	INTRA-ATRIAL PACING	Cardiovascular	3.02	2.31	$91.42
93612	26	INTRAVENTRICULAR PACING	Cardiovascular	3.02	2.34	$91.42
93615	26	ESOPHAGEAL RECORDING	Cardiovascular	0.99	0.35	$91.42
93616	26	ESOPHAGEAL RECORDING	Cardiovascular	1.49	1.36	$91.42
93618	26	HEART RHYTHM PACING	Cardiovascular	4.26	4.69	$91.42
93619	26	ELECTROPHYSIOLOGY	Cardiovascular	7.32	8.05	$91.42
93620	26	ELECTROPHYSIOLOGY	Cardiovascular	11.59	12.75	$91.42
93621	26	ELECTROPHYSIOLOGY	Cardiovascular	12.66	13.93	$91.42
93622	26	ELECTROPHYSIOLOGY	Cardiovascular	12.74	14.01	$91.42
93623	26	STIMULATION, PACING	Cardiovascular	2.85	2.78	$91.42
93624	26	ELECTROPHYSIOLOGIC STUDY	Cardiovascular	4.81	2.99	$91.42
93631	0	HEART PACING, MAPPING	Cardiovascular	7.60	11.62	$91.42
93640	26	EVALUATION HEART DEVICE	Cardiovascular	3.52	3.87	$91.42
93641	26	ELECTROPHYSIOLOGY	Cardiovascular	5.93	6.52	$91.42
93642	26	ELECTROPHYSIOLOGY	Cardiovascular	4.89	5.38	$91.42
93650	0	ABLATE HEART DYSRHYTHM	Cardiovascular	10.51	11.56	$91.42
93651	0	ABLATE HEART DYSRHYTHM	Cardiovascular	16.25	17.83	$91.42
93652	0	ABLATE HEART DYSRHYTHM	Cardiovascular	17.68	17.83	$91.42
93660	26	TILT TABLE EVALUATION	Cardiovascular	1.89	1.44	$91.42
93720	0	TOTAL BODY	Cardiovascular	0.17	0.89	$91.42
93721	0	PLETHYSMOGRAPHY TRACING	Cardiovascular	0.00	0.67	$91.42
93722	0	PLETHYSMOGRAPHY REPORT	Cardiovascular	0.17	0.22	$91.42
93724	26	ANALYZE PACEMAKER SYSTEM	Cardiovascular	4.89	2.88	$91.42
93731	0	ANALYZE PACEMAKER SYSTEM	Cardiovascular	0.45	0.79	$91.42
93732	0	ANALYZE PACEMAKER SYSTEM	Cardiovascular	0.92	0.91	$91.42
93733	0	TELEPHONE ANALYSIS,	Cardiovascular	0.17	0.88	$91.42
93734	0	ANALYZE PACEMAKER SYSTEM	Cardiovascular	0.38	0.64	$91.42
93735	0	ANALYZE PACEMAKER SYSTEM	Cardiovascular	0.74	0.85	$91.42

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
93736	0	TELEPHONE ANALYSIS,	Cardiovascular	0.15	0.77	$91.42
93737	0	ANALYZE CARDIO/	Cardiovascular	0.45	0.74	$91.42
93738	0	ANALYZE CARDIO/	Cardiovascular	0.92	0.88	$91.42
93740	0	TEMPERATURE GRADIENT	Cardiovascular	0.16	0.45	$91.42
93770	0	MEASURE VENOUS PRESSURE	Cardiovascular	0.16	0.20	$91.42
93797	0	CARDIAC REHAB	Cardiovascular	0.18	0.20	$91.42
93798	0	CARDIAC REHAB/MONITOR	Cardiovascular	0.28	0.47	$91.42
93875	0	EXTRACRANIAL STUDY	Miscellaneous Medical	0.22	1.29	$78.24
93880	0	EXTRACRANIAL STUDY	Miscellaneous Medical	0.60	3.94	$78.24
93882	0	EXTRACRANIAL STUDY	Miscellaneous Medical	0.40	2.62	$78.24
93886	0	INTRACRANIAL STUDY	Miscellaneous Medical	0.94	4.44	$78.24
93888	0	INTRACRANIAL STUDY	Miscellaneous Medical	0.62	2.96	$78.24
93922	0	EXTREMITY STUDY	Miscellaneous Medical	0.25	1.38	$78.24
93923	0	EXTREMITY STUDY	Miscellaneous Medical	0.45	2.58	$78.24
93924	0	EXTREMITY STUDY	Miscellaneous Medical	0.50	2.81	$78.24
93925	0	LOWER EXTREMITY STUDY	Miscellaneous Medical	0.58	3.96	$78.24
93926	0	LOWER EXTREMITY STUDY	Miscellaneous Medical	0.39	2.64	$78.24
93930	0	UPPER EXTREMITY STUDY	Miscellaneous Medical	0.46	4.18	$78.24
93931	0	UPPER EXTREMITY STUDY	Miscellaneous Medical	0.31	2.78	$78.24
93965	0	EXTREMITY STUDY	Miscellaneous Medical	0.35	1.43	$78.24
93970	0	EXTREMITY STUDY	Miscellaneous Medical	0.68	4.33	$78.24
93971	0	EXTREMITY STUDY	Miscellaneous Medical	0.45	2.89	$78.24
93975	0	VASCULAR STUDY	Miscellaneous Medical	1.80	4.90	$78.24
93976	0	VASCULAR STUDY	Miscellaneous Medical	1.21	3.27	$78.24
93978	0	VASCULAR STUDY	Miscellaneous Medical	0.65	4.06	$78.24
93979	0	VASCULAR STUDY	Miscellaneous Medical	0.44	2.70	$78.24
93980	0	PENILE VASCULAR STUDY	Miscellaneous Medical	1.25	4.15	$78.24
93981	0	PENILE VASCULAR STUDY	Miscellaneous Medical	0.44	3.47	$78.24
93990	0	DOPPLER FLOW TESTING	Miscellaneous Medical	0.25	2.57	$78.24
94010	0	BREATHING CAPACITY TEST	Miscellaneous Medical	0.17	0.68	$78.24
94060	0	EVALUATION OF WHEEZING	Miscellaneous Medical	0.31	1.23	$78.24
94070	0	EVALUATION OF WHEEZING	Miscellaneous Medical	0.60	1.77	$78.24
94150	0	VITAL CAPACITY TEST	Miscellaneous Medical	0.07	0.16	$78.24
94200	0	LUNG FUNCTION TEST (MBC/	Miscellaneous Medical	0.11	0.36	$78.24
94240	26	RESIDUAL LUNG CAPACITY	Miscellaneous Medical	0.26	0.23	$78.24
94250	26	EXPIRED GAS COLLECTION	Miscellaneous Medical	0.11	0.12	$78.24
94260	26	THORACIC GAS VOLUME	Miscellaneous Medical	0.13	0.14	$78.24
94350	26	LUNG NITROGEN WASHOUT	Miscellaneous Medical	0.26	0.21	$78.24
94360	26	MEASURE AIRFLOW	Miscellaneous Medical	0.26	0.19	$78.24
94370	26	BREATH AIRWAY CLOSING	Miscellaneous Medical	0.26	0.14	$78.24
94375	0	RESPIRATORY FLOW VOLUME	Miscellaneous Medical	0.31	0.67	$78.24
94400	0	CO2 BREATHING RESPONSE	Miscellaneous Medical	0.40	0.77	$78.24
94450	26	HYPOXIA RESPONSE CURVE	Miscellaneous Medical	0.40	0.24	$78.24
94620	26	PULMONARY STRESS TESTING	Miscellaneous Medical	0.88	0.70	$78.24
94640	0	AIRWAY INHALATION	Miscellaneous Medical	0.00	0.39	$78.24
94650	0	PRESSURE BREATHING	Miscellaneous Medical	0.00	0.37	$78.24
94651	0	PRESSURE BREATHING	Miscellaneous Medical	0.00	0.36	$78.24
94652	0	PRESSURE BREATHING	Miscellaneous Medical	0.00	0.41	$78.24
94656	0	INITIAL VENTILATOR MGMT	Miscellaneous Medical	1.22	1.13	$78.24
94657	0	CONT VENTILATOR	Miscellaneous Medical	0.83	0.62	$78.24
94660	0	POS AIRWAY PRESSURE,	Miscellaneous Medical	0.76	0.71	$78.24
94662	0	NEG PRESSURE	Miscellaneous Medical	0.76	0.30	$78.24
94680	26	EXHALED AIR ANALYSIS: O2	Miscellaneous Medical	0.26	0.29	$78.24
94681	26	EXHALED AIR ANALYSIS:	Miscellaneous Medical	0.20	0.22	$78.24
94690	26	EXHALED AIR ANALYSIS	Miscellaneous Medical	0.07	0.05	$78.24
94720	26	MONOXIDE DIFFUSING	Miscellaneous Medical	0.26	0.23	$78.24
94725	26	MEMBRANE DIFFUSION	Miscellaneous Medical	0.26	0.18	$78.24
94750	26	PULMONARY COMPLIANCE	Miscellaneous Medical	0.23	0.25	$78.24
94760	0	MEASURE BLOOD OXYGEN	Miscellaneous Medical	0.00	0.25	$78.24
94761	0	MEASURE BLOOD OXYGEN	Miscellaneous Medical	0.00	0.64	$78.24
94762	0	MEASURE BLOOD OXYGEN	Miscellaneous Medical	0.00	1.08	$78.24
94770	26	EXHALED CARBON DIOXIDE	Miscellaneous Medical	0.15	0.11	$78.24
95004	0	ALLERGY SKIN TESTS	Allergy Testing	0.00	0.09	$54.77
95010	0	SENSITIVITY SKIN TESTS	Allergy Testing	0.15	0.11	$54.77
95015	0	SENSITIVITY SKIN TESTS	Allergy Testing	0.15	0.11	$54.77
95024	0	ALLERGY SKIN TESTS	Allergy Testing	0.00	0.14	$54.77

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
95027	0	SKIN END POINT TITRATION	Allergy Testing	0.00	0.14	$54.77
95028	0	ALLERGY SKIN TESTS	Allergy Testing	0.00	0.22	$54.77
95044	0	ALLERGY PATCH TESTS	Allergy Testing	0.00	0.19	$54.77
95052	0	PHOTO PATCH TEST	Allergy Testing	0.00	0.24	$54.77
95056	0	PHOTOSENSITIVITY TESTS	Allergy Testing	0.00	0.17	$54.77
95060	0	EYE ALLERGY TESTS	Allergy Testing	0.00	0.33	$54.77
95065	0	NOSE ALLERGY TEST	Allergy Testing	0.00	0.19	$54.77
95070	0	BRONCHIAL ALLERGY TESTS	Allergy Testing	0.00	2.17	$54.77
95071	0	BRONCHIAL ALLERGY TESTS	Allergy Testing	0.00	2.78	$54.77
95075	0	INGESTION CHALLENGE TEST	Allergy Testing	0.95	1.97	$54.77
95078	0	PROVOCATIVE TESTING	Allergy Testing	0.00	0.24	$54.77
95115	0	IMMUNOTHERAPY, ONE	Allergy Immunotherapy	0.00	0.37	$54.44
95117	0	IMMUNOTHERAPY INJECTIONS	Allergy Immunotherapy	0.00	0.48	$54.44
95144	0	ANTIGEN THERAPY SERVICES	Allergy Immunotherapy	0.06	0.13	$54.44
95145	0	ANTIGEN THERAPY SERVICES	Allergy Immunotherapy	0.06	0.34	$54.44
95146	0	ANTIGEN THERAPY SERVICES	Allergy Immunotherapy	0.06	0.61	$54.44
95147	0	ANTIGEN THERAPY SERVICES	Allergy Immunotherapy	0.06	0.91	$54.44
95148	0	ANTIGEN THERAPY SERVICES	Allergy Immunotherapy	0.06	0.91	$54.44
95149	0	ANTIGEN THERAPY SERVICES	Allergy Immunotherapy	0.06	1.14	$54.44
95165	0	ANTIGEN THERAPY SERVICES	Allergy Immunotherapy	0.06	0.10	$54.44
95170	0	ANTIGEN THERAPY SERVICES	Allergy Immunotherapy	0.06	0.35	$54.44
95180	0	RAPID DESENSITIZATION	Allergy Immunotherapy	2.01	0.14	$54.44
95805	26	MULTIPLE SLEEP LATENCY	Miscellaneous Medical	1.88	0.56	$78.24
95806	26	SLEEP STUDY, UNATTENDED	Miscellaneous Medical	1.66	1.83	$78.24
95807	26	SLEEP STUDY, ATTENDED	Miscellaneous Medical	1.66	1.83	$78.24
95808	26	POLYSOMNOGRAPHY, 1–3	Miscellaneous Medical	2.65	2.45	$78.24
95810	26	POLYSOMNOGRAPHY, 4 OR	Miscellaneous Medical	3.53	2.45	$78.24
95811	26	POLYSOMNOGRAPHY W/CPAP	Miscellaneous Medical	3.80	2.57	$78.24
95812	26	ELECTROENCEPHALOGRAM	Miscellaneous Medical	1.08	0.50	$78.24
95813	26	ELECTROENCEPHALOGRAM	Miscellaneous Medical	1.73	0.50	$78.24
95816	26	ELECTROENCEPHALOGRAM	Miscellaneous Medical	1.08	0.28	$78.24
95819	26	ELECTROENCEPHALOGRAM	Miscellaneous Medical	1.08	0.50	$78.24
95822	26	SLEEP	Miscellaneous Medical	1.08	0.56	$78.24
95824	0	ELECTROENCEPHALOGRAPHY	Miscellaneous Medical	0.74	0.98	$78.24
95827	26	NIGHT	Miscellaneous Medical	1.08	0.88	$78.24
95829	0	SURGERY	Miscellaneous Medical	6.21	0.59	$78.24
95830	0	INSERT ELECTRODES FOR	Miscellaneous Medical	1.70	0.78	$78.24
95857	0	TENSILON TEST	Miscellaneous Medical	0.53	0.50	$78.24
95858	0	TENSILON TEST & MYOGRAM	Miscellaneous Medical	1.56	1.02	$78.24
95860	0	MUSCLE TEST, ONE LIMB	Miscellaneous Medical	0.96	1.09	$78.24
95861	0	MUSCLE TEST, TWO LIMBS	Miscellaneous Medical	1.54	1.97	$78.24
95863	0	MUSCLE TEST, 3 LIMBS	Miscellaneous Medical	1.87	2.30	$78.24
95864	0	MUSCLE TEST, 4 LIMBS	Miscellaneous Medical	1.99	3.45	$78.24
95867	0	MUSCLE TEST, HEAD OR	Miscellaneous Medical	0.79	1.13	$78.24
95868	0	MUSCLE TEST, HEAD OR	Miscellaneous Medical	1.18	1.92	$78.24
95869	0	MUSCLE TEST, THOR	Miscellaneous Medical	0.37	0.53	$78.24
95870	0	MUSCLE TEST, NON-	Miscellaneous Medical	0.37	0.53	$78.24
95872	26	MUSCLE TEST, ONE FIBER	Miscellaneous Medical	1.50	0.68	$78.24
95875	0	LIMB EXERCISE TEST	Miscellaneous Medical	1.34	0.60	$78.24
95900	0	MOTOR NERVE CONDUCTION	Miscellaneous Medical	0.42	0.62	$78.24
95903	0	MOTOR NERVE CONDUCTION	Miscellaneous Medical	0.60	0.59	$78.24
95904	0	SENSE NERVE CONDUCTION	Miscellaneous Medical	0.34	0.55	$78.24
95920	26	INTRAOPERATIVE NERVE	Miscellaneous Medical	2.11	1.43	$78.24
95921	0	AUTONOMIC NERVOUS FUNC	Miscellaneous Medical	0.90	0.68	$78.24
95922	0	AUTONOMIC NERVOUS FUNC	Miscellaneous Medical	0.96	0.70	$78.24
95923	0	AUTONOMIC NERVOUS FUNC	Miscellaneous Medical	0.90	0.68	$78.24
95925	0	SOMATOSENSORY TESTING	Miscellaneous Medical	0.54	1.51	$78.24
95926	0	SOMATOSENSORY TESTING	Miscellaneous Medical	0.54	1.51	$78.24
95927	0	SOMATOSENSORY TESTING	Miscellaneous Medical	0.54	1.51	$78.24
95930	0	VISUAL EVOKED POTENTIAL	Miscellaneous Medical	0.35	0.83	$78.24
95933	0	BLINK REFLEX TEST	Miscellaneous Medical	0.59	1.25	$78.24
95934	0	H REFLEX TEST	Miscellaneous Medical	0.51	0.54	$78.24
95936	0	H REFLEX TEST	Miscellaneous Medical	0.55	0.54	$78.24
95937	0	NEUROMUSCULAR JUNCTION	Miscellaneous Medical	0.65	0.77	$78.24
95950	26	AMBULATORY EEG	Miscellaneous Medical	1.51	1.21	$78.24
95951	26	EEG MONITORING/	Miscellaneous Medical	6.00	1.50	$78.24

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
95953	26	EEG MONITORING/COMPUTER ...	Miscellaneous Medical	3.08	1.21	$78.24
95954	0	EEG MONITORING/GIVING	Miscellaneous Medical	2.45	2.32	$78.24
95955	0	EEG DURING SURGERY	Miscellaneous Medical	1.01	2.90	$78.24
95956	0	EEG MONITORING/CABLE/	Miscellaneous Medical	3.08	7.54	$78.24
95957	0	EEG DIGITAL ANALYSIS	Miscellaneous Medical	1.98	2.25	$78.24
95958	26	EEG MONITORING/FUNCTION	Miscellaneous Medical	4.25	3.23	$78.24
95961	0	ELECTRODE STIMULATION, ...	Miscellaneous Medical	2.97	2.67	$78.24
95962	0	ELECTRODE STIMULATION, ...	Miscellaneous Medical	3.21	2.67	$78.24
96100	0	PSYCHOLOGICAL TESTING	Miscellaneous Medical	0.00	1.68	$78.24
96117	0	NEUROPSYCH TEST BATTERY	Miscellaneous Medical	0.00	1.68	$78.24
96400	0	CHEMOTHERAPY, (SC)/(IM)	Miscellaneous Medical	0.00	0.13	$78.24
96405	0	INTRALESIONAL CHEMO	Miscellaneous Medical	0.52	0.38	$78.24
96406	0	INTRALESIONAL CHEMO	Miscellaneous Medical	0.80	0.56	$78.24
96408	0	CHEMOTHERAPY, PUSH	Miscellaneous Medical	0.00	0.92	$78.24
96410	0	CHEMOTHERAPY, INFUSION	Miscellaneous Medical	0.00	1.47	$78.24
96412	0	CHEMOTHERAPY, INFUSION	Miscellaneous Medical	0.00	1.10	$78.24
96414	0	CHEMOTHERAPY, INFUSION	Miscellaneous Medical	0.00	1.27	$78.24
96420	0	CHEMOTHERAPY, PUSH	Miscellaneous Medical	0.00	1.19	$78.24
96422	0	CHEMOTHERAPY, INFUSION	Miscellaneous Medical	0.00	1.17	$78.24
96423	0	CHEMOTHERAPY, INFUSION	Miscellaneous Medical	0.00	0.46	$78.24
96425	0	CHEMOTHERAPY, INFUSION	Miscellaneous Medical	0.00	1.36	$78.24
96440	0	CHEMOTHERAPY, ...	Miscellaneous Medical	2.37	0.81	$78.24
96445	0	CHEMOTHERAPY, ...	Miscellaneous Medical	2.20	0.49	$78.24
96450	0	CHEMOTHERAPY, INTO CNS	Miscellaneous Medical	1.89	0.44	$78.24
96520	0	PUMP REFILLING, ...	Miscellaneous Medical	0.00	0.85	$78.24
96530	0	PUMP REFILLING, ...	Miscellaneous Medical	0.00	1.01	$78.24
96542	0	CHEMOTHERAPY INJECTION	Miscellaneous Medical	1.42	1.09	$78.24
96900	0	ULTRAVIOLET LIGHT	Miscellaneous Medical	0.00	0.38	$78.24
96902	0	TRICHOGRAM	Miscellaneous Medical	0.41	0.29	$78.24
96910	0	PHOTOCHEMOTHERAPY WITH	Miscellaneous Medical	0.00	0.55	$78.24
96912	0	PHOTOCHEMOTHERAPY WITH	Miscellaneous Medical	0.00	0.63	$78.24
96913	0	PHOTOCHEMOTHERAPY, UV–A ..	Miscellaneous Medical	0.00	1.29	$78.24
98925	0	OSTEOPATHIC MANIPULATION ...	Physical Medicine	0.45	0.25	$87.97
98926	0	OSTEOPATHIC MANIPULATION ...	Physical Medicine	0.65	0.40	$87.97
98927	0	OSTEOPATHIC MANIPULATION ...	Physical Medicine	0.87	0.38	$87.97
98928	0	OSTEOPATHIC MANIPULATION ...	Physical Medicine	1.03	0.42	$87.97
98929	0	OSTEOPATHIC MANIPULATION ...	Physical Medicine	1.19	0.39	$87.97
98940	0	CHIROPRACTIC	Chiropractor	0.45	0.29	$59.95
98941	0	CHIROPRACTIC	Chiropractor	0.65	0.29	$59.95
98942	0	CHIROPRACTIC	Chiropractor	0.87	0.29	$59.95
98943	0	CHIROPRACTIC	Chiropractor	0.40	0.29	$59.95
99141	0	SEDATION, IV/IM OR	Miscellaneous Medical	0.80	0.83	$78.24
99142	0	SEDATION, ORAL/RECTAL/	Miscellaneous Medical	0.60	0.62	$78.24
99175	0	INDUCTION OF VOMITING	Inpatient Visits	0.00	1.33	$68.51
99183	0	HYPERBARIC OXYGEN	Inpatient Visits	2.34	1.67	$68.51
99185	0	REGIONAL HYPOTHERMIA	Inpatient Visits	0.00	0.61	$68.51
99186	0	TOTAL BODY HYPOTHERMIA	Inpatient Visits	0.00	1.70	$68.51
99195	0	PHLEBOTOMY	Inpatient Visits	0.00	0.42	$68.51
99201	0	OFFICE/OUTPATIENT VISIT, ...	Office/Home/Urgent Care Visits	0.45	0.42	$59.93
99202	0	OFFICE/OUTPATIENT VISIT, ...	Office/Home/Urgent Care Visits	0.88	0.51	$59.93
99203	0	OFFICE/OUTPATIENT VISIT, ...	Office/Home/Urgent Care Visits	1.34	0.59	$59.93
99204	0	OFFICE/OUTPATIENT VISIT, ...	Office/Home/Urgent Care Visits	2.00	0.88	$59.93
99205	0	OFFICE/OUTPATIENT VISIT, ...	Office/Home/Urgent Care Visits	2.67	0.96	$59.93
99211	0	OFFICE/OUTPATIENT VISIT, ...	Office/Home/Urgent Care Visits	0.17	0.21	$59.93
99212	0	OFFICE/OUTPATIENT VISIT, ...	Office/Home/Urgent Care Visits	0.45	0.32	$59.93
99213	0	OFFICE/OUTPATIENT VISIT, ...	Office/Home/Urgent Care Visits	0.67	0.43	$59.93
99214	0	OFFICE/OUTPATIENT VISIT, ...	Office/Home/Urgent Care Visits	1.10	0.57	$59.93
99215	0	OFFICE/OUTPATIENT VISIT, ...	Office/Home/Urgent Care Visits	1.77	0.86	$59.93
99217	0	OBSERVATION CARE	Emer Room Visits and Observation Care.	1.28	0.52	$84.78
99218	0	OBSERVATION CARE	Emer Room Visits and Observation Care.	1.28	0.68	$84.78
99219	0	OBSERVATION CARE	Emer Room Visits and Observation Care.	2.14	1.05	$84.78
99220	0	OBSERVATION CARE	Emer Room Visits and Observation Care.	2.99	1.14	$84.78

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
99221	0	INITIAL HOSPITAL CARE	Inpatient Visits	1.28	0.67	$68.51
99222	0	INITIAL HOSPITAL CARE	Inpatient Visits	2.14	1.04	$68.51
99223	0	INITIAL HOSPITAL CARE	Inpatient Visits	2.99	1.13	$68.51
99231	0	SUBSEQUENT HOSPITAL CARE	Inpatient Visits	0.64	0.38	$68.51
99232	0	SUBSEQUENT HOSPITAL CARE	Inpatient Visits	1.06	0.45	$68.51
99233	0	SUBSEQUENT HOSPITAL CARE	Inpatient Visits	1.51	0.60	$68.51
99234	0	OBSERV/HOSP SAME DATE	Inpatient Visits	2.56	0.68	$68.51
99235	0	OBSERV/HOSP SAME DATE	Inpatient Visits	3.42	1.05	$68.51
99236	0	OBSERV/HOSP SAME DATE	Inpatient Visits	4.27	1.14	$68.51
99238	0	HOSPITAL DISCHARGE DAY	Inpatient Visits	1.28	0.51	$68.51
99239	0	HOSPITAL DISCHARGE DAY	Inpatient Visits	1.75	0.51	$68.51
99241	0	OFFICE CONSULTATION	Consults	0.64	0.64	$64.13
99242	0	OFFICE CONSULTATION	Consults	1.29	0.77	$64.13
99243	0	OFFICE CONSULTATION	Consults	1.72	0.97	$64.13
99244	0	OFFICE CONSULTATION	Consults	2.58	1.23	$64.13
99245	0	OFFICE CONSULTATION	Consults	3.43	1.69	$64.13
99251	0	INITIAL INPATIENT	Consults	0.66	0.67	$64.13
99252	0	INITIAL INPATIENT	Consults	1.32	0.76	$64.13
99253	0	INITIAL INPATIENT	Consults	1.82	0.95	$64.13
99254	0	INITIAL INPATIENT	Consults	2.64	1.20	$64.13
99255	0	INITIAL INPATIENT	Consults	3.65	1.57	$64.13
99261	0	FOLLOW-UP INPATIENT	Consults	0.42	0.33	$64.13
99262	0	FOLLOW-UP INPATIENT	Consults	0.85	0.46	$64.13
99263	0	FOLLOW-UP INPATIENT	Consults	1.27	0.67	$64.13
99271	0	CONFIRMATORY	Consults	0.45	0.58	$64.13
99272	0	CONFIRMATORY	Consults	0.84	0.71	$64.13
99273	0	CONFIRMATORY	Consults	1.19	1.02	$64.13
99274	0	CONFIRMATORY	Consults	1.73	1.22	$64.13
99275	0	CONFIRMATORY	Consults	2.31	1.74	$64.13
99281	0	EMERGENCY DEPT VISIT	Emer Room Visits and Observation Care.	0.33	0.28	$84.78
99282	0	EMERGENCY DEPT VISIT	Emer Room Visits and Observation Care.	0.55	0.38	$84.78
99283	0	EMERGENCY DEPT VISIT	Emer Room Visits and Observation Care.	1.24	0.49	$84.78
99284	0	EMERGENCY DEPT VISIT	Emer Room Visits and Observation Care.	1.95	0.70	$84.78
99285	0	EMERGENCY DEPT VISIT	Emer Room Visits and Observation Care.	3.06	1.13	$84.78
99291	0	CRITICAL CARE, FIRST	Inpatient Visits	4.00	1.43	$68.51
99292	0	CRITICAL CARE, ADDL 30	Inpatient Visits	2.00	0.63	$68.51
99295	0	NEONATAL CRITICAL CARE	Inpatient Visits	16.00	5.08	$68.51
99296	0	NEONATAL CRITICAL CARE	Inpatient Visits	8.00	2.46	$68.51
99297	0	NEONATAL CRITICAL CARE	Inpatient Visits	4.00	1.23	$68.51
99301	0	NURSING FACILITY CARE	Inpatient Visits	1.20	0.45	$68.51
99302	0	NURSING FACILITY CARE	Inpatient Visits	1.61	0.50	$68.51
99303	0	NURSING FACILITY CARE	Inpatient Visits	2.01	0.95	$68.51
99311	0	NURSING FACILITY CARE,	Inpatient Visits	0.60	0.34	$68.51
99312	0	NURSING FACILITY CARE,	Inpatient Visits	1.00	0.41	$68.51
99313	0	NURSING FACILITY CARE,	Inpatient Visits	1.42	0.46	$68.51
99315	0	NURSING FAC DISCHARGE	Inpatient Visits	1.13	0.51	$68.51
99316	0	NURSING FAC DISCHARGE	Inpatient Visits	1.50	0.51	$68.51
99321	0	REST HOME VISIT, NEW	Office/Home/Urgent Care Visits	0.71	0.37	$59.93
99322	0	REST HOME VISIT, NEW	Office/Home/Urgent Care Visits	1.01	0.51	$59.93
99323	0	REST HOME VISIT, NEW	Office/Home/Urgent Care Visits	1.28	0.73	$59.93
99331	0	REST HOME VISIT, ESTAB	Office/Home/Urgent Care Visits	0.60	0.28	$59.93
99332	0	REST HOME VISIT, ESTAB	Office/Home/Urgent Care Visits	0.80	0.36	$59.93
99333	0	REST HOME VISIT, ESTAB	Office/Home/Urgent Care Visits	1.00	0.44	$59.93
99341	0	HOME VISIT, NEW PATIENT	Office/Home/Urgent Care Visits	1.01	0.53	$59.93
99342	0	HOME VISIT, NEW PATIENT	Office/Home/Urgent Care Visits	1.52	0.60	$59.93
99343	0	HOME VISIT, NEW PATIENT	Office/Home/Urgent Care Visits	2.27	0.77	$59.93
99344	0	HOME VISIT, NEW PATIENT	Office/Home/Urgent Care Visits	3.03	0.85	$59.93
99345	0	HOME VISIT, NEW PATIENT	Office/Home/Urgent Care Visits	3.79	0.85	$59.93
99347	0	HOME VISIT, ESTAB	Office/Home/Urgent Care Visits	0.76	0.45	$59.93
99348	0	HOME VISIT, ESTAB	Office/Home/Urgent Care Visits	1.26	0.53	$59.93
99349	0	HOME VISIT, ESTAB	Office/Home/Urgent Care Visits	2.02	0.61	$59.93

TABLE E.—PHYSICIAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH WORK EXPENSE AND PRACTICE EXPENSE RVUS—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Work expense RVUs	Practice expense RVUs	Conversion factor
99350	0	HOME VISIT, ESTAB	Office/Home/Urgent Care Visits	3.03	0.76	$59.93
99354	0	PROLONGED SERVICE,	Office/Home/Urgent Care Visits	1.77	0.76	$59.93
99355	0	PROLONGED SERVICE,	Office/Home/Urgent Care Visits	1.77	0.76	$59.93
99356	0	PROLONGED SERVICE,	Inpatient Visits	1.71	0.85	$68.51
99357	0	PROLONGED SERVICE,	Inpatient Visits	1.71	0.85	$68.51
99374	0	HOME HEALTH CARE	Office/Home/Urgent Care Visits	1.10	0.51	$59.93
99375	0	HOME HEALTH CARE	Office/Home/Urgent Care Visits	1.73	0.51	$59.93
99377	0	HOSPICE CARE SUPERVISION	Office/Home/Urgent Care Visits	1.10	0.51	$59.93
99378	0	HOSPICE CARE SUPERVISION	Office/Home/Urgent Care Visits	1.73	0.51	$59.93
99379	0	NURSING FAC CARE	Office/Home/Urgent Care Visits	1.10	0.51	$59.93
99380	0	NURSING FAC CARE	Office/Home/Urgent Care Visits	1.73	0.51	$59.93
99381	0	PREVENTIVE VISIT, NEW,	Well Baby Exams	1.19	1.23	$33.60
99382	0	PREVENTIVE VISIT, NEW,	Physical Exams	1.36	1.41	$41.66
99383	0	PREVENTIVE VISIT, NEW,	Physical Exams	1.36	1.41	$41.66
99384	0	PREVENTIVE VISIT, NEW,	Physical Exams	1.53	1.59	$41.66
99385	0	PREVENTIVE VISIT, NEW,	Physical Exams	1.53	1.40	$41.66
99386	0	PREVENTIVE VISIT, NEW,	Physical Exams	1.88	1.72	$41.66
99387	0	PREVENTIVE VISIT, NEW,	Physical Exams	2.06	1.88	$41.66
99391	0	PREVENTIVE VISIT, EST,	Well Baby Exams	1.02	1.06	$33.60
99392	0	PREVENTIVE VISIT, EST,	Physical Exams	1.19	1.23	$41.66
99393	0	PREVENTIVE VISIT, EST,	Physical Exams	1.19	1.23	$41.66
99394	0	PREVENTIVE VISIT, EST,	Physical Exams	1.36	1.41	$41.66
99395	0	PREVENTIVE VISIT, EST,	Physical Exams	1.36	1.25	$41.66
99396	0	PREVENTIVE VISIT, EST,	Physical Exams	1.53	1.40	$41.66
99397	0	PREVENTIVE VISIT, EST,	Physical Exams	1.71	1.56	$41.66
99401	0	PREVENTIVE COUNSELING,	Physical Exams	0.48	0.45	$41.66
99402	0	PREVENTIVE COUNSELING,	Physical Exams	0.98	0.89	$41.66
99403	0	PREVENTIVE COUNSELING,	Physical Exams	1.46	1.34	$41.66
99404	0	PREVENTIVE COUNSELING,	Physical Exams	1.95	1.78	$41.66
99411	0	PREVENTIVE COUNSELING,	Physical Exams	0.15	0.14	$41.66
99412	0	PREVENTIVE COUNSELING,	Physical Exams	0.25	0.23	$41.66
99431	0	INITIAL CARE, NORMAL	Inpatient Visits	1.17	1.21	$68.51
99432	0	NEWBORN CARE NOT IN	Well Baby Exams	1.26	1.31	$33.60
99433	0	NORMAL NEWBORN CARE,	Inpatient Visits	0.62	0.64	$68.51
99435	0	HOSPITAL NB DISCHARGE	Inpatient Visits	1.50	1.55	$68.51
99436	0	ATTENDANCE, BIRTH	Inpatient Visits	1.50	1.55	$68.51
99440	0	NEWBORN RESUSCITATION	Inpatient Visits	2.93	3.04	$68.51
M0101	0	FOOT CARE HYGIENIC/PM	Miscellaneous Medical	0.43	0.35	$78.24

TABLE F.—PHYSICIAN NATIONWIDE CHARGES FOR ANESTHESIA AND PATHOLOGY CPT CODES

CPT code	Modifier	CPT code description	Physician CPT code group	Charge
00100	0	ANESTH, SKIN SURGERY	Anesthesia	$861.51
00102	0	ANESTH, REPAIR OF CLEFT LIP	Anesthesia	$1,021.02
00103	0	ANESTH, BLEPHAROPLASTY	Anesthesia	$867.13
00104	0	ANESTH FOR ELECTROSHOCK	Anesthesia	$390.00
00120	0	ANESTHESIA FOR EAR SURGERY	Anesthesia	$921.24
00124	0	ANESTHESIA FOR EAR EXAM	Anesthesia	$535.46
00126	0	ANESTH, TYMPANOTOMY	Anesthesia	$526.32
00140	0	ANESTH, PROCEDURES ON EYE	Anesthesia	$763.83
00142	0	ANESTHESIA FOR LENS SURGERY	Anesthesia	$614.16
00144	0	ANESTH, CORNEAL TRANSPLANT	Anesthesia	$977.46
00145	0	ANESTH, VITRECTOMY	Anesthesia	$1,049.13
00147	0	ANESTH, IRIDECTOMY	Anesthesia	$698.48
00148	0	ANESTHESIA FOR EYE EXAM	Anesthesia	$669.67
00160	0	ANESTH, NOSE, SINUS SURGERY	Anesthesia	$846.75
00162	0	ANESTH, NOSE, SINUS SURGERY	Anesthesia	$1,146.81
00164	0	ANESTH, BIOPSY OF NOSE	Anesthesia	$680.21
00170	0	ANESTH, PROCEDURE ON MOUTH	Anesthesia	$780.70
00172	0	ANESTH, CLEFT PALATE REPAIR	Anesthesia	$1,035.78
00174	0	ANESTH, PHARYNGEAL SURGERY	Anesthesia	$886.81
00176	0	ANESTH, PHARYNGEAL SURGERY	Anesthesia	$1,933.83
00190	0	ANESTH, FACIAL BONE SURGERY	Anesthesia	$1,030.86

TABLE F.—PHYSICIAN NATIONWIDE CHARGES FOR ANESTHESIA AND PATHOLOGY CPT CODES—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Charge
00192	0	ANESTH, FACIAL BONE SURGERY	Anesthesia	$1,789.07
00210	0	ANESTH, OPEN HEAD SURGERY	Anesthesia	$1,841.07
00212	0	ANESTH, SKULL DRAINAGE	Anesthesia	$799.67
00214	0	ANESTH, SKULL DRAINAGE	Anesthesia	$1,181.94
00215	0	ANESTH, SKULL FRACTURE	Anesthesia	$1,181.94
00216	0	ANESTH, HEAD VESSEL SURGERY	Anesthesia	$2,533.23
00218	0	ANESTH, SPECIAL HEAD SURGERY	Anesthesia	$1,931.02
00220	0	ANESTH, SPINAL FLUID SHUNT	Anesthesia	$1,318.27
00222	0	ANESTH, HEAD NERVE SURGERY	Anesthesia	$838.32
00300	0	ANESTH, SKIN SURGERY, NECK	Anesthesia	$810.92
00320	0	ANESTH, NECK ORGAN SURGERY	Anesthesia	$878.38
00322	0	ANESTH, BIOPSY OF THYROID	Anesthesia	$700.59
00350	0	ANESTH, NECK VESSEL SURGERY	Anesthesia	$1,474.26
00352	0	ANESTH, NECK VESSEL SURGERY	Anesthesia	$694.97
00400	0	ANESTH, CHEST SKIN SURGERY	Anesthesia	$564.27
00402	0	ANESTH, SURGERY OF BREAST	Anesthesia	$1,115.18
00404	0	ANESTH, SURGERY OF BREAST	Anesthesia	$969.73
00406	0	ANESTH, SURGERY OF BREAST	Anesthesia	$1,553.67
00410	0	ANESTH, CORRECT HEART RHYTHM	Anesthesia	$423.73
00420	0	ANESTH, SKIN SURGERY, BACK	Anesthesia	$791.94
00450	0	ANESTH, SURGERY OF SHOULDER	Anesthesia	$824.97
00452	0	ANESTH, SURGERY OF SHOULDER	Anesthesia	$1,134.16
00454	0	ANESTH, COLLAR BONE BIOPSY	Anesthesia	$619.08
00470	0	ANESTH, REMOVAL OF RIB	Anesthesia	$1,000.64
00472	0	ANESTH, CHEST WALL REPAIR	Anesthesia	$1,503.08
00474	0	ANESTH, SURGERY OF RIB(S)	Anesthesia	$1,809.45
00500	0	ANESTH, ESOPHAGEAL SURGERY	Anesthesia	$2,538.86
00520	0	ANESTH, CHEST PROCEDURE	Anesthesia	$795.46
00522	0	ANESTH, CHEST LINING BIOPSY	Anesthesia	$663.35
00524	0	ANESTH, CHEST DRAINAGE	Anesthesia	$587.46
00528	0	ANESTH, CHEST PARTITION VIEW	Anesthesia	$1,081.46
00530	0	ANESTH, PACEMAKER INSERTION	Anesthesia	$767.35
00532	0	ANESTH, VASCULAR ACCESS	Anesthesia	$630.32
00534	0	ANESTH, CARDIOVERTER/DEFIB	Anesthesia	$1,205.83
00540	0	ANESTH, CHEST SURGERY	Anesthesia	$1,826.32
00542	0	ANESTH, RELEASE OF LUNG	Anesthesia	$1,990.05
00544	0	ANESTH, CHEST LINING REMOVAL	Anesthesia	$2,037.83
00546	0	ANESTH, LUNG,CHEST WALL SURG	Anesthesia	$2,149.56
00548	0	ANESTH, TRACHEA, BRONCHI SURG	Anesthesia	$2,098.26
00560	0	ANESTH, OPEN HEART SURGERY	Anesthesia	$1,819.29
00562	0	ANESTH, OPEN HEART SURGERY	Anesthesia	$2,970.31
00580	0	ANESTH, HEART/LUNG TRANSPLAN	Anesthesia	$3,303.39
00600	0	ANESTH, SPINE, CORD SURGERY	Anesthesia	$1,708.26
00604	0	ANESTH, SURGERY OF VERTEBRA	Anesthesia	$1,857.94
00620	0	ANESTH, SPINE, CORD SURGERY	Anesthesia	$1,780.64
00622	0	ANESTH, REMOVAL OF NERVES	Anesthesia	$1,621.83
00630	0	ANESTH, SPINE, CORD SURGERY	Anesthesia	$1,356.21
00632	0	ANESTH, REMOVAL OF NERVES	Anesthesia	$1,050.54
00634	0	ANESTH FOR CHEMONUCLEOLYSIS	Anesthesia	$837.62
00670	0	ANESTH, SPINE, CORD SURGERY	Anesthesia	$2,446.80
00700	0	ANESTH, ABDOMINAL WALL SURG	Anesthesia	$631.73
00702	0	ANESTH, FOR LIVER BIOPSY	Anesthesia	$820.05
00730	0	ANESTH, ABDOMINAL WALL SURG	Anesthesia	$839.02
00740	0	ANESTH, GI VISUALIZATION	Anesthesia	$582.54
00750	0	ANESTH, REPAIR OF HERNIA	Anesthesia	$746.27
00752	0	ANESTH, REPAIR OF HERNIA	Anesthesia	$945.13
00754	0	ANESTH, REPAIR OF HERNIA	Anesthesia	$1,132.75
00756	0	ANESTH, REPAIR OF HERNIA	Anesthesia	$1,303.51
00770	0	ANESTH, BLOOD VESSEL REPAIR	Anesthesia	$2,319.61
00790	0	ANESTH, SURG UPPER ABDOMEN	Anesthesia	$1,186.16
00792	0	ANESTH, PART LIVER REMOVAL	Anesthesia	$2,250.75
00794	0	ANESTH, PANCREAS REMOVAL	Anesthesia	$2,238.10
00796	0	ANESTH, FOR LIVER TRANSPLANT	Anesthesia	$5,042.58
00800	0	ANESTH, ABDOMINAL WALL SURG	Anesthesia	$624.00
00802	0	ANESTH, FAT LAYER REMOVAL	Anesthesia	$1,087.08
00810	0	ANESTH, INTESTINE ENDOSCOPY	Anesthesia	$684.43
00820	0	ANESTH, ABDOMINAL WALL SURG	Anesthesia	$812.32
00830	0	ANESTH, REPAIR OF HERNIA	Anesthesia	$751.19
00832	0	ANESTH, REPAIR OF HERNIA	Anesthesia	$952.16

TABLE F.—PHYSICIAN NATIONWIDE CHARGES FOR ANESTHESIA AND PATHOLOGY CPT CODES—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Charge
00840	0	ANESTH, SURG LOWER ABDOMEN	Anesthesia	$1,143.29
00842	0	ANESTH, AMNIOCENTESIS	Anesthesia	$804.59
00844	0	ANESTH, PELVIS SURGERY	Anesthesia	$1,541.72
00846	0	ANESTH, HYSTERECTOMY	Anesthesia	$1,479.89
00848	0	ANESTH, PELVIC ORGAN SURG	Anesthesia	$1,926.10
00850	0	ANESTH, CESAREAN SECTION	Anesthesia	$994.32
00855	0	ANESTH, HYSTERECTOMY	Anesthesia	$1,377.99
00857	0	ANALGESIA, LABOR & C-SECTION	Anesthesia	$1,217.78
00860	0	ANESTH, SURGERY OF ABDOMEN	Anesthesia	$1,139.78
00862	0	ANESTH, KIDNEY, URETER SURG	Anesthesia	$1,406.10
00864	0	ANESTH, REMOVAL OF BLADDER	Anesthesia	$2,278.86
00865	0	ANESTH, REMOVAL OF PROSTATE	Anesthesia	$1,594.43
00866	0	ANESTH, REMOVAL OF ADRENAL	Anesthesia	$1,746.91
00868	0	ANESTH, KIDNEY TRANSPLANT	Anesthesia	$1,990.05
00870	0	ANESTH, BLADDER STONE SURG	Anesthesia	$828.48
00872	0	ANESTH, KIDNEY STONE DESTRUC	Anesthesia	$967.62
00873	0	ANESTH, KIDNEY STONE DESTRUC	Anesthesia	$817.24
00880	0	ANESTH, ABDOMEN VESSEL SURG	Anesthesia	$2,377.94
00882	0	ANESTH, MAJOR VEIN LIGATION	Anesthesia	$1,110.97
00884	0	ANESTH, MAJOR VEIN REVISION	Anesthesia	$743.46
00900	0	ANESTH, PERINEAL PROCEDURE	Anesthesia	$563.57
00902	0	ANESTH, ANORECTAL SURGERY	Anesthesia	$596.59
00904	0	ANESTH, PERINEAL SURGERY	Anesthesia	$1,574.75
00906	0	ANESTH, REMOVAL OF VULVA	Anesthesia	$827.78
00908	0	ANESTH, REMOVAL OF PROSTATE	Anesthesia	$1,380.81
00910	0	ANESTH, BLADDER SURGERY	Anesthesia	$505.24
00912	0	ANESTH, BLADDER TUMOR SURG	Anesthesia	$692.16
00914	0	ANESTH, REMOVAL OF PROSTATE	Anesthesia	$794.75
00916	0	ANESTH, BLEEDING CONTROL	Anesthesia	$742.75
00918	0	ANESTH, STONE REMOVAL	Anesthesia	$773.67
00920	0	ANESTH, GENITALIA SURGERY	Anesthesia	$580.43
00922	0	ANESTH, SPERM DUCT SURGERY	Anesthesia	$868.54
00924	0	ANESTH, TESTIS EXPLORATION	Anesthesia	$647.89
00926	0	ANESTH, REMOVAL OF TESTIS	Anesthesia	$642.27
00928	0	ANESTH, REMOVAL OF TESTIS	Anesthesia	$887.51
00930	0	ANESTH, TESTIS SUSPENSION	Anesthesia	$661.24
00932	0	ANESTH, AMPUTATION OF PENIS	Anesthesia	$883.29
00934	0	ANESTH, PENIS, NODES REMOVAL	Anesthesia	$1,386.43
00936	0	ANESTH, PENIS, NODES REMOVAL	Anesthesia	$1,626.75
00938	0	ANESTH, INSERT PENIS DEVICE	Anesthesia	$943.73
00940	0	ANESTH, VAGINAL PROCEDURES	Anesthesia	$476.43
00942	0	ANESTH, SURGERY ON VAGINA	Anesthesia	$838.32
00944	0	ANESTH, VAGINAL HYSTERECTOMY	Anesthesia	$1,135.56
00946	0	ANESTH, VAGINAL DELIVERY	Anesthesia	$1,144.00
00948	0	ANESTH, REPAIR OF CERVIX	Anesthesia	$581.84
00950	0	ANESTH, VAGINAL ENDOSCOPY	Anesthesia	$690.75
00952	0	ANESTH, UTERINE ENDOSCOPY	Anesthesia	$558.65
00955	0	ANALGESIA, VAGINAL DELIVERY	Anesthesia	$1,444.75
01000	0	ANESTH, SKIN SURGERY, PELVIS	Anesthesia	$644.38
01110	0	ANESTH, SKIN SURGERY, PELVIS	Anesthesia	$846.75
01120	0	ANESTH, PELVIS SURGERY	Anesthesia	$1,010.48
01130	0	ANESTH, BODY CAST PROCEDURE	Anesthesia	$619.08
01140	0	ANESTH, AMPUTATION AT PELVIS	Anesthesia	$2,193.13
01150	0	ANESTH, PELVIC TUMOR SURGERY	Anesthesia	$1,654.16
01160	0	ANESTH, PELVIS PROCEDURE	Anesthesia	$726.59
01170	0	ANESTH, PELVIS SURGERY	Anesthesia	$1,292.27
01180	0	ANESTH, PELVIS NERVE REMOVAL	Anesthesia	$751.89
01190	0	ANESTH, PELVIS NERVE REMOVAL	Anesthesia	$683.02
01200	0	ANESTH, HIP JOINT PROCEDURE	Anesthesia	$577.62
01202	0	ANESTH, ARTHROSCOPY OF HIP	Anesthesia	$901.56
01210	0	ANESTH, HIP JOINT SURGERY	Anesthesia	$1,021.73
01212	0	ANESTH, HIP DISARTICULATION	Anesthesia	$1,489.72
01214	0	ANESTH, REPLACEMENT OF HIP	Anesthesia	$1,577.56
01220	0	ANESTH, PROCEDURE ON FEMUR	Anesthesia	$741.35
01230	0	ANESTH, SURGERY OF FEMUR	Anesthesia	$1,019.62
01232	0	ANESTH, AMPUTATION OF FEMUR	Anesthesia	$841.13
01234	0	ANESTH, RADICAL FEMUR SURG	Anesthesia	$1,271.18
01240	0	ANESTH, UPPER LEG SKIN SURG	Anesthesia	$619.78
01250	0	ANESTH, UPPER LEG SURGERY	Anesthesia	$727.29

TABLE F.—PHYSICIAN NATIONWIDE CHARGES FOR ANESTHESIA AND PATHOLOGY CPT CODES—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Charge
01260	0	ANESTH, UPPER LEG VEINS SURG	Anesthesia	$828.48
01270	0	ANESTH, THIGH ARTERIES SURG	Anesthesia	$1,637.99
01272	0	ANESTH, FEMORAL ARTERY SURG	Anesthesia	$811.62
01274	0	ANESTH, FEMORAL EMBOLECTOMY	Anesthesia	$1,074.43
01300	0	ANESTH, SKIN SURGERY, KNEE	Anesthesia	$608.54
01320	0	ANESTH, KNEE AREA SURGERY	Anesthesia	$752.59
01340	0	ANESTH, KNEE AREA PROCEDURE	Anesthesia	$796.16
01360	0	ANESTH, KNEE AREA SURGERY	Anesthesia	$1,085.67
01380	0	ANESTH, KNEE JOINT PROCEDURE	Anesthesia	$437.78
01382	0	ANESTH, KNEE ARTHROSCOPY	Anesthesia	$638.05
01390	0	ANESTH, KNEE AREA PROCEDURE	Anesthesia	$632.43
01392	0	ANESTH, KNEE AREA SURGERY	Anesthesia	$901.56
01400	0	ANESTH, KNEE JOINT SURGERY	Anesthesia	$818.65
01402	0	ANESTH, REPLACEMENT OF KNEE	Anesthesia	$1,305.62
01404	0	ANESTH, AMPUTATION AT KNEE	Anesthesia	$858.70
01420	0	ANESTH, KNEE JOINT CASTING	Anesthesia	$654.21
01430	0	ANESTH, KNEE VEINS SURGERY	Anesthesia	$1,118.70
01432	0	ANESTH, KNEE VESSEL SURG	Anesthesia	$1,018.21
01440	0	ANESTH, KNEE ARTERIES SURG	Anesthesia	$1,238.16
01442	0	ANESTH, KNEE ARTERY SURG	Anesthesia	$1,500.97
01444	0	ANESTH, KNEE ARTERY REPAIR	Anesthesia	$1,753.24
01460	0	ANESTH, LOWER LEG SKIN SURG	Anesthesia	$582.54
01462	0	ANESTH, LOWER LEG PROCEDURE	Anesthesia	$593.78
01464	0	ANESTH, ANKLE ARTHROSCOPY	Anesthesia	$766.65
01470	0	ANESTH, LOWER LEG SURGERY	Anesthesia	$619.78
01472	0	ANESTH, ACHILLES TENDON SURG	Anesthesia	$918.43
01474	0	ANESTH, LOWER LEG SURGERY	Anesthesia	$962.00
01480	0	ANESTH, LOWER LEG BONE SURG	Anesthesia	$709.73
01482	0	ANESTH, RADICAL LEG SURGERY	Anesthesia	$777.89
01484	0	ANESTH, LOWER LEG REVISION	Anesthesia	$899.46
01486	0	ANESTH, ANKLE REPLACEMENT	Anesthesia	$1,298.59
01490	0	ANESTH, LOWER LEG CASTING	Anesthesia	$581.84
01500	0	ANESTH, LEG ARTERIES SURG	Anesthesia	$1,629.56
01502	0	ANESTH, LOWERLEG EMBOLECTOMY	Anesthesia	$1,102.54
01520	0	ANESTH, LOWER LEG VEIN SURG	Anesthesia	$834.81
01522	0	ANESTH, LOWER LEG VEIN SURG	Anesthesia	$930.37
01600	0	ANESTH, SHOULDER SKIN SURG	Anesthesia	$604.32
01610	0	ANESTH, SURGERY OF SHOULDER	Anesthesia	$905.08
01620	0	ANESTH, SHOULDER PROCEDURE	Anesthesia	$564.27
01622	0	ANESTH, SHOULDER ARTHROSCOPY	Anesthesia	$920.54
01630	0	ANESTH, SURGERY OF SHOULDER	Anesthesia	$995.73
01632	0	ANESTH, SURGERY OF SHOULDER	Anesthesia	$1,184.05
01634	0	ANESTH, SHOULDER JOINT AMPUT	Anesthesia	$1,439.83
01636	0	ANESTH, FOREQUARTER AMPUT	Anesthesia	$1,793.99
01638	0	ANESTH, SHOULDER REPLACEMENT	Anesthesia	$1,635.89
01650	0	ANESTH, SHOULDER ARTERY SURG	Anesthesia	$1,014.70
01652	0	ANESTH, SHOULDER VESSEL SURG	Anesthesia	$1,439.83
01654	0	ANESTH, SHOULDER VESSEL SURG	Anesthesia	$1,498.16
01656	0	ANESTH, ARM-LEG VESSEL SURG	Anesthesia	$1,944.37
01670	0	ANESTH, SHOULDER VEIN SURG	Anesthesia	$701.29
01680	0	ANESTH, SHOULDER CASTING	Anesthesia	$564.97
01682	0	ANESTH, AIRPLANE CAST	Anesthesia	$768.05
01700	0	ANESTH, ELBOW AREA SKIN SURG	Anesthesia	$604.32
01710	0	ANESTH, ELBOW AREA SURGERY	Anesthesia	$620.48
01712	0	ANESTH, UPPERARM TENDON SURG	Anesthesia	$806.00
01714	0	ANESTH, UPPERARM TENDON SURG	Anesthesia	$1,016.10
01716	0	ANESTH, BICEPS TENDON REPAIR	Anesthesia	$908.59
01730	0	ANESTH, UPPERARM PROCEDURE	Anesthesia	$594.48
01732	0	ANESTH, ELBOW ARTHROSCOPY	Anesthesia	$772.27
01740	0	ANESTH, UPPER ARM SURGERY	Anesthesia	$872.75
01742	0	ANESTH, HUMERUS SURGERY	Anesthesia	$1,017.51
01744	0	ANESTH, HUMERUS REPAIR	Anesthesia	$1,205.83
01756	0	ANESTH, RADICAL HUMERUS SURG	Anesthesia	$1,186.86
01758	0	ANESTH, HUMERAL LESION SURG	Anesthesia	$837.62
01760	0	ANESTH, ELBOW REPLACEMENT	Anesthesia	$1,604.26
01770	0	ANESTH, UPPERARM ARTERY SURG	Anesthesia	$1,215.67
01772	0	ANESTH, UPPERARM EMBOLECTOMY	Anesthesia	$950.05
01780	0	ANESTH, UPPER ARM VEIN SURG	Anesthesia	$650.00
01782	0	ANESTH, UPPERARM VEIN REPAIR	Anesthesia	$938.81

TABLE F.—PHYSICIAN NATIONWIDE CHARGES FOR ANESTHESIA AND PATHOLOGY CPT CODES—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Charge
01784	0	ANESTH, AV FISTULA REPAIR	Anesthesia	$1,018.92
01800	0	ANESTH, LOWER ARM SKIN SURG	Anesthesia	$602.21
01810	0	ANESTH, LOWER ARM SURGERY	Anesthesia	$580.43
01820	0	ANESTH, LOWER ARM PROCEDURE	Anesthesia	$551.62
01830	0	ANESTH, LOWER ARM SURGERY	Anesthesia	$751.19
01832	0	ANESTH, WRIST REPLACEMENT	Anesthesia	$1,126.43
01840	0	ANESTH, LOWERARM ARTERY SURG	Anesthesia	$1,001.35
01842	0	ANESTH, LOWERARM EMBOLECTOMY	Anesthesia	$913.51
01844	0	ANESTH, VASCULAR SHUNT SURG	Anesthesia	$1,018.92
01850	0	ANESTH, LOWER ARM VEIN SURG	Anesthesia	$627.51
01852	0	ANESTH, LOWERARM VEIN REPAIR	Anesthesia	$674.59
01860	0	ANESTH, LOWER ARM CASTING	Anesthesia	$524.92
01900	0	ANESTH, UTERUS/TUBE INJECT	Anesthesia	$572.70
01902	0	ANESTH, BURR HOLES, SKULL	Anesthesia	$1,134.86
01904	0	ANESTH, SKULL X-RAY INJECT	Anesthesia	$704.11
01906	0	ANESTH, LUMBAR MYELOGRAPHY	Anesthesia	$692.16
01908	0	ANESTH, CERVICAL MYELOGRAPHY	Anesthesia	$722.38
01910	0	ANESTH, SKULL MYELOGRAPHY	Anesthesia	$947.24
01912	0	ANESTH, LUMBAR DISCOGRAPHY	Anesthesia	$608.54
01914	0	ANESTH, CERVICAL DISCOGRAPHY	Anesthesia	$702.00
01916	0	ANESTH, HEAD ARTERIOGRAM	Anesthesia	$839.73
01918	0	ANESTH, LIMB ARTERIOGRAM	Anesthesia	$683.02
01920	0	ANESTH, CATHETERIZE HEART	Anesthesia	$856.59
01921	0	ANESTH, VESSEL SURGERY	Anesthesia	$894.54
01922	0	ANESTH, CAT OR MRI SCAN	Anesthesia	$917.02
01990	0	SUPPORT FOR ORGAN DONOR	Anesthesia	$500.32
01995	0	REGIONAL ANESTHESIA, LIMB	Anesthesia	$358.38
01996	0	MANAGE DAILY DRUG THERAPY	Anesthesia	$210.81
80002	0	1–2 CLINICAL CHEM TESTS	Pathology	$24.05
80003	0	3 CLINICAL CHEMISTRY	Pathology	$30.66
80004	0	124 CLINICAL CHEMISTRY	Pathology	$32.36
80005	0	5 CLINICAL CHEMISTRY	Pathology	$36.11
80006	0	6 CLINICAL CHEMISTRY	Pathology	$36.21
80007	0	7 CLINICAL CHEMISTRY	Pathology	$37.71
80008	0	8 CLINICAL CHEMISTRY	Pathology	$39.08
80009	0	129 CLINICAL CHEMISTRY	Pathology	$40.08
80010	0	110 CLINICAL CHEMISTRY	Pathology	$40.08
80011	0	11 CLINICAL CHEMISTRY	Pathology	$40.78
80012	0	12 CLINICAL CHEMISTRY	Pathology	$41.68
80016	0	13–16 BLOOD/URINE TESTS	Pathology	$48.80
80018	0	112/317–18 BLOOD/URINE	Pathology	$49.13
80019	0	12/31/9719 BLOOD/URINE	Pathology	$51.04
80049	0	METABOLIC PANEL, BASIC	Pathology	$37.71
80050	0	GENERAL HEALTH PANEL	Pathology	$133.00
80051	0	ELECTROLYTE PANEL	Pathology	$32.36
80054	0	COMPREHEN METABOLIC	Pathology	$41.68
80055	0	OBSTETRIC PANEL	Pathology	$120.01
80058	0	HEPATIC FUNCTION PANEL	Pathology	$36.11
80059	0	HEPATITIS PANEL	Pathology	$275.95
80061	0	LIPID PANEL	Pathology	$61.82
80072	0	ARTHRITIS PANEL	Pathology	$119.14
80090	0	TORCH ANTIBODY PANEL	Pathology	$265.73
80091	0	THYROID PANEL	Pathology	$61.62
80092	0	THYROID PANEL W/TSH	Pathology	$139.14
80100	0	DRUG SCREEN	Pathology	$67.13
80101	0	DRUG SCREEN	Pathology	$63.56
80102	0	DRUG CONFIRMATION	Pathology	$61.16
80103	0	DRUG ANALYSIS, TISSUE	Pathology	$50.00
80150	0	ASSAY OF AMIKACIN	Pathology	$69.57
80152	0	ASSAY OF AMITRIPTYLINE	Pathology	$82.63
80154	0	ASSAY OF BENZODIAZEPINES	Pathology	$85.37
80156	0	ASSAY CARBAMAZEPINE	Pathology	$67.20
80158	0	ASSAY OF CYCLOSPORINE	Pathology	$83.33
80160	0	ASSAY OF DESIPRAMINE	Pathology	$79.46
80162	0	ASSAY FOR DIGOXIN	Pathology	$61.29
80164	0	ASSAY, DIPROPYLACETIC	Pathology	$62.52
80166	0	ASSAY OF DOXEPIN	Pathology	$71.54
80168	0	ASSAY OF ETHOSUXIMIDE	Pathology	$75.42
80170	0	GENTAMICIN	Pathology	$75.65

TABLE F.—PHYSICIAN NATIONWIDE CHARGES FOR ANESTHESIA AND PATHOLOGY CPT CODES—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Charge
80172	0	ASSAY FOR GOLD	Pathology	$75.22
80174	0	ASSAY OF IMIPRAMINE	Pathology	$79.46
80176	0	ASSAY FOR LIDOCAINE	Pathology	$67.80
80178	0	ASSAY FOR LITHIUM	Pathology	$30.49
80182	0	ASSAY FOR NORTRIPTYLINE	Pathology	$62.52
80184	0	ASSAY FOR PHENOBARBITAL	Pathology	$52.87
80185	0	ASSAY FOR PHENYTOIN	Pathology	$61.19
80186	0	ASSAY FOR PHENYTOIN,	Pathology	$63.56
80188	0	ASSAY FOR PRIMIDONE	Pathology	$76.59
80190	0	ASSAY FOR PROCAINAMIDE	Pathology	$77.32
80192	0	ASSAY FOR PROCAINAMIDE	Pathology	$77.32
80194	0	ASSAY FOR QUINIDINE	Pathology	$67.37
80196	0	ASSAY FOR SALICYLATE	Pathology	$32.77
80197	0	ASSAY FOR TACROLIMUS	Pathology	$63.36
80198	0	ASSAY FOR THEOPHYLLINE	Pathology	$65.33
80200	0	ASSAY FOR TOBRAMYCIN	Pathology	$74.38
80202	0	ASSAY FOR VANCOMYCIN	Pathology	$62.52
80400	0	ACTH STIMULATION PANEL	Pathology	$150.50
80402	0	ACTH STIMULATION PANEL	Pathology	$401.27
80406	0	ACTH STIMULATION PANEL	Pathology	$361.19
80408	0	ALDOSTERONE SUPPRESSION	Pathology	$579.29
80410	0	CALCITONIN STIMUL PANEL	Pathology	$370.84
80412	0	CRH STIMULATION PANEL	Pathology	$1,521.24
80414	0	TESTOSTERONE RESPONSE	Pathology	$238.34
80415	0	ESTRADIOL RESPONSE PANEL	Pathology	$257.98
80416	0	RENIN STIMULATION PANEL	Pathology	$609.22
80417	0	RENIN STIMULATION PANEL	Pathology	$203.07
80418	0	PITUITARY EVALUATION	Pathology	$2,675.07
80420	0	DEXAMETHASONE PANEL	Pathology	$332.46
80422	0	GLUCAGON TOLERANCE PANEL	Pathology	$212.72
80424	0	GLUCAGON TOLERANCE PANEL	Pathology	$233.13
80426	0	GONADOTROPIN HORMONE	Pathology	$685.23
80428	0	GROWTH HORMONE PANEL	Pathology	$307.81
80430	0	GROWTH HORMONE PANEL	Pathology	$362.12
80432	0	INSULIN SUPPRESSION	Pathology	$623.44
80434	0	INSULIN TOLERANCE PANEL	Pathology	$466.77
80435	0	INSULIN TOLERANCE PANEL	Pathology	$475.28
80436	0	METYRAPONE PANEL	Pathology	$420.77
80438	0	TRH STIMULATION PANEL	Pathology	$232.56
80439	0	TRH STIMULATION PANEL	Pathology	$310.09
80440	0	TRH STIMULATION PANEL	Pathology	$268.34
80500	0	LAB PATHOLOGY	Pathology	$69.00
80502	0	LAB PATHOLOGY	Pathology	$160.99
81000	0	URINALYSIS, NONAUTO, W/	Pathology	$14.60
81001	0	URINALYSIS, AUTO, W/	Pathology	$14.60
81002	0	URINALYSIS NONAUTO W/O	Pathology	$11.82
81003	0	URINALYSIS, AUTO, W/O	Pathology	$10.35
81005	0	URINALYSIS	Pathology	$10.02
81007	0	URINE SCREEN FOR	Pathology	$11.86
81015	0	MICROSCOPIC EXAM OF	Pathology	$14.03
81020	0	URINALYSIS, GLASS TEST	Pathology	$17.00
81025	0	URINE PREGNANCY TEST	Pathology	$29.19
81050	0	URINALYSIS, VOLUME	Pathology	$13.83
82000	0	ASSAY BLOOD ACETALDEHYDE	Pathology	$57.18
82003	0	ASSAY ACETAMINOPHEN	Pathology	$93.39
82009	0	TEST FOR ACETONE/KETONES	Pathology	$20.88
82010	0	ACETONE ASSAY	Pathology	$37.71
82013	0	ACETYLCHOLINESTERASE	Pathology	$51.57
82024	0	ACTH	Pathology	$178.29
82030	0	ADP & AMP	Pathology	$119.07
82040	0	ASSAY SERUM ALBUMIN	Pathology	$22.88
82042	0	ASSAY URINE ALBUMIN	Pathology	$23.88
82043	0	MICROALBUMIN,	Pathology	$26.72
82044	0	MICROALBUMIN, SEMIQUANT	Pathology	$21.14
82055	0	ASSAY ETHANOL	Pathology	$49.87
82075	0	ASSAY BREATH ETHANOL	Pathology	$55.64
82085	0	ASSAY OF ALDOLASE	Pathology	$44.82
82088	0	ALDOSTERONE	Pathology	$188.11
82101	0	ASSAY OF URINE ALKALOIDS	Pathology	$138.54

TABLE F.—PHYSICIAN NATIONWIDE CHARGES FOR ANESTHESIA AND PATHOLOGY CPT CODES—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Charge
82103	0	ALPHA-1-ANTITRYPSIN,	Pathology	$61.99
82104	0	ALPHA-1-ANTITRYPSIN,	Pathology	$66.73
82105	0	ALPHA-FETOPROTEIN, SERUM	Pathology	$77.42
82106	0	ALPHA-FETOPROTEIN;	Pathology	$77.42
82108	0	ASSAY, ALUMINUM	Pathology	$117.63
82128	0	TEST FOR AMINO ACIDS	Pathology	$63.99
82130	0	AMINO ACIDS ANALYSIS	Pathology	$125.35
82131	0	AMINO ACIDS	Pathology	$77.86
82135	0	ASSAY, AMINOLEVULINIC	Pathology	$75.99
82140	0	ASSAY OF AMMONIA	Pathology	$67.27
82143	0	AMNIOTIC FLUID SCAN	Pathology	$31.73
82145	0	ASSAY OF AMPHETAMINES	Pathology	$71.74
82150	0	ASSAY OF AMYLASE	Pathology	$29.93
82154	0	ANDROSTANEDIOL	Pathology	$133.10
82157	0	ASSAY OF ANDROSTENEDIONE	Pathology	$135.14
82160	0	ANDROSTERONE ASSAY	Pathology	$115.46
82163	0	ASSAY OF ANGIOTENSIN II	Pathology	$94.76
82164	0	ANGIOTENSIN I ENZYME	Pathology	$67.37
82172	0	APOLIPOPROTEIN	Pathology	$71.51
82175	0	ASSAY OF ARSENIC	Pathology	$87.57
82180	0	ASSAY OF ASCORBIC ACID	Pathology	$45.62
82190	0	ATOMIC ABSORPTION	Pathology	$68.80
82205	0	ASSAY OF BARBITURATES	Pathology	$52.87
82232	0	BETA-2 PROTEIN	Pathology	$74.68
82239	0	BILE ACIDS, TOTAL	Pathology	$79.06
82240	0	BILE ACIDS,	Pathology	$122.68
82250	0	ASSAY BILIRUBIN	Pathology	$23.18
82251	0	ASSAY BILIRUBIN	Pathology	$24.48
82252	0	FECAL BILIRUBIN TEST	Pathology	$20.98
82270	0	TEST FECES FOR BLOOD	Pathology	$11.69
82273	0	TEST FOR BLOOD, OTHER	Pathology	$15.00
82286	0	ASSAY OF BRADYKININ	Pathology	$31.80
82300	0	ASSAY CADMIUM	Pathology	$106.81
82306	0	ASSAY OF VITAMIN D	Pathology	$136.64
82307	0	ASSAY OF VITAMIN D	Pathology	$148.73
82308	0	ASSAY OF CALCITONIN	Pathology	$123.61
82310	0	ASSAY CALCIUM	Pathology	$23.78
82330	0	ASSAY CALCIUM	Pathology	$63.06
82331	0	CALCIUM INFUSION TEST	Pathology	$23.88
82340	0	ASSAY CALCIUM IN URINE	Pathology	$27.86
82355	0	CALCULUS (STONE)	Pathology	$53.41
82360	0	CALCULUS (STONE) ASSAY	Pathology	$59.45
82365	0	CALCULUS (STONE) ASSAY	Pathology	$59.52
82370	0	X-RAY ASSAY, CALCULUS	Pathology	$57.85
82374	0	ASSAY BLOOD CARBON	Pathology	$22.58
82375	0	ASSAY BLOOD CARBON	Pathology	$56.88
82376	0	TEST FOR CARBON MONOXIDE	Pathology	$27.66
82378	0	CARCINOEMBRYONIC ANTIGEN	Pathology	$87.57
82380	0	ASSAY CAROTENE	Pathology	$42.59
82382	0	ASSAY URINE	Pathology	$79.36
82383	0	ASSAY BLOOD	Pathology	$115.66
82384	0	ASSAY THREE	Pathology	$116.57
82387	0	CATHEPSIN-D	Pathology	$96.03
82390	0	ASSAY CERULOPLASMIN	Pathology	$49.57
82397	0	CHEMILUMINESCENT ASSAY	Pathology	$65.23
82415	0	ASSAY CHLORAMPHENICOL	Pathology	$58.48
82435	0	ASSAY BLOOD CHLORIDE	Pathology	$21.21
82436	0	ASSAY URINE CHLORIDE	Pathology	$23.21
82438	0	ASSAY OTHER FLUID	Pathology	$22.58
82441	0	TEST FOR	Pathology	$27.72
82465	0	ASSAY SERUM CHOLESTEROL	Pathology	$20.11
82480	0	ASSAY SERUM	Pathology	$36.37
82482	0	ASSAY RBC CHOLINESTERASE	Pathology	$35.47
82485	0	ASSAY CHONDROITIN	Pathology	$95.32
82486	0	GAS/LIQUID	Pathology	$83.37
82487	0	PAPER CHROMATOGRAPHY	Pathology	$73.68
82488	0	PAPER CHROMATOGRAPHY	Pathology	$98.63
82489	0	THIN LAYER	Pathology	$85.37
82491	0	CHROMOTOGRAPHY,	Pathology	$83.37

TABLE F.—PHYSICIAN NATIONWIDE CHARGES FOR ANESTHESIA AND PATHOLOGY CPT CODES—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Charge
82495	0	ASSAY CHROMIUM	Pathology	$93.62
82507	0	ASSAY CITRATE	Pathology	$128.36
82520	0	ASSAY FOR COCAINE	Pathology	$69.94
82523	0	COLLAGEN CROSSLINKS	Pathology	$86.27
82525	0	ASSAY COPPER	Pathology	$57.28
82528	0	ASSAY CORTICOSTERONE	Pathology	$103.91
82530	0	CORTISOL, FREE	Pathology	$77.15
82533	0	TOTAL CORTISOL	Pathology	$75.25
82540	0	ASSAY CREATINE	Pathology	$21.38
82550	0	ASSAY CK (CPK)	Pathology	$30.09
82552	0	ASSAY CPK IN BLOOD	Pathology	$61.82
82553	0	CREATINE, MB FRACTION	Pathology	$53.27
82554	0	CREATINE, ISOFORMS	Pathology	$54.78
82565	0	ASSAY CREATININE	Pathology	$23.61
82570	0	ASSAY URINE CREATININE	Pathology	$23.88
82575	0	CREATININE CLEARANCE	Pathology	$43.62
82585	0	ASSAY CRYOFIBRINOGEN	Pathology	$39.58
82595	0	ASSAY CRYOGLOBULIN	Pathology	$29.89
82600	0	ASSAY CYANIDE	Pathology	$89.55
82607	0	VITAMIN B–12	Pathology	$69.57
82608	0	B–12 BINDING CAPACITY	Pathology	$66.13
82615	0	TEST FOR URINE CYSTINES	Pathology	$37.71
82626	0	DEHYDROEPIANDROSTERONE	Pathology	$116.67
82627	0	DEHYDROEPIANDROSTERONE	Pathology	$102.60
82633	0	DESOXYCORTICOSTERONE	Pathology	$142.99
82634	0	DEOXYCORTISOL	Pathology	$135.14
82638	0	ASSAY DIBUCAINE NUMBER	Pathology	$56.51
82646	0	ASSAY OF	Pathology	$95.32
82649	0	ASSAY OF	Pathology	$118.64
82651	0	DIHYDROTESTOSTERONE	Pathology	$119.17
82652	0	ASSAY, DIHYDROXYVITAMIN	Pathology	$177.65
82654	0	ASSAY OF DIMETHADIONE	Pathology	$63.93
82664	0	ELECTROPHORETIC TEST	Pathology	$158.58
82666	0	EPIANDROSTERONE ASSAY	Pathology	$99.16
82668	0	ERYTHROPOIETIN	Pathology	$86.74
82670	0	ESTRADIOL	Pathology	$128.99
82671	0	ESTROGENS ASSAY	Pathology	$149.10
82672	0	ESTROGEN ASSAY	Pathology	$100.10
82677	0	ESTRIOL	Pathology	$111.66
82679	0	ESTRONE	Pathology	$115.23
82690	0	ETHCHLORVYNOL	Pathology	$79.79
82693	0	ETHYLENE GLYCOL	Pathology	$68.77
82696	0	ETIOCHOLANOLONE	Pathology	$108.88
82705	0	FATS/LIPIDS, FECES,	Pathology	$23.51
82710	0	FATS/LIPIDS, FECES,	Pathology	$77.52
82715	0	FECAL FAT ASSAY	Pathology	$79.46
82725	0	ASSAY BLOOD FATTY ACIDS	Pathology	$61.46
82728	0	ASSAY FERRITIN	Pathology	$62.89
82735	0	ASSAY FLUORIDE	Pathology	$85.60
82742	0	ASSAY OF FLURAZEPAM	Pathology	$91.38
82746	0	BLOOD FOLIC ACID SERUM	Pathology	$67.87
82747	0	FOLIC ACID, RBC	Pathology	$79.93
82757	0	ASSAY SEMEN FRUCTOSE	Pathology	$80.06
82759	0	RBC GALACTOKINASE ASSAY	Pathology	$99.16
82760	0	ASSAY GALACTOSE	Pathology	$51.67
82775	0	ASSAY GALACTOSE	Pathology	$97.23
82776	0	GALACTOSE TRANSFERASE	Pathology	$38.71
82784	0	ASSAY GAMMAGLOBULIN IGM	Pathology	$42.92
82785	0	ASSAY, GAMMAGLOBULIN IGE	Pathology	$76.02
82787	0	IGG1, 2, 3 AND 4	Pathology	$148.06
82800	0	BLOOD PH	Pathology	$39.11
82803	0	BLOOD GASES: PH, PO2 &	Pathology	$89.31
82805	0	BLOOD GASES W/02	Pathology	$130.96
82810	0	BLOOD GASES, O2 SAT ONLY	Pathology	$40.28
82820	0	HEMOGLOBIN-OXYGEN	Pathology	$46.16
82926	0	ASSAY GASTRIC ACID	Pathology	$25.15
82928	0	ASSAY GASTRIC ACID	Pathology	$30.23
82938	0	GASTRIN TEST	Pathology	$81.70
82941	0	ASSAY OF GASTRIN	Pathology	$81.43

TABLE F.—PHYSICIAN NATIONWIDE CHARGES FOR ANESTHESIA AND PATHOLOGY CPT CODES—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Charge
82943	0	ASSAY OF GLUCAGON	Pathology	$65.97
82946	0	GLUCAGON TOLERANCE TEST	Pathology	$69.57
82947	0	ASSAY QUANTITATIVE,	Pathology	$18.10
82948	0	REAGENT STRIP/BLOOD	Pathology	$14.60
82950	0	GLUCOSE TEST	Pathology	$21.91
82951	0	GLUCOSE TOLERANCE TEST	Pathology	$59.45
82952	0	GTT-ADDED SAMPLES	Pathology	$18.10
82953	0	GLUCOSE-TOLBUTAMIDE TEST	Pathology	$69.91
82955	0	ASSAY G6PD ENZYME	Pathology	$44.76
82960	0	TEST FOR G6PD ENZYME	Pathology	$27.99
82962	0	GLUCOSE BLOOD TEST	Pathology	$14.60
82963	0	GLUCOSIDASE ASSAY	Pathology	$99.16
82965	0	ASSAY GDH ENZYME	Pathology	$35.67
82975	0	ASSAY GLUTAMINE	Pathology	$73.08
82977	0	ASSAY OF GGT	Pathology	$33.23
82978	0	GLUTATHIONE ASSAY	Pathology	$65.80
82979	0	ASSAY RBC GLUTATHIONE	Pathology	$31.80
82980	0	ASSAY OF GLUTETHIMIDE	Pathology	$84.57
82985	0	GLYCATED PROTEIN	Pathology	$69.57
83001	0	GONADOTROPIN (FSH)	Pathology	$85.80
83002	0	GONADOTROPIN (LH)	Pathology	$85.50
83003	0	ASSAY GROWTH HORMONE	Pathology	$76.95
83008	0	ASSAY GUANOSINE	Pathology	$77.49
83010	0	QUANT ASSAY HAPTOGLOBIN	Pathology	$58.05
83012	0	ASSAY HAPTOGLOBINS	Pathology	$79.36
83015	0	HEAVY METAL SCREEN	Pathology	$86.94
83018	0	QUANTITATIVE SCREEN,	Pathology	$101.37
83020	0	ASSAY HEMOGLOBIN	Pathology	$59.45
83026	0	HEMOGLOBIN, COPPER	Pathology	$10.89
83030	0	FETAL HEMOGLOBIN ASSAY	Pathology	$38.18
83033	0	FETAL FECAL HEMOGLOBIN	Pathology	$27.52
83036	0	GLYCATED HEMOGLOBIN TEST	Pathology	$44.82
83045	0	BLOOD METHEMOGLOBIN TEST	Pathology	$22.88
83050	0	BLOOD METHEMOGLOBIN	Pathology	$33.80
83051	0	ASSAY PLASMA HEMOGLOBIN	Pathology	$33.73
83055	0	BLOOD SULFHEMOGLOBIN	Pathology	$22.71
83060	0	BLOOD SULFHEMOGLOBIN	Pathology	$38.18
83065	0	HEMOGLOBIN HEAT ASSAY	Pathology	$31.80
83068	0	HEMOGLOBIN STABILITY	Pathology	$39.11
83069	0	ASSAY URINE HEMOGLOBIN	Pathology	$18.20
83070	0	QUALT ASSAY HEMOSIDERIN	Pathology	$21.91
83071	0	QUANT ASSAY OF	Pathology	$31.73
83088	0	ASSAY HISTAMINE	Pathology	$136.31
83150	0	ASSAY FOR HVA	Pathology	$89.31
83491	0	ASSAY OF CORTICOSTEROIDS	Pathology	$80.86
83497	0	ASSAY 5-HIAA	Pathology	$59.52
83498	0	ASSAY OF PROGESTERONE	Pathology	$125.38
83500	0	ASSAY FREE	Pathology	$104.54
83505	0	ASSAY TOTAL	Pathology	$112.19
83516	0	IMMUNOASSAY, NONANTIBODY	Pathology	$53.27
83518	0	IMMUNOASSAY, DIPSTICK	Pathology	$39.14
83519	0	IMMUNOASSAY NONANTIBODY	Pathology	$62.36
83520	0	IMMUNOASSAY, RIA	Pathology	$59.75
83525	0	ASSAY OF INSULIN	Pathology	$52.81
83527	0	ASSAY OF INSULIN	Pathology	$59.79
83528	0	ASSAY INTRINSIC FACTOR	Pathology	$73.41
83540	0	ASSAY IRON	Pathology	$29.89
83550	0	IRON BINDING TEST	Pathology	$40.35
83570	0	ASSAY IDH ENZYME	Pathology	$40.81
83582	0	ASSAY KETOGENIC STEROIDS	Pathology	$65.43
83586	0	ASSAY 17-(17-	Pathology	$59.08
83593	0	FRACTIONATION	Pathology	$121.41
83605	0	LACTIC ACID ASSAY	Pathology	$49.30
83615	0	LACTATE (LD) (LDH)	Pathology	$27.89
83625	0	ASSAY LDH ENZYMES	Pathology	$59.08
83632	0	PLACENTAL LACTOGEN	Pathology	$93.29
83633	0	TEST URINE FOR LACTOSE	Pathology	$25.42
83634	0	ASSAY URINE FOR LACTOSE	Pathology	$53.17
83655	0	ASSAY FOR LEAD	Pathology	$55.84

TABLE F.—PHYSICIAN NATIONWIDE CHARGES FOR ANESTHESIA AND PATHOLOGY CPT CODES—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Charge
83661	0	ASSAY L/S RATIO	Pathology	$101.47
83662	0	L/S RATIO, FOAM	Pathology	$87.31
83670	0	ASSAY LAP ENZYME	Pathology	$42.28
83690	0	ASSAY LIPASE	Pathology	$31.80
83715	0	ASSAY BLOOD LIPOPROTEINS	Pathology	$51.97
83717	0	ASSAY BLOOD LIPOPROTEINS	Pathology	$114.56
83718	0	BLOOD LIPOPROTEIN ASSAY	Pathology	$37.78
83719	0	BLOOD LIPOPROTEIN ASSAY	Pathology	$53.71
83721	0	BLOOD LIPOPROTEIN ASSAY	Pathology	$44.02
83727	0	LRH HORMONE ASSAY	Pathology	$79.36
83735	0	ASSAY MAGNESIUM	Pathology	$30.93
83775	0	ASSAY OF MD ENZYME	Pathology	$34.03
83785	0	ASSAY OF MANGANESE	Pathology	$113.49
83805	0	ASSAY OF MEPROBAMATE	Pathology	$81.36
83825	0	ASSAY MERCURY	Pathology	$75.05
83835	0	ASSAY METANEPHRINES	Pathology	$78.19
83840	0	ASSAY METHADONE	Pathology	$75.35
83857	0	ASSAY METHEMALBUMIN	Pathology	$49.57
83858	0	ASSAY METHSUXIMIDE	Pathology	$68.40
83864	0	MUCOPOLYSACCHARIDES	Pathology	$91.88
83866	0	MUCOPOLYSACCHARIDES	Pathology	$45.49
83872	0	ASSAY SYNOVIAL FLUID	Pathology	$27.05
83873	0	ASSAY, CSF PROTEIN	Pathology	$79.43
83874	0	MYOGLOBIN	Pathology	$59.59
83883	0	NEPHELOMETRY, NOT	Pathology	$62.76
83885	0	ASSAY FOR NICKEL	Pathology	$113.09
83887	0	ASSAY NICOTINE	Pathology	$109.32
83890	0	MOLECULAR DIAGNOSTICS	Pathology	$18.50
83892	0	MOLECULAR DIAGNOSTICS	Pathology	$18.50
83894	0	MOLECULAR DIAGNOSTICS	Pathology	$18.50
83896	0	MOLECULAR DIAGNOSTICS	Pathology	$18.50
83898	0	MOLECULAR DIAGNOSTICS	Pathology	$77.39
83902	0	MOLECULAR DIAGNOSTICS	Pathology	$65.50
83912	0	GENETIC EXAMINATION	Pathology	$18.50
83915	0	ASSAY NUCLEOTIDASE	Pathology	$51.47
83916	0	OLIGOCLONAL BANDS	Pathology	$92.82
83918	0	ASSAY ORGANIC ACIDS	Pathology	$75.99
83925	0	OPIATES	Pathology	$89.81
83930	0	ASSAY BLOOD OSMOLALITY	Pathology	$30.49
83935	0	ASSAY URINE OSMOLALITY	Pathology	$31.46
83937	0	ASSAY FOR OSTEOCALCIN	Pathology	$137.81
83945	0	ASSAY OXALATE	Pathology	$59.45
83970	0	ASSAY OF PARATHORMONE	Pathology	$190.51
83986	0	ASSAY BODY FLUID ACIDITY	Pathology	$16.53
83992	0	ASSAY FOR PHENCYCLIDINE	Pathology	$67.84
84022	0	ASSAY OF PHENOTHIAZINE	Pathology	$71.91
84030	0	ASSAY BLOOD PKU	Pathology	$25.42
84035	0	ASSAY PHENYLKETONES	Pathology	$16.87
84060	0	ASSAY ACID PHOSPHATASE	Pathology	$34.07
84061	0	PHOSPHATASE, FORENSIC	Pathology	$36.54
84066	0	ASSAY PROSTATE	Pathology	$44.59
84075	0	ASSAY ALKALINE	Pathology	$23.88
84078	0	ASSAY ALKALINE	Pathology	$33.70
84080	0	ASSAY ALKALINE	Pathology	$68.27
84081	0	AMNIOTIC FLUID ENZYME	Pathology	$76.29
84085	0	ASSAY RBC PG6D ENZYME	Pathology	$31.13
84087	0	ASSAY PHOSPHOHEXOSE	Pathology	$47.66
84100	0	ASSAY PHOSPHORUS	Pathology	$21.91
84105	0	ASSAY URINE PHOSPHORUS	Pathology	$23.88
84106	0	TEST FOR PORPHOBILINOGEN	Pathology	$19.77
84110	0	ASSAY PORPHOBILINOGEN	Pathology	$39.01
84119	0	TEST URINE FOR	Pathology	$39.75
84120	0	ASSAY URINE PORPHYRINS	Pathology	$67.90
84126	0	ASSAY FECES PORPHYRINS	Pathology	$117.57
84127	0	PORPHYRINS, FECES	Pathology	$53.77
84132	0	ASSAY SERUM POTASSIUM	Pathology	$21.21
84133	0	ASSAY URINE POTASSIUM	Pathology	$19.84
84134	0	PREALBUMIN	Pathology	$67.33
84135	0	ASSAY PREGNANEDIOL	Pathology	$88.31

TABLE F.—PHYSICIAN NATIONWIDE CHARGES FOR ANESTHESIA AND PATHOLOGY CPT CODES—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Charge
84138	0	ASSAY PREGNANETRIOL	Pathology	$87.37
84140	0	ASSAY FOR PREGNENOLONE	Pathology	$95.46
84143	0	ASSAY/17-	Pathology	$105.34
84144	0	ASSAY PROGESTERONE	Pathology	$96.29
84146	0	ASSAY FOR PROLACTIN	Pathology	$89.45
84150	0	ASSAY OF PROSTAGLANDIN	Pathology	$115.23
84153	0	PROSTATE SPECIFIC	Pathology	$84.90
84155	0	ASSAY PROTEIN	Pathology	$16.90
84160	0	ASSAY SERUM PROTEIN	Pathology	$23.88
84165	0	ASSAY SERUM PROTEINS	Pathology	$49.57
84181	0	WESTERN BLOT TEST	Pathology	$78.62
84182	0	PROTEIN, WESTERN BLOT	Pathology	$83.07
84202	0	ASSAY RBC PROTOPORPHYRIN	Pathology	$66.23
84203	0	TEST RBC PROTOPORPHYRIN	Pathology	$39.71
84206	0	ASSAY OF PROINSULIN	Pathology	$82.23
84207	0	ASSAY VITAMIN B-6	Pathology	$129.66
84210	0	ASSAY PYRUVATE	Pathology	$50.13
84220	0	ASSAY PYRUVATE KINASE	Pathology	$43.55
84228	0	ASSAY QUININE	Pathology	$53.71
84233	0	ASSAY ESTROGEN	Pathology	$297.29
84234	0	ASSAY PROGESTERONE	Pathology	$299.40
84235	0	ASSAY ENDOCRINE HORMONE	Pathology	$241.52
84238	0	ASSAY NON-ENDOCRINE	Pathology	$168.77
84244	0	ASSAY OF RENIN	Pathology	$101.54
84252	0	ASSAY VITAMIN B-2	Pathology	$93.39
84255	0	ASSAY SELENIUM	Pathology	$117.84
84260	0	ASSAY SEROTONIN	Pathology	$142.99
84270	0	SEX HORMONE GLOBULIN	Pathology	$100.30
84275	0	ASSAY SIALIC ACID	Pathology	$61.99
84285	0	ASSAY SILICA	Pathology	$108.72
84295	0	ASSAY SERUM SODIUM	Pathology	$22.21
84300	0	ASSAY URINE SODIUM	Pathology	$22.44
84305	0	SOMATOMEDIN	Pathology	$98.13
84307	0	SOMATOSTATIN	Pathology	$84.40
84311	0	SPECTROPHOTOMETRY	Pathology	$32.26
84315	0	BODY FLUID SPECIFIC	Pathology	$11.56
84375	0	CHROMATOGRAM ASSAY,	Pathology	$90.48
84392	0	ASSAY URINE SULFATE	Pathology	$21.91
84402	0	TESTOSTERONE	Pathology	$117.53
84403	0	ASSAY TOTAL TESTOSTERONE	Pathology	$119.17
84425	0	ASSAY VITAMIN B-1	Pathology	$98.03
84430	0	ASSAY THIOCYANATE	Pathology	$53.71
84432	0	THYROGLOBULIN	Pathology	$74.15
84436	0	ASSAY, TOTAL THYROXINE	Pathology	$31.73
84437	0	ASSAY NEONATAL THYROXINE	Pathology	$29.89
84439	0	ASSAY, FREE THYROXINE	Pathology	$41.62
84442	0	THYROID ACTIVITY (TBG)	Pathology	$68.27
84443	0	ASSAY THYROID STIM	Pathology	$77.52
84445	0	THYROID IMMUNOGLOBULINS	Pathology	$234.74
84446	0	ASSAY VITAMIN E	Pathology	$65.46
84449	0	ASSAY FOR TRANSCORTIN	Pathology	$83.07
84450	0	TRANSFERASE (AST) (SGOT)	Pathology	$23.85
84460	0	ALANINE AMINO (ALT)	Pathology	$24.45
84466	0	TRANSFERRIN	Pathology	$58.95
84478	0	ASSAY TRIGLYCERIDES	Pathology	$26.55
84479	0	ASSAY THYROID (T-3 OR T-	Pathology	$29.89
84480	0	ASSAY TRIIODOTHYRONINE	Pathology	$65.46
84481	0	FREE ASSAY (FT-3)	Pathology	$78.19
84482	0	T3 REVERSE	Pathology	$72.75
84484	0	TROPONIN, QUANT	Pathology	$45.42
84485	0	ASSAY DUODENAL FLUID	Pathology	$34.64
84488	0	TEST FECES FOR TRYPSIN	Pathology	$33.70
84490	0	ASSAY FECES FOR TRYPSIN	Pathology	$35.14
84510	0	ASSAY TYROSINE	Pathology	$48.03
84520	0	ASSAY UREA NITROGEN	Pathology	$18.20
84525	0	UREA NITROGEN SEMI-QUANT	Pathology	$17.33
84540	0	ASSAY URINE UREA-N	Pathology	$21.91
84545	0	UREA-N CLEARANCE TEST	Pathology	$30.46
84550	0	ASSAY BLOOD URIC ACID	Pathology	$20.88

TABLE F.—PHYSICIAN NATIONWIDE CHARGES FOR ANESTHESIA AND PATHOLOGY CPT CODES—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Charge
84560	0	ASSAY URINE URIC ACID	Pathology	$21.91
84577	0	ASSAY FECES UROBILINOGEN	Pathology	$57.58
84578	0	TEST URINE UROBILINOGEN	Pathology	$14.96
84580	0	ASSAY URINE UROBILINOGEN	Pathology	$32.77
84583	0	ASSAY URINE UROBILINOGEN	Pathology	$23.21
84585	0	ASSAY URINE VMA	Pathology	$71.54
84586	0	VIP ASSAY	Pathology	$163.09
84588	0	ASSAY VASOPRESSIN	Pathology	$156.68
84590	0	ASSAY VITAMIN-A	Pathology	$53.51
84597	0	ASSAY VITAMIN-K	Pathology	$63.26
84600	0	ASSAY FOR VOLATILES	Pathology	$74.18
84620	0	XYLOSE TOLERANCE TEST	Pathology	$54.68
84630	0	ASSAY ZINC	Pathology	$52.57
84681	0	ASSAY C-PEPTIDE	Pathology	$96.03
84702	0	CHORIONIC GONADOTROPIN	Pathology	$69.47
84703	0	CHORIONIC GONADOTROPIN	Pathology	$34.67
84830	0	OVULATION TESTS	Pathology	$46.33
85002	0	BLEEDING TIME TEST	Pathology	$20.77
85007	0	DIFFERENTIAL WBC COUNT	Pathology	$15.90
85008	0	NONDIFFERENTIAL WBC	Pathology	$15.90
85009	0	DIFFERENTIAL WBC COUNT	Pathology	$17.17
85013	0	HEMATOCRIT	Pathology	$10.92
85014	0	HEMATOCRIT	Pathology	$10.92
85018	0	HEMOGLOBIN	Pathology	$10.92
85021	0	AUTOMATED HEMOGRAM	Pathology	$25.78
85022	0	AUTOMATED HEMOGRAM	Pathology	$25.35
85023	0	AUTOMATED HEMOGRAM	Pathology	$39.11
85024	0	AUTOMATED HEMOGRAM	Pathology	$39.08
85025	0	AUTOMATED HEMOGRAM	Pathology	$35.87
85027	0	AUTOMATED HEMOGRAM	Pathology	$29.89
85029	0	AUTOMATED HEMOGRAM	Pathology	$22.01
85030	0	AUTOMATED HEMOGRAM	Pathology	$20.98
85031	0	MANUAL HEMOGRAM,	Pathology	$27.32
85041	0	RED BLOOD CELL (RBC)	Pathology	$13.89
85044	0	RETICULOCYTE COUNT	Pathology	$19.84
85045	0	RETICULOCYTE COUNT	Pathology	$18.50
85048	0	WHITE BLOOD CELL (WBC)	Pathology	$11.76
85060	0	BLOOD SMEAR	Pathology	$53.01
85095	0	BONE MARROW ASPIRATION	Pathology	$170.01
85097	0	BONE MARROW	Pathology	$153.01
85102	0	BONE MARROW BIOPSY	Pathology	$250.00
85130	0	CHROMOGENIC SUBSTRATE	Pathology	$54.91
85170	0	BLOOD CLOT RETRACTION	Pathology	$16.70
85175	0	BLOOD CLOT LYSIS TIME	Pathology	$20.98
85210	0	BLOOD CLOT FACTOR II	Pathology	$59.95
85220	0	BLOOD CLOT FACTOR V TEST	Pathology	$81.46
85230	0	BLOOD CLOT FACTOR VII	Pathology	$82.67
85240	0	BLOOD CLOT FACTOR VIII	Pathology	$82.67
85244	0	BLOOD CLOT FACTOR VIII	Pathology	$94.25
85245	0	BLOOD CLOT FACTOR VIII	Pathology	$105.94
85246	0	BLOOD CLOT FACTOR VIII	Pathology	$105.94
85247	0	BLOOD CLOT FACTOR VIII	Pathology	$105.94
85250	0	BLOOD CLOT FACTOR IX	Pathology	$87.88
85260	0	BLOOD CLOT FACTOR X TEST	Pathology	$82.67
85270	0	BLOOD CLOT FACTOR XI	Pathology	$82.67
85280	0	BLOOD CLOT FACTOR XII	Pathology	$89.31
85290	0	BLOOD CLOT FACTOR XIII	Pathology	$75.42
85291	0	BLOOD CLOT FACTOR XIII	Pathology	$41.02
85292	0	BLOOD CLOT FACTOR ASSAY	Pathology	$87.41
85293	0	BLOOD CLOT FACTOR ASSAY	Pathology	$87.41
85300	0	ANTITHROMBIN III TEST	Pathology	$54.71
85301	0	ANTITHROMBIN III TEST	Pathology	$49.93
85302	0	BLOOD CLOT INHIBITOR	Pathology	$55.48
85303	0	BLOOD CLOT INHIBITOR	Pathology	$63.83
85305	0	BLOOD CLOT INHIBITOR	Pathology	$53.51
85306	0	BLOOD CLOT INHIBITOR	Pathology	$70.74
85335	0	FACTOR INHIBITOR TEST	Pathology	$59.45
85337	0	THROMBOMODULIN	Pathology	$48.13
85345	0	COAGULATION TIME	Pathology	$19.84

TABLE F.—PHYSICIAN NATIONWIDE CHARGES FOR ANESTHESIA AND PATHOLOGY CPT CODES—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Charge
85347	0	COAGULATION TIME	Pathology	$19.64
85348	0	COAGULATION TIME	Pathology	$17.17
85360	0	EUGLOBULIN LYSIS	Pathology	$38.78
85362	0	FIBRIN DEGRADATION	Pathology	$31.80
85366	0	FIBRINOGEN TEST	Pathology	$39.75
85370	0	FIBRINOGEN TEST	Pathology	$52.44
85378	0	FIBRIN DEGRADATION	Pathology	$32.93
85379	0	FIBRIN DEGRADATION	Pathology	$46.96
85384	0	FIBRINOGEN	Pathology	$39.21
85385	0	FIBRINOGEN	Pathology	$39.21
85390	0	FIBRINOLYSINS SCREEN	Pathology	$23.81
85400	0	FIBRINOLYTIC PLASMIN	Pathology	$40.81
85410	0	FIBRINOLYTIC ANTIPLASMIN	Pathology	$35.60
85415	0	FIBRINOLYTIC PLASMINOGEN	Pathology	$79.36
85420	0	FIBRINOLYTIC PLASMINOGEN	Pathology	$30.19
85421	0	FIBRINOLYTIC PLASMINOGEN	Pathology	$46.99
85441	0	HEINZ BODIES; DIRECT	Pathology	$19.41
85445	0	HEINZ BODIES; INDUCED	Pathology	$31.46
85460	0	HEMOGLOBIN, FETAL	Pathology	$35.70
85461	0	HEMOGLOBIN, FETAL	Pathology	$30.63
85475	0	HEMOLYSIN	Pathology	$40.95
85520	0	HEPARIN ASSAY	Pathology	$60.42
85525	0	HEPARIN	Pathology	$54.71
85530	0	HEPARIN-PROTAMINE	Pathology	$65.46
85535	0	IRON STAIN, BLOOD CELLS	Pathology	$29.89
85540	0	WBC ALKALINE PHOSPHATASE	Pathology	$39.68
85547	0	RBC MECHANICAL FRAGILITY	Pathology	$39.68
85549	0	MURAMIDASE	Pathology	$86.57
85555	0	RBC OSMOTIC FRAGILITY	Pathology	$30.86
85557	0	RBC OSMOTIC FRAGILITY	Pathology	$61.66
85576	0	BLOOD PLATELET	Pathology	$99.16
85585	0	BLOOD PLATELET	Pathology	$15.90
85590	0	PLATELET MANUAL COUNT	Pathology	$19.84
85595	0	PLATELET COUNT	Pathology	$20.64
85597	0	PLATELET NEUTRALIZATION	Pathology	$82.97
85610	0	PROTHROMBIN TIME	Pathology	$18.14
85611	0	PROTHROMBIN TEST	Pathology	$18.20
85612	0	VIPER VENOM PROTHROMBIN	Pathology	$44.15
85613	0	RUSSELL VIPER VENOM	Pathology	$44.15
85635	0	REPTILASE TEST	Pathology	$45.46
85651	0	RBC SED RATE, NONAUTO	Pathology	$16.40
85652	0	RBC SED RATE, AUTO	Pathology	$12.46
85660	0	RBC SICKLE CELL TEST	Pathology	$25.48
85670	0	THROMBIN TIME PLASMA	Pathology	$26.65
85675	0	THROMBIN TIME TITER	Pathology	$31.63
85705	0	THROMBOPLASTIN	Pathology	$44.46
85730	0	THROMBOPLASTIN TIME	Pathology	$27.72
85732	0	THROMBOPLASTIN TIME	Pathology	$29.89
85810	0	BLOOD VISCOSITY	Pathology	$53.91
86000	0	AGGLUTININS; FEBRILE	Pathology	$32.23
86003	0	ALLERGEN SPECIFIC IGE	Pathology	$24.11
86005	0	ALLERGEN SPECIFIC IGE	Pathology	$36.81
86021	0	WBC ANTIBODY	Pathology	$69.47
86022	0	PLATELET ANTIBODIES	Pathology	$84.77
86023	0	IMMUNOGLOBULIN ASSAY	Pathology	$57.48
86038	0	ANTINUCLEAR ANTIBODIES	Pathology	$55.78
86039	0	ANTINUCLEAR ANTIBODIES	Pathology	$51.54
86060	0	ANTISTREPTOLYSIN O TITER	Pathology	$33.70
86063	0	ANTISTREPTOLYSIN O	Pathology	$26.65
86077	0	PHYSICIAN BLOOD BANK	Pathology	$96.99
86078	0	PHYSICIAN BLOOD BANK	Pathology	$96.99
86079	0	PHYSICIAN BLOOD BANK	Pathology	$109.99
86140	0	C-REACTIVE PROTEIN	Pathology	$23.88
86147	0	CARDIOLIPIN ANTIBODY	Pathology	$117.43
86155	0	CHEMOTAXIS ASSAY	Pathology	$73.75
86156	0	COLD AGGLUTININ SCREEN	Pathology	$30.93
86157	0	COLD AGGLUTININ, TITER	Pathology	$37.21
86160	0	COMPLEMENT, ANTIGEN	Pathology	$55.41
86161	0	COMPLEMENT/FUNCTION	Pathology	$55.41

TABLE F.—PHYSICIAN NATIONWIDE CHARGES FOR ANESTHESIA AND PATHOLOGY CPT CODES—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Charge
86162	0	COMPLEMENT, TOTAL (CH50)	Pathology	$93.79
86171	0	COMPLEMENT FIXATION,	Pathology	$46.26
86185	0	COUNTERIMMUNOELECTROPHOR	Pathology	$41.32
86215	0	DEOXYRIBONUCLEASE,	Pathology	$61.19
86225	0	DNA ANTIBODY	Pathology	$63.43
86226	0	DNA ANTIBODY, SINGLE	Pathology	$55.88
86235	0	NUCLEAR ANTIGEN ANTIBODY	Pathology	$82.77
86243	0	FC RECEPTOR	Pathology	$94.72
86255	0	FLUORESCENT ANTIBODY	Pathology	$55.64
86256	0	FLUORESCENT ANTIBODY	Pathology	$55.64
86277	0	GROWTH HORMONE ANTIBODY	Pathology	$72.65
86280	0	HEMAGGLUTINATION	Pathology	$37.78
86287	0	12/HEPATITIS B (HBSAG)	Pathology	$47.66
86289	0	HEPATITIS BC ANTIBODY	Pathology	$55.64
86290	0	12/HEPATITIS BC ANTIBODY	Pathology	$54.34
86291	0	HEPATITIS BS ANTIBODY	Pathology	$49.57
86293	0	HEPATITIS BE ANTIBODY	Pathology	$53.17
86295	0	12/HEPATITIS BE ANTIBODY	Pathology	$53.37
86296	0	HEPATITIS A ANTIBODY	Pathology	$57.18
86302	0	HEPATITIS C ANTIBODY	Pathology	$65.90
86303	0	HEPATITIS C ANTIBODY	Pathology	$71.48
86306	0	HEPATITIS, DELTA AGENT	Pathology	$75.78
86308	0	HETEROPHILE ANTIBODIES	Pathology	$23.88
86309	0	HETEROPHILE ANTIBODIES	Pathology	$29.89
86310	0	HETEROPHILE ANTIBODIES	Pathology	$34.03
86311	0	12/31/97HIV ANTIGEN TEST	Pathology	$81.43
86313	0	IMMUNOASSAY, INFECTIOUS	Pathology	$55.38
86315	0	IMMUNOASSAY, INFECTIOUS	Pathology	$44.26
86316	0	IMMUNOASSAY, TUMOR	Pathology	$96.06
86317	0	IMMUNOASSAY, INFECTIOUS	Pathology	$69.20
86318	0	IMMUNOASSAY, INFECTIOUS	Pathology	$59.75
86320	0	SERUM	Pathology	$103.47
86325	0	OTHER	Pathology	$103.21
86327	0	IMMUNOELECTROPHORESIS	Pathology	$104.71
86329	0	IMMUNODIFFUSION	Pathology	$64.80
86331	0	IMMUNODIFFUSION	Pathology	$55.31
86332	0	IMMUNE COMPLEX ASSAY	Pathology	$112.49
86334	0	IMMUNOFIXATION PROCEDURE	Pathology	$103.11
86337	0	INSULIN ANTIBODIES	Pathology	$98.83
86340	0	INTRINSIC FACTOR	Pathology	$69.57
86341	0	ISLET CELL ANTIBODY	Pathology	$91.32
86343	0	LEUKOCYTE HISTAMINE	Pathology	$57.51
86344	0	LEUKOCYTE PHAGOCYTOSIS	Pathology	$36.87
86353	0	LYMPHOCYTE	Pathology	$226.29
86359	0	T CELLS, TOTAL COUNT	Pathology	$174.11
86360	0	T CELL ABSOLUTE COUNT/	Pathology	$216.87
86376	0	MICROSOMAL ANTIBODY	Pathology	$67.17
86378	0	MIGRATION INHIBITORY	Pathology	$90.91
86382	0	NEUTRALIZATION TEST,	Pathology	$78.02
86384	0	NITROBLUE TETRAZOLIUM	Pathology	$52.57
86403	0	PARTICLE AGGLUTINATION	Pathology	$47.03
86406	0	PARTICLE AGGLUTINATION	Pathology	$49.10
86430	0	RHEUMATOID FACTOR TEST	Pathology	$26.22
86431	0	RHEUMATOID FACTOR, QUANT	Pathology	$26.22
86485	0	SKIN TEST, CANDIDA	Pathology	$25.02
86490	0	COCCIDIOIDOMYCOSIS SKIN	Pathology	$24.01
86510	0	HISTOPLASMOSIS SKIN TEST	Pathology	$22.01
86580	0	TB INTRADERMAL TEST	Pathology	$20.01
86585	0	TB TINE TEST	Pathology	$17.00
86586	0	SKIN TEST, UNLISTED	Pathology	$25.02
86588	0	STREPTOCOLLUS, DIRECT	Pathology	$43.59
86590	0	STREPTOKINASE, ANTIBODY	Pathology	$50.90
86592	0	BLOOD SEROLOGY,	Pathology	$19.71
86593	0	BLOOD SEROLOGY,	Pathology	$20.34
86602	0	ANTINOMYCES ANTIBODY	Pathology	$46.96
86603	0	ADENOVIRUS, ANTIBODY	Pathology	$59.42
86606	0	ASPERGILLUS ANTIBODY	Pathology	$69.47
86609	0	BACTERIUM, ANTIBODY	Pathology	$59.49
86612	0	BLASTOMYCES, ANTIBODY	Pathology	$59.55

TABLE F.—PHYSICIAN NATIONWIDE CHARGES FOR ANESTHESIA AND PATHOLOGY CPT CODES—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Charge
86615	0	BORDETELLA ANTIBODY	Pathology	$60.89
86617	0	LYME DISEASE ANTIBODY	Pathology	$71.48
86618	0	LYME DISEASE ANTIBODY	Pathology	$78.62
86619	0	BORRELIA ANTIBODY	Pathology	$61.76
86622	0	BRUCELLA, ANTIBODY	Pathology	$41.25
86625	0	CAMPYLOBACTER, ANTIBODY	Pathology	$60.55
86628	0	CANDIDA, ANTIBODY	Pathology	$55.44
86631	0	CHLAMYDIA, ANTIBODY	Pathology	$54.61
86632	0	CHLAMYDIA, IGM, ANTIBODY	Pathology	$58.62
86635	0	COCCIDIOIDES, ANTIBODY	Pathology	$52.94
86638	0	Q FEVER ANTIBODY	Pathology	$55.95
86641	0	CRYPTOCOCCUS ANTIBODY	Pathology	$66.53
86644	0	CMV ANTIBODY	Pathology	$66.43
86645	0	CMV ANTIBODY, IGM	Pathology	$77.76
86648	0	DIPHTHERIA ANTIBODY	Pathology	$70.21
86651	0	ENCEPHALITIS ANTIBODY	Pathology	$60.89
86652	0	ENCEPHALITIS ANTIBODY	Pathology	$60.89
86653	0	ENCEPHALITIS, ANTIBODY	Pathology	$60.89
86654	0	ENCEPHALITIS, ANTIBODY	Pathology	$60.89
86658	0	ENTEROVIRUS, ANTIBODY	Pathology	$60.15
86663	0	EPSTEIN-BARR ANTIBODY	Pathology	$60.55
86664	0	EPSTEIN-BARR ANTIBODY	Pathology	$70.61
86665	0	EPSTEIN-BARR, ANTIBODY	Pathology	$83.73
86668	0	FRANCISELLA TULARENSIS	Pathology	$48.03
86671	0	FUNGUS, ANTIBODY	Pathology	$56.61
86674	0	GIARDIA LAMBLIA	Pathology	$67.94
86677	0	HELICOBACTER PYLORI	Pathology	$66.97
86682	0	HELMINTH, ANTIBODY	Pathology	$60.02
86684	0	HEMOPHILUS INFLUENZA	Pathology	$73.15
86687	0	HTLV I	Pathology	$38.74
86688	0	HTLV-II	Pathology	$64.70
86689	0	HTLV/HIV CONFIRMATORY	Pathology	$89.35
86692	0	HEPATITIS, DELTA AGENT	Pathology	$79.22
86694	0	HERPES SIMPLEX TEST	Pathology	$66.43
86695	0	HERPES SIMPLEX TEST	Pathology	$60.89
86698	0	HISTOPLASMA	Pathology	$57.72
86701	0	HIV-1	Pathology	$41.02
86702	0	HIV-2	Pathology	$62.42
86703	0	HIV-1/HIV-2, SINGLE	Pathology	$63.33
86704	0	HEP B CORE AB TEST, IGG	Pathology	$55.64
86705	0	HEP B CORE AB TEST, IGM	Pathology	$54.34
86706	0	HEPATITIS B SURFACE AB	Pathology	$49.57
86707	0	HEPATITIS BE AB TEST	Pathology	$53.37
86708	0	HEP A AB TEST, IGG & M	Pathology	$57.18
86709	0	HEP A AB TEST, IGM	Pathology	$51.94
86710	0	INFLUENZA VIRUS	Pathology	$62.59
86713	0	LEGIONELLA	Pathology	$70.64
86717	0	LEISHMANIA	Pathology	$56.55
86720	0	LEPTOSPIRA	Pathology	$60.89
86723	0	LISTERIA MONOCYTOGENES	Pathology	$60.89
86727	0	LYMPH CHORIOMENINGITIS	Pathology	$59.42
86729	0	LYMPHO VENEREUM	Pathology	$55.14
86732	0	MUCORMYCOSIS	Pathology	$60.89
86735	0	MUMPS	Pathology	$60.22
86738	0	MYCOPLASMA	Pathology	$61.16
86741	0	NEISSERIA MENINGITIDIS	Pathology	$60.89
86744	0	NOCARDIA	Pathology	$60.89
86747	0	PARVOVIRUS	Pathology	$69.37
86750	0	MALARIA	Pathology	$60.89
86753	0	PROTOZOA, NOT ELSEWHERE	Pathology	$57.18
86756	0	RESPIRATORY VIRUS	Pathology	$59.49
86759	0	ROTAVIRUS	Pathology	$60.89
86762	0	RUBELLA	Pathology	$66.43
86765	0	RUBEOLA	Pathology	$59.49
86768	0	SALMONELLA	Pathology	$60.89
86771	0	SHIGELLA	Pathology	$60.89
86774	0	TETANUS	Pathology	$68.30
86777	0	TOXOPLASMA	Pathology	$66.43
86778	0	TOXOPLASMA, IGM	Pathology	$66.47

TABLE F.—PHYSICIAN NATIONWIDE CHARGES FOR ANESTHESIA AND PATHOLOGY CPT CODES—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Charge
86781	0	TREPONEMA PALLIDUM	Pathology	$61.12
86784	0	TRICHINELLA	Pathology	$57.98
86787	0	VARICELLA-ZOSTER	Pathology	$59.49
86790	0	VIRUS, NOT SPECIFIED	Pathology	$59.49
86793	0	YERSINIA	Pathology	$60.89
86800	0	THYROGLOBULIN ANTIBODY	Pathology	$73.41
86803	0	HEPATITIS C AB TEST	Pathology	$65.90
86804	0	HEP C AB TEST, CONFIRM	Pathology	$71.48
86805	0	LYMPHOCYTOTOXICITY ASSAY	Pathology	$241.35
86806	0	LYMPHOCYTOTOXICITY ASSAY	Pathology	$219.64
86807	0	CYTOTOXIC ANTIBODY	Pathology	$182.66
86808	0	CYTOTOXIC ANTIBODY	Pathology	$137.01
86812	0	HLA TYPING, A, B, OR C	Pathology	$119.10
86813	0	HLA TYPING, A, B, OR C	Pathology	$267.63
86816	0	HLA TYPING, DR/DQ	Pathology	$128.56
86817	0	HLA TYPING, DR/DQ	Pathology	$297.19
86821	0	LYMPHOCYTE CULTURE	Pathology	$260.62
86822	0	LYMPHOCYTE CULTURE	Pathology	$168.74
86850	0	RBC ANTIBODY SCREEN	Pathology	$32.00
86860	0	RBC ANTIBODY ELUTION	Pathology	$59.99
86870	0	RBC ANTIBODY	Pathology	$90.01
86880	0	COOMBS TEST	Pathology	$24.78
86885	0	COOMBS TEST	Pathology	$26.39
86886	0	COOMBS TEST	Pathology	$23.88
86890	0	AUTOLOGOUS BLOOD PROCESS	Pathology	$139.01
86891	0	AUTOLOGOUS BLOOD, OP	Pathology	$300.00
86900	0	BLOOD TYPING, ABO	Pathology	$13.76
86901	0	BLOOD TYPING, RH (D)	Pathology	$20.01
86903	0	BLOOD TYPING, ANTIGEN	Pathology	$43.59
86904	0	BLOOD TYPING, PATIENT	Pathology	$43.89
86905	0	BLOOD TYPING, RBC	Pathology	$17.64
86906	0	BLOOD TYPING, RH	Pathology	$35.77
86910	0	BLOOD TYPING, PATERNITY	Pathology	$79.99
86911	0	BLOOD TYPING, ANTIGEN	Pathology	$20.01
86915	0	BONE MARROW	Pathology	$500.00
86920	0	COMPATIBILITY TEST	Pathology	$33.00
86921	0	COMPATIBILITY TEST	Pathology	$31.00
86922	0	COMPATIBILITY TEST	Pathology	$37.01
86927	0	PLASMA, FRESH FROZEN	Pathology	$25.02
86930	0	FROZEN BLOOD PREP	Pathology	$178.99
86931	0	FROZEN BLOOD THAW	Pathology	$105.01
86932	0	FROZEN BLOOD, FREEZE/	Pathology	$260.99
86940	0	HEMOLYSINS/AGGLUTININS	Pathology	$37.84
86941	0	HEMOLYSINS/AGGLUTININS	Pathology	$55.88
86945	0	BLOOD PRODUCT/	Pathology	$59.99
86950	0	LEUKACYTE TRANSFUSION	Pathology	$193.99
86965	0	POOLING BLOOD PLATELETS	Pathology	$40.01
86970	0	RBC PRETREATMENT	Pathology	$58.02
86971	0	RBC PRETREATMENT	Pathology	$29.99
86972	0	RBC PRETREATMENT	Pathology	$58.02
86975	0	RBC PRETREATMENT, SERUM	Pathology	$89.01
86977	0	RBC PRETREATMENT, SERUM	Pathology	$65.00
86978	0	RBC PRETREATMENT, SERUM	Pathology	$44.99
86985	0	SPLIT BLOOD OR PRODUCTS	Pathology	$200.00
87001	0	SMALL ANIMAL INOCULATION	Pathology	$61.02
87003	0	SMALL ANIMAL INOCULATION	Pathology	$77.69
87015	0	SPECIMEN CONCENTRATION	Pathology	$30.83
87040	0	BLOOD CULTURE FOR	Pathology	$47.66
87045	0	STOOL CULTURE FOR	Pathology	$43.55
87060	0	NOSE/THROAT	Pathology	$35.67
87070	0	CULTURE SPECIMEN,	Pathology	$39.75
87072	0	CULTURE OF SPECIMEN BY	Pathology	$37.27
87075	0	CULTURE SPECIMEN,	Pathology	$43.69
87076	0	BACTERIA IDENTIFICATION	Pathology	$59.45
87081	0	BACTERIA CULTURE SCREEN	Pathology	$30.59
87082	0	CULTURE OF SPECIMEN BY	Pathology	$33.83
87083	0	CULTURE OF SPECIMEN BY	Pathology	$38.78
87084	0	CULTURE OF SPECIMEN BY	Pathology	$39.75
87085	0	CULTURE OF SPECIMEN BY	Pathology	$39.75

TABLE F.—PHYSICIAN NATIONWIDE CHARGES FOR ANESTHESIA AND PATHOLOGY CPT CODES—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Charge
87086	0	URINE CULTURE, COLONY	Pathology	$37.27
87087	0	URINE BACTERIA CULTURE	Pathology	$29.86
87088	0	URINE BACTERIA CULTURE	Pathology	$37.34
87101	0	SKIN FUNGUS CULTURE	Pathology	$35.60
87102	0	FUNGUS ISOLATION CULTURE	Pathology	$38.78
87103	0	BLOOD FUNGUS CULTURE	Pathology	$41.62
87106	0	FUNGUS IDENTIFICATION	Pathology	$47.66
87109	0	MYCOPLASMA CULTURE	Pathology	$71.01
87110	0	CULTURE, CHLAMYDIA	Pathology	$90.45
87116	0	MYCOBACTERIA CULTURE	Pathology	$49.87
87117	0	MYCOBACTERIA CULTURE	Pathology	$53.41
87118	0	MYCOBACTERIA	Pathology	$50.53
87140	0	CULTURE TYPING,	Pathology	$25.75
87143	0	CULTURE TYPING, GLC	Pathology	$57.85
87145	0	CULTURE TYPING, PHAGE	Pathology	$45.76
87147	0	CULTURE TYPING,	Pathology	$23.88
87151	0	CULTURE TYPING,	Pathology	$25.92
87155	0	CULTURE TYPING,	Pathology	$22.41
87158	0	CULTURE TYPING, ADDED	Pathology	$24.15
87163	0	SPECIAL MICROBIOLOGY	Pathology	$51.10
87164	0	DARK FIELD EXAMINATION	Pathology	$49.57
87166	0	DARK FIELD EXAMINATION	Pathology	$52.14
87174	0	ENDOTOXIN, BACTERIAL	Pathology	$39.75
87175	0	ASSAY, ENDOTOXIN,	Pathology	$49.63
87176	0	ENDOTOXIN, BACTERIAL	Pathology	$27.15
87177	0	OVA AND PARASITES SMEARS	Pathology	$41.08
87178	0	MICROBE IDENTIFICATION	Pathology	$76.75
87179	0	MICROBE IDENTIFICATION	Pathology	$77.42
87181	0	ANTIBIOTIC SENSITIVITY	Pathology	$21.91
87184	0	ANTIBIOTIC SENSITIVITY	Pathology	$31.83
87186	0	ANTIBIOTIC SENSITIVITY	Pathology	$39.88
87187	0	ANTIBIOTIC SENSITIVITY	Pathology	$47.86
87188	0	ANTIBIOTIC SENSITIVITY	Pathology	$30.63
87190	0	TB ANTIBIOTIC	Pathology	$26.09
87192	0	ANTIBIOTIC SENSITIVITY	Pathology	$41.88
87197	0	BACTERICIDAL LEVEL	Pathology	$69.34
87205	0	SMEAR, STAIN & INTERPRET	Pathology	$19.71
87206	0	SMEAR, STAIN & INTERPRET	Pathology	$24.78
87207	0	SMEAR, STAIN & INTERPRET	Pathology	$27.66
87208	0	SMEAR, STAIN & INTERPRET	Pathology	$24.95
87210	0	SMEAR, STAIN & INTERPRET	Pathology	$19.71
87211	0	SMEAR, STAIN & INTERPRET	Pathology	$23.88
87220	0	TISSUE EXAM FOR FUNGI	Pathology	$19.71
87230	0	ASSAY, TOXIN OR	Pathology	$91.12
87250	0	VIRUS INOCULATION FOR	Pathology	$90.25
87252	0	VIRUS INOCULATION FOR	Pathology	$120.31
87253	0	VIRUS INOCULATION FOR	Pathology	$93.22
87260	0	ADENOVIRUS AG, DFA	Pathology	$55.38
87265	0	PERTUSSIS AG, DFA	Pathology	$55.38
87270	0	CHYLMD TRACH AG, DFA	Pathology	$55.38
87272	0	CRYPTOSPORIDUM AG, DFA	Pathology	$55.38
87274	0	HERPES SIMPLEX AG, DFA	Pathology	$55.38
87276	0	INFLUENZA AG, DFA	Pathology	$55.38
87278	0	LEGION PNEUMO AG, DFA	Pathology	$55.38
87280	0	RESP SYNCYTIAL AG, DFA	Pathology	$55.38
87285	0	TREPON PALLIDUM AG, DFA	Pathology	$55.38
87290	0	VARICELLA AG, DFA	Pathology	$55.38
87301	0	ADENOVIRUS AG, EIA	Pathology	$55.38
87320	0	CHYLMD TRACH AG, EIA	Pathology	$55.38
87324	0	CLOSTRIDIUM AG, EIA	Pathology	$55.38
87328	0	CRYPTOSPOR AG, EIA	Pathology	$55.38
87332	0	CYTOMEGALOVIRUS AG, EIA	Pathology	$55.38
87335	0	E COLI 0157 AG, EIA	Pathology	$55.38
87340	0	HEPATITIS B SURFACE AG	Pathology	$47.66
87350	0	HEPATITIS B AG, EIA	Pathology	$53.17
87380	0	HEPATITIS DELTA AG, EIA	Pathology	$75.78
87385	0	HISTOPLASMA CAPSUL AG	Pathology	$55.38
87390	0	HIV–1 AG, EIA	Pathology	$81.43
87391	0	HIV–2 AG, EIA	Pathology	$81.43

TABLE F.—PHYSICIAN NATIONWIDE CHARGES FOR ANESTHESIA AND PATHOLOGY CPT CODES—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Charge
87420	0	RESP SYNCYTIAL AG, EIA	Pathology	$55.38
87425	0	ROTAVIRUS AG, EIA	Pathology	$55.38
87430	0	STREP A AG, EIA	Pathology	$55.38
87449	0	AG DETECT NOS, EIA, MULT	Pathology	$55.38
87450	0	AG DETECT NOS, EIA,	Pathology	$44.26
87470	0	BARTONELLA, DNA, DIR	Pathology	$92.55
87471	0	BARTONELLA, DNA, AMP	Pathology	$161.99
87475	0	LYME DIS, DNA, DIR PROBE	Pathology	$92.55
87476	0	LYME DIS, DNA, AMP PROBE	Pathology	$161.99
87480	0	CANDIDA, DNA, DIR PROBE	Pathology	$92.55
87481	0	CANDIDA, DNA, AMP PROBE	Pathology	$161.99
87485	0	CHYLMD PNEUM, DNA, DIR	Pathology	$92.55
87486	0	CHYLMD PNEUM, DNA, AMP	Pathology	$161.99
87490	0	CHYLMD TRACH, DNA, DIR	Pathology	$92.55
87491	0	CHYLMD TRACH, DNA, AMP	Pathology	$161.99
87495	0	CYTOMEG, DNA, DIR PROBE	Pathology	$92.55
87496	0	CYTOMEG, DNA, AMP PROBE	Pathology	$161.99
87510	0	GARDNER VAG, DNA, DIR	Pathology	$92.55
87511	0	GARDNER VAG, DNA, AMP	Pathology	$161.99
87515	0	HEPATITIS B, DNA, DIR	Pathology	$92.55
87516	0	HEPATITIS B, DNA, AMP	Pathology	$161.99
87520	0	HEPATITIS C, RNA, DIR	Pathology	$92.55
87521	0	HEPATITIS C, RNA, AMP	Pathology	$161.99
87525	0	HEPATITIS G , DNA, DIR	Pathology	$92.55
87526	0	HEPATITIS G, DNA, AMP	Pathology	$161.99
87528	0	HSV, DNA, DIR PROBE	Pathology	$92.55
87529	0	HSV, DNA, AMP PROBE	Pathology	$161.99
87531	0	HHV-6, DNA, DIR PROBE	Pathology	$92.55
87532	0	HHV-6, DNA, AMP PROBE	Pathology	$161.99
87534	0	HIV-1, DNA, DIR PROBE	Pathology	$92.55
87535	0	HIV-1, DNA, AMP PROBE	Pathology	$161.99
87537	0	HIV-2, DNA, DIR PROBE	Pathology	$92.55
87538	0	HIV-2, DNA, AMP PROBE	Pathology	$161.99
87540	0	LEGION PNEUMO, DNA, DIR	Pathology	$92.55
87541	0	LEGION PNEUMO, DNA, AMP	Pathology	$161.99
87550	0	MYCOBACTERIA, DNA, DIR	Pathology	$92.55
87551	0	MYCOBACTERIA, DNA, AMP	Pathology	$161.99
87555	0	M TUBERCULO, DNA, DIR	Pathology	$92.55
87556	0	M TUBERCULO, DNA, AMP	Pathology	$161.99
87560	0	M AVIUM-INTRA, DNA, DIR	Pathology	$92.55
87561	0	M AVIUM-INTRA, DNA, AMP	Pathology	$161.99
87580	0	M PNEUMON, DNA, DIR	Pathology	$92.55
87581	0	M PNEUMON, DNA, AMP	Pathology	$161.99
87590	0	N GONORRHOEAE, DNA, DIR	Pathology	$92.55
87591	0	N GONORRHOEAE, DNA, AMP	Pathology	$161.99
87620	0	HPV, DNA, DIR PROBE	Pathology	$92.55
87621	0	HPV, DNA, AMP PROBE	Pathology	$161.99
87650	0	STREP A, DNA, DIR PROBE	Pathology	$92.55
87651	0	STREP A, DNA, AMP PROBE	Pathology	$161.99
87797	0	DETECT AGENT NOS, DNA	Pathology	$92.55
87798	0	DETECT AGENT NOS, DNA	Pathology	$161.99
87810	0	CHYLMD TRACH ASSAY W/	Pathology	$55.38
87850	0	N GONORRHOEAE ASSAY W/	Pathology	$55.38
87880	0	STREP A ASSAY W/OPTIC	Pathology	$55.38
88000	0	AUTOPSY (NECROPSY)	Pathology	$91.98
88005	0	AUTOPSY (NECROPSY)	Pathology	$165.00
88012	0	AUTOPSY (NECROPSY)	Pathology	$75.99
88014	0	AUTOPSY (NECROPSY)	Pathology	$71.01
88016	0	AUTOPSY (NECROPSY)	Pathology	$63.99
88036	0	LIMITED AUTOPSY	Pathology	$52.00
88037	0	LIMITED AUTOPSY	Pathology	$256.01
88104	0	CYTOPATHOLOGY, FLUIDS	Pathology	$79.99
88106	0	CYTOPATHOLOGY, FLUIDS	Pathology	$70.01
88107	0	CYTOPATHOLOGY, FLUIDS	Pathology	$91.98
88108	0	CYTOPATH, CONCENTRATE	Pathology	$90.01
88125	0	FORENSIC CYTOPATHOLOGY	Pathology	$150.00
88130	0	SEX CHROMATIN	Pathology	$69.44
88140	0	SEX CHROMATIN	Pathology	$36.91
88150	0	CYTOPATH CERV/VAG	Pathology	$23.88

TABLE F.—PHYSICIAN NATIONWIDE CHARGES FOR ANESTHESIA AND PATHOLOGY CPT CODES—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Charge
88151	0	CYTOPATHOLOGY	Pathology	$23.88
88152	0	CYTOPATH CERV/VAG AUTO	Pathology	$23.88
88155	0	CYTOPATH CERV/VAG INDEX	Pathology	$27.66
88156	0	CYTOPATH CERV/VAG TBS	Pathology	$23.88
88157	0	1TBS SMEAR (BETHESDA	Pathology	$23.88
88158	0	CYTOPATH CERV/VAG TBS	Pathology	$23.88
88160	0	CYTOPATH SMEAR, OTHER	Pathology	$61.99
88161	0	CYTOPATH SMEAR, OTHER	Pathology	$65.00
88162	0	CYTOPATH SMEAR, OTHER	Pathology	$123.01
88170	0	FINE NEEDLE ASPIRATION	Pathology	$175.02
88171	0	FINE NEEDLE ASPIRATION	Pathology	$223.01
88172	0	EVALUATION OF SMEAR	Pathology	$134.00
88173	0	INTERPRETATION OF SMEAR	Pathology	$159.99
88180	0	CELL MARKER STUDY	Pathology	$94.99
88182	0	CELL MARKER STUDY	Pathology	$194.99
88230	0	TISSUE CULTURE,	Pathology	$537.74
88233	0	TISSUE CULTURE, SKIN/	Pathology	$649.60
88235	0	TISSUE CULTURE, PLACENTA	Pathology	$679.69
88237	0	TISSUE CULTURE, BONE	Pathology	$583.00
88239	0	TISSUE CULTURE, OTHER	Pathology	$680.96
88245	0	CHROMOSOME ANALYSIS	Pathology	$687.10
88248	0	CHROMOSOME ANALYSIS	Pathology	$799.33
88250	0	CHROMOSOME ANALYSIS	Pathology	$698.86
88260	0	CHROMOSOME ANALYSIS 5	Pathology	$515.33
88261	0	CHROMOSOME ANALYSIS 5	Pathology	$815.76
88262	0	CHROMOSOME COUNT: 15–20	Pathology	$575.32
88263	0	CHROMOSOME ANALYSIS: 45	Pathology	$693.62
88267	0	CHROMOSOME ANALYSIS	Pathology	$829.79
88269	0	CHROMOSOME ANALYSIS	Pathology	$767.70
88280	0	CHROMOSOME KARYOTYPE	Pathology	$115.83
88283	0	CHROMOSOME BANDING STUDY	Pathology	$316.60
88285	0	CHROMOSOME COUNT:	Pathology	$87.71
88289	0	CHROMOSOME STUDY:	Pathology	$158.92
88300	0	SURG PATH, GROSS	Pathology	$44.99
88302	0	TISSUE EXAM BY	Pathology	$85.00
88304	0	TISSUE EXAM BY	Pathology	$116.00
88305	0	TISSUE EXAM BY	Pathology	$156.01
88307	0	TISSUE EXAM BY	Pathology	$275.02
88309	0	TISSUE EXAM BY	Pathology	$390.01
88311	0	DECALCIFY TISSUE	Pathology	$40.01
88312	0	SPECIAL STAINS	Pathology	$58.98
88313	0	SPECIAL STAINS	Pathology	$50.00
88314	0	HISTOCHEMICAL STAIN	Pathology	$66.00
88318	0	CHEMICAL HISTOCHEMISTRY	Pathology	$67.00
88319	0	ENZYME HISTOCHEMISTRY	Pathology	$120.01
88321	0	MICROSLIDE CONSULTATION	Pathology	$150.00
88323	0	MICROSLIDE CONSULTATION	Pathology	$165.00
88325	0	COMPREHENSIVE REVIEW OF	Pathology	$220.01
88329	0	PATHOLOGY CONSULT IN	Pathology	$113.99
88331	0	PATHOLOGY CONSULT IN	Pathology	$191.01
88332	0	PATHOLOGY CONSULT IN	Pathology	$109.99
88342	0	IMMUNOCYTOCHEMISTRY	Pathology	$120.01
88346	0	IMMUNOFLUORESCENT STUDY	Pathology	$100.00
88347	0	IMMUNOFLUORESCENT STUDY	Pathology	$123.01
88348	0	ELECTRON MICROSCOPY	Pathology	$454.01
88349	0	SCANNING ELECTRON	Pathology	$255.01
88355	0	ANALYSIS, SKELETAL	Pathology	$229.99
88356	0	ANALYSIS, NERVE	Pathology	$185.00
88358	0	ANALYSIS, TUMOR	Pathology	$200.00
88362	0	NERVE TEASING	Pathology	$205.01
88365	0	TISSUE HYBRIDIZATION	Pathology	$109.99
88371	0	PROTEIN, WESTERN BLOT	Pathology	$102.57
88372	0	PROTEIN ANALYSIS W/PROBE	Pathology	$105.01
89050	0	BODY FLUID CELL COUNT	Pathology	$21.81
89051	0	BODY FLUID CELL COUNT	Pathology	$25.42
89060	0	EXAM, SYNOVIAL FLUID	Pathology	$33.00
89100	0	SAMPLE INTESTINAL	Pathology	$109.99
89105	0	SAMPLE INTESTINAL	Pathology	$275.02
89125	0	SPECIMEN FAT STAIN	Pathology	$19.91

TABLE F.—PHYSICIAN NATIONWIDE CHARGES FOR ANESTHESIA AND PATHOLOGY CPT CODES—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Charge
89130	0	SAMPLE STOMACH CONTENTS	Pathology	$88.01
89132	0	SAMPLE STOMACH CONTENTS	Pathology	$20.01
89135	0	SAMPLE STOMACH CONTENTS	Pathology	$159.99
89140	0	SAMPLE STOMACH CONTENTS	Pathology	$59.99
89141	0	SAMPLE STOMACH CONTENTS	Pathology	$65.00
89160	0	EXAM FECES FOR MEAT	Pathology	$17.00
89190	0	NASAL SMEAR FOR	Pathology	$21.91
89250	0	FERTILIZATION OF OOCYTE	Pathology	$1,799.99
89300	0	SEMEN ANALYSIS	Pathology	$41.15
89310	0	SEMEN ANALYSIS	Pathology	$39.71
89320	0	SEMEN ANALYSIS	Pathology	$55.64
89325	0	SPERM ANTIBODY TEST	Pathology	$49.27
89329	0	SPERM EVALUATION TEST	Pathology	$96.79
89330	0	EVALUATION, CERVICAL	Pathology	$45.69
89350	0	SPUTUM SPECIMEN	Pathology	$44.99
89355	0	EXAM FECES FOR STARCH	Pathology	$15.43
89360	0	COLLECT SWEAT FOR TEST	Pathology	$66.00
89365	0	WATER LOAD TEST	Pathology	$25.42

TABLE G.—PHYSICAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH TOTAL RVUS ONLY

CPT code	Modifier	CPT code description	Physician CPT code group	Total RVUs	Conversion factor
15824	0	REMOVAL OF FOREHEAD	Surgery	13.64	$120.59
15825	0	REMOVAL OF NECK WRINKLES	Surgery	11.79	$120.59
15826	0	REMOVAL OF BROW WRINKLES	Surgery	9.83	$120.59
15828	0	REMOVAL OF FACE WRINKLES	Surgery	33.54	$120.59
15829	0	REMOVAL OF SKIN WRINKLES	Surgery	33.54	$120.59
15876	0	SUCTION ASSISTED	Surgery	8.09	$120.59
15877	0	SUCTION ASSISTED	Surgery	14.45	$120.59
15878	0	SUCTION ASSISTED	Surgery	8.09	$120.59
15879	0	SUCTION ASSISTED	Surgery	14.45	$120.59
17380	0	HAIR REMOVAL BY	Surgery	0.80	$120.59
20930	0	SPINAL BONE ALLOGRAFT	Surgery	8.29	$120.59
20936	0	SPINAL BONE AUTOGRAFT	Surgery	8.29	$120.59
21088	0	PREPARE FACE/ORAL	Surgery	14.58	$120.59
22841	0	INSERT SPINE FIXATION	Surgery	35.77	$120.59
24940	0	REVISION OF UPPER ARM	Surgery	19.73	$120.59
26587	0	RECONSTRUCT EXTRA FINGER	Surgery	8.55	$120.59
32850	0	DONOR PNEUMONECTOMY	Surgery	19.67	$120.59
33930	0	REMOVAL OF DONOR HEART/	Surgery	27.75	$120.59
33940	0	REMOVAL OF DONOR HEART	Surgery	24.28	$120.59
36415	0	DRAWING BLOOD	Miscellaneous Medical	0.24	$78.24
36468	0	INJECTION(S); SPIDER	Surgery	1.04	$120.59
36469	0	INJECTION(S); SPIDER	Surgery	1.27	$120.59
41820	0	EXCISION, GUM, EACH	Surgery	4.05	$120.59
41821	0	EXCISION OF GUM FLAP	Surgery	1.26	$120.59
41850	0	TREATMENT OF GUM LESION	Surgery	0.95	$120.59
41870	0	GUM GRAFT	Surgery	6.02	$120.59
47133	0	REMOVAL OF DONOR LIVER	Surgery	46.59	$120.59
48160	0	PANCREAS REMOVAL,	Surgery	31.10	$120.59
48550	0	DONOR PANCREATECTOMY	Surgery	26.95	$120.59
48554	0	TRANSPLANTALLOGRAFT	Surgery	49.20	$120.59
50300	0	REMOVAL OF DONOR KIDNEY	Surgery	34.33	$120.59
54440	0	REPAIR OF PENIS	Surgery	14.79	$120.59
58974	0	TRANSFER OF EMBRYO	Surgery	10.33	$120.59
65760	0	REVISION OF CORNEA	Surgery	39.39	$120.59
65765	0	REVISION OF CORNEA	Surgery	43.09	$120.59
65767	0	CORNEAL TISSUE	Surgery	34.48	$120.59
65771	0	RADIAL KERATOTOMY	Surgery	17.24	$120.59
69090	0	PIERCE EARLOBES	Surgery	1.02	$120.59
69710	0	IMPLANT/REPLACE HEARING	Surgery	12.82	$120.59
75556	0	CARDIAC MRI/FLOW MAPPING	Radiology	9.60	$139.16
76092	0	MAMMOGRAM, SCREENING	Radiology	1.65	$139.16
76140	0	X-RAY CONSULTATION	Radiology	0.40	$139.16
76350	0	SPECIAL X-RAY CONTRAST	Radiology	0.29	$139.16

TABLE G.—PHYSICAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH TOTAL RVUS ONLY—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Total RVUs	Conversion factor
78608	0	BRAIN IMAGING (PET)	Radiology	28.05	$139.16
78609	0	BRAIN IMAGING (PET)	Radiology	32.83	$139.16
79900	0	PROVIDE THER	Radiology	3.54	$139.16
90700	0	DTAP IMMUNIZATION	Immunizations	0.94	$49.85
90701	0	DTP IMMUNIZATION	Immunizations	0.86	$49.85
90702	0	DT IMMUNIZATION	Immunizations	0.68	$49.85
90703	0	TETANUS IMMUNIZATION	Immunizations	0.60	$49.85
90704	0	MUMPS IMMUNIZATION	Immunizations	0.67	$49.85
90705	0	MEASLES IMMUNIZATION	Immunizations	0.67	$49.85
90706	0	RUBELLA IMMUNIZATION	Immunizations	0.67	$49.85
90707	0	MMR VIRUS IMMUNIZATION	Immunizations	1.02	$49.85
90708	0	MEASLES-RUBELLA	Immunizations	0.79	$49.85
90709	0	RUBELLA & MUMPS	Immunizations	0.79	$49.85
90710	0	COMBINED VACCINE	Immunizations	1.20	$49.85
90711	0	COMBINED VACCINE	Immunizations	0.95	$49.85
90712	0	ORAL POLIOVIRUS	Immunizations	0.68	$49.85
90713	0	POLIOMYELITIS	Immunizations	0.58	$49.85
90714	0	TYPHOID IMMUNIZATION	Immunizations	0.51	$49.85
90716	0	CHICKEN POX VACCINE	Immunizations	1.53	$49.85
90717	0	YELLOW FEVER	Immunizations	0.42	$49.85
90718	0	TD IMMUNIZATION	Immunizations	0.58	$49.85
90719	0	DIPHTHERIA IMMUNIZATION	Immunizations	0.42	$49.85
90720	0	DTP/HIB VACCINE	Immunizations	1.00	$49.85
90721	0	DTAP/HIB VACCINE	Immunizations	1.16	$49.85
90725	0	CHOLERA IMMUNIZATION	Immunizations	0.42	$49.85
90726	0	RABIES IMMUNIZATION	Immunizations	0.58	$49.85
90727	0	PLAGUE IMMUNIZATION	Immunizations	0.49	$49.85
90728	0	BCG IMMUNIZATION	Immunizations	0.41	$49.85
90730	0	HEPATITIS A VACCINE	Immunizations	1.28	$49.85
90733	0	MENINGOCOCCAL	Immunizations	0.99	$49.85
90735	0	ENCEPHALITIS VIRUS	Immunizations	0.73	$49.85
90737	0	INFLUENZA B IMMUNIZATION	Immunizations	0.66	$49.85
90741	0	PASSIVE IMMUNIZATION,	Immunizations	0.60	$49.85
90742	0	SPECIAL PASSIVE	Immunizations	0.92	$49.85
90882	0	ENVIRONMENTAL	Outpatient Psych/Alcohol & Drug	0.03	$63.12
90889	0	PREPARATION OF REPORT	Outpatient Psych/Alcohol & Drug	0.03	$63.12
90989	0	DIALYSIS TRAINING/	Miscellaneous Medical	4.81	$78.24
90993	0	DIALYSIS TRAINING/	Miscellaneous Medical	1.16	$78.24
92390	0	SUPPLY OF SPECTACLES	Miscellaneous Medical	2.60	$78.24
92391	0	SUPPLY OF CONTACT LENSES	Miscellaneous Medical	1.67	$78.24
92531	0	SPONTANEOUS NYSTAGMUS	Miscellaneous Medical	0.28	$78.24
92532	0	POSITIONAL NYSTAGMUS	Miscellaneous Medical	0.36	$78.24
92533	0	CALORIC VESTIBULAR TEST	Miscellaneous Medical	0.22	$78.24
92534	0	OPTOKINETIC NYSTAGMUS	Miscellaneous Medical	0.11	$78.24
92992	0	REVISION OF HEART	Surgery	42.99	$120.59
92993	0	REVISION OF HEART	Surgery	45.69	$120.59
93760	0	CEPHALIC THERMOGRAM	Cardiovascular	2.12	$91.42
93762	0	PERIPHERAL THERMOGRAM	Cardiovascular	2.66	$91.42
93784	0	AMBULATORY BP MONITORING	Cardiovascular	2.85	$91.42
93786	0	AMBULATORY BP RECORDING	Cardiovascular	0.98	$91.42
93788	0	AMBULATORY BP ANALYSIS	Cardiovascular	0.89	$91.42
93790	0	REVIEW/REPORT BP	Cardiovascular	1.07	$91.42
94642	0	AEROSOL INHALATION	Miscellaneous Medical	1.41	$78.24
94772	0	BREATH RECORDING, INFANT	Miscellaneous Medical	3.83	$78.24
95120	0	IMMUNOTHERAPY, ONE	Allergy Immunotherapy	0.30	$54.44
95125	0	IMMUNOTHERAPY, MANY	Allergy Immunotherapy	0.44	$54.44
95130	0	IMMUNOTHERAPY, INSECT	Allergy Immunotherapy	0.48	$54.44
95131	0	IMMUNOTHERAPY, INSECT	Allergy Immunotherapy	0.67	$54.44
95132	0	IMMUNOTHERAPY, INSECT	Allergy Immunotherapy	0.77	$54.44
95133	0	IMMUNOTHERAPY, INSECT	Allergy Immunotherapy	0.87	$54.44
95134	0	IMMUNOTHERAPY, INSECT	Allergy Immunotherapy	0.96	$54.44
96545	0	PROVIDE CHEMOTHERAPY	Miscellaneous Medical	0.69	$78.24
99000	0	SPECIMEN HANDLING	Miscellaneous Medical	0.31	$78.24
99001	0	SPECIMEN HANDLING	Miscellaneous Medical	0.15	$78.24
99002	0	DEVICE HANDLING	Miscellaneous Medical	0.15	$78.24
99024	0	POST-OP FOLLOW-UP VISIT	Miscellaneous Medical	1.02	$78.24

TABLE G.—PHYSICAN NATIONWIDE RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS FOR CPT CODES WITH TOTAL RVUS ONLY—Continued

CPT code	Modifier	CPT code description	Physician CPT code group	Total RVUs	Conversion factor
99025	0	INITIAL SURGICAL	Miscellaneous Medical	0.40	$78.24
99050	0	MEDICAL SERVICES AFTER	Miscellaneous Medical	0.40	$78.24
99052	0	MEDICAL SERVICES AT	Miscellaneous Medical	0.79	$78.24
99054	0	MEDICAL SERVICES,	Miscellaneous Medical	0.79	$78.24
99056	0	NON-OFFICE MEDICAL	Miscellaneous Medical	0.40	$78.24
99058	0	OFFICE EMERGENCY CARE	Miscellaneous Medical	0.40	$78.24
99070	0	SPECIAL SUPPLIES	Miscellaneous Medical	0.42	$78.24
99071	0	PATIENT EDUCATION	Miscellaneous Medical	0.27	$78.24
99075	0	MEDICAL TESTIMONY	Miscellaneous Medical	3.45	$78.24
99078	0	GROUP HEALTH EDUCATION	Miscellaneous Medical	0.77	$78.24
99080	0	SPECIAL REPORTS OR FORMS	Miscellaneous Medical	0.45	$78.24
99082	0	UNUSUAL PHYSICIAN TRAVEL	Miscellaneous Medical	5.11	$78.24
99090	0	COMPUTER DATA ANALYSIS	Miscellaneous Medical	2.17	$78.24
99100	0	SPECIAL ANESTHESIA	Miscellaneous Medical	0.81	$78.24
99116	0	ANESTHESIA WITH	Miscellaneous Medical	3.77	$78.24
99135	0	SPECIAL ANESTHESIA	Miscellaneous Medical	4.47	$78.24
99140	0	EMERGENCY ANESTHESIA	Miscellaneous Medical	1.46	$78.24
99190	0	SPECIAL PUMP SERVICES	Inpatient Visits	9.28	$68.51
99191	0	SPECIAL PUMP SERVICES	Inpatient Visits	6.90	$68.51
99192	0	SPECIAL PUMP SERVICES	Inpatient Visits	4.59	$68.51
99288	0	DIRECT ADVANCED LIFE	Emer Room Visits and Observation	3.94	$84.78
99358	0	PROLONGED SERV, W/O	Office/Home/Urgent Care Visits	1.57	$59.93
99359	0	PROLONGED SERV, W/O	Office/Home/Urgent Care Visits	0.79	$59.93
99360	0	PHYSICIAN STANDBY	Miscellaneous Medical	1.47	$78.24
99361	0	PHYSICIAN/TEAM	Office/Home/Urgent Care Visits	0.99	$59.93
99362	0	PHYSICIAN/TEAM	Office/Home/Urgent Care Visits	1.77	$59.93
99371	0	PHYSICIAN PHONE	Office/Home/Urgent Care Visits	0.20	$59.93
99372	0	PHYSICIAN PHONE	Office/Home/Urgent Care Visits	0.40	$59.93
99373	0	PHYSICIAN PHONE	Office/Home/Urgent Care Visits	0.59	$59.93
99420	0	HEALTH RISK ASSESSMENT	Physical Exams	1.92	$41.66
99450	0	LIFE/DISABILITY EVALUATION	Office/Home/Urgent Care Visits	1.25	$59.93
99455	0	DISABILITY EXAMINATION	Office/Home/Urgent Care Visits	2.59	$59.93
99456	0	DISABILITY EXAMINATION	Office/Home/Urgent Care Visits	8.34	$59.93
M0076	0	PROLOTHERAPY	Miscellaneous Medical	2.24	$78.24
M0300	0	IV CHELATIONTHERAPY	Miscellaneous Medical	1.28	$78.24

TABLE H.—PHYSICIAN GAAFS (GEOGRAPHIC AREA ADJUSTMENT FACTORS) FOR RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS; BY VA FACILITY LOCATION

VA Facility location	Medicare work adjuster	RVU GAAFs: Work expense	RVU GAAFs: Practice expense	Conversion factor GAAFs by physician CPT code group: Inpatient visits	Ofc/ Home/ Urgent care visits	Therapeutic injections	Allergy testing	Allergy immunotherapy	Misc. medical	ER visits & observ. care	Consults	Physical medicine	Cardiovascular	Immunizations	Well baby exams	Vision exams	Hearing/ speech exams	Physical exams	Chiropractor	OP psych./ alcohol & drug abuse	Surgery	Radiology	Pathology	Anesthesia	Normal deliveries	Cesarean deliveries	Non-deliveries
NATIONWIDE AVERAGE	0.91	1.00	1.00	1.0	1.00	1.00	1.0	1.00	1.0	1.00	1.0	1.00	1.0	1.0	1.00	1.00	1.00	1.00	1.0	1.00	1.0	1.0	1.0	1.0	1.00	1.00	1.00
ANCHORAGE, AK	0.91	1.06	1.16	1.2	1.22	0.87	0.8	0.58	0.9	1.00	1.0	1.13	0.8	0.6	1.11	1.14	0.97	0.89	0.8	0.91	1.0	0.7	1.0	0.9	0.82	0.91	0.76
FAIRBANKS, AK	0.91	1.06	1.16	1.2	1.22	0.87	0.8	0.58	0.9	1.00	1.0	1.13	0.8	0.6	1.11	1.14	0.97	0.89	0.8	0.91	1.0	0.7	1.0	0.9	0.82	0.91	0.76
FORT WAINWRIGHT, AK	0.91	1.06	1.16	1.2	1.22	0.87	0.8	0.58	0.9	1.00	1.0	1.13	0.8	0.6	1.11	1.14	0.97	0.89	0.8	0.91	1.0	0.7	1.0	0.9	0.82	0.91	0.76
KENAI, AK	0.91	1.06	1.16	1.2	1.22	0.87	0.8	0.58	0.9	1.00	1.0	1.13	0.8	0.6	1.11	1.14	0.97	0.89	0.8	0.91	1.0	0.7	1.0	0.9	0.82	0.91	0.76
WASILLA, AK	0.91	1.06	1.16	1.2	1.22	0.87	0.8	0.58	0.9	1.00	1.0	1.13	0.8	0.6	1.11	1.14	0.97	0.89	0.8	0.91	1.0	0.7	1.0	0.9	0.82	0.91	0.76
ANNISTON, AL	0.91	0.97	0.87	0.8	0.94	0.85	1.4	0.85	0.8	1.00	0.8	1.12	0.8	1.0	0.78	0.89	1.05	0.94	0.6	1.05	0.9	0.9	0.9	0.8	0.96	0.91	0.83
BIRMINGHAM, AL	0.91	0.97	0.87	0.8	0.94	0.85	1.4	0.85	0.7	1.00	0.8	1.12	0.8	1.0	0.78	0.89	1.05	0.94	0.6	1.05	0.9	0.9	0.9	1.0	1.05	0.98	0.78
DECATUR, AL	0.91	0.97	0.87	0.8	0.94	0.85	1.4	0.85	0.8	1.00	0.8	1.12	0.8	1.0	0.78	0.89	1.05	0.94	0.6	1.05	0.8	0.9	0.9	0.8	0.98	0.81	0.85
DOTHAN, AL	0.91	0.97	0.87	0.7	0.90	0.88	1.1	0.82	0.8	0.96	0.8	1.12	0.8	1.1	0.81	0.89	0.94	0.86	0.9	0.82	0.8	0.9	0.7	0.9	0.86	0.86	0.71
FAIRHOPE, AL	0.91	0.97	0.87	0.7	0.85	0.74	1.7	0.61	0.8	1.04	0.8	0.95	0.9	0.9	0.76	0.88	1.18	0.87	1.0	0.90	0.8	0.8	0.8	0.8	0.98	0.81	0.85
FLORENCE, AL	0.91	0.97	0.87	0.8	0.94	0.85	1.4	0.85	0.8	1.00	0.8	1.12	0.8	1.0	0.78	0.89	1.05	0.94	0.6	1.05	0.8	0.9	0.9	0.8	0.98	0.81	0.85
GADSDEN, AL	0.91	0.97	0.87	0.7	0.85	0.74	1.7	0.61	0.8	1.04	0.8	0.95	0.9	0.9	0.76	0.88	1.18	0.87	1.0	0.90	0.9	0.8	0.8	0.8	0.96	0.91	0.83
HUNTSVILLE, AL	0.91	0.97	0.87	0.8	0.91	0.82	1.4	0.85	0.8	0.89	0.9	0.99	0.9	1.0	0.76	0.96	0.83	0.80	0.7	0.97	0.8	0.8	0.7	0.8	0.96	0.91	0.83
JASPER, AL	0.91	0.97	0.87	0.8	0.91	0.82	1.4	0.85	0.8	0.89	0.9	0.99	0.9	1.0	0.76	0.96	0.83	0.80	0.7	0.97	0.8	0.8	0.7	0.8	0.98	0.81	0.85
MOBILE, AL	0.91	0.97	0.87	0.8	0.87	0.76	1.1	0.65	0.8	0.86	0.7	0.98	0.8	1.0	0.72	0.86	1.05	0.81	0.7	0.97	0.8	0.9	0.7	0.9	0.86	0.86	0.71
MONTGOMERY, AL	0.91	0.97	0.87	0.7	0.90	0.88	1.1	0.82	0.8	0.96	0.8	1.12	0.8	1.1	0.81	0.89	0.94	0.86	0.9	0.82	0.8	0.9	0.7	0.9	0.86	0.86	0.71
TUSCALOOSA, AL	0.91	0.97	0.87	0.8	0.91	0.82	1.4	0.85	0.7	0.89	0.9	0.99	0.9	1.0	0.76	0.96	0.83	0.80	0.7	0.97	0.9	0.8	0.7	1.0	1.05	0.98	0.78
TUSKEGEE, AL	0.91	0.97	0.87	0.8	0.87	0.76	1.1	0.65	0.8	0.86	0.7	0.98	0.8	1.0	0.72	0.86	1.05	0.81	0.7	0.97	0.8	0.9	0.7	0.9	0.86	0.86	0.71
EL DORADO, AR	0.91	0.95	0.85	0.8	0.96	0.92	0.6	0.75	0.8	0.85	0.9	0.97	0.9	0.8	0.82	0.82	1.07	0.77	0.7	1.00	0.8	1.0	0.8	0.6	0.74	0.65	0.76
FAYETTEVILLE, AR	0.91	0.95	0.85	0.9	1.09	1.14	0.8	0.92	0.8	0.70	1.0	1.01	0.9	0.8	0.86	0.89	1.12	0.63	0.7	1.11	0.8	1.1	0.9	0.6	0.74	0.65	0.76
HARRISON, AR	0.91	0.95	0.85	0.8	0.97	1.08	0.8	0.79	0.8	0.88	0.9	1.00	0.8	0.9	0.87	0.78	0.93	0.63	0.8	0.95	0.8	0.9	0.8	0.6	0.74	0.65	0.76
HOT SPRINGS, AR	0.91	0.95	0.85	0.8	0.96	0.92	0.6	0.75	0.8	0.85	0.9	0.97	0.9	0.8	0.82	0.82	1.07	0.77	0.7	1.00	0.8	1.0	0.8	0.6	0.74	0.65	0.76
JONESBORO, AR	0.91	0.95	0.85	0.8	0.97	1.08	0.8	0.79	0.8	0.88	0.9	1.00	0.8	0.9	0.87	0.78	0.93	0.63	0.8	0.95	0.8	0.9	0.8	0.6	0.74	0.65	0.76
LITTLE ROCK, AR	0.91	0.95	0.85	0.9	1.05	0.86	0.6	0.68	0.8	0.98	0.9	1.06	0.8	1.0	0.80	0.85	1.01	0.53	0.7	1.19	0.9	1.1	0.8	0.7	0.72	0.63	0.76
MENA, AR	0.91	0.95	0.85	0.8	0.96	0.92	0.6	0.75	0.8	0.85	0.9	0.97	0.9	0.8	0.82	0.82	1.07	0.77	0.7	1.00	0.8	1.0	0.8	0.6	0.74	0.65	0.76
MOUNTAIN HOME, AR	0.91	0.95	0.85	0.8	0.97	1.08	0.8	0.79	0.8	0.88	0.9	1.00	0.8	0.9	0.87	0.78	0.93	0.63	0.8	0.95	0.8	0.9	0.8	0.6	0.74	0.65	0.76
NORTH LITTLE ROCK, AR	0.91	0.95	0.85	0.8	0.96	0.92	0.6	0.75	0.9	0.85	0.9	0.97	0.9	0.8	0.82	0.82	1.07	0.77	0.7	1.00	0.8	1.0	0.8	0.6	0.73	0.67	0.80
PARAGOULD, AR	0.91	0.95	0.85	0.8	0.97	1.08	0.8	0.79	0.8	0.88	0.9	1.00	0.8	0.9	0.87	0.78	0.93	0.63	0.8	0.95	0.8	0.9	0.8	0.6	0.74	0.65	0.76
WALDRON, AR	0.91	0.95	0.85	0.9	1.09	1.14	0.8	0.92	0.8	0.70	1.0	1.01	0.9	0.8	0.86	0.89	1.12	0.63	0.7	1.11	0.9	1.1	0.9	0.7	0.72	0.63	0.76
BISBEE, AZ	0.91	0.99	0.96	0.9	0.95	0.85	0.8	0.75	0.8	0.95	0.8	0.95	0.8	1.0	0.94	0.97	0.82	0.98	0.8	0.97	0.8	0.9	0.8	0.7	0.91	0.93	0.75
CASA GRANDE, AZ	0.91	0.99	0.96	0.8	0.93	0.81	1.2	0.81	0.9	1.12	0.8	0.98	0.8	1.2	1.19	0.89	0.89	1.09	0.9	0.96	0.9	0.9	0.9	0.8	0.85	0.87	0.81
FLAGSTAFF, AZ	0.91	0.99	0.96	0.9	0.95	0.85	0.8	0.75	0.9	0.95	0.8	0.95	0.8	1.0	0.94	0.97	0.82	0.98	0.8	0.97	0.9	0.9	0.8	0.8	0.85	0.87	0.81
FORT HUACHUCA, AZ	0.91	0.99	0.96	0.9	0.95	0.85	0.8	0.75	0.8	0.95	0.8	0.95	0.8	1.0	0.94	0.97	0.82	0.98	0.8	0.97	0.8	0.9	0.8	0.7	0.91	0.93	0.75
GREEN VALLEY, AZ	0.91	0.99	0.96	0.9	0.95	0.85	0.8	0.75	0.8	0.95	0.8	0.95	0.8	1.0	0.94	0.97	0.82	0.98	0.8	0.97	0.8	0.9	0.8	0.7	0.91	0.93	0.75
KEARNEY, AZ	0.91	0.99	0.96	0.8	0.93	0.81	1.2	0.81	0.9	1.12	0.8	0.98	0.8	1.2	1.19	0.89	0.89	1.09	0.9	0.96	0.9	0.9	0.9	0.8	0.85	0.87	0.81
KINGMAN, AZ	0.91	0.99	0.96	0.9	0.95	0.85	0.8	0.75	0.9	0.95	0.8	0.95	0.8	1.0	0.94	0.97	0.82	0.98	0.8	0.97	0.9	0.9	0.8	0.8	0.85	0.87	0.81
MARANA, AZ	0.91	0.99	0.96	0.9	0.95	0.85	0.8	0.75	0.8	0.95	0.8	0.95	0.8	1.0	0.94	0.97	0.82	0.98	0.8	0.97	0.8	0.9	0.8	0.7	0.91	0.93	0.75
MESA, AZ	0.91	0.99	0.96	0.8	0.93	0.81	1.2	0.81	0.9	1.12	0.8	0.98	0.8	1.2	1.19	0.89	0.89	1.09	0.9	0.96	0.9	0.9	0.9	0.8	0.85	0.87	0.81
NOGALES, AZ	0.91	0.99	0.96	0.9	0.95	0.85	0.8	0.75	0.8	0.95	0.8	0.95	0.8	1.0	0.94	0.97	0.82	0.98	0.8	0.97	0.8	0.9	0.8	0.7	0.91	0.93	0.75
PHOENIX, AZ	0.91	0.99	0.96	0.9	1.03	0.86	0.7	0.81	1.0	1.07	1.0	1.09	0.9	1.0	1.03	0.98	1.05	1.05	0.9	0.84	0.9	0.9	1.1	0.8	0.87	0.90	0.69
PRESCOTT, AZ	0.91	0.99	0.96	0.9	0.95	0.85	0.8	0.75	0.8	0.95	0.8	0.95	0.8	1.0	0.94	0.97	0.82	0.98	0.8	0.97	0.8	0.9	0.8	0.7	0.91	0.93	0.75
SAFFORD, AZ	0.91	0.99	0.96	0.9	0.95	0.85	0.8	0.75	0.8	0.95	0.8	0.95	0.8	1.0	0.94	0.97	0.82	0.98	0.8	0.97	0.8	0.9	0.8	0.7	0.91	0.93	0.75
SHOW LOW, AZ	0.91	0.99	0.96	0.9	0.95	0.85	0.8	0.75	0.9	0.95	0.8	0.95	0.8	1.0	0.94	0.97	0.82	0.98	0.8	0.97	0.9	0.9	0.8	0.8	0.85	0.87	0.81
SIERRA VISTA, AZ	0.91	0.99	0.96	0.9	0.95	0.85	0.8	0.75	0.8	0.95	0.8	0.95	0.8	1.0	0.94	0.97	0.82	0.98	0.8	0.97	0.8	0.9	0.8	0.7	0.91	0.93	0.75
SUN CITY, AZ	0.91	0.99	0.96	0.8	0.93	0.81	1.2	0.81	0.9	1.12	0.8	0.98	0.8	1.2	1.19	0.89	0.89	1.09	0.9	0.96	0.9	0.9	0.9	0.8	0.85	0.87	0.81
TUCSON, AZ	0.91	0.99	0.96	0.9	0.95	0.85	0.8	0.75	0.8	0.95	0.8	0.95	0.8	1.0	0.94	0.97	0.82	0.98	0.8	0.97	0.8	0.9	0.8	0.7	0.91	0.93	0.75
YUMA, AZ	0.91	0.99	0.96	0.8	0.93	0.81	1.2	0.81	0.9	1.12	0.8	0.98	0.8	1.2	1.19	0.89	0.89	1.09	0.9	0.96	0.9	0.9	0.9	0.8	0.85	0.87	0.81
ANAHEIM, CA	0.91	1.03	1.19	1.0	1.06	0.97	0.9	0.89	1.0	0.95	1.0	1.02	0.8	1.0	0.97	1.04	1.04	1.05	0.8	1.15	1.0	1.2	1.0	1.0	0.90	0.96	0.98
ANTELOPE VALLEY, CA	0.91	1.05	1.20	0.8	0.84	0.81	0.8	0.82	0.9	0.88	0.9	0.83	0.7	0.8	0.76	0.98	1.01	0.88	0.7	1.18	1.0	0.9	0.8	1.2	0.94	0.97	0.91
AUBURN, CA	0.91	1.00	1.04	0.8	0.87	0.84	0.8	1.01	0.9	0.98	0.9	0.98	0.8	0.8	0.76	1.00	1.09	0.95	0.8	0.95	0.8	0.9	0.9	0.8	0.85	0.77	0.89
BAKERSFIELD, CA	0.91	1.00	1.04	0.9	0.96	0.98	0.9	1.13	1.0	1.06	0.9	1.00	1.0	0.9	0.87	1.07	1.04	0.98	0.9	0.99	0.9	1.1	0.8	0.8	0.74	0.79	0.83
BERKELEY, CA	0.91	1.04	1.20	0.9	0.95	0.80	0.7	0.89	0.8	0.94	0.9	0.99	0.8	1.0	0.99	1.12	0.95	1.06	0.8	0.92	0.9	1.0	0.9	1.0	0.89	0.91	0.86
CHICO, CA	0.91	1.00	1.04	0.8	0.87	0.84	0.8	1.01	0.9	0.98	0.9	0.98	0.8	0.8	0.76	1.00	1.09	0.95	0.8	0.95	0.8	0.9	0.9	0.9	0.77	0.84	0.77
CHULA VISTA, CA	0.91	1.00	1.04	0.9	1.02	1.22	0.9	0.88	0.9	1.06	1.1	0.97	0.9	1.0	0.93	1.15	1.09	0.91	0.8	1.15	1.0	1.1	1.0	1.0	0.93	0.91	0.86

TABLE H.—PHYSICIAN GAAFS (GEOGRAPHIC AREA ADJUSTMENT FACTORS) FOR RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS; BY VA FACILITY LOCATION—Continued

VA Facility location	Medicare work adjuster	RVU GAAFs: Work expense	Practice expense	Conversion factor GAAFs by physician CPT code group: Inpatient visits	Ofc/Home/Urgent care visits	Therapeutic injections	Allergy testing	Allergy immunotherapy	Misc. medical	ER visits & observ. care	Consults	Physical medicine	Cardiovascular	Immunizations	Well baby exams	Vision exams	Hearing/speech exams	Physical exams	Chiropractor	OP psych./alcohol & drug abuse	Surgery	Radiology	Pathology	Anesthesia	Normal deliveries	Cesarean deliveries	Non-deliveries
CONCORD, CA	0.91	1.04	1.20	0.9	0.92	0.93	0.8	0.79	0.9	1.13	0.9	0.95	0.9	1.0	1.01	1.04	0.89	1.06	1.0	0.90	0.9	1.0	1.0	1.0	0.89	0.91	0.86
CRESCENT CITY, CA	0.91	1.00	1.04	0.9	0.90	0.81	0.9	1.00	1.0	0.97	0.9	0.90	0.7	0.8	0.92	1.01	0.97	0.90	0.8	1.01	0.8	0.9	0.8	0.9	0.77	0.84	0.77
CULVER CITY, CA	0.91	1.05	1.20	1.1	1.11	1.00	1.0	1.33	1.1	0.92	1.2	1.10	1.0	1.0	1.04	1.44	1.13	1.12	0.9	1.12	1.0	1.3	1.0	1.0	1.17	1.17	1.06
EAST LOS ANGELES, CA	0.91	1.05	1.20	1.2	1.19	1.37	1.1	1.49	1.3	1.06	1.2	1.26	1.0	1.0	1.10	1.47	1.28	1.02	0.9	1.26	1.1	1.4	1.1	1.3	1.17	1.23	0.94
EDWARDS, CA	0.91	1.00	1.04	0.8	0.92	0.93	0.9	0.93	1.0	0.95	0.9	0.92	0.8	0.9	0.84	1.06	1.16	0.97	0.8	1.27	1.1	1.0	0.8	1.2	1.03	1.07	1.01
EL CENTRO, CA	0.91	1.00	1.04	0.9	0.96	1.16	0.8	0.85	0.9	0.95	0.9	1.07	1.0	1.0	1.13	1.00	1.16	1.15	0.8	1.08	1.0	1.1	0.8	1.0	0.93	0.91	0.86
EUREKA, CA	0.91	1.00	1.04	0.9	0.90	0.81	0.9	1.00	1.0	0.97	0.9	0.90	0.7	0.8	0.92	1.01	0.97	0.90	0.8	1.01	0.8	0.9	0.8	0.9	0.77	0.84	0.77
FRESNO, CA	0.91	1.00	1.04	0.9	1.02	1.01	0.9	1.16	1.0	0.94	1.0	1.08	0.9	1.0	1.06	1.09	1.11	1.15	0.9	0.99	0.8	1.1	0.9	0.8	0.70	0.73	0.70
GARDENA, CA	0.91	1.05	1.20	1.1	1.11	1.00	1.0	1.33	1.1	0.92	1.2	1.10	1.0	1.0	1.04	1.44	1.13	1.12	0.9	1.12	1.0	1.3	1.0	1.0	1.17	1.17	1.06
HAYWARD, CA	0.91	1.04	1.20	0.9	0.92	0.93	0.8	0.79	0.9	1.13	0.9	0.95	0.9	1.0	1.01	1.04	0.89	1.06	1.0	0.90	0.9	1.0	1.0	1.0	0.89	0.91	0.86
HEMET, CA	0.91	1.00	1.04	0.9	0.97	1.18	0.9	1.30	1.0	1.01	0.9	1.01	0.9	0.9	0.86	0.99	0.98	0.90	1.0	1.26	0.9	1.1	0.9	0.9	0.81	0.88	0.82
HOLLYWOOD, CA	0.91	1.05	1.20	1.2	1.19	1.37	1.1	1.49	1.3	1.06	1.2	1.26	1.0	1.0	1.10	1.47	1.28	1.02	0.9	1.26	1.1	1.4	1.1	1.3	1.17	1.23	0.94
INDIO, CA	0.91	1.00	1.04	0.9	0.96	1.16	0.8	0.85	0.9	0.95	0.9	1.07	1.0	1.0	1.13	1.00	1.16	1.15	0.8	1.08	1.0	1.1	0.8	1.0	0.93	0.91	0.86
INGLEWOOD, CA	0.91	1.05	1.20	1.0	1.00	0.89	0.8	0.94	1.1	0.97	1.0	1.04	0.9	1.0	1.08	1.23	1.21	1.05	1.0	1.11	1.0	1.2	0.9	1.0	1.17	1.17	1.06
IRVINE, CA	0.91	1.03	1.19	1.0	1.06	0.97	0.9	0.89	1.0	0.95	1.0	1.02	0.8	1.0	0.97	1.04	1.04	1.05	0.8	1.15	1.0	1.2	1.0	1.0	0.90	0.96	0.98
LAGUNA NIGUEL, CA	0.91	1.03	1.19	1.0	1.00	1.04	0.8	0.85	1.0	0.96	1.0	1.06	0.9	0.9	0.85	1.05	1.07	1.02	1.1	1.02	1.0	1.1	1.0	1.0	0.90	0.96	0.98
LANCASTER, CA	0.91	1.05	1.20	0.8	0.84	0.81	0.8	0.82	0.9	0.88	0.9	0.83	0.7	0.8	0.76	0.98	1.01	0.88	0.7	1.18	1.0	0.9	0.8	1.2	0.94	0.97	0.91
LIVERMORE, CA	0.91	1.04	1.20	0.9	0.92	0.93	0.8	0.79	0.9	1.13	0.9	0.95	0.9	1.0	1.01	1.04	0.89	1.06	1.0	0.90	0.9	1.0	1.0	1.0	0.89	0.91	0.86
LOMA LINDA, CA	0.91	1.00	1.04	0.9	0.97	1.18	0.9	1.30	1.0	1.01	0.9	1.01	0.9	0.9	0.86	0.99	0.98	0.90	1.0	1.26	0.9	1.1	0.9	0.9	0.81	0.88	0.82
LOMPOC, CA	0.91	1.00	1.04	0.8	0.92	0.93	0.9	0.93	1.0	0.95	0.9	0.92	0.8	0.9	0.84	1.06	1.16	0.97	0.8	1.27	0.9	1.0	0.8	0.8	0.74	0.79	0.83
LONG BEACH, CA	0.91	1.05	1.20	1.0	1.00	0.89	0.8	0.94	1.0	0.97	1.0	1.04	0.9	1.0	1.08	1.23	1.21	1.05	1.0	1.11	0.9	1.2	0.9	0.9	0.84	0.89	0.84
LOS ANGELES, CA	0.91	1.05	1.20	1.2	1.19	1.37	1.1	1.49	1.3	1.06	1.2	1.26	1.0	1.0	1.10	1.47	1.28	1.02	0.9	1.26	1.1	1.4	1.1	1.3	1.17	1.23	0.94
MARE ISLAND, CA	0.91	1.01	1.17	0.9	0.95	0.95	0.8	0.81	0.9	1.16	0.9	0.98	0.9	1.0	1.04	1.06	0.92	1.09	1.0	0.92	0.9	1.0	1.0	1.0	0.91	0.93	0.88
MARINA, CA	0.91	1.00	1.04	0.9	1.02	1.01	0.9	1.16	1.0	0.94	1.0	1.08	0.9	1.0	1.06	1.09	1.11	1.15	0.9	0.99	0.9	1.1	0.9	1.0	0.83	0.87	0.95
MARTINEZ, CA	0.91	1.04	1.20	0.9	0.92	0.93	0.8	0.79	0.9	1.13	0.9	0.95	0.9	1.0	1.01	1.04	0.89	1.06	1.0	0.90	0.9	1.0	1.0	1.0	0.89	0.91	0.86
MATHER AFB, CA	0.91	1.00	1.04	0.8	0.87	0.84	0.8	1.01	0.9	0.98	0.9	0.98	0.8	0.8	0.76	1.00	1.09	0.95	0.8	0.95	0.8	0.9	0.9	0.8	0.85	0.77	0.89
MENLO PARK, CA	0.91	1.04	1.28	0.9	1.01	0.80	0.9	0.94	0.9	0.83	1.0	0.89	0.8	0.8	0.89	1.19	1.00	1.27	0.8	0.84	0.9	0.9	1.0	1.0	0.99	0.97	0.92
MERCED, CA	0.91	1.00	1.04	0.9	0.90	0.89	0.7	0.91	1.0	0.95	0.9	0.97	1.0	0.9	0.85	1.08	1.11	0.96	1.0	0.92	0.9	0.9	1.0	1.0	0.83	0.87	0.95
MODESTO, CA	0.91	1.00	1.04	0.9	0.90	0.89	0.7	0.91	1.0	0.95	0.9	0.97	1.0	0.9	0.85	1.08	1.11	0.96	1.0	0.92	0.9	0.9	1.0	1.0	0.83	0.87	0.95
MONTEREY, CA	0.91	1.00	1.04	0.9	1.02	1.01	0.9	1.16	1.0	0.94	1.0	1.08	0.9	1.0	1.06	1.09	1.11	1.15	0.9	0.99	0.9	1.1	0.9	1.0	0.83	0.87	0.95
OAKLAND, CA	0.91	1.04	1.20	0.9	0.95	0.80	0.7	0.89	0.9	0.94	0.9	0.99	0.8	1.0	0.99	1.12	0.95	1.06	0.8	0.92	0.9	1.0	0.9	1.0	1.02	1.00	0.95
OXNARD, CA	0.91	1.02	1.16	0.8	0.91	0.88	0.8	1.03	1.0	1.01	0.9	0.94	0.9	0.8	0.81	1.02	0.95	0.91	0.8	0.95	0.9	1.0	0.8	0.9	0.88	0.89	0.84
PALM SPRINGS, CA	0.91	1.00	1.04	0.9	0.96	1.16	0.8	0.85	0.9	0.95	0.9	1.07	1.0	1.0	1.13	1.00	1.16	1.15	0.8	1.08	1.0	1.1	0.8	1.0	0.93	0.91	0.86
PALO ALTO, CA	0.91	1.06	1.27	1.4	1.27	1.17	0.8	0.79	1.0	1.00	1.3	1.09	0.9	0.8	1.05	1.77	1.22	1.27	0.9	1.05	1.0	1.1	1.1	1.1	1.04	1.03	1.05
PASADENA, CA	0.91	1.05	1.20	1.0	0.99	0.76	0.9	0.81	0.9	1.00	1.0	1.02	1.0	0.9	0.91	1.10	1.04	1.14	0.7	1.03	0.9	1.2	1.0	0.9	0.96	1.03	0.89
PLEASANT HILL, CA	0.91	1.04	1.20	0.9	0.92	0.93	0.8	0.79	0.9	1.13	0.9	0.95	0.9	1.0	1.01	1.04	0.89	1.06	1.0	0.90	0.9	1.0	1.0	1.0	0.89	0.91	0.86
REDDING, CA	0.91	1.00	1.04	0.9	0.90	0.81	0.9	1.00	1.0	0.97	0.9	0.90	0.7	0.8	0.92	1.01	0.97	0.90	0.8	1.01	0.8	0.9	0.8	0.9	0.77	0.84	0.77
REDWOOD CITY, CA	0.91	1.04	1.28	0.9	1.01	0.80	0.9	0.94	0.9	0.83	1.0	0.89	0.8	0.8	0.89	1.19	1.00	1.27	0.8	0.84	0.9	0.9	1.0	1.0	0.99	0.97	0.92
RIVERSIDE, CA	0.91	1.00	1.04	0.9	0.97	1.18	0.9	1.30	1.0	1.01	0.9	1.01	0.9	0.9	0.86	0.99	0.98	0.90	1.0	1.26	0.9	1.1	0.9	0.9	0.81	0.88	0.82
ROHNERT PARK, CA	0.91	1.00	1.04	1.0	1.03	0.91	0.8	1.01	0.9	1.01	1.0	1.08	0.9	1.1	1.08	1.20	1.07	1.15	0.8	0.98	0.9	1.1	0.9	1.0	0.95	0.98	0.93
SACRAMENTO, CA	0.91	1.00	1.04	0.9	0.89	0.91	0.7	1.14	0.9	1.05	0.9	0.94	0.9	0.9	0.71	0.97	1.00	0.96	0.9	0.88	0.8	1.2	1.3	0.8	0.79	0.82	0.78
SAN BERNARDINO, CA	0.91	1.00	1.04	0.9	0.96	1.16	0.8	0.85	0.9	0.95	0.9	1.07	1.0	1.0	1.13	1.00	1.16	1.15	0.8	1.08	0.9	1.1	0.8	0.9	0.81	0.88	0.82
SAN DIEGO, CA	0.91	1.00	1.04	1.1	0.98	0.98	1.0	0.84	0.8	1.14	1.0	1.07	0.9	0.8	0.84	1.06	1.11	0.96	0.9	1.18	1.0	1.3	0.9	1.0	0.93	0.91	0.86
SAN FRANCISCO, CA	0.91	1.06	1.31	1.2	1.04	1.17	0.8	0.83	0.9	1.19	1.1	0.94	0.8	0.8	0.85	1.22	0.91	1.03	0.9	1.09	1.0	1.0	1.1	1.1	1.03	1.02	1.03
SAN JOSE, CA	0.91	1.06	1.27	0.9	0.94	0.85	0.6	1.11	0.9	0.93	0.9	0.93	0.9	1.0	0.90	1.08	1.06	1.04	0.8	1.29	0.9	1.0	1.2	1.0	0.86	0.85	0.86
SAN LUIS OBISPO, CA	0.91	1.00	1.04	0.8	0.92	0.93	0.9	0.93	1.0	0.95	0.9	0.92	0.8	0.9	0.84	1.06	1.16	0.97	0.8	1.27	0.9	1.0	0.8	0.8	0.74	0.79	0.83
SANTA ANA, CA	0.91	1.03	1.19	1.0	1.06	0.97	0.9	0.89	1.0	0.95	1.0	1.02	0.8	1.0	0.97	1.04	1.04	1.05	0.8	1.15	1.0	1.2	1.0	1.0	0.90	0.96	0.98
SANTA BARBARA, CA	0.91	1.00	1.04	1.0	1.15	1.06	0.9	1.27	1.0	1.11	1.1	0.99	1.1	1.0	0.92	1.03	1.28	1.08	0.9	1.09	0.9	1.3	1.1	0.9	0.93	0.94	0.89
SANTA ROSA, CA	0.91	1.00	1.04	0.8	0.93	0.86	0.7	1.22	0.8	1.01	0.9	0.88	0.9	0.8	1.34	0.98	1.12	1.11	0.8	0.90	0.8	0.8	0.9	0.9	0.77	0.84	0.77
SEPULVEDA, CA	0.91	1.05	1.20	1.0	0.96	0.98	0.8	0.82	1.0	0.95	1.0	1.02	0.9	0.9	1.08	1.14	0.91	0.94	0.9	1.13	1.0	1.3	1.1	1.2	0.94	0.97	0.91
STOCKTON, CA	0.91	1.00	1.04	0.9	0.90	0.89	0.7	0.91	1.0	0.95	0.9	0.97	1.0	0.9	0.85	1.08	1.11	0.96	1.0	0.92	0.9	0.9	1.0	1.0	0.83	0.87	0.95
SUN CITY, CA	0.91	1.00	1.04	0.9	0.97	1.18	0.9	1.30	1.0	1.01	0.9	1.01	0.9	0.9	0.86	0.99	0.98	0.90	1.0	1.26	0.9	1.1	0.9	0.9	0.81	0.88	0.82
TRAVIS AFB, CA	0.91	1.04	1.20	0.9	0.92	0.93	0.8	0.79	0.9	1.13	0.9	0.95	0.9	1.0	1.01	1.04	0.89	1.06	1.0	0.90	0.9	1.0	1.0	1.0	0.89	0.91	0.86
UPLAND, CA	0.91	1.00	1.04	1.0	1.06	1.14	1.1	1.21	0.9	1.00	1.1	1.21	1.0	1.0	0.99	1.06	1.13	1.00	1.1	1.24	1.0	1.2	1.1	0.9	1.05	1.13	0.99
VALLEJO, CA	0.91	1.01	1.17	0.9	0.95	0.95	0.8	0.81	0.9	1.16	0.9	0.98	0.9	1.0	1.04	1.06	0.92	1.09	1.0	0.92	0.9	1.0	1.0	1.0	0.91	0.93	0.88
VICTORVILLE, CA	0.91	1.00	1.04	0.9	0.97	1.18	0.9	1.30	1.0	1.01	0.9	1.01	0.9	0.9	0.86	0.99	0.98	0.90	1.0	1.26	0.9	1.1	0.9	0.9	0.81	0.88	0.82
VISALIA, CA	0.91	1.00	1.04	0.8	0.92	0.93	0.9	0.93	1.0	0.95	0.9	0.92	0.8	0.9	0.84	1.06	1.16	0.97	0.8	1.27	0.9	1.0	0.8	0.8	0.74	0.79	0.83
VISTA, CA	0.91	1.00	1.04	0.9	1.02	1.22	0.9	0.88	0.9	1.06	1.1	0.97	0.9	1.0	0.93	1.15	1.09	0.91	0.8	1.15	1.0	1.1	1.0	1.0	0.93	0.91	0.86

TABLE H.—PHYSICIAN GAAFS (GEOGRAPHIC AREA ADJUSTMENT FACTORS) FOR RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS; BY VA FACILITY LOCATION—Continued

VA Facility location	Medicare work adjuster	RVU GAAFs: Work expense	Practice expense	Conversion factor GAAFs by physician CPT code group: Inpatient visits	Ofc/Home/Urgent care visits	Therapeutic injections	Allergy testing	Allergy immunotherapy	Misc. medical	ER visits & observ. care	Consults	Physical medicine	Cardiovascular	Immunizations	Well baby exams	Vision exams	Hearing/speech exams	Physical exams	Chiropractor	OP psych./alcohol & drug abuse	Surgery	Radiology	Pathology	Anesthesia	Normal deliveries	Cesarean deliveries	Non-deliveries
WEST COVINA, CA	0.91	1.05	1.20	0.9	0.97	0.99	0.9	1.06	0.8	0.92	1.0	1.09	0.9	0.9	0.90	0.98	0.99	0.90	1.0	1.15	0.9	1.1	1.1	0.9	0.96	1.03	0.89
WEST LOS ANGELES, CA	0.91	1.05	1.20	1.2	1.19	1.37	1.1	1.49	1.3	1.06	1.2	1.26	1.0	1.0	1.10	1.47	1.28	1.02	0.9	1.26	1.1	1.4	1.1	1.3	1.17	1.23	0.94
WEST RIVERSIDE, CA	0.91	1.00	1.04	0.9	0.97	1.18	0.9	1.30	1.0	1.01	0.9	1.01	0.9	0.9	0.86	0.99	0.98	0.90	1.0	1.26	0.9	1.1	0.9	0.9	0.81	0.88	0.82
WHITTIER, CA	0.91	1.05	1.20	1.0	1.00	0.89	0.8	0.94	1.0	0.97	1.0	1.04	0.9	1.0	1.08	1.23	1.21	1.05	1.0	1.11	0.9	1.2	0.9	0.9	0.84	0.89	0.84
YOUNTVILLE, CA	0.91	1.01	1.17	0.9	0.95	0.95	0.8	0.81	0.9	1.16	0.9	0.98	0.9	1.0	1.04	1.06	0.92	1.09	1.0	0.92	0.9	1.0	1.0	1.0	0.91	0.93	0.88
AURORA, CO	0.91	0.98	0.96	1.0	1.10	0.85	0.9	1.16	1.1	1.06	1.0	0.95	0.8	0.9	1.10	0.96	1.00	0.98	1.3	0.91	0.8	0.8	0.7	0.8	0.84	0.90	0.66
BOULDER, CO	0.91	0.98	0.96	0.9	1.07	0.97	0.9	0.84	1.1	0.88	1.0	0.89	0.8	0.9	1.12	0.90	0.87	0.90	0.8	0.95	0.7	0.8	0.7	0.7	0.91	0.92	0.63
COLORADO SPRINGS, CO	0.91	0.98	0.96	0.9	1.09	0.94	0.8	0.69	1.0	1.02	1.0	1.01	0.9	0.8	0.94	0.90	0.93	0.86	1.2	0.87	0.7	0.8	0.8	0.8	0.78	0.81	0.64
CORTEZ, CO	0.91	0.98	0.96	0.9	1.09	0.94	0.8	0.69	0.9	1.02	1.0	1.01	0.9	0.8	0.94	0.90	0.93	0.86	1.2	0.87	0.7	0.8	0.8	0.8	0.72	0.79	0.61
DENVER, CO	0.91	0.98	0.96	1.0	1.14	1.31	0.8	0.69	1.0	1.13	1.0	0.96	0.7	1.0	1.03	0.99	0.96	0.98	1.3	0.95	0.8	0.7	0.7	0.8	0.95	0.94	0.67
FITZSIMONS ARMY MC, CO	0.91	0.98	0.96	1.0	1.10	0.85	0.9	1.16	1.1	1.06	1.0	0.95	0.8	0.9	1.10	0.96	1.00	0.98	1.3	0.91	0.8	0.8	0.7	0.8	0.84	0.90	0.66
FLORENCE, CO	0.91	0.98	0.96	0.9	0.93	0.90	0.8	0.76	0.8	0.87	0.9	0.83	0.9	0.9	0.87	0.83	0.96	0.88	0.9	0.96	0.7	0.7	0.8	0.8	0.72	0.79	0.61
FORT CARSON, CO	0.91	0.98	0.96	0.9	1.09	0.94	0.8	0.69	1.0	1.02	1.0	1.01	0.9	0.8	0.94	0.90	0.93	0.86	1.2	0.87	0.7	0.8	0.8	0.8	0.78	0.81	0.64
FORT COLLINS, CO	0.91	0.98	0.96	0.9	1.07	0.97	0.9	0.84	1.1	0.88	1.0	0.89	0.8	0.9	1.12	0.90	0.87	0.90	0.8	0.95	0.7	0.8	0.7	0.7	0.91	0.92	0.63
FORT LYON, CO	0.91	0.98	0.96	0.9	1.09	0.94	0.8	0.69	0.9	1.02	1.0	1.01	0.9	0.8	0.94	0.90	0.93	0.86	1.2	0.87	0.7	0.8	0.8	0.8	0.72	0.79	0.61
FORT MORGAN, CO	0.91	0.98	0.96	0.9	0.93	0.90	0.8	0.76	1.0	0.87	0.9	0.83	0.9	0.9	0.87	0.83	0.96	0.88	0.9	0.96	0.7	0.7	0.8	0.7	0.91	0.92	0.63
GRAND JUNCTION, CO	0.91	0.98	0.96	0.9	0.93	0.90	0.8	0.76	0.8	0.87	0.9	0.83	0.9	0.9	0.87	0.83	0.96	0.88	0.9	0.96	0.7	0.7	0.8	0.8	0.72	0.79	0.61
GREELEY, CO	0.91	0.98	0.96	0.9	1.07	0.97	0.9	0.84	1.0	0.88	1.0	0.89	0.8	0.9	1.12	0.90	0.87	0.90	0.8	0.95	0.7	0.8	0.7	0.8	0.87	0.98	0.66
LA JUNTA, CO	0.91	0.98	0.96	0.9	1.09	0.94	0.8	0.69	0.9	1.02	1.0	1.01	0.9	0.8	0.94	0.90	0.93	0.86	1.2	0.87	0.7	0.8	0.8	0.8	0.72	0.79	0.61
MONTROSE, CO	0.91	0.98	0.96	0.9	0.93	0.90	0.8	0.76	0.8	0.87	0.9	0.83	0.9	0.9	0.87	0.83	0.96	0.88	0.9	0.96	0.7	0.7	0.8	0.8	0.72	0.79	0.61
PUEBLO, CO	0.91	0.98	0.96	0.9	1.09	0.94	0.8	0.69	0.9	1.02	1.0	1.01	0.9	0.8	0.94	0.90	0.93	0.86	1.2	0.87	0.7	0.8	0.8	0.8	0.72	0.79	0.61
BRIDGEPORT, CT	0.91	1.05	1.18	1.0	1.04	0.68	0.8	1.03	0.9	0.93	0.9	1.03	0.9	0.6	0.96	1.17	1.08	1.12	0.9	0.96	1.0	1.3	0.9	1.2	1.16	1.05	0.87
DANBURY, CT	0.91	1.05	1.18	1.0	1.09	1.01	0.9	1.19	0.9	1.15	1.0	1.01	0.8	0.9	1.02	1.19	0.95	1.17	1.0	1.03	1.1	1.1	1.0	1.3	1.39	1.24	1.08
HARTFORD, CT	0.91	1.05	1.18	0.8	1.02	0.92	0.9	0.91	0.9	0.84	0.9	0.97	0.8	0.7	0.89	1.07	0.89	1.11	0.8	0.99	0.9	1.1	1.0	1.4	1.09	1.01	0.89
NEW HAVEN, CT	0.91	1.05	1.18	1.0	1.04	0.68	0.8	1.03	1.0	0.93	0.9	1.03	0.9	0.6	0.96	1.17	1.08	1.12	0.9	0.96	1.1	1.3	0.9	1.3	1.39	1.24	1.08
NEW LONDON, CT	0.91	1.05	1.18	0.8	0.96	0.70	1.1	1.05	0.9	0.83	0.9	0.94	0.8	0.6	0.82	1.09	0.86	0.95	0.9	0.99	1.0	0.9	0.9	1.2	1.16	1.05	0.87
NEWINGTON, CT	0.91	1.05	1.18	0.8	1.02	0.92	0.9	0.91	0.9	0.84	0.9	0.97	0.8	0.7	0.89	1.07	0.89	1.11	0.8	0.99	0.9	1.1	1.0	1.4	1.09	1.01	0.89
NORWICH, CT	0.91	1.05	1.18	0.8	0.96	0.70	1.1	1.05	0.9	0.83	0.9	0.94	0.8	0.6	0.82	1.09	0.86	0.95	0.9	0.99	1.0	0.9	0.9	1.2	1.16	1.05	0.87
TORRINGTON, CT	0.91	1.05	1.18	0.8	0.96	0.70	1.1	1.05	0.9	0.83	0.9	0.94	0.8	0.6	0.82	1.09	0.86	0.95	0.9	0.99	1.0	0.9	0.9	1.2	1.16	1.05	0.87
WATERBURY, CT	0.91	1.05	1.18	0.8	0.96	0.70	1.1	1.05	0.9	0.83	0.9	0.94	0.8	0.6	0.82	1.09	0.86	0.95	0.9	0.99	1.0	0.9	0.9	1.2	1.16	1.05	0.87
WEST HAVEN, CT	0.91	1.05	1.18	1.0	1.04	0.68	0.8	1.03	1.0	0.93	0.9	1.03	0.9	0.6	0.96	1.17	1.08	1.12	0.9	0.96	1.1	1.3	0.9	1.3	1.39	1.24	1.08
WILLIMANTIC, CT	0.91	1.05	1.18	0.8	0.96	0.70	1.1	1.05	0.9	0.83	0.9	0.94	0.8	0.6	0.82	1.09	0.86	0.95	0.9	0.99	1.0	0.9	0.9	1.2	1.16	1.05	0.87
WINDHAM, CT	0.91	1.05	1.18	0.8	0.96	0.70	1.1	1.05	0.9	0.83	0.9	0.94	0.8	0.6	0.82	1.09	0.86	0.95	0.9	0.99	1.0	0.9	0.9	1.2	1.16	1.05	0.87
WASHINGTON, DC	0.91	1.05	1.17	1.1	1.18	1.12	0.9	0.78	1.0	1.01	1.1	1.11	1.0	0.9	1.03	1.11	0.80	1.03	1.1	1.15	1.0	0.9	1.1	1.2	1.31	1.19	1.11
DOVER AFB, DE	0.91	1.02	1.03	1.0	0.97	1.16	0.7	0.63	0.9	1.18	1.0	1.13	1.0	0.8	0.91	0.78	1.28	0.88	0.7	0.97	1.0	1.0	0.9	1.0	0.94	0.96	1.24
MILLSBORO, DE	0.91	1.02	1.03	1.0	0.97	1.16	0.7	0.63	0.9	1.18	1.0	1.13	1.0	0.8	0.91	0.78	1.28	0.88	0.7	0.97	1.0	1.0	0.9	1.0	0.94	0.96	1.24
NEW CASTLE, DE	0.91	1.02	1.03	1.0	0.97	1.16	0.7	0.63	0.9	1.18	1.0	1.13	1.0	0.8	0.91	0.78	1.28	0.88	0.7	0.97	1.0	1.0	0.9	1.0	0.94	0.96	1.24
OCEAN VIEW, DE	0.91	1.02	1.03	1.0	0.97	1.16	0.7	0.63	0.9	1.18	1.0	1.13	1.0	0.8	0.91	0.78	1.28	0.88	0.7	0.97	1.0	1.0	0.9	1.0	0.94	0.96	1.24
REHOBOTH, DE	0.91	1.02	1.03	1.0	0.97	1.16	0.7	0.63	0.9	1.18	1.0	1.13	1.0	0.8	0.91	0.78	1.28	0.88	0.7	0.97	1.0	1.0	0.9	1.0	0.94	0.96	1.24
SEAFORD, DE	0.91	1.02	1.03	1.0	0.97	1.16	0.7	0.63	0.9	1.18	1.0	1.13	1.0	0.8	0.91	0.78	1.28	0.88	0.7	0.97	1.0	1.0	0.9	1.0	0.94	0.96	1.24
WILMINGTON. DE	0.91	1.02	1.03	1.0	0.97	1.16	0.7	0.63	0.9	1.18	1.0	1.13	1.0	0.8	0.91	0.78	1.28	0.88	0.7	0.97	1.0	1.0	0.9	0.9	0.92	0.87	1.07
ARCADIA, FL	0.91	0.97	0.94	0.9	0.91	1.04	1.2	0.94	0.8	1.17	0.9	1.05	1.0	0.9	0.83	0.91	1.01	0.70	0.7	1.05	0.9	0.9	0.8	0.9	0.92	0.91	0.90
BARTOW, FL	0.91	0.97	0.94	0.9	0.91	1.04	1.2	0.94	0.8	1.17	0.9	1.05	1.0	0.9	0.83	0.91	1.01	0.70	0.7	1.05	0.9	0.9	0.8	0.9	0.92	0.91	0.90
BAY PINES, FL	0.91	0.97	0.94	0.8	0.87	0.91	0.9	0.89	0.8	1.22	0.8	1.02	0.8	0.9	0.94	0.85	0.81	0.88	0.8	1.05	0.9	0.9	0.7	1.0	0.95	0.92	0.80
BROOKSVILLE, FL	0.91	0.97	0.94	0.8	0.87	0.91	0.9	0.89	0.8	1.22	0.8	1.02	0.8	0.9	0.94	0.85	0.81	0.88	0.8	1.05	0.8	0.9	0.7	1.0	0.95	0.99	0.83
CECIL FIELD, FL	0.91	0.97	0.94	0.9	0.98	1.38	0.9	1.06	1.0	0.99	1.0	1.03	1.0	0.9	1.52	1.15	0.99	1.16	0.8	1.12	0.9	1.0	1.0	1.0	0.86	0.85	0.76
CLEARWATER, FL	0.91	0.97	0.94	0.8	0.87	0.91	0.9	0.89	0.8	1.22	0.8	1.02	0.8	0.9	0.94	0.85	0.81	0.88	0.8	1.05	0.8	0.9	0.7	1.0	0.95	0.99	0.83
DAYTONA BEACH, FL	0.91	0.97	0.94	0.9	0.88	0.96	0.9	1.08	0.8	1.12	0.8	0.81	0.9	0.9	1.53	0.91	0.97	1.14	0.8	1.08	0.8	0.8	0.7	0.9	0.80	0.80	0.76
EAST PASCO COUNTY, FL	0.91	0.97	0.94	0.8	0.87	0.91	0.9	0.89	0.8	1.22	0.8	1.02	0.8	0.9	0.94	0.85	0.81	0.88	0.8	1.05	0.8	0.9	0.7	1.0	0.95	0.99	0.83
FORT LAUDERDALE, FL	0.91	0.99	1.03	1.1	1.01	1.05	1.2	1.50	0.8	1.35	1.0	1.10	1.0	1.0	1.10	0.99	0.86	0.85	1.1	1.22	0.9	0.9	0.9	1.1	1.09	1.08	1.06
FORT MYERS, FL	0.91	0.99	1.03	0.8	0.88	0.75	0.9	0.91	0.8	0.83	0.8	0.95	0.8	0.9	0.82	0.94	0.82	0.84	0.8	0.97	0.8	0.9	0.7	1.1	0.84	0.87	0.84
FORT PIERCE, FL	0.91	0.97	0.94	0.9	0.91	1.04	1.2	0.94	0.8	1.17	0.9	1.05	1.0	0.9	0.83	0.91	1.01	0.70	0.7	1.05	0.9	0.9	0.8	1.1	0.91	0.91	0.83
FORT WALTON BEACH, FL	0.91	0.97	0.94	0.9	0.95	0.99	0.9	1.17	0.7	1.37	0.9	0.92	0.8	0.9	0.94	0.87	0.85	0.96	0.7	0.91	0.8	0.7	0.8	0.9	0.76	0.73	0.72

TABLE H.—PHYSICIAN GAAFS (GEOGRAPHIC AREA ADJUSTMENT FACTORS) FOR RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS; BY VA FACILITY LOCATION—Continued

VA Facility location	Medicare work adjuster	RVU GAAFs: Work expense	Practice expense	Conversion factor GAAFs by physician CPT code group: Inpatient visits	Ofc/Home/Urgent care visits	Therapeutic injections	Allergy testing	Allergy immunotherapy	Misc. medical	ER visits & observ. care	Consults	Physical medicine	Cardiovascular	Immunizations	Well baby exams	Vision exams	Hearing/speech exams	Physical exams	Chiropractor	OP psych./alcohol & drug abuse	Surgery	Radiology	Pathology	Anesthesia	Normal deliveries	Cesarean deliveries	Non-deliveries
GAINESVILLE, FL	0.91	0.97	0.94	0.9	0.88	0.96	0.9	1.08	0.9	1.12	0.8	0.81	0.9	0.9	1.53	0.91	0.97	1.14	0.8	1.08	0.8	0.8	0.7	1.0	0.84	0.88	0.70
HOMESTEAD, FL	0.91	1.01	1.08	1.0	0.97	1.05	1.4	1.62	0.9	1.20	0.9	1.06	1.0	1.0	1.19	1.10	0.98	0.81	0.9	1.27	0.9	0.9	1.1	1.2	1.01	1.04	0.82
JACKSONVILLE, FL	0.91	0.97	0.94	0.9	0.98	1.38	0.9	1.06	1.0	0.99	1.0	1.03	1.0	0.9	1.52	1.15	0.99	1.16	0.8	1.12	0.9	1.0	1.0	1.0	0.86	0.85	0.76
KEY LARGO, FL	0.91	1.01	1.08	1.0	0.97	1.05	1.4	1.62	0.9	1.20	0.9	1.06	1.0	1.0	1.19	1.10	0.98	0.81	0.9	1.27	0.9	0.9	1.1	1.2	1.01	1.04	0.82
KEY WEST, FL	0.91	1.01	1.08	1.0	0.97	1.05	1.4	1.62	0.9	1.20	0.9	1.06	1.0	1.0	1.19	1.10	0.98	0.81	0.9	1.27	0.9	0.9	1.1	1.2	1.01	1.04	0.82
KISSIMMEE, FL	0.91	0.97	0.94	0.9	0.95	1.02	1.3	1.41	0.9	0.96	0.9	1.00	1.0	0.9	1.02	0.98	0.89	0.84	0.8	0.95	0.9	1.0	0.8	0.9	0.92	0.91	0.90
LAKE CITY, FL	0.91	0.97	0.94	0.9	0.91	1.37	0.7	1.00	0.7	1.00	0.9	1.05	0.9	0.9	1.29	0.92	1.09	1.14	0.8	0.98	0.8	0.8	0.8	0.9	0.80	0.80	0.76
LAKE WALES, FL	0.91	0.97	0.94	0.9	0.91	1.04	1.2	0.94	0.8	1.17	0.9	1.05	1.0	0.9	0.83	0.91	1.01	0.70	0.7	1.05	0.9	0.9	0.8	0.9	0.92	0.91	0.90
LAKELAND, FL	0.91	0.97	0.94	0.9	0.91	1.04	1.2	0.94	0.8	1.17	0.9	1.05	1.0	0.9	0.83	0.91	1.01	0.70	0.7	1.05	0.9	0.9	0.8	0.9	0.92	0.91	0.90
LEESBURG, FL	0.91	0.97	0.94	0.9	0.95	1.02	1.3	1.41	0.9	0.96	0.9	1.00	1.0	0.9	1.02	0.98	0.89	0.84	0.8	0.95	0.9	1.0	0.8	0.9	0.92	0.91	0.90
MANATEE COUNTY, FL	0.91	0.97	0.94	0.8	0.90	0.80	0.9	1.08	0.8	0.91	0.8	1.01	0.9	1.0	0.80	0.84	0.78	0.87	0.8	0.96	0.8	0.9	0.7	1.2	0.93	0.98	0.80
MIAMI, FL	0.91	1.01	1.08	1.3	1.15	1.14	1.0	1.15	1.0	1.18	1.1	1.07	1.1	1.1	1.26	1.11	1.05	1.00	0.9	1.45	1.0	1.2	1.0	1.2	1.10	1.15	0.85
NAPLES, FL	0.91	0.99	1.03	0.8	0.88	0.75	0.9	0.91	0.8	0.83	0.8	0.95	0.8	0.9	0.82	0.94	0.82	0.84	0.8	0.97	0.8	0.9	0.7	1.1	0.84	0.87	0.84
NORTH PINELLAS CO., FL	0.91	0.97	0.94	1.0	0.93	1.08	0.7	1.01	0.9	1.07	0.9	1.02	0.9	0.9	0.90	0.93	0.82	0.74	1.0	0.97	0.9	1.0	1.0	1.0	0.95	0.92	0.80
OAKLAND PARK, FL	0.91	0.99	1.03	1.1	1.01	1.05	1.2	1.50	0.8	1.35	1.0	1.10	1.0	1.0	1.10	0.99	0.86	0.85	1.1	1.22	0.9	0.9	0.9	1.1	1.09	1.08	1.06
OCALA, FL	0.91	0.97	0.94	0.8	0.87	0.91	0.9	0.89	0.9	1.22	0.8	1.02	0.8	0.9	0.94	0.85	0.81	0.88	0.8	1.05	0.8	0.9	0.7	1.0	0.84	0.88	0.70
OKEECHOBEE CO., FL	0.91	0.97	0.94	0.9	0.91	1.04	1.2	0.94	0.8	1.17	0.9	1.05	1.0	0.9	0.83	0.91	1.01	0.70	0.7	1.05	0.9	0.9	0.8	1.1	0.91	0.91	0.83
ORLANDO, FL	0.91	0.97	0.94	1.0	1.01	0.97	1.0	0.93	0.9	1.09	0.9	0.96	1.1	0.9	1.06	1.00	0.99	1.03	0.8	1.00	1.0	0.9	0.8	1.1	0.98	0.97	0.96
PALM BAY, FL	0.91	0.97	0.94	0.9	0.95	1.02	1.3	1.41	0.8	0.96	0.9	1.00	1.0	0.9	1.02	0.98	0.89	0.84	0.8	0.95	0.9	1.0	0.8	1.1	0.91	0.91	0.83
PANAMA CITY, FL	0.91	0.97	0.94	0.9	0.92	0.89	1.1	0.95	0.8	0.92	0.9	0.90	0.9	1.0	1.29	0.87	0.81	1.10	0.8	0.93	0.8	0.9	0.8	0.9	0.84	0.82	0.84
PEMBROKE PINES, FL	0.91	0.99	1.03	1.1	1.02	1.14	1.6	1.72	0.9	1.25	1.0	1.12	1.1	1.1	1.25	1.14	1.06	0.85	0.9	1.33	1.0	0.9	1.1	1.2	1.08	1.12	0.89
PENSACOLA, FL	0.91	0.97	0.94	0.9	0.95	0.99	0.9	1.17	0.7	1.37	0.9	0.92	0.8	0.9	0.94	0.87	0.85	0.96	0.7	0.91	0.8	0.7	0.8	0.9	0.76	0.73	0.72
PORT CHARLOTTE, FL	0.91	0.97	0.94	0.9	0.93	0.84	1.0	0.99	0.8	0.88	0.9	1.01	0.9	1.0	0.88	0.98	0.91	0.90	0.8	1.02	0.9	1.0	0.7	1.1	0.91	0.95	0.92
PORT RICHEY, FL	0.91	0.97	0.94	0.8	0.87	0.91	0.9	0.89	0.8	1.22	0.8	1.02	0.8	0.9	0.94	0.85	0.81	0.88	0.8	1.05	0.8	0.9	0.7	1.0	0.95	0.99	0.83
PUTNAM COUNTY, FL	0.91	0.97	0.94	0.9	0.88	0.96	0.9	1.08	0.8	1.12	0.8	0.81	0.9	0.9	1.53	0.91	0.97	1.14	0.8	1.08	0.8	0.8	0.7	0.9	0.80	0.80	0.76
RIVIERA BEACH, FL	0.91	0.99	1.03	0.9	0.97	0.98	0.8	1.04	0.7	1.15	0.9	1.06	0.9	1.0	1.16	0.97	0.95	0.83	1.1	1.02	1.0	1.0	0.8	1.1	1.08	1.09	0.89
SAINT PETERSBURG, FL	0.91	0.97	0.94	1.0	0.93	1.08	0.7	1.01	0.9	1.07	0.9	1.02	0.9	0.9	0.90	0.93	0.82	0.74	1.0	0.97	0.9	1.0	1.0	1.0	0.95	0.92	0.80
SANFORD, FL	0.91	0.97	0.94	0.9	0.93	1.05	0.9	0.94	1.1	1.13	0.8	0.95	0.9	1.0	0.99	0.87	0.92	0.94	0.8	0.91	0.9	0.8	0.9	1.0	0.87	0.91	0.81
SARASOTA, FL	0.91	0.97	0.94	0.8	0.90	0.80	0.9	1.08	0.8	0.91	0.8	1.01	0.9	1.0	0.80	0.84	0.78	0.87	0.8	0.96	0.8	0.9	0.7	1.2	0.93	0.98	0.80
SOUTH PALM BEACH CO., F	0.91	0.99	1.03	0.9	0.97	0.98	0.8	1.04	0.7	1.15	0.9	1.06	0.9	1.0	1.16	0.97	0.95	0.83	1.1	1.02	1.0	1.0	0.8	1.1	1.08	1.09	0.89
SOUTH SAINT PETERSBURG,	0.91	0.97	0.94	1.0	0.93	1.08	0.7	1.01	0.9	1.07	0.9	1.02	0.9	0.9	0.90	0.93	0.82	0.74	1.0	0.97	0.9	1.0	1.0	1.0	0.95	0.92	0.80
TALLAHASSEE, FL	0.91	0.97	0.94	0.9	0.92	0.89	1.1	0.95	0.8	0.92	0.9	0.90	0.9	1.0	1.29	0.87	0.81	1.10	0.8	0.93	0.8	0.9	0.8	0.9	0.84	0.82	0.84
TAMPA, FL	0.91	0.97	0.94	1.0	0.93	1.08	0.7	1.01	0.9	1.07	0.9	1.02	0.9	0.9	0.90	0.93	0.82	0.74	1.0	0.97	0.9	1.0	1.0	1.3	0.95	0.91	0.88
WEST PALM BEACH, FL	0.91	0.99	1.03	0.9	0.97	0.98	0.8	1.04	0.7	1.15	0.9	1.06	0.9	1.0	1.16	0.97	0.95	0.83	1.1	1.02	1.0	1.0	0.8	1.1	1.08	1.09	0.89
ALBANY, GA	0.91	0.97	0.89	1.0	1.01	1.12	1.0	0.68	0.9	0.99	1.0	0.97	1.1	0.9	0.95	0.86	1.17	0.84	0.8	0.97	1.0	1.0	0.8	0.9	0.93	0.90	0.92
ATLANTA (DECATUR), GA	0.91	1.00	1.03	0.9	0.97	1.10	0.9	0.58	0.9	0.90	0.9	0.96	0.8	1.0	0.88	0.92	0.84	0.82	0.8	0.97	0.9	0.9	1.0	1.1	1.06	1.02	0.96
ATLANTA (MIDTOWN), GA	0.91	1.00	1.03	1.0	1.06	1.12	0.9	0.58	1.0	1.11	1.0	1.04	0.9	0.9	0.83	0.95	0.95	1.01	0.8	1.12	1.0	1.2	1.0	1.1	1.06	1.04	0.97
AUGUSTA, GA	0.91	0.97	0.89	1.0	1.03	0.94	1.4	1.46	0.9	1.13	1.0	0.93	1.0	0.9	0.83	0.80	1.15	0.75	0.6	0.88	1.0	1.1	0.8	1.1	1.01	1.10	1.06
COLUMBUS, GA	0.91	0.97	0.89	1.0	1.00	1.00	1.3	0.90	1.0	0.96	0.9	1.02	1.1	1.0	0.83	0.93	0.94	0.96	0.8	1.01	1.0	1.0	1.0	0.9	0.93	0.90	0.92
DUBLIN, GA	0.91	0.97	0.89	1.0	1.00	1.00	1.3	0.90	1.0	0.96	0.9	1.02	1.1	1.0	0.83	0.93	0.94	0.96	0.8	1.01	1.0	1.0	1.0	1.0	1.01	1.05	0.92
FORT GORDON, GA	0.91	0.97	0.89	1.0	1.03	0.94	1.4	1.46	0.9	1.13	1.0	0.93	1.0	0.9	0.83	0.80	1.15	0.75	0.6	0.88	1.0	1.1	0.8	1.1	1.01	1.10	1.06
MACON, GA	0.91	0.97	0.89	1.0	1.00	1.00	1.3	0.90	1.0	0.96	0.9	1.02	1.1	1.0	0.83	0.93	0.94	0.96	0.8	1.01	1.0	1.0	1.0	1.0	1.01	1.05	0.92
NORTHEAST CORRIDOR, GA	0.91	0.97	0.89	0.9	0.94	1.58	1.1	0.59	0.8	1.04	0.9	0.92	0.9	0.9	1.06	0.89	1.08	0.83	0.7	1.15	1.0	1.1	0.9	1.0	1.09	1.06	1.01
SAVANNAH, GA	0.91	0.97	0.89	1.0	1.01	1.12	1.0	0.68	0.8	0.99	1.0	0.97	1.1	0.9	0.95	0.86	1.17	0.84	0.8	0.97	1.0	1.0	0.8	1.1	1.01	1.10	1.06
VALDOSTA, GA	0.91	0.97	0.89	0.9	0.91	0.97	1.1	0.73	0.9	1.00	1.0	1.01	1.0	0.9	0.81	0.83	0.98	0.83	0.6	0.94	1.0	0.9	0.7	0.9	0.93	0.90	0.92
GUAM, GU	0.91	0.99	1.20	1.1	1.11	0.71	0.9	1.52	0.7	2.02	1.1	1.00	0.9	0.8	0.88	1.25	1.27	0.90	0.7	1.11	1.0	0.9	0.9	0.9	0.68	0.80	0.84
HILO, HI	0.91	0.99	1.20	1.1	1.11	0.71	0.9	1.52	0.7	2.02	1.1	1.00	0.9	0.8	0.88	1.25	1.27	0.90	0.7	1.11	1.0	0.9	0.9	0.9	0.68	0.80	0.84
HONOLULU, HI	0.91	0.99	1.20	1.1	1.11	0.71	0.9	1.52	0.7	2.02	1.1	1.00	0.9	0.8	0.88	1.25	1.27	0.90	0.7	1.11	1.0	0.9	0.9	0.9	0.68	0.80	0.84
KAILUA KONA, HI	0.91	0.99	1.20	1.1	1.11	0.71	0.9	1.52	0.7	2.02	1.1	1.00	0.9	0.8	0.88	1.25	1.27	0.90	0.7	1.11	1.0	0.9	0.9	0.9	0.68	0.80	0.84
LIHUE, HI	0.91	0.99	1.20	1.1	1.11	0.71	0.9	1.52	0.7	2.02	1.1	1.00	0.9	0.8	0.88	1.25	1.27	0.90	0.7	1.11	1.0	0.9	0.9	0.9	0.68	0.80	0.84
WAILUKU, HI	0.91	0.99	1.20	1.1	1.11	0.71	0.9	1.52	0.7	2.02	1.1	1.00	0.9	0.8	0.88	1.25	1.27	0.90	0.7	1.11	1.0	0.9	0.9	0.9	0.68	0.80	0.84

TABLE H.—PHYSICIAN GAAFS (GEOGRAPHIC AREA ADJUSTMENT FACTORS) FOR RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS; BY VA FACILITY LOCATION—Continued

VA Facility location	Medicare work adjuster	RVU GAAFs: Work expense	Practice expense	Conversion factor GAAFs by physician CPT code group: Inpatient visits	Ofc/Home/Urgent care visits	Therapeutic injections	Allergy testing	Allergy immunotherapy	Misc. medical	ER visits & observ. care	Consults	Physical medicine	Cardiovascular	Immunizations	Well baby exams	Vision exams	Hearing/speech exams	Physical exams	Chiropractor	OP psych./alcohol & drug abuse	Surgery	Radiology	Pathology	Anesthesia	Normal deliveries	Cesarean deliveries	Non-deliveries
BETTENDORF, IA	0.91	0.95	0.88	0.8	0.91	0.86	1.1	1.09	0.8	0.80	0.9	0.81	0.8	0.8	0.90	0.87	0.99	0.84	0.6	0.89	0.9	1.0	0.7	0.7	0.81	0.80	0.74
CEDAR RAPIDS, IA	0.91	0.95	0.88	0.9	0.96	0.73	0.9	0.85	0.9	0.83	1.0	0.89	0.9	0.9	0.89	1.10	0.98	0.99	0.6	1.05	0.9	0.9	0.7	0.7	0.81	0.80	0.74
DES MOINES, IA	0.91	0.95	0.88	0.9	0.96	0.73	0.9	0.85	1.0	0.83	1.0	0.89	0.9	0.9	0.89	1.10	0.98	0.99	0.6	1.05	0.9	0.9	0.7	0.7	0.90	0.85	0.72
DUBUQUE, IA	0.91	0.95	0.88	1.4	0.99	0.85	0.9	0.93	0.8	0.78	1.1	0.87	0.9	0.9	0.81	0.95	1.19	0.82	0.6	0.96	0.9	0.8	0.8	0.7	0.81	0.80	0.74
FORT DODGE, IA	0.91	0.95	0.88	0.9	0.92	0.95	0.9	1.13	0.8	0.77	0.9	0.94	0.9	1.0	0.80	0.92	1.11	0.77	0.8	0.80	0.8	0.8	0.9	0.7	0.70	0.78	0.72
IOWA CITY, IA	0.91	0.95	0.88	1.4	0.99	0.85	0.9	0.93	0.8	0.78	1.1	0.87	0.9	0.9	0.81	0.95	1.19	0.82	0.6	0.96	1.0	0.8	0.8	0.9	0.81	0.80	0.73
KNOXVILLE, IA	0.91	0.95	0.88	0.9	0.94	0.57	1.0	0.79	0.9	0.86	0.9	0.88	0.8	0.9	0.78	1.00	1.02	0.79	0.6	0.94	0.8	0.8	0.9	0.7	0.76	0.74	0.68
MARSHALLTOWN, IA	0.91	0.95	0.88	0.9	0.94	0.57	1.0	0.79	0.9	0.86	0.9	0.88	0.8	0.9	0.78	1.00	1.02	0.79	0.6	0.94	0.8	0.8	0.9	0.7	0.76	0.74	0.68
MASON CITY, IA	0.91	0.95	0.88	0.9	0.92	0.95	0.9	1.13	0.9	0.77	0.9	0.94	0.9	1.0	0.80	0.92	1.11	0.77	0.8	0.80	0.9	0.8	0.9	0.8	0.96	0.94	0.73
OTTUMWA, IA	0.91	0.95	0.88	0.8	0.91	0.86	1.1	1.09	0.8	0.80	0.9	0.81	0.8	0.8	0.90	0.87	0.99	0.84	0.6	0.89	0.8	1.0	0.7	0.7	0.70	0.78	0.72
SIOUX CITY, IA	0.91	0.95	0.88	0.9	0.92	0.95	0.9	1.13	0.9	0.77	0.9	0.94	0.9	1.0	0.80	0.92	1.11	0.77	0.8	0.80	0.8	0.8	0.9	0.7	0.76	0.74	0.68
WATERLOO, IA	0.91	0.95	0.88	1.4	0.99	0.85	0.9	0.93	0.8	0.78	1.1	0.87	0.9	0.9	0.81	0.95	1.19	0.82	0.6	0.96	0.9	0.8	0.8	0.7	0.81	0.80	0.74
BOISE, ID	0.91	0.96	0.88	1.0	0.99	1.01	0.7	0.63	0.9	0.99	1.0	0.85	0.9	0.9	0.93	0.89	0.98	0.85	0.8	0.90	0.9	0.8	0.7	0.7	0.76	0.83	0.70
MOSCOW, ID	0.91	0.96	0.88	1.0	0.99	1.01	0.7	0.63	0.9	0.99	1.0	0.85	0.9	0.9	0.93	0.89	0.98	0.85	0.8	0.90	0.9	0.8	0.7	0.7	0.76	0.83	0.70
POCATELLO, ID	0.91	0.96	0.88	0.9	0.97	0.73	0.5	0.71	0.8	0.75	1.0	0.76	0.9	0.8	0.82	0.94	1.17	0.78	0.8	0.91	0.9	0.8	0.8	0.7	0.76	0.83	0.70
TWIN FALLS, ID	0.91	0.96	0.88	1.0	0.99	1.01	0.7	0.63	0.9	0.99	1.0	0.85	0.9	0.9	0.93	0.89	0.98	0.85	0.8	0.90	0.9	0.8	0.7	0.7	0.76	0.83	0.70
AURORA, IL	0.91	1.00	1.08	0.9	0.89	0.86	1.1	0.85	0.8	1.06	0.9	0.96	0.8	0.9	0.75	0.89	0.85	0.75	0.7	0.91	1.0	0.8	1.0	1.0	0.97	0.97	0.98
BELLEVILLE, IL	0.91	0.98	0.93	0.7	0.81	0.69	1.0	0.84	0.7	0.93	0.7	0.91	0.9	0.8	0.79	0.87	0.97	0.71	0.7	0.93	0.9	0.8	0.9	0.9	0.88	0.91	0.95
CARMI, IL	0.91	0.96	0.88	0.8	0.81	0.70	1.0	0.84	0.8	0.94	0.8	0.91	0.8	0.9	0.78	0.77	1.00	0.74	0.6	0.97	1.0	0.9	0.8	0.8	0.83	0.98	0.95
CHICAGO HEIGHTS, IL	0.91	1.02	1.08	0.9	0.89	0.81	0.8	0.82	0.8	1.05	0.9	0.90	0.9	0.9	0.72	0.79	0.71	0.72	0.7	0.89	1.0	0.8	1.0	1.0	0.93	0.94	0.95
CHICAGO, IL	0.91	1.02	1.08	1.1	1.03	1.38	1.5	0.93	0.9	1.05	1.0	1.00	1.0	1.1	1.00	0.98	0.95	0.89	0.8	1.02	1.1	1.0	1.1	1.2	1.13	1.08	1.07
DANVILLE, IL	0.91	0.96	0.88	1.0	1.01	1.03	1.0	0.99	1.0	1.18	1.0	1.05	1.1	1.1	0.84	0.89	0.88	0.83	0.8	1.00	1.0	0.9	1.0	0.8	0.83	0.98	0.95
DECATUR, IL	0.91	0.96	0.88	0.8	0.87	0.82	1.0	0.78	0.8	1.06	0.9	0.94	0.9	0.9	0.75	0.84	0.90	0.63	0.7	0.98	0.9	0.8	0.9	0.7	0.82	0.85	0.96
EAST SAINT LOUIS, IL	0.91	0.98	0.93	0.7	0.81	0.69	1.0	0.84	0.7	0.93	0.7	0.91	0.9	0.8	0.79	0.87	0.97	0.71	0.7	0.93	0.9	0.8	0.9	0.9	0.88	0.91	0.95
ELGIN, IL	0.91	1.00	1.08	1.0	0.95	1.07	1.1	0.86	0.9	0.96	0.9	0.95	0.8	1.0	0.87	0.94	0.78	0.87	0.8	0.90	1.0	0.8	1.0	1.1	1.00	1.00	0.95
EVANSTON, IL	0.91	1.02	1.08	0.9	0.93	1.05	1.0	0.85	0.9	0.94	0.9	0.93	0.8	1.0	0.86	0.93	0.76	0.85	0.8	0.88	1.0	0.8	1.0	1.1	0.98	0.95	0.96
GALESBURG, IL	0.91	0.96	0.88	0.8	0.87	0.82	1.0	0.78	0.8	1.06	0.9	0.94	0.9	0.9	0.75	0.84	0.90	0.63	0.7	0.98	0.9	0.8	0.9	0.8	0.81	0.86	0.80
GURNEE, IL	0.91	1.00	1.08	1.0	0.95	1.07	1.1	0.86	0.9	0.96	0.9	0.95	0.8	1.0	0.87	0.94	0.78	0.87	0.8	0.90	1.0	0.8	1.0	1.1	1.02	0.98	1.00
HINES, IL	0.91	1.02	1.08	0.9	0.93	1.05	1.0	0.85	0.9	0.94	0.9	0.93	0.8	1.0	0.86	0.93	0.76	0.85	0.8	0.88	1.0	0.8	1.0	1.1	0.97	0.97	0.91
JOLIET, IL	0.91	1.00	1.08	0.9	0.91	0.83	0.8	0.83	0.8	1.07	0.9	0.92	0.9	0.9	0.74	0.81	0.73	0.73	0.7	0.91	1.0	0.8	1.0	1.0	0.97	0.97	0.98
LASALLE COUNTY, IL	0.91	0.96	0.88	0.8	0.87	0.82	1.0	0.78	0.8	1.06	0.9	0.94	0.9	0.9	0.75	0.84	0.90	0.63	0.7	0.98	0.9	0.8	0.9	0.8	0.81	0.86	0.80
MANTENO, IL	0.91	0.96	0.88	0.8	0.87	0.82	1.0	0.78	0.7	1.06	0.9	0.94	0.9	0.9	0.75	0.84	0.90	0.63	0.7	0.98	1.0	0.8	0.9	0.8	0.81	0.88	0.87
MARION, IL	0.91	0.96	0.88	0.7	0.85	0.74	1.1	0.89	0.9	0.97	0.8	0.96	1.0	0.9	0.83	0.91	1.06	0.75	0.8	0.97	1.0	0.9	0.9	0.8	0.83	0.98	0.95
MOLINE, IL	0.91	0.96	0.88	0.8	0.95	0.68	1.1	1.42	0.9	0.97	0.9	1.04	0.9	1.0	1.01	1.04	0.74	0.90	0.7	0.95	0.9	0.7	0.8	0.8	0.81	0.86	0.80
MOUNT VERNON, IL	0.91	0.96	0.88	0.8	0.81	0.70	1.0	0.84	0.8	0.94	0.8	0.91	0.8	0.9	0.78	0.77	1.00	0.74	0.6	0.97	1.0	0.9	0.8	0.8	0.83	0.98	0.95
NORTH CHICAGO, IL	0.91	1.00	1.08	1.0	0.95	1.07	1.1	0.86	0.9	0.96	0.9	0.95	0.8	1.0	0.87	0.94	0.78	0.87	0.8	0.90	1.0	0.8	1.0	1.1	1.02	0.98	1.00
OAK LAWN, IL	0.91	1.02	1.08	0.9	0.89	0.81	0.8	0.82	0.8	1.05	0.9	0.90	0.9	0.9	0.72	0.79	0.71	0.72	0.7	0.89	1.0	0.8	1.0	1.0	0.93	0.94	0.95
OAK PARK, IL	0.91	1.02	1.08	0.7	0.83	0.54	0.8	1.17	0.7	0.86	0.8	0.89	0.7	0.8	0.87	0.92	0.59	0.77	0.6	0.85	1.0	0.6	0.8	1.0	0.93	0.94	0.95
OSWEGO, IL	0.91	0.96	0.88	1.0	1.00	1.06	1.4	1.01	1.0	1.16	1.0	1.09	1.0	1.1	0.86	0.99	1.03	0.86	0.7	1.00	1.2	0.9	1.0	1.0	1.10	1.11	1.14
PEORIA, IL	0.91	0.96	0.88	0.9	1.00	0.84	1.3	0.78	0.8	1.03	0.9	0.98	1.0	0.9	0.85	0.90	0.94	0.69	0.8	0.90	0.9	0.9	0.9	0.8	0.81	0.86	0.80
QUINCY, IL	0.91	0.96	0.88	0.8	0.87	0.82	1.0	0.78	0.8	1.06	0.9	0.94	0.9	0.9	0.75	0.84	0.90	0.63	0.7	0.98	0.9	0.8	0.9	0.7	0.82	0.85	0.96
ROCKFORD, IL	0.91	0.96	0.88	1.0	1.00	1.06	1.4	1.01	0.9	1.16	1.0	1.09	1.0	1.1	0.86	0.99	1.03	0.86	0.7	1.00	1.0	0.9	1.0	0.8	0.81	0.88	0.87
SPRINGFIELD, IL	0.91	0.96	0.88	0.9	1.00	0.84	1.3	0.78	0.8	1.03	0.9	0.98	1.0	0.9	0.85	0.90	0.94	0.69	0.8	0.90	0.9	0.9	0.9	0.9	0.94	0.98	1.02
WOODLAWN, IL	0.91	1.02	1.08	1.1	1.03	1.38	1.5	0.93	0.9	1.05	1.0	1.00	1.0	1.1	1.00	0.98	0.95	0.89	0.8	1.02	1.1	1.0	1.1	1.2	1.13	1.08	1.07
CROWN POINT, IN	0.91	0.98	0.91	1.0	0.95	1.24	1.6	0.78	0.9	1.09	1.0	1.00	1.1	0.9	0.83	0.86	1.05	0.76	0.8	0.91	1.1	1.0	1.0	1.0	0.81	0.84	1.03
EVANSVILLE, IN	0.91	0.98	0.91	0.9	0.87	1.13	1.0	0.66	1.0	0.86	0.8	1.22	0.9	0.8	0.63	0.83	0.71	0.72	0.8	1.20	0.9	0.9	0.9	0.7	0.76	0.88	0.86
FORT WAYNE, IN	0.91	0.98	0.91	1.0	0.92	1.03	0.9	0.76	0.9	1.03	0.9	1.01	1.0	0.9	0.83	0.84	0.93	0.73	0.7	0.85	0.9	1.0	0.8	0.7	0.71	0.74	0.87
HIGHLAND, IN	0.91	0.98	0.91	1.0	0.95	1.24	1.6	0.78	0.9	1.09	1.0	1.00	1.1	0.9	0.83	0.86	1.05	0.76	0.8	0.91	1.1	1.0	1.0	1.0	0.81	0.84	1.03
INDIANAPOLIS, IN	0.91	0.98	0.91	1.0	1.01	1.24	1.0	0.76	1.0	0.90	1.0	1.01	1.2	1.0	0.82	0.87	1.13	0.80	0.8	0.98	1.0	1.0	1.0	0.8	0.75	0.83	0.80
LAFAYETTE, IN	0.91	0.98	0.91	0.9	0.88	0.97	1.2	0.99	0.8	0.94	0.8	1.02	1.1	0.9	0.74	0.91	1.01	0.88	0.8	0.98	1.1	0.9	0.9	1.0	0.81	0.84	1.03
LAWRENCEBURG, IN	0.91	0.98	0.91	0.8	0.86	0.90	1.0	0.64	0.7	1.14	0.8	1.00	0.9	0.8	0.66	0.83	1.13	0.66	0.7	0.92	0.9	0.8	0.8	0.7	0.68	0.68	0.92
MARION, IN	0.91	0.98	0.91	0.9	0.89	1.13	0.9	0.67	0.9	0.97	0.8	0.85	1.0	1.0	0.70	0.91	0.91	0.68	0.9	1.04	0.9	0.9	0.9	0.8	0.66	0.75	0.85
MUNCIE, IN	0.91	0.98	0.91	0.9	0.89	1.13	0.9	0.67	0.9	0.97	0.8	0.85	1.0	1.0	0.70	0.91	0.91	0.68	0.9	1.04	0.9	0.9	0.9	0.8	0.66	0.75	0.85
NEW ALBANY, IN	0.91	0.98	0.91	0.8	0.88	0.70	0.9	0.57	0.9	1.10	0.8	0.91	0.9	1.0	0.82	0.80	1.03	0.70	0.8	0.92	0.9	0.7	1.0	0.7	0.76	0.88	0.86
RICHMOND, IN	0.91	0.98	0.91	0.9	0.89	1.13	0.9	0.67	0.9	0.97	0.8	0.85	1.0	1.0	0.70	0.91	0.91	0.68	0.9	1.04	0.9	0.9	0.9	0.8	0.66	0.75	0.85
SOUTH BEND, IN	0.91	0.98	0.91	0.9	0.81	0.98	1.0	0.80	0.8	1.02	0.9	0.93	0.9	0.9	0.68	0.76	0.96	0.67	0.6	0.90	0.8	0.9	0.9	0.8	0.6	0.65	0.72	0.78
TERRE HAUTE, IN	0.91	0.98	0.91	0.9	0.88	0.97	1.2	0.99	0.8	0.94	0.8	1.02	1.1	0.9	0.74	0.91	1.01	0.88	0.8	0.98	0.9	0.9	0.9	0.7	0.68	0.68	0.92
ABILENE, KS	0.91	0.96	0.89	0.8	0.89	0.94	1.1	0.81	0.9	1.08	0.9	0.91	1.0	1.0	0.78	0.93	1.03	0.74	0.9	0.84	0.8	1.0	0.9	0.7	0.81	0.78	0.68
DODGE CITY, KS	0.91	0.96	0.89	0.8	0.88	0.91	0.9	0.96	0.8	0.70	0.8	0.78	1.0	0.9	0.80	1.07	0.90	0.59	0.6	0.75	0.8	0.9	0.9	0.7	0.75	0.79	0.64

TABLE H.—PHYSICIAN GAAFS (GEOGRAPHIC AREA ADJUSTMENT FACTORS) FOR RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS; BY VA FACILITY LOCATION—Continued

VA Facility location	Medicare work adjuster	RVU GAAFs: Work expense	Practice expense	Conversion factor GAAFs by physician CPT code group: Inpatient visits	Ofc/Home/Urgent care visits	Therapeutic injections	Allergy testing	Allergy immunotherapy	Misc. medical	ER visits & observ. care	Consults	Physical medicine	Cardiovascular	Immunizations	Well baby exams	Vision exams	Hearing/speech exams	Physical exams	Chiropractor	OP psych./alcohol & drug abuse	Surgery	Radiology	Pathology	Anesthesia	Normal deliveries	Cesarean deliveries	Non-deliveries
EMPORIA, KS	0.91	0.96	0.89	0.9	0.83	0.97	1.4	0.71	0.7	1.04	0.8	0.87	0.9	1.0	0.91	0.87	0.98	0.70	0.7	0.71	0.8	0.8	0.8	0.7	0.81	0.78	0.68
GARDEN CITY, KS	0.91	0.96	0.89	0.8	0.88	0.91	0.9	0.96	0.8	0.70	0.8	0.78	1.0	0.9	0.80	1.07	0.90	0.59	0.6	0.75	0.8	0.9	0.9	0.7	0.75	0.79	0.64
HAYS, KS	0.91	0.96	0.89	0.8	0.88	0.91	0.9	0.96	0.8	0.70	0.8	0.78	1.0	0.9	0.80	1.07	0.90	0.59	0.6	0.75	0.8	0.9	0.9	0.7	0.75	0.79	0.64
HOLTON, KS	0.91	0.96	0.89	0.9	0.83	0.97	1.4	0.71	0.8	1.04	0.8	0.87	0.9	1.0	0.91	0.87	0.98	0.70	0.7	0.71	0.8	0.8	0.8	0.7	0.75	0.79	0.64
JUNCTION CITY, KS	0.91	0.96	0.89	0.9	0.83	0.97	1.4	0.71	0.8	1.04	0.8	0.87	0.9	1.0	0.91	0.87	0.98	0.70	0.7	0.71	0.8	0.8	0.8	0.7	0.75	0.79	0.64
KANSAS CITY, KS	0.91	0.96	0.89	0.9	0.88	0.79	1.4	0.88	0.8	0.87	0.9	0.90	0.9	0.9	0.75	0.91	0.95	0.64	0.8	0.92	0.9	0.9	0.8	0.9	0.97	0.91	0.80
LEAVENWORTH, KS	0.91	0.96	0.89	0.9	0.83	0.97	1.4	0.71	0.7	1.04	0.8	0.87	0.9	1.0	0.91	0.87	0.98	0.70	0.7	0.71	0.8	0.8	0.8	0.7	0.81	0.78	0.68
LIBERAL, KS	0.91	0.96	0.89	0.8	0.88	0.91	0.9	0.96	0.8	0.70	0.8	0.78	1.0	0.9	0.80	1.07	0.90	0.59	0.6	0.75	0.8	0.9	0.9	0.7	0.75	0.79	0.64
MCPHERSON, KS	0.91	0.96	0.89	0.8	0.89	0.94	1.1	0.81	0.9	1.08	0.9	0.91	1.0	1.0	0.78	0.93	1.03	0.74	0.9	0.84	0.8	1.0	0.9	0.7	0.81	0.78	0.68
PITTSBURG, KS	0.91	0.96	0.89	0.8	0.89	0.94	1.1	0.81	0.9	1.08	0.9	0.91	1.0	1.0	0.78	0.93	1.03	0.74	0.9	0.84	0.8	1.0	0.9	0.7	0.81	0.78	0.68
PRATT, KS	0.91	0.96	0.89	0.8	0.89	0.94	1.1	0.81	0.9	1.08	0.9	0.91	1.0	1.0	0.78	0.93	1.03	0.74	0.9	0.84	0.8	1.0	0.9	0.8	0.77	0.80	0.70
SALINA, KS	0.91	0.96	0.89	0.8	0.89	0.94	1.1	0.81	0.9	1.08	0.9	0.91	1.0	1.0	0.78	0.93	1.03	0.74	0.9	0.84	0.8	1.0	0.9	0.7	0.81	0.78	0.68
SENACA, KS	0.91	0.96	0.89	0.9	0.83	0.97	1.4	0.71	0.8	1.04	0.8	0.87	0.9	1.0	0.91	0.87	0.98	0.70	0.7	0.71	0.8	0.8	0.8	0.7	0.75	0.79	0.64
TOPEKA, KS	0.91	0.96	0.89	0.9	0.88	0.79	1.4	0.88	0.8	0.87	0.9	0.90	0.9	0.9	0.75	0.91	0.95	0.64	0.8	0.92	0.8	0.9	0.8	0.8	0.77	0.80	0.70
WICHITA, KS	0.91	0.96	0.89	0.8	0.89	0.94	1.1	0.81	0.9	1.08	0.9	0.91	1.0	1.0	0.78	0.93	1.03	0.74	0.9	0.84	0.8	1.0	0.9	0.8	0.77	0.80	0.70
BOWLING GREEN, KY	0.91	0.97	0.87	0.8	0.89	0.73	0.8	0.43	0.9	0.94	0.9	0.90	0.9	1.0	0.75	1.00	0.89	0.79	0.7	1.11	0.9	1.0	0.9	0.7	0.76	0.81	0.85
COVINGTON, KY	0.91	0.97	0.87	0.8	0.87	1.06	1.4	0.64	0.9	0.90	0.9	0.91	0.8	0.9	0.84	0.84	0.84	0.74	0.8	0.95	1.0	0.8	0.8	0.7	0.79	0.79	0.82
CYNTHIANA, KY	0.91	0.97	0.87	0.8	0.87	1.06	1.4	0.64	0.9	0.90	0.9	0.91	0.8	0.9	0.84	0.84	0.84	0.74	0.8	0.95	1.0	0.8	0.8	0.7	0.79	0.79	0.82
DANVILLE, KY	0.91	0.97	0.87	0.8	0.87	1.06	1.4	0.64	1.0	0.90	0.9	0.91	0.8	0.9	0.84	0.84	0.84	0.74	0.8	0.95	0.9	0.8	0.8	0.8	0.85	0.91	0.91
FORT CAMPBELL, KY	0.91	0.97	0.87	0.9	0.90	0.98	0.9	0.68	0.9	0.92	0.8	0.83	1.0	0.9	0.74	0.90	0.93	0.77	0.8	0.84	0.9	0.8	0.8	0.8	0.79	0.79	0.96
FORT KNOX, KY	0.91	0.97	0.87	0.9	1.03	1.02	0.9	0.93	1.0	1.05	1.0	0.94	0.9	0.8	0.97	1.03	0.90	0.94	0.9	1.10	0.9	1.0	0.9	0.8	0.85	0.91	0.91
FRANKFORT, KY	0.91	0.97	0.87	0.9	1.03	1.02	0.9	0.93	1.0	1.05	1.0	0.94	0.9	0.8	0.97	1.03	0.90	0.94	0.9	1.10	0.9	1.0	0.9	0.8	0.85	0.91	0.91
GRAYSON, KY	0.91	0.97	0.87	0.9	0.94	1.02	1.1	0.61	1.0	0.88	0.9	1.05	1.1	0.9	0.85	0.91	1.01	1.00	0.9	1.05	1.0	1.0	1.0	0.7	0.79	0.79	0.82
HARRODSBURG, KY	0.91	0.97	0.87	0.8	0.87	1.06	1.4	0.64	0.8	0.90	0.9	0.91	0.8	0.9	0.84	0.84	0.84	0.74	0.8	0.95	0.9	0.8	0.8	0.8	0.79	0.79	0.96
HOPKINSVILLE, KY	0.91	0.97	0.87	0.9	0.90	0.98	0.9	0.68	0.9	0.92	0.8	0.83	1.0	0.9	0.74	0.90	0.93	0.77	0.8	0.84	0.9	0.8	0.8	0.8	0.79	0.79	0.96
LEXINGTON, KY	0.91	0.97	0.87	0.9	1.03	1.02	0.9	0.93	0.9	1.05	1.0	0.94	0.9	0.8	0.97	1.03	0.90	0.94	0.9	1.10	1.0	1.0	0.9	0.7	0.79	0.79	0.82
LOUISVILLE, KY	0.91	0.97	0.87	0.9	0.99	1.32	0.9	0.62	0.9	0.95	0.9	0.95	0.9	0.9	0.92	0.93	0.81	0.79	0.8	0.98	0.9	0.9	0.9	0.9	0.91	0.82	0.88
MAYSVILLE, KY	0.91	0.97	0.87	0.8	0.87	1.06	1.4	0.64	0.9	0.90	0.9	0.91	0.8	0.9	0.84	0.84	0.84	0.74	0.8	0.95	1.0	0.8	0.8	0.7	0.79	0.79	0.82
MOREHEAD, KY	0.91	0.97	0.87	0.8	0.87	1.06	1.4	0.64	0.8	0.90	0.9	0.91	0.8	0.9	0.84	0.84	0.84	0.74	0.8	0.95	0.9	0.8	0.8	0.8	0.79	0.79	0.96
MOUNT STERLING, KY	0.91	0.97	0.87	0.8	0.87	1.06	1.4	0.64	0.8	0.90	0.9	0.91	0.8	0.9	0.84	0.84	0.84	0.74	0.8	0.95	0.9	0.8	0.8	0.8	0.79	0.79	0.96
OWENSBORO, KY	0.91	0.97	0.87	0.8	0.89	0.73	0.8	0.43	0.9	0.94	0.9	0.90	0.9	1.0	0.75	1.00	0.89	0.79	0.7	1.11	0.9	1.0	0.9	0.7	0.76	0.81	0.85
PADUCAH, KY	0.91	0.97	0.87	0.9	0.90	0.98	0.9	0.68	0.9	0.92	0.8	0.83	1.0	0.9	0.74	0.90	0.93	0.77	0.8	0.84	0.9	0.8	0.8	0.8	0.79	0.79	0.96
PRESTONSBURG, KY	0.91	0.97	0.87	0.9	0.94	1.02	1.1	0.61	1.0	0.88	0.9	1.05	1.1	0.9	0.85	0.91	1.01	1.00	0.9	1.05	1.0	1.0	1.0	0.7	0.79	0.79	0.82
RAVENNA, KY	0.91	0.97	0.87	0.8	0.87	1.06	1.4	0.64	1.0	0.90	0.9	0.91	0.8	0.9	0.84	0.84	0.84	0.74	0.8	0.95	0.9	0.8	0.8	0.8	0.85	0.91	0.91
RICHMOND, KY	0.91	0.97	0.87	0.8	0.87	1.06	1.4	0.64	1.0	0.90	0.9	0.91	0.8	0.9	0.84	0.84	0.84	0.74	0.8	0.95	0.9	0.8	0.8	0.8	0.85	0.91	0.91
SOMERSET, KY	0.91	0.97	0.87	0.8	0.87	1.06	1.4	0.64	1.0	0.90	0.9	0.91	0.8	0.9	0.84	0.84	0.84	0.74	0.8	0.95	0.9	0.8	0.8	0.8	0.85	0.91	0.91
VERSAILLES, KY	0.91	0.97	0.87	0.8	0.87	1.06	1.4	0.64	0.8	0.90	0.9	0.91	0.8	0.9	0.84	0.84	0.84	0.74	0.8	0.95	0.9	0.8	0.8	0.8	0.79	0.79	0.96
ALEXANDRIA, LA	0.91	0.96	0.87	1.0	0.98	1.36	1.5	0.90	0.9	0.94	1.0	0.98	1.0	1.1	0.76	0.96	1.32	0.68	1.2	1.05	0.9	1.0	0.9	0.9	0.76	0.79	0.83
BATON ROUGE, LA	0.91	0.96	0.87	1.0	0.88	0.91	1.1	0.58	0.8	0.93	0.9	1.04	1.0	1.0	0.69	0.85	0.79	0.67	1.3	0.89	0.9	0.8	0.8	0.9	0.78	0.81	0.83
COVINGTON, LA	0.91	0.96	0.87	1.0	0.91	0.87	1.4	0.66	0.9	1.00	1.0	1.01	1.1	0.9	0.75	0.81	0.91	0.59	1.4	0.98	1.0	0.9	0.9	1.1	0.78	0.88	0.90
HOUMA, LA	0.91	0.96	0.87	1.0	0.91	0.87	1.4	0.66	0.8	1.00	1.0	1.01	1.1	0.9	0.75	0.81	0.91	0.59	1.4	0.98	0.9	0.9	0.9	0.9	0.78	0.78	0.87
JENNINGS, LA	0.91	0.96	0.87	1.0	0.89	1.24	1.9	0.54	0.9	1.00	1.0	0.97	0.9	0.9	0.76	0.78	0.81	0.70	1.1	1.01	0.9	0.9	0.8	0.9	0.78	0.78	0.87
LAFAYETTE, LA	0.91	0.96	0.87	1.0	0.89	1.24	1.9	0.54	0.9	1.00	1.0	0.97	0.9	0.9	0.76	0.78	0.81	0.70	1.1	1.01	0.9	0.9	0.8	0.9	0.78	0.78	0.87
LAKE CHARLES, LA	0.91	0.96	0.87	0.9	0.88	0.95	0.8	0.53	0.9	0.84	0.9	1.01	1.0	0.9	0.79	1.09	0.81	0.66	1.2	1.06	0.9	0.8	0.8	0.9	0.78	0.78	0.87
MONROE, LA	0.91	0.96	0.87	1.0	0.98	1.36	1.5	0.90	0.9	0.94	1.0	0.98	1.0	1.1	0.76	0.96	1.32	0.68	1.2	1.05	0.9	1.0	0.9	0.9	0.76	0.79	0.83
MORGAN CITY, LA	0.91	0.96	0.87	1.0	0.91	0.87	1.4	0.66	0.8	1.00	1.0	1.01	1.1	0.9	0.75	0.81	0.91	0.59	1.4	0.98	0.9	0.9	0.9	0.9	0.78	0.78	0.87
NEW ORLEANS, LA	0.91	0.99	0.94	1.1	0.97	0.82	1.0	0.76	1.0	1.12	0.9	1.01	0.9	0.9	0.77	0.95	1.06	0.66	1.1	0.95	1.0	0.9	0.9	1.0	0.76	0.80	0.78
SHREVEPORT, LA	0.91	0.96	0.87	1.0	0.98	1.36	1.5	0.90	0.9	0.94	1.0	0.98	1.0	1.1	0.76	0.96	1.32	0.68	1.2	1.05	0.9	1.0	0.9	0.9	0.76	0.79	0.83
BEDFORD, MA	0.91	1.04	1.20	0.8	0.95	1.02	0.8	1.04	0.8	0.79	0.8	0.96	0.8	0.5	1.23	0.90	0.84	1.12	0.6	0.81	0.9	0.8	0.9	1.1	1.01	0.98	0.90
BOSTON, MA	0.91	1.04	1.20	0.9	1.08	1.11	0.8	1.23	0.9	0.87	0.9	1.03	0.7	0.5	1.38	0.96	1.02	1.20	0.7	0.88	0.9	0.8	0.9	1.3	1.01	0.98	0.81
BROCKTON, MA	0.91	1.01	1.08	0.9	1.14	1.22	0.9	1.34	0.9	0.91	0.9	1.10	0.8	0.5	1.48	1.01	1.11	1.28	0.7	0.92	0.9	0.8	0.9	1.0	1.06	0.88	1.06
CHICOPEE, MA	0.91	1.01	1.08	0.8	1.01	1.13	0.9	1.13	0.9	0.83	0.8	1.02	0.9	0.5	1.32	0.95	0.91	1.20	0.6	0.85	0.9	0.9	0.9	1.1	0.99	0.89	0.97
FRAMINGHAM, MA	0.91	1.04	1.20	0.8	0.95	1.02	0.8	1.04	0.8	0.79	0.8	0.96	0.8	0.5	1.23	0.90	0.84	1.12	0.6	0.81	0.9	0.8	0.9	1.1	1.01	0.98	0.90
GREENFIELD, MA	0.91	1.01	1.08	0.8	0.98	0.80	0.9	1.22	0.8	0.69	0.8	0.87	0.9	0.6	1.47	0.89	0.97	1.16	0.7	0.83	1.0	0.7	0.7	1.1	1.07	1.03	0.96
HAVERHILL, MA	0.91	1.01	1.08	0.9	1.06	0.97	1.5	1.31	0.9	0.79	0.9	1.11	0.8	0.5	1.48	1.05	1.24	1.42	0.6	0.89	1.0	0.9	0.8	1.1	1.07	1.03	1.01
HOLYOKE, MA	0.91	1.01	1.08	0.8	1.01	1.13	0.9	1.13	0.9	0.83	0.8	1.02	0.9	0.5	1.32	0.95	0.91	1.20	0.6	0.85	0.9	0.9	0.9	1.1	0.99	0.89	0.97
HYANNIS, MA	0.91	1.01	1.08	0.8	0.98	0.80	0.9	1.22	0.8	0.69	0.8	0.87	0.9	0.6	1.47	0.89	0.97	1.16	0.7	0.83	0.9	0.7	0.7	1.0	1.06	0.88	1.06
LOWELL, MA	0.91	1.04	1.20	0.9	1.00	0.88	1.4	1.19	0.8	0.75	0.9	1.04	0.8	0.5	1.38	1.00	1.14	1.33	0.6	0.85	0.9	0.9	0.8	1.1	1.01	0.98	0.95
LYNN, MA	0.91	1.01	1.08	0.8	1.02	0.99	0.9	2.25	0.8	0.88	0.8	1.08	0.8	0.5	1.50	1.00	1.04	1.33	0.7	0.87	1.0	0.9	0.9	1.1	1.07	1.03	1.01

TABLE H.—PHYSICIAN GAAFS (GEOGRAPHIC AREA ADJUSTMENT FACTORS) FOR RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS; BY VA FACILITY LOCATION—Continued

VA Facility location	Medicare work adjuster	RVU GAAFs: Work expense	RVU GAAFs: Practice expense	Conversion factor GAAFs by physician CPT code group: Inpatient visits	Ofc/Home/Urgent care visits	Therapeutic injections	Allergy testing	Allergy immunotherapy	Misc. medical	ER visits & observ. care	Consults	Physical medicine	Cardiovascular	Immunizations	Well baby exams	Vision exams	Hearing/speech exams	Physical exams	Chiropractor	OP psych./alcohol & drug abuse	Surgery	Radiology	Pathology	Anesthesia	Normal deliveries	Cesarean deliveries	Non-deliveries
NEW BEDFORD, MA	0.91	1.01	1.08	0.8	0.99	0.88	0.8	1.59	0.9	0.79	0.8	1.02	0.9	0.4	1.12	1.04	1.16	1.17	0.8	0.87	0.9	0.9	0.8	1.1	1.06	0.89	1.16
NORTHAMPTON, MA	0.91	1.01	1.08	0.8	1.01	1.13	0.9	1.13	0.9	0.83	0.8	1.02	0.9	0.5	1.32	0.95	0.91	1.20	0.6	0.85	0.9	0.9	0.9	1.1	0.99	0.89	0.97
PITTSFIELD, MA	0.91	1.01	1.08	0.8	0.87	0.70	0.7	1.24	0.8	0.60	0.9	1.01	0.7	0.8	1.04	0.97	0.88	1.16	0.7	0.85	0.9	0.8	0.8	1.1	0.99	0.89	0.97
PLYMOUTH, MA	0.91	1.01	1.08	0.8	0.99	0.88	0.8	1.59	0.9	0.79	0.8	1.02	0.9	0.4	1.12	1.04	1.16	1.17	0.8	0.87	0.9	0.9	0.8	1.0	1.06	0.88	1.06
SOUTH SHORE, MA	0.91	1.04	1.20	0.9	1.08	1.11	0.8	1.23	0.9	0.87	0.9	1.03	0.7	0.5	1.38	0.96	1.02	1.20	0.7	0.88	0.9	0.8	0.9	1.3	1.01	0.98	0.81
SPRINGFIELD, MA	0.91	1.01	1.08	0.8	1.02	0.73	0.9	1.14	0.8	0.84	0.8	1.24	0.8	0.6	1.01	0.99	1.16	1.12	0.8	0.83	0.9	0.9	0.9	1.2	1.01	0.96	0.95
WASHINGTON, MA	0.91	1.01	1.08	0.8	0.87	0.70	0.7	1.24	0.8	0.60	0.9	1.01	0.7	0.8	1.04	0.97	0.88	1.16	0.7	0.85	0.9	0.8	0.8	1.1	0.99	0.89	0.97
WEST ROXBURY, MA	0.91	1.04	1.20	0.9	1.08	1.11	0.8	1.23	0.9	0.87	0.9	1.03	0.7	0.5	1.38	0.96	1.02	1.20	0.7	0.88	0.9	0.8	0.9	1.3	1.01	0.98	0.81
WORCESTER, MA	0.91	1.01	1.08	0.8	1.02	0.73	0.9	1.14	0.8	0.84	0.8	1.24	0.8	0.6	1.01	0.99	1.16	1.12	0.8	0.83	0.9	0.9	0.9	1.2	1.01	0.96	0.95
BALTIMORE, MD	0.91	1.02	1.03	1.2	1.07	0.99	0.9	0.72	0.9	0.99	1.0	1.06	0.9	0.9	0.90	0.95	1.18	0.85	0.8	1.01	1.0	1.1	1.0	1.1	1.12	1.08	1.24
CAMBRIDGE, MD	0.91	0.98	0.96	0.9	0.90	0.95	0.9	0.91	0.7	1.12	0.9	0.92	0.9	0.8	0.81	0.78	1.12	0.86	0.8	1.00	0.9	0.8	0.8	0.8	1.03	1.03	0.89
CHARLOTTE HALL, MD	0.91	0.98	0.96	1.1	1.07	1.21	0.8	1.00	1.0	1.12	1.0	1.09	1.0	1.0	0.89	0.98	1.09	0.88	0.9	0.98	1.1	1.1	0.8	1.1	1.32	1.22	1.23
CUMBERLAND, MD	0.91	0.98	0.96	0.8	0.93	0.96	0.8	0.89	0.8	1.27	0.9	0.92	0.9	0.8	0.92	0.99	0.86	0.95	0.8	0.95	0.9	0.9	0.7	1.0	1.05	0.94	1.16
ELKTON, MD	0.91	0.98	0.96	0.9	0.90	0.95	0.9	0.91	0.7	1.12	0.9	0.92	0.9	0.8	0.81	0.78	1.12	0.86	0.8	1.00	1.1	0.8	0.8	1.0	0.98	1.00	1.30
FORT HOWARD, MD	0.91	1.02	1.03	1.0	0.99	0.97	0.9	0.81	0.9	1.10	0.9	0.96	1.0	0.9	0.97	0.89	1.00	0.77	0.8	1.00	1.1	1.1	0.9	1.0	1.16	1.17	1.18
HAGERSTOWN, MD	0.91	0.98	0.96	0.8	0.93	0.96	0.8	0.89	0.8	1.27	0.9	0.92	0.9	0.8	0.92	0.99	0.86	0.95	0.8	0.95	0.9	0.9	0.7	1.0	1.05	0.94	1.16
MILLINGTON, MD	0.91	0.98	0.96	0.9	0.90	0.95	0.9	0.91	0.7	1.12	0.9	0.92	0.9	0.8	0.81	0.78	1.12	0.86	0.8	1.00	0.9	0.8	0.8	0.8	1.03	1.03	0.89
PERRY POINT, MD	0.91	0.98	0.96	0.9	0.90	0.95	0.9	0.91	0.7	1.12	0.9	0.92	0.9	0.8	0.81	0.78	1.12	0.86	0.8	1.00	1.1	0.8	0.8	1.0	0.98	1.00	1.30
SILVER SPRING, MD	0.91	1.05	1.17	1.0	1.03	0.94	0.8	0.76	1.1	1.04	0.9	0.93	1.0	0.9	0.95	1.01	0.82	0.91	0.8	0.99	1.0	1.1	1.0	1.1	1.16	1.08	1.07
BANGOR, ME	0.91	0.96	0.92	0.9	1.00	0.66	1.2	0.91	1.1	0.87	0.9	0.98	0.9	0.8	1.43	1.07	1.01	1.09	0.7	1.10	0.9	1.0	0.9	0.9	0.88	0.92	0.85
CARIBOU, ME	0.91	0.96	0.92	0.8	0.89	1.17	0.9	1.08	1.0	1.01	0.9	1.04	0.8	0.7	1.04	0.86	1.01	0.82	0.8	0.94	0.9	0.9	1.1	0.8	0.88	0.98	0.83
LEWISTON, ME	0.91	0.96	0.92	0.9	1.04	1.47	1.2	1.13	0.9	1.14	0.9	1.00	0.9	0.7	1.42	0.83	1.10	1.05	0.8	0.95	0.9	0.9	0.9	0.9	0.88	0.92	0.85
PORTLAND, ME	0.91	0.98	1.03	0.9	0.95	0.60	1.0	0.83	1.0	0.83	0.9	0.93	0.8	0.8	1.34	1.02	0.92	1.02	0.7	1.06	0.9	1.0	0.9	0.8	0.84	0.93	0.78
RUMFORD (WESTERN), ME	0.91	0.96	0.92	0.9	1.04	1.47	1.2	1.13	0.9	1.14	0.9	1.00	0.9	0.7	1.42	0.83	1.10	1.05	0.8	0.95	0.9	0.9	0.9	0.9	0.88	0.92	0.85
SANFORD, ME	0.91	0.98	1.03	0.9	0.87	1.18	1.0	0.73	0.9	1.06	0.8	0.89	0.7	0.8	1.01	0.85	0.94	0.97	0.8	1.04	0.9	0.8	0.8	0.8	0.84	0.93	0.78
TOGUS, ME	0.91	0.96	0.92	0.8	0.89	1.17	0.9	1.08	1.0	1.01	0.9	1.04	0.8	0.7	1.04	0.86	1.01	0.82	0.8	0.94	0.9	0.9	1.1	0.9	0.88	0.92	0.85
ANN ARBOR, MI	0.91	1.04	1.03	0.7	0.83	0.57	0.9	0.79	0.7	0.90	0.7	1.03	0.8	0.8	0.90	0.83	0.80	0.84	0.8	0.72	0.7	0.9	0.7	0.7	0.75	0.70	0.61
BATTLE CREEK, MI	0.91	0.99	0.93	0.8	0.87	0.76	0.8	0.74	0.8	0.88	0.8	0.94	0.8	0.8	0.74	0.93	0.78	0.76	0.7	0.85	0.7	0.8	0.7	0.8	0.70	0.69	0.58
BENTON HARBOR, MI	0.91	0.99	0.93	0.8	0.87	0.76	0.8	0.74	0.8	0.88	0.8	0.94	0.8	0.8	0.74	0.93	0.78	0.76	0.7	0.85	0.7	0.8	0.7	0.8	0.70	0.69	0.58
DETROIT, MI	0.91	1.04	1.03	0.8	0.91	0.71	0.8	0.72	0.7	0.94	0.8	1.30	0.7	0.7	0.97	1.07	0.79	0.94	0.9	0.90	0.7	0.7	0.8	0.7	0.75	0.70	0.72
FLINT, MI	0.91	0.99	0.93	0.8	0.88	0.73	0.7	1.02	0.7	0.86	0.7	1.02	0.7	0.7	0.78	0.91	0.95	0.98	0.8	0.93	0.7	0.8	0.8	0.8	0.80	0.75	0.64
GAYLORD, MI	0.91	0.99	0.93	0.9	0.91	0.86	0.9	0.83	0.8	0.91	0.8	0.97	0.9	0.7	0.70	1.00	0.96	0.87	0.7	0.80	0.7	0.8	0.9	0.6	0.66	0.64	0.70
GRAND RAPIDS, MI	0.91	0.99	0.93	0.8	0.87	0.76	0.8	0.74	0.8	0.88	0.8	0.94	0.8	0.8	0.74	0.93	0.78	0.76	0.7	0.85	0.7	0.8	0.7	0.6	0.66	0.64	0.70
HANCOCK, MI	0.91	0.99	0.93	0.9	0.91	0.86	0.9	0.83	0.8	0.91	0.8	0.97	0.9	0.7	0.70	1.00	0.96	0.87	0.7	0.80	0.8	0.8	0.9	0.7	0.85	0.74	0.55
IRON MOUNTAIN, MI	0.91	0.99	0.93	0.9	0.91	0.86	0.9	0.83	0.8	0.91	0.8	0.97	0.9	0.7	0.70	1.00	0.96	0.87	0.7	0.80	0.8	0.8	0.9	0.7	0.85	0.74	0.55
JACKSON, MI	0.91	0.99	0.93	0.7	0.80	0.57	0.7	0.72	0.8	0.90	0.7	0.89	0.8	0.7	0.73	0.80	0.75	0.83	0.8	0.85	0.7	0.7	0.8	0.8	0.70	0.69	0.58
LANSING, MI	0.91	0.99	0.93	0.7	0.80	0.57	0.7	0.72	0.8	0.90	0.7	0.89	0.8	0.7	0.73	0.80	0.75	0.83	0.8	0.85	0.7	0.7	0.8	0.6	0.66	0.64	0.70
LINCOLN PARK, MI	0.91	1.04	1.03	0.7	0.83	0.57	0.9	0.79	0.7	0.90	0.7	1.03	0.8	0.8	0.90	0.83	0.80	0.84	0.8	0.72	0.7	0.9	0.7	0.7	0.75	0.70	0.61
MARQUETTE, MI	0.91	0.99	0.93	0.9	0.91	0.86	0.9	0.83	0.8	0.91	0.8	0.97	0.9	0.7	0.70	1.00	0.96	0.87	0.7	0.80	0.8	0.8	0.9	0.7	0.85	0.74	0.55
MENOMINEE, MI	0.91	0.99	0.93	0.9	0.91	0.86	0.9	0.83	0.8	0.91	0.8	0.97	0.9	0.7	0.70	1.00	0.96	0.87	0.7	0.80	0.8	0.8	0.9	0.7	0.85	0.74	0.55
MUSKEGON, MI	0.91	0.99	0.93	0.8	0.87	0.76	0.8	0.74	0.8	0.88	0.8	0.94	0.8	0.8	0.74	0.93	0.78	0.76	0.7	0.85	0.7	0.8	0.7	0.8	0.70	0.69	0.58
OSCODA, MI	0.91	0.99	0.93	0.7	0.80	0.57	0.7	0.72	0.8	0.90	0.7	0.89	0.8	0.7	0.73	0.80	0.75	0.83	0.8	0.85	0.7	0.7	0.8	0.8	0.80	0.75	0.64
PONTIAC, MI	0.91	1.04	1.03	0.7	0.80	1.20	0.7	0.83	0.8	0.94	0.7	1.03	0.8	0.8	0.84	0.91	0.80	0.83	0.8	0.79	0.7	0.9	0.7	0.7	0.75	0.70	0.72
SAGINAW, MI	0.91	0.99	0.93	0.8	0.88	0.73	0.7	1.02	0.7	0.86	0.7	1.02	0.7	0.7	0.78	0.91	0.95	0.98	0.8	0.93	0.7	0.8	0.8	0.8	0.80	0.75	0.64
SAULT SAINTE MARIE, MI	0.91	0.99	0.93	0.9	0.91	0.86	0.9	0.83	0.8	0.91	0.8	0.97	0.9	0.7	0.70	1.00	0.96	0.87	0.7	0.80	0.7	0.8	0.9	0.6	0.66	0.64	0.70
TRAVERSE CITY, MI	0.91	0.99	0.93	0.7	0.80	0.57	0.7	0.72	0.8	0.90	0.7	0.89	0.8	0.7	0.73	0.80	0.75	0.83	0.8	0.85	0.8	0.7	0.8	0.7	0.85	0.74	0.55
YALE, MI	0.91	0.99	0.93	0.7	0.88	1.42	0.8	0.93	0.9	1.02	0.8	1.16	0.9	0.9	0.93	0.98	0.94	0.92	0.9	0.86	0.8	1.0	0.7	0.7	0.87	0.81	0.72
BRAINERD, MN	0.91	0.99	0.96	1.0	1.02	0.53	1.0	0.86	0.7	0.95	1.1	0.89	0.9	0.9	0.97	0.87	0.84	0.96	0.6	1.06	0.8	0.9	0.8	0.7	0.73	0.71	0.72
FERGUS FALLS, MN	0.91	0.99	0.96	1.0	1.06	0.67	1.2	1.50	0.8	0.83	1.0	0.81	1.1	1.1	0.81	0.73	1.06	0.81	0.7	1.20	0.9	0.8	1.0	0.6	0.82	0.00	0.73
HIBBING, MN	0.91	0.99	0.96	1.0	1.04	0.68	1.2	1.23	0.9	0.72	1.0	0.92	0.7	0.8	0.76	0.89	0.98	0.84	0.8	0.96	0.9	0.8	0.9	0.6	0.70	0.85	0.68
MANKATO, MN	0.91	0.99	0.96	1.0	1.03	1.00	1.1	1.00	0.9	0.92	1.0	0.85	0.8	0.9	1.04	0.88	0.81	0.91	0.8	1.07	0.8	0.9	0.9	0.6	0.72	0.81	0.78
MINNEAPOLIS, MN	0.91	0.99	0.96	1.0	1.10	0.77	0.8	1.05	0.9	0.98	1.1	0.94	0.8	0.9	0.97	0.94	0.93	0.94	0.8	1.08	0.9	1.0	0.9	0.7	0.75	0.79	0.63
OWATONNA, MN	0.91	0.99	0.96	1.0	1.03	1.00	1.1	1.00	0.9	0.92	1.0	0.85	0.8	0.9	1.04	0.88	0.81	0.91	0.8	1.07	0.9	0.9	0.9	0.6	0.70	0.85	0.68
SAINT CLOUD, MN	0.91	0.99	0.96	1.0	1.02	0.53	1.0	0.86	0.7	0.95	1.1	0.89	0.9	0.9	0.97	0.87	0.84	0.96	0.6	1.06	0.8	0.9	0.8	0.7	0.73	0.71	0.72
SAINT PAUL, MN	0.91	0.99	0.96	1.0	1.04	0.79	0.8	0.72	0.8	1.11	1.0	0.91	0.9	1.0	0.91	0.87	0.88	0.84	1.0	0.98	0.9	0.8	0.9	0.7	0.75	0.79	0.63
VIRGINIA, MN	0.91	0.99	0.96	1.0	1.04	0.68	1.2	1.23	0.9	0.72	1.0	0.92	0.7	0.8	0.76	0.89	0.98	0.84	0.8	0.96	0.9	0.8	0.9	0.6	0.70	0.85	0.68
WORTHINGTON, MN	0.91	0.99	0.96	1.0	1.03	1.00	1.1	1.00	0.9	0.92	1.0	0.85	0.8	0.9	1.04	0.88	0.81	0.91	0.8	1.07	0.8	0.9	0.9	0.6	0.72	0.81	0.78

TABLE H.—PHYSICIAN GAAFS (GEOGRAPHIC AREA ADJUSTMENT FACTORS) FOR RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS; BY VA FACILITY LOCATION—Continued

VA Facility location	Medicare work adjuster	RVU GAAFs: Work expense	Practice expense	Conversion factor GAAFs by physician CPT code group: Inpatient visits	Ofc/Home/Urgent care visits	Therapeutic injections	Allergy testing	Allergy immunotherapy	Misc. medical	ER visits & observ. care	Consults	Physical medicine	Cardiovascular	Immunizations	Well baby exams	Vision exams	Hearing/speech exams	Physical exams	Chiropractor	OP psych./alcohol & drug abuse	Surgery	Radiology	Pathology	Anesthesia	Normal deliveries	Cesarean deliveries	Non-deliveries
BELTON/RICH-GEB AFB, MO	0.91	0.94	0.83	0.9	0.93	0.99	0.9	0.76	0.9	1.15	0.9	0.97	0.9	1.0	0.94	0.95	1.25	0.78	0.8	0.94	0.9	1.0	0.9	0.9	0.92	0.87	0.80
BRANSON, MO	0.91	0.94	0.83	0.9	0.87	0.81	1.2	1.81	0.7	0.86	0.9	0.90	0.9	0.9	0.79	0.80	0.95	0.75	0.6	1.00	0.8	0.9	0.8	0.7	1.12	1.15	1.04
CAPE GIRARDEAU, MO	0.91	0.94	0.83	0.9	0.91	0.98	0.9	0.49	0.8	0.67	0.8	0.99	0.9	0.9	0.81	0.83	0.94	0.72	0.7	0.78	0.9	1.1	0.8	0.7	0.71	0.72	0.70
COLUMBIA, MO	0.91	0.94	0.83	0.9	0.93	0.99	1.2	0.95	0.9	0.94	0.9	1.06	1.0	1.0	0.86	1.05	1.03	0.80	0.7	0.98	0.9	0.9	0.9	0.8	0.79	0.76	0.71
FORT LEONARD WOOD, MO	0.91	0.94	0.83	0.9	0.87	0.81	1.2	1.81	0.7	0.86	0.9	0.90	0.9	0.9	0.79	0.80	0.95	0.75	0.6	1.00	0.8	0.9	0.8	0.7	1.12	1.15	1.04
GRAND VIEW, MO	0.91	0.98	0.94	0.8	0.86	0.88	0.8	0.68	0.8	1.07	0.8	0.90	0.8	0.9	0.86	0.89	1.12	0.72	0.7	0.88	0.8	0.9	0.9	0.9	0.85	0.81	0.74
KANSAS CITY, MO	0.91	0.98	0.94	0.9	0.93	1.07	1.0	0.74	0.9	1.04	0.9	0.97	1.0	0.9	0.87	0.97	1.06	0.70	0.8	0.84	0.8	0.9	0.9	0.9	0.85	0.81	0.74
KIRKSVILLE, MO	0.91	0.94	0.83	0.9	0.85	1.17	0.8	0.75	0.9	0.91	0.9	0.86	0.9	1.0	0.96	0.85	0.77	0.62	0.6	0.92	0.9	0.9	0.9	0.7	1.12	1.15	1.04
MEXICO, MO	0.91	0.94	0.83	0.9	0.93	0.99	1.2	0.95	0.9	0.94	0.9	1.06	1.0	1.0	0.86	1.05	1.03	0.80	0.7	0.98	0.9	0.9	0.9	0.8	0.79	0.76	0.71
MOUNT VERNON, MO	0.91	0.94	0.83	0.9	0.87	0.81	1.2	1.81	0.7	0.86	0.9	0.90	0.9	0.9	0.79	0.80	0.95	0.75	0.6	1.00	0.8	0.9	0.8	0.7	1.12	1.15	1.04
NEVADA, MO	0.91	0.94	0.83	0.9	0.87	0.81	1.2	1.81	0.7	0.86	0.9	0.90	0.9	0.9	0.79	0.80	0.95	0.75	0.6	1.00	0.9	0.9	0.8	0.8	0.79	0.76	0.71
POPLAR BLUFF, MO	0.91	0.94	0.83	0.9	0.85	1.17	0.8	0.75	0.8	0.91	0.9	0.86	0.9	1.0	0.96	0.85	0.77	0.62	0.6	0.92	0.9	0.9	0.9	0.7	0.71	0.72	0.70
SAINT CHARLES, MO	0.91	0.99	0.94	0.8	0.86	0.88	1.0	0.85	0.8	0.88	0.8	0.98	0.9	0.9	0.79	0.98	0.92	0.74	0.7	0.92	0.9	0.9	0.9	0.9	0.88	0.85	0.90
SAINT JAMES, MO	0.91	0.94	0.83	0.9	0.87	0.81	1.2	1.81	0.7	0.86	0.9	0.90	0.9	0.9	0.79	0.80	0.95	0.75	0.6	1.00	0.8	0.9	0.8	0.7	1.12	1.15	1.04
SAINT JOSEPH, MO	0.91	0.94	0.83	0.9	0.93	0.99	0.9	0.76	0.9	1.15	0.9	0.97	0.9	1.0	0.94	0.95	1.25	0.78	0.8	0.94	0.8	1.0	0.9	0.8	0.79	0.76	0.71
SAINT LOUIS, MO	0.91	0.99	0.94	0.9	0.93	1.10	1.0	0.91	0.9	0.99	0.9	1.03	0.9	0.9	0.87	1.01	1.17	0.85	0.7	0.88	0.9	1.0	1.0	1.0	0.88	0.85	0.85
SEDALIA, MO	0.91	0.94	0.83	0.9	0.87	0.81	1.2	1.81	0.7	0.86	0.9	0.90	0.9	0.9	0.79	0.80	0.95	0.75	0.6	1.00	0.9	0.9	0.8	0.8	0.79	0.76	0.71
WEST PLAINS, MO	0.91	0.94	0.83	0.9	0.87	0.81	1.2	1.81	0.7	0.86	0.9	0.90	0.9	0.9	0.79	0.80	0.95	0.75	0.6	1.00	0.8	0.9	0.8	0.7	1.12	1.15	1.04
BILOXI, MS	0.91	0.95	0.84	0.9	0.87	0.94	0.9	0.83	0.9	0.84	0.8	0.99	1.0	0.9	0.85	0.88	1.10	0.64	1.0	0.90	0.9	0.8	0.9	0.8	0.81	0.80	0.82
DURANT, MS	0.91	0.95	0.84	0.9	0.87	0.94	0.9	0.83	0.9	0.84	0.8	0.99	1.0	0.9	0.85	0.88	1.10	0.64	1.0	0.90	0.9	0.8	0.9	0.9	0.78	0.80	1.00
GREENVILLE, MS	0.91	0.95	0.84	0.8	0.84	0.82	1.2	0.75	0.9	0.86	0.8	0.94	0.9	1.1	0.73	0.76	0.91	0.61	0.7	0.90	0.9	0.9	0.8	0.8	0.77	0.81	0.80
GULFPORT, MS	0.91	0.95	0.84	0.9	0.87	0.94	0.9	0.83	0.9	0.84	0.8	0.99	1.0	0.9	0.85	0.88	1.10	0.64	1.0	0.90	0.9	0.8	0.9	0.8	0.81	0.80	0.82
HATTIESBURG, MS	0.91	0.95	0.84	0.9	0.88	1.02	1.2	0.68	0.8	1.01	0.9	1.01	0.9	0.9	0.77	0.82	0.97	0.70	0.7	1.08	0.9	0.9	0.9	0.8	0.72	0.74	0.89
JACKSON, MS	0.91	0.95	0.84	0.9	0.88	1.02	1.2	0.68	0.8	1.01	0.9	1.01	0.9	0.9	0.77	0.82	0.97	0.70	0.7	1.08	0.9	0.9	0.9	0.9	0.78	0.80	1.00
MERIDIAN, MS	0.91	0.95	0.84	0.8	0.84	0.82	1.2	0.75	0.9	0.86	0.8	0.94	0.9	1.1	0.73	0.76	0.91	0.61	0.7	0.90	0.9	0.9	0.8	0.8	0.81	0.80	0.82
SMITHVILLE, MS	0.91	0.95	0.84	0.8	0.88	1.32	1.7	0.66	0.8	1.00	0.9	1.06	0.9	1.0	0.81	0.80	0.91	0.92	0.9	0.89	0.9	0.8	0.9	0.8	0.81	0.80	0.82
ANACONDA, MT	0.91	0.95	0.87	0.8	0.91	0.60	0.7	0.62	0.7	0.86	0.9	0.80	0.8	0.8	0.79	0.87	0.81	0.88	0.5	1.02	0.8	0.8	0.7	0.7	0.85	0.98	0.68
BILLINGS, MT	0.91	0.95	0.87	0.9	1.04	0.81	0.9	1.04	0.7	0.93	0.9	1.00	1.0	0.8	0.72	0.89	1.01	0.75	0.7	0.83	0.9	0.9	0.8	0.8	0.83	0.84	0.75
BOZEMAN, MT	0.91	0.95	0.87	0.8	0.91	0.60	0.7	0.62	0.7	0.86	0.9	0.80	0.8	0.8	0.79	0.87	0.81	0.88	0.5	1.02	0.8	0.8	0.7	0.7	0.85	0.98	0.68
BROWNING, MT	0.91	0.95	0.87	0.9	0.94	0.85	0.9	1.10	0.7	0.81	0.9	0.87	0.9	0.9	0.79	0.98	1.10	0.83	0.6	0.95	0.8	0.8	0.8	0.7	0.85	0.98	0.68
COLUMBIA FALLS, MT	0.91	0.95	0.87	0.8	0.91	0.60	0.7	0.62	0.7	0.86	0.9	0.80	0.8	0.8	0.79	0.87	0.81	0.88	0.5	1.02	0.8	0.8	0.7	0.7	0.85	0.98	0.68
FORT HARRISON, MT	0.91	0.95	0.87	0.9	0.94	0.85	0.9	1.10	0.7	0.81	0.9	0.87	0.9	0.9	0.79	0.98	1.10	0.83	0.6	0.95	0.8	0.8	0.8	0.7	0.85	0.98	0.68
GALLATIN VALLEY, MT	0.91	0.95	0.87	0.8	0.91	0.60	0.7	0.62	0.7	0.86	0.9	0.80	0.8	0.8	0.79	0.87	0.81	0.88	0.5	1.02	0.8	0.8	0.7	0.7	0.85	0.98	0.68
GREAT FALLS, MT	0.91	0.95	0.87	0.9	0.94	0.85	0.9	1.10	0.7	0.81	0.9	0.87	0.9	0.9	0.79	0.98	1.10	0.83	0.6	0.95	0.8	0.8	0.8	0.7	0.85	0.98	0.68
LAME DEER, MT	0.91	0.95	0.87	0.8	0.91	0.60	0.7	0.62	0.7	0.86	0.9	0.80	0.8	0.8	0.79	0.87	0.81	0.88	0.5	1.02	0.8	0.8	0.7	0.7	0.85	0.98	0.68
LIBBY, MT	0.91	0.95	0.87	0.8	0.91	0.60	0.7	0.62	0.7	0.86	0.9	0.80	0.8	0.8	0.79	0.87	0.81	0.88	0.5	1.02	0.8	0.8	0.7	0.7	0.85	0.98	0.68
MILES CITY, MT	0.91	0.95	0.87	0.9	0.94	0.85	0.9	1.10	0.7	0.81	0.9	0.87	0.9	0.9	0.79	0.98	1.10	0.83	0.6	0.95	0.8	0.8	0.8	0.7	0.85	0.98	0.68
MISSOULA, MT	0.91	0.95	0.87	0.9	0.94	0.85	0.9	1.10	0.7	0.81	0.9	0.87	0.9	0.9	0.79	0.98	1.10	0.83	0.6	0.95	0.9	0.8	0.8	0.8	0.83	0.84	0.75
WHITEFISH, MT	0.91	0.95	0.87	0.8	0.91	0.60	0.7	0.62	0.7	0.86	0.9	0.80	0.8	0.8	0.79	0.87	0.81	0.88	0.5	1.02	0.8	0.8	0.7	0.7	0.85	0.98	0.68
WOLF POINT, MT	0.91	0.95	0.87	0.9	0.94	0.85	0.9	1.10	0.7	0.81	0.9	0.87	0.9	0.9	0.79	0.98	1.10	0.83	0.6	0.95	0.8	0.8	0.8	0.7	0.85	0.98	0.68
ASHEVILLE, NC	0.91	0.97	0.92	0.9	0.99	1.21	1.2	0.65	0.8	1.00	0.9	0.84	0.9	0.8	0.86	0.78	0.76	0.94	0.8	0.96	0.9	0.9	0.9	0.9	0.90	0.92	0.86
CHARLOTTE, NC	0.91	0.97	0.92	1.1	1.23	1.24	1.0	0.82	1.0	1.10	1.2	1.01	1.0	0.9	0.90	0.97	1.02	1.02	0.7	0.92	1.0	1.1	0.9	0.8	0.84	0.96	0.83
DURHAM, NC	0.91	0.97	0.92	1.2	1.10	1.33	1.2	0.65	1.1	1.08	1.1	0.90	1.0	0.8	0.84	0.97	1.03	0.96	0.7	1.01	1.0	1.2	0.9	0.9	0.87	1.03	0.89
FAYETTEVILLE, NC	0.91	0.97	0.92	1.1	1.04	0.94	1.2	0.80	0.9	1.08	1.0	0.88	0.9	0.7	0.76	0.82	0.86	0.88	0.7	0.92	1.0	1.0	1.0	0.7	0.88	0.91	0.85
FRANKLIN, NC	0.91	0.97	0.92	0.9	0.91	1.49	1.2	0.64	0.8	0.83	0.9	0.82	0.8	0.7	0.76	0.85	0.91	0.89	0.6	0.83	0.9	0.9	0.8	0.9	0.90	0.92	0.86
GOLDSBORO, NC	0.91	0.97	0.92	1.1	1.00	1.02	1.1	0.68	1.0	0.99	1.0	0.88	1.0	0.9	0.90	0.88	1.15	1.02	0.8	0.99	1.0	1.2	0.9	0.9	0.92	0.93	0.91
GREENSBORO, NC	0.91	0.97	0.92	1.0	1.02	1.07	1.1	0.63	0.9	0.88	1.0	0.88	0.8	0.6	0.90	0.87	0.98	0.94	0.8	0.81	1.0	0.9	1.0	0.7	0.88	0.91	0.85
GREENVILLE, NC	0.91	0.97	0.92	1.2	1.10	1.33	1.2	0.65	1.0	1.08	1.1	0.90	1.0	0.8	0.84	0.97	1.03	0.96	0.7	1.01	1.0	1.2	0.9	0.8	0.89	0.99	0.89
HICKORY, NC	0.91	0.97	0.92	0.9	0.99	1.21	1.2	0.65	0.8	1.00	0.9	0.84	0.9	0.8	0.86	0.78	0.76	0.94	0.8	0.96	0.9	0.9	0.9	0.9	0.90	0.92	0.86
JACKSONVILLE, NC	0.91	0.97	0.92	1.1	1.04	0.94	1.2	0.80	0.9	1.08	1.0	0.88	0.9	0.7	0.76	0.82	0.86	0.88	0.7	0.92	1.0	1.0	1.0	0.9	0.92	0.93	0.91
RALEIGH, NC	0.91	0.97	0.92	1.2	1.10	1.33	1.2	0.65	1.1	1.08	1.1	0.90	1.0	0.8	0.84	0.97	1.03	0.96	0.7	1.01	1.0	1.2	0.9	0.9	0.92	0.93	0.91
SALISBURY, NC	0.91	0.97	0.92	1.0	1.02	1.28	1.2	0.69	1.0	1.03	1.0	0.88	0.8	0.8	0.89	0.87	1.05	0.90	0.6	1.00	1.0	1.0	0.9	1.0	0.82	0.91	0.85
WILMINGTON, NC	0.91	0.97	0.92	1.1	1.04	0.94	1.2	0.80	0.9	1.08	1.0	0.88	0.9	0.7	0.76	0.82	0.86	0.88	0.7	0.92	1.0	1.0	1.0	0.7	0.88	0.91	0.85
WINSTON-SALEM, NC	0.91	0.97	0.92	1.2	1.16	0.97	1.1	0.64	0.9	1.06	1.0	0.92	1.0	0.7	0.89	0.99	0.75	0.93	0.8	0.96	1.0	1.1	0.8	0.9	0.87	1.03	0.89
BISMARCK, ND	0.91	0.95	0.86	1.0	1.04	0.81	1.4	1.21	0.9	0.88	1.0	0.91	1.0	0.9	0.86	0.99	0.94	0.74	0.8	1.24	0.8	0.9	1.0	0.6	0.86	0.85	0.77
FARGO, ND	0.91	0.95	0.86	1.2	1.04	0.83	0.9	1.10	0.9	0.89	1.0	0.95	1.2	1.0	0.84	1.09	1.03	0.75	0.8	1.21	0.8	1.0	1.0	0.5	0.87	0.79	0.72
GRAFTON, ND	0.91	0.95	0.86	1.1	1.04	0.91	1.0	1.08	0.9	0.84	1.0	0.87	0.9	0.7	0.86	0.99	1.15	0.75	0.7	1.26	0.8	0.9	1.0	0.6	0.86	0.85	0.77

TABLE H.—PHYSICIAN GAAFS (GEOGRAPHIC AREA ADJUSTMENT FACTORS) FOR RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS; BY VA FACILITY LOCATION—Continued

VA Facility location	Medicare work adjuster	RVU GAAFs: Work expense	RVU GAAFs: Practice expense	Conversion factor GAAFs by physician CPT code group: Inpatient visits	Ofc/Home/Urgent care visits	Therapeutic injections	Allergy testing	Allergy immunotherapy	Misc. medical	ER visits & observ. care	Consults	Physical medicine	Cardiovascular	Immunizations	Well baby exams	Vision exams	Hearing/speech exams	Physical exams	Chiropractor	OP psych./alcohol & drug abuse	Surgery	Radiology	Pathology	Anesthesia	Normal deliveries	Cesarean deliveries	Non-deliveries
MINOT, ND	0.91	0.95	0.86	1.1	1.04	0.91	1.0	1.08	0.9	0.84	1.0	0.87	0.9	0.7	0.86	0.99	1.15	0.75	0.7	1.26	0.8	0.9	1.0	0.6	0.86	0.85	0.77
ALLIANCE, NE	0.91	0.95	0.87	0.8	0.82	0.55	0.5	1.23	0.9	0.76	0.8	0.84	0.6	0.8	0.78	0.83	0.97	0.67	0.6	0.93	0.7	1.0	0.8	0.6	0.66	0.69	0.67
BEATRICE, NE	0.91	0.95	0.87	0.8	0.85	0.83	1.2	0.66	0.9	0.69	0.9	0.86	0.9	0.9	0.77	0.83	0.88	0.65	0.6	0.77	0.7	1.0	0.8	0.6	0.62	0.69	0.58
BELLEVUE, NE	0.91	0.95	0.87	0.9	0.89	1.21	1.0	0.88	0.9	0.90	0.9	1.17	0.7	1.0	0.94	0.88	1.14	0.85	0.8	0.90	0.8	0.9	0.7	0.7	0.75	0.79	0.69
GERING, NE	0.91	0.95	0.87	0.8	0.82	0.55	0.5	1.23	0.9	0.76	0.8	0.84	0.6	0.8	0.78	0.83	0.97	0.67	0.6	0.93	0.7	1.0	0.8	0.6	0.66	0.69	0.67
GRAND ISLAND, NE	0.91	0.95	0.87	0.8	0.82	0.55	0.5	1.23	0.9	0.76	0.8	0.84	0.6	0.8	0.78	0.83	0.97	0.67	0.6	0.93	0.7	1.0	0.8	0.6	0.66	0.69	0.67
KEARNEY, NE	0.91	0.95	0.87	0.8	0.82	0.55	0.5	1.23	0.9	0.76	0.8	0.84	0.6	0.8	0.78	0.83	0.97	0.67	0.6	0.93	0.7	1.0	0.8	0.6	0.66	0.69	0.67
LINCOLN, NE	0.91	0.95	0.87	0.9	0.93	0.84	0.9	0.59	0.8	0.70	0.9	0.84	0.7	0.9	0.99	0.90	0.83	0.70	0.6	0.78	0.7	1.0	0.8	0.6	0.65	0.73	0.69
NORFOLK, NE	0.91	0.95	0.87	0.7	0.81	1.10	1.1	1.16	0.8	0.70	0.9	0.81	0.7	0.9	0.69	0.80	1.17	0.66	0.7	0.69	0.7	1.1	0.7	0.6	0.62	0.69	0.58
NORTH PLATTE, NE	0.91	0.95	0.87	0.7	0.81	1.10	1.1	1.16	0.8	0.70	0.9	0.81	0.7	0.9	0.69	0.80	1.17	0.66	0.7	0.69	0.7	1.1	0.7	0.6	0.62	0.69	0.58
OMAHA, NE	0.91	0.95	0.87	0.9	0.89	1.21	1.0	0.88	0.9	0.90	0.9	1.17	0.7	1.0	0.94	0.88	1.14	0.85	0.8	0.90	0.8	0.9	0.7	0.7	0.75	0.79	0.69
RUSHVILLE, NE	0.91	0.95	0.87	0.8	0.82	0.55	0.5	1.23	0.9	0.76	0.8	0.84	0.6	0.8	0.78	0.83	0.97	0.67	0.6	0.93	0.7	1.0	0.8	0.6	0.66	0.69	0.67
SCOTTSBLUFF, NE	0.91	0.95	0.87	0.8	0.82	0.55	0.5	1.23	0.9	0.76	0.8	0.84	0.6	0.8	0.78	0.83	0.97	0.67	0.6	0.93	0.7	1.0	0.8	0.6	0.66	0.69	0.67
SIDNEY, NE	0.91	0.95	0.87	0.7	0.81	1.10	1.1	1.16	0.8	0.70	0.9	0.81	0.7	0.9	0.69	0.80	1.17	0.66	0.7	0.69	0.7	1.1	0.7	0.6	0.62	0.69	0.58
BERLIN, NH	0.91	0.98	1.03	0.9	0.94	0.70	0.7	0.95	0.9	0.83	0.9	0.94	0.8	0.7	0.90	0.89	0.72	1.00	0.7	0.84	0.8	0.7	0.7	0.9	0.94	0.90	0.75
KEENE, NH	0.91	0.98	1.03	0.9	0.96	0.77	0.7	0.96	0.8	0.93	0.9	0.98	0.9	0.7	1.08	0.99	0.91	1.07	0.8	0.84	0.8	0.8	0.9	0.9	0.94	0.90	0.75
LITTLETON, NH	0.91	0.98	1.03	0.9	0.94	0.70	0.7	0.95	0.9	0.83	0.9	0.94	0.8	0.7	0.90	0.89	0.72	1.00	0.7	0.84	0.8	0.7	0.7	0.9	0.94	0.90	0.75
MANCHESTER, NH	0.91	0.98	1.03	0.9	0.96	0.77	0.7	0.96	0.8	0.93	0.9	0.98	0.9	0.7	1.08	0.99	0.91	1.07	0.8	0.84	0.8	0.8	0.9	0.9	0.94	0.90	0.75
PORTSMOUTH, NH	0.91	0.98	1.03	0.9	0.94	0.70	0.7	0.95	0.9	0.83	0.9	0.94	0.8	0.7	0.90	0.89	0.72	1.00	0.7	0.84	0.8	0.7	0.7	0.9	0.94	0.90	0.75
TILTON, NH	0.91	0.98	1.03	0.9	0.94	0.70	0.7	0.95	0.9	0.83	0.9	0.94	0.8	0.7	0.90	0.89	0.72	1.00	0.7	0.84	0.8	0.7	0.7	0.9	0.94	0.90	0.75
BLACKWOOD, NJ	0.91	1.02	1.10	0.9	0.88	1.05	1.0	0.91	1.0	1.09	0.9	1.14	1.0	1.0	0.94	0.90	1.11	0.77	1.2	1.10	1.1	1.1	1.0	1.1	0.98	0.96	1.08
BRICK, NJ	0.91	1.02	1.10	0.9	0.95	0.90	0.9	0.99	0.9	1.08	0.9	1.07	0.9	1.0	0.89	0.91	0.93	1.00	1.1	1.05	1.1	1.1	1.1	1.1	1.19	1.17	1.12
CAPE MAY, NJ	0.91	1.02	1.10	0.9	0.88	1.05	1.0	0.91	1.0	1.09	0.9	1.14	1.0	1.0	0.94	0.90	1.11	0.77	1.2	1.10	1.1	1.1	1.0	1.1	0.98	0.96	1.08
EAST ORANGE, NJ	0.91	1.05	1.20	0.9	1.00	1.07	1.2	1.09	0.9	1.03	0.9	1.12	0.9	1.0	0.90	0.98	0.97	1.04	1.0	1.17	1.1	1.1	1.0	1.3	1.27	1.17	1.02
ELIZABETH, NJ	0.91	1.05	1.20	0.9	0.91	0.98	0.9	1.11	0.9	1.03	0.9	0.99	0.8	1.0	0.81	0.93	0.96	0.84	1.0	1.02	1.1	0.9	1.0	1.2	1.27	1.14	1.09
FORT DIX, NJ	0.91	1.02	1.10	0.9	0.95	0.90	0.9	0.99	0.9	1.08	0.9	1.07	0.9	1.0	0.89	0.91	0.93	1.00	1.1	1.05	1.1	1.1	1.1	1.2	1.20	1.11	1.07
HACKENSACK, NJ	0.91	1.05	1.20	0.9	1.03	1.08	1.0	1.22	0.9	0.92	0.9	1.10	0.9	0.8	0.88	1.08	1.03	0.96	1.3	1.14	1.1	1.0	1.1	1.3	1.27	1.17	1.02
JAMESBURG, NJ	0.91	1.05	1.20	0.9	0.94	0.84	1.3	1.18	0.9	1.01	0.9	1.01	0.9	1.0	0.82	0.91	0.98	0.89	1.0	1.17	1.1	1.0	1.0	1.2	1.27	1.14	1.09
JERSEY CITY, NJ	0.91	1.05	1.20	0.9	1.00	1.07	1.2	1.09	0.9	1.03	0.9	1.12	0.9	1.0	0.90	0.98	0.97	1.04	1.0	1.17	1.1	1.1	1.0	1.4	1.27	1.25	1.16
LINWOOD, NJ	0.91	1.02	1.10	0.9	0.88	1.05	1.0	0.91	1.0	1.09	0.9	1.14	1.0	1.0	0.94	0.90	1.11	0.77	1.2	1.10	1.1	1.1	1.0	1.1	0.98	0.96	1.08
LYONS, NJ	0.91	1.05	1.20	0.9	1.00	1.07	1.2	1.09	0.9	1.03	0.9	1.12	0.9	1.0	0.90	0.98	0.97	1.04	1.0	1.17	1.1	1.1	1.0	1.4	1.27	1.25	1.16
NEW BRUNSWICK, NJ	0.91	1.05	1.20	0.9	0.94	0.84	1.3	1.18	0.9	1.01	0.9	1.01	0.9	1.0	0.82	0.91	0.98	0.89	1.0	1.17	1.1	1.0	1.0	1.2	1.27	1.14	1.09
NEWARK, NJ	0.91	1.05	1.20	1.0	1.02	1.20	1.4	1.36	0.9	1.05	1.0	1.06	0.8	0.9	0.86	1.06	1.01	0.95	1.1	1.15	1.1	1.0	1.0	1.4	1.27	1.25	1.16
SALEM CITY, NJ	0.91	1.02	1.10	0.9	0.88	1.05	1.0	0.91	1.0	1.09	0.9	1.14	1.0	1.0	0.94	0.90	1.11	0.77	1.2	1.10	1.1	1.1	1.0	1.1	0.98	0.96	1.08
TRENTON, NJ	0.91	1.02	1.10	0.9	0.95	0.90	0.9	0.99	0.9	1.08	0.9	1.07	0.9	1.0	0.89	0.91	0.93	1.00	1.1	1.05	1.1	1.1	1.1	1.2	1.20	1.11	1.07
VENTNOR, NJ	0.91	1.02	1.10	0.9	0.95	0.90	0.9	0.99	0.8	1.08	0.9	1.07	0.9	1.0	0.89	0.91	0.93	1.00	1.1	1.05	1.1	1.1	1.1	1.1	0.98	0.96	1.08
VINELAND, NJ	0.91	1.02	1.10	0.9	0.95	0.90	0.9	0.99	0.8	1.08	0.9	1.07	0.9	1.0	0.89	0.91	0.93	1.00	1.1	1.05	1.1	1.1	1.1	1.1	0.98	0.96	1.08
ALBUQUERQUE, NM	0.91	0.97	0.90	0.9	1.11	1.00	1.0	1.00	1.0	0.97	1.0	1.18	1.0	1.0	0.83	1.43	1.17	0.94	0.8	0.88	0.9	0.9	0.7	0.9	0.70	0.81	0.71
ARTESIA, NM	0.91	0.97	0.90	0.9	0.92	1.03	0.8	0.82	0.9	0.85	0.9	0.96	1.1	1.1	0.88	0.83	0.93	0.74	0.9	1.01	0.8	1.1	0.9	0.8	0.85	0.88	0.75
CLAYTON, NM	0.91	0.97	0.90	0.9	0.98	0.99	0.7	0.65	0.9	0.97	1.0	0.99	0.9	1.1	0.97	0.94	0.88	0.97	0.9	0.76	0.8	1.0	0.8	0.8	0.85	0.88	0.75
CLOVIS, NM	0.91	0.97	0.90	0.9	0.92	1.03	0.8	0.82	0.9	0.85	0.9	0.96	1.1	1.1	0.88	0.83	0.93	0.74	0.9	1.01	0.8	1.1	0.9	0.8	0.85	0.88	0.75
ESPANOLA, NM	0.91	0.97	0.90	0.9	0.98	0.99	0.7	0.65	0.9	0.97	1.0	0.99	0.9	1.1	0.97	0.94	0.88	0.97	0.9	0.76	0.8	1.0	0.8	0.8	0.85	0.88	0.75
FARMINGTON, NM	0.91	0.97	0.90	0.9	0.98	0.99	0.7	0.65	0.9	0.97	1.0	0.99	0.9	1.1	0.97	0.94	0.88	0.97	0.9	0.76	0.8	1.0	0.8	0.8	0.85	0.88	0.75
GALLUP, NM	0.91	0.97	0.90	0.9	0.98	0.99	0.7	0.65	0.9	0.97	1.0	0.99	0.9	1.1	0.97	0.94	0.88	0.97	0.9	0.76	0.8	1.0	0.8	0.8	0.85	0.88	0.75
HOBBS, NM	0.91	0.97	0.90	0.9	0.92	1.03	0.8	0.82	0.9	0.85	0.9	0.96	1.1	1.1	0.88	0.83	0.93	0.74	0.9	1.01	0.8	1.1	0.9	0.8	0.85	0.88	0.75
LAS CRUCES, NM	0.91	0.97	0.90	0.9	0.92	1.03	0.8	0.82	1.0	0.85	0.9	0.96	1.1	1.1	0.88	0.83	0.93	0.74	0.9	1.01	0.9	1.1	0.9	0.9	0.70	0.81	0.71
LAS VEGAS, NM	0.91	0.97	0.90	0.9	0.98	0.99	0.7	0.65	0.9	0.97	1.0	0.99	0.9	1.1	0.97	0.94	0.88	0.97	0.9	0.76	0.9	1.0	0.8	0.9	0.70	0.81	0.71
RATON, NM	0.91	0.97	0.90	0.9	0.98	0.99	0.7	0.65	0.9	0.97	1.0	0.99	0.9	1.1	0.97	0.94	0.88	0.97	0.9	0.76	0.9	1.0	0.8	0.9	0.70	0.81	0.71
SANTA FE, NM	0.91	0.97	0.90	0.9	0.98	0.99	0.7	0.65	0.9	0.97	1.0	0.99	0.9	1.1	0.97	0.94	0.88	0.97	0.9	0.76	0.8	1.0	0.8	0.8	0.85	0.88	0.75
SANTA ROSA, NM	0.91	0.97	0.90	0.9	0.98	0.99	0.7	0.65	0.9	0.97	1.0	0.99	0.9	1.1	0.97	0.94	0.88	0.97	0.9	0.76	0.8	1.0	0.8	0.8	0.85	0.88	0.75
SILVER CITY, NM	0.91	0.97	0.90	0.9	0.92	1.03	0.8	0.82	1.0	0.85	0.9	0.96	1.1	1.1	0.88	0.83	0.93	0.74	0.9	1.01	0.9	1.1	0.9	0.9	0.70	0.81	0.71
TRUTH OR CONSEQUENCES, N	0.91	0.97	0.90	0.9	0.92	1.03	0.8	0.82	1.0	0.85	0.9	0.96	1.1	1.1	0.88	0.83	0.93	0.74	0.9	1.01	0.9	1.1	0.9	0.9	0.70	0.81	0.71
ELY, NV	0.91	1.00	1.03	1.0	1.09	0.95	0.9	0.95	0.9	0.98	1.1	0.96	1.0	0.8	0.92	1.03	0.95	0.95	1.0	1.09	0.9	1.0	0.9	0.9	0.72	0.72	0.68
HENDERSON, NV	0.91	1.00	1.03	1.0	0.98	0.81	1.0	0.88	0.9	0.99	1.1	0.97	0.9	0.8	0.87	0.88	1.04	0.74	0.9	0.93	1.0	0.9	0.8	1.3	0.80	0.90	1.02
LAS VEGAS, NV	0.91	1.00	1.03	1.0	1.09	0.95	0.9	0.95	0.9	0.98	1.1	0.96	1.0	0.8	0.92	1.03	0.95	0.95	1.0	1.09	1.0	1.0	0.9	1.3	0.80	0.90	1.02
MESQUITE, NV	0.91	1.00	1.03	1.0	0.98	0.81	1.0	0.88	0.9	0.99	1.1	0.97	0.9	0.8	0.87	0.88	1.04	0.74	0.9	0.93	1.0	0.9	0.8	1.3	0.80	0.90	1.02
RENO, NV	0.91	1.00	1.03	0.8	0.91	1.38	0.8	0.69	0.7	1.10	0.9	0.95	0.7	0.7	0.68	1.02	0.83	0.73	0.8	0.89	0.9	1.0	0.8	0.9	0.72	0.72	0.68
ALBANY, NY	0.91	1.00	0.95	0.9	1.03	0.86	1.0	1.09	1.0	0.97	0.9	1.01	0.9	1.0	1.19	1.05	0.99	1.07	0.7	0.97	0.9	1.1	0.9	1.0	1.05	0.95	0.96

TABLE H.—PHYSICIAN GAAFS (GEOGRAPHIC AREA ADJUSTMENT FACTORS) FOR RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS; BY VA FACILITY LOCATION—Continued

VA Facility location	Medicare work adjuster	RVU GAAFs: Work expense	RVU GAAFs: Practice expense	Conversion factor GAAFs by physician CPT code group: Inpatient visits	Ofc/Home/Urgent care visits	Therapeutic injections	Allergy testing	Allergy immunotherapy	Misc. medical	ER visits & observ. care	Consults	Physical medicine	Cardiovascular	Immunizations	Well baby exams	Vision exams	Hearing/speech exams	Physical exams	Chiropractor	OP psych./alcohol & drug abuse	Surgery	Radiology	Pathology	Anesthesia	Normal deliveries	Cesarean deliveries	Non-deliveries
AMSTERDAM, NY	0.91	1.00	0.95	0.8	0.96	1.19	1.2	1.34	0.9	0.97	0.8	1.09	0.7	0.9	0.96	0.96	1.03	0.93	0.7	1.17	0.9	1.0	1.0	0.8	1.07	1.02	1.01
ATTICA, NY	0.91	1.00	0.95	0.6	0.76	1.00	0.8	1.01	0.8	0.99	0.7	0.78	0.8	0.7	0.81	0.91	0.74	0.82	0.6	0.96	0.8	0.9	0.8	0.7	0.83	0.75	0.64
AUBURN, NY	0.91	1.00	0.95	0.9	0.90	0.80	0.8	0.94	0.9	0.86	0.8	1.00	0.9	0.8	0.85	0.92	0.86	0.78	0.6	1.09	1.0	1.0	0.9	1.1	1.04	1.03	0.88
BABYLON, NY	0.91	1.06	1.23	0.9	1.07	0.98	1.1	1.33	0.9	1.04	1.0	1.13	0.8	1.0	0.93	1.01	0.87	1.18	0.8	1.09	1.3	1.1	1.1	1.5	1.52	1.52	1.37
BATAVIA, NY	0.91	1.00	0.95	0.6	0.76	1.00	0.8	1.01	0.8	0.99	0.7	0.78	0.8	0.7	0.81	0.91	0.74	0.82	0.6	0.96	0.8	0.9	0.8	0.7	0.83	0.75	0.64
BATH, NY	0.91	1.00	0.95	0.9	0.90	0.80	0.8	0.94	0.9	0.86	0.8	1.00	0.9	0.8	0.85	0.92	0.86	0.78	0.6	1.09	0.9	1.0	0.9	1.0	0.94	0.87	0.91
BINGHAMTON, NY	0.91	1.00	0.95	0.8	0.89	0.92	0.8	0.77	0.8	0.90	0.8	0.97	0.9	0.8	0.81	0.91	1.04	0.87	0.8	0.95	0.9	0.8	0.9	1.0	0.94	0.87	0.91
BRONX, NY	0.91	1.06	1.23	0.9	1.07	0.98	1.1	1.33	0.9	1.04	1.0	1.13	0.8	1.0	0.93	1.01	0.87	1.18	0.8	1.09	1.1	1.1	1.1	1.4	1.55	1.39	1.07
BROOKLYN, NY	0.91	1.06	1.23	0.9	1.11	1.02	1.2	1.38	1.0	0.90	0.9	1.20	1.0	1.0	0.98	0.99	0.90	0.99	0.7	0.91	1.2	0.9	1.0	1.5	1.67	1.53	1.19
BUFFALO, NY	0.91	1.00	0.95	0.7	0.84	0.73	0.9	1.03	0.7	0.92	0.8	0.86	0.8	0.7	0.82	0.91	0.88	0.87	0.7	0.88	0.8	0.8	0.8	0.8	0.86	0.78	0.50
CANANDAIGUA, NY	0.91	1.00	0.95	0.8	0.89	0.92	0.8	0.77	0.9	0.90	0.8	0.97	0.9	0.8	0.81	0.91	1.04	0.87	0.8	0.95	0.7	0.8	0.9	1.0	0.97	0.88	0.79
CARMEL, NY	0.91	1.01	1.08	1.1	1.17	1.01	1.4	1.33	1.0	0.92	1.0	1.22	0.9	1.1	1.10	1.17	1.01	1.32	0.8	1.37	1.3	1.2	1.0	1.4	1.75	1.57	1.22
CASTLE POINT, NY	0.91	1.01	1.08	0.8	0.96	0.97	1.2	1.17	0.8	1.03	0.9	1.02	0.8	0.9	0.93	0.85	1.03	0.91	0.7	1.01	1.0	1.1	0.9	1.1	1.41	1.31	1.21
CATSKILL, NY	0.91	1.01	1.08	0.8	0.96	0.97	1.2	1.17	0.8	1.03	0.9	1.02	0.8	0.9	0.93	0.85	1.03	0.91	0.7	1.01	1.0	1.1	0.9	1.1	1.41	1.31	1.21
CORNING, NY	0.91	1.00	0.95	0.9	0.90	0.80	0.8	0.94	0.9	0.86	0.8	1.00	0.9	0.8	0.85	0.92	0.86	0.78	0.6	1.09	0.9	1.0	0.9	1.0	0.94	0.87	0.91
CORTLAND, NY	0.91	1.00	0.95	0.9	0.90	0.80	0.8	0.94	0.9	0.86	0.8	1.00	0.9	0.8	0.85	0.92	0.86	0.78	0.6	1.09	1.0	1.0	0.9	1.1	1.04	1.03	0.88
DANSVILLE, NY	0.91	1.00	0.95	0.8	0.89	0.92	0.8	0.77	0.9	0.90	0.8	0.97	0.9	0.8	0.81	0.91	1.04	0.87	0.8	0.95	0.7	0.8	0.9	1.0	0.97	0.88	0.79
ELIZABETHTOWN, NY	0.91	1.00	0.95	0.8	0.94	0.99	0.9	1.28	0.8	0.91	0.8	1.06	0.8	0.8	0.87	0.83	1.00	0.87	0.7	1.05	1.0	0.9	1.0	1.0	1.03	0.94	0.91
GENESEO, NY	0.91	1.00	0.95	0.8	0.89	0.92	0.8	0.77	0.9	0.90	0.8	0.97	0.9	0.8	0.81	0.91	1.04	0.87	0.8	0.95	0.7	0.8	0.9	1.0	0.97	0.88	0.79
GENEVA, NY	0.91	1.00	0.95	0.8	0.89	0.92	0.8	0.77	0.9	0.90	0.8	0.97	0.9	0.8	0.81	0.91	1.04	0.87	0.8	0.95	0.7	0.8	0.9	1.0	0.97	0.88	0.79
GLENS FALLS, NY	0.91	1.00	0.95	0.8	0.94	0.99	0.9	1.28	0.9	0.91	0.8	1.06	0.8	0.8	0.87	0.83	1.00	0.87	0.7	1.05	0.9	0.9	1.0	1.0	1.05	0.95	0.96
GLOVERSVILLE, NY	0.91	1.00	0.95	0.8	0.96	1.19	1.2	1.34	0.9	0.97	0.8	1.09	0.7	0.9	0.96	0.96	1.03	0.93	0.7	1.17	0.9	1.0	1.0	0.8	1.07	1.02	1.01
HARLEM, NY	0.91	1.09	1.35	1.3	1.44	1.15	1.3	1.80	1.1	0.92	1.1	1.43	0.8	0.9	1.25	1.31	1.00	1.32	1.0	1.21	1.3	1.0	1.1	1.6	1.91	1.75	1.12
HARRIS, NY	0.91	1.01	1.08	1.0	1.12	1.03	1.3	1.54	0.9	1.01	1.0	1.28	0.9	0.9	1.02	1.27	0.98	1.28	0.7	1.17	0.9	1.0	1.0	1.0	0.94	0.86	0.82
HICKSVILLE, NY	0.91	1.06	1.23	0.9	1.07	0.98	1.1	1.33	0.9	1.04	1.0	1.13	0.8	1.0	0.93	1.01	0.87	1.18	0.8	1.09	1.3	1.1	1.1	1.5	1.52	1.52	1.37
HORSEHEADS, NY	0.91	1.00	0.95	0.9	0.90	0.80	0.8	0.94	0.9	0.86	0.8	1.00	0.9	0.8	0.85	0.92	0.86	0.78	0.6	1.09	0.9	1.0	0.9	1.0	0.94	0.87	0.91
HOUGHTON, NY	0.91	1.00	0.95	0.7	0.84	0.73	0.9	1.03	0.8	0.92	0.8	0.86	0.8	0.7	0.82	0.91	0.88	0.87	0.7	0.88	0.8	0.8	0.8	0.7	0.83	0.75	0.64
HUDSON, NY	0.91	1.01	1.08	0.8	0.96	0.97	1.2	1.17	0.8	1.03	0.9	1.02	0.8	0.9	0.93	0.85	1.03	0.91	0.7	1.01	1.0	1.1	0.9	1.1	1.41	1.31	1.21
ISLIP, NY	0.91	1.06	1.23	0.9	1.07	0.98	1.1	1.33	0.9	1.04	1.0	1.13	0.8	1.0	0.93	1.01	0.87	1.18	0.8	1.09	1.3	1.1	1.1	1.5	1.52	1.52	1.37
ITHACA, NY	0.91	1.00	0.95	0.9	0.90	0.80	0.8	0.94	0.9	0.86	0.8	1.00	0.9	0.8	0.85	0.92	0.86	0.78	0.6	1.09	0.9	1.0	0.9	1.0	0.94	0.87	0.91
JAMESTOWN, NY	0.91	1.00	0.95	0.7	0.84	0.73	0.9	1.03	0.8	0.92	0.8	0.86	0.8	0.7	0.82	0.91	0.88	0.87	0.7	0.88	0.8	0.8	0.8	0.7	0.83	0.75	0.64
KINGSTON, NY	0.91	1.01	1.08	0.8	0.96	0.97	1.2	1.17	0.8	1.03	0.9	1.02	0.8	0.9	0.93	0.85	1.03	0.91	0.7	1.01	1.0	1.1	0.9	1.1	1.41	1.31	1.21
LIBERTY, NY	0.91	1.01	1.08	1.0	1.12	1.03	1.3	1.54	0.9	1.01	1.0	1.28	0.9	0.9	1.02	1.27	0.98	1.28	0.7	1.17	0.9	1.0	1.0	1.0	0.94	0.86	0.82
LINDENHURST, NY	0.91	1.06	1.23	0.9	1.07	0.98	1.1	1.33	0.9	1.04	1.0	1.13	0.8	1.0	0.93	1.01	0.87	1.18	0.8	1.09	1.3	1.1	1.1	1.5	1.52	1.52	1.37
LITTLE FALLS, NY	0.91	1.00	0.95	1.1	1.01	1.10	1.1	1.08	1.0	1.14	0.9	1.20	0.9	0.9	0.95	0.96	0.99	0.91	1.0	0.97	1.0	1.1	0.9	1.1	1.04	1.03	0.88
LYNBROOK, NY	0.91	1.06	1.23	0.9	1.07	0.98	1.1	1.33	0.9	1.04	1.0	1.13	0.8	1.0	0.93	1.01	0.87	1.18	0.8	1.09	1.1	1.1	1.1	1.5	1.58	1.52	1.31
LYONS, NY	0.91	1.00	0.95	0.8	0.89	0.92	0.8	0.77	0.9	0.90	0.8	0.97	0.9	0.8	0.81	0.91	1.04	0.87	0.8	0.95	0.7	0.8	0.9	1.0	0.97	0.88	0.79
MASSENA, NY	0.91	1.00	0.95	0.8	0.94	0.99	0.9	1.28	0.8	0.91	0.8	1.06	0.8	0.8	0.87	0.83	1.00	0.87	0.7	1.05	1.0	0.9	1.0	1.1	1.14	1.08	1.01
MONTICELLO, NY	0.91	1.01	1.08	1.0	1.12	1.03	1.3	1.54	0.9	1.01	1.0	1.28	0.9	0.9	1.02	1.27	0.98	1.28	0.7	1.17	0.9	1.0	1.0	1.0	0.94	0.86	0.82
MONTROSE, NY	0.91	1.06	1.23	1.0	1.06	0.86	1.2	1.17	0.9	0.84	0.9	1.09	0.8	0.9	0.98	1.07	0.86	1.19	0.7	1.25	1.1	1.1	1.0	1.4	1.55	1.39	1.07
MOUNT SINAI, NY	0.91	1.06	1.23	0.9	1.07	0.98	1.1	1.33	0.9	1.04	1.0	1.13	0.8	1.0	0.93	1.01	0.87	1.18	0.8	1.09	1.3	1.1	1.1	1.5	1.52	1.52	1.37
NEW YORK, NY	0.91	1.09	1.35	1.3	1.44	1.15	1.3	1.80	1.1	0.92	1.1	1.43	0.8	0.9	1.25	1.31	1.00	1.32	1.0	1.21	1.3	1.0	1.1	1.6	1.91	1.75	1.12
NIAGARA FALLS, NY	0.91	1.00	0.95	0.6	0.76	1.00	0.8	1.01	0.8	0.99	0.7	0.78	0.8	0.7	0.81	0.91	0.74	0.82	0.6	0.96	0.8	0.9	0.8	0.7	0.83	0.75	0.64
NORTH TONAWANDA, NY	0.91	1.00	0.95	0.6	0.76	1.00	0.8	1.01	0.8	0.99	0.7	0.78	0.8	0.7	0.81	0.91	0.74	0.82	0.6	0.96	0.8	0.9	0.8	0.7	0.83	0.75	0.64
NORTHPORT, NY	0.91	1.06	1.23	0.9	1.07	0.98	1.1	1.33	0.9	1.04	1.0	1.13	0.8	1.0	0.93	1.01	0.87	1.18	0.8	1.09	1.3	1.1	1.1	1.5	1.52	1.52	1.37
OLEAN, NY	0.91	1.00	0.95	0.7	0.84	0.73	0.9	1.03	0.8	0.92	0.8	0.86	0.8	0.7	0.82	0.91	0.88	0.87	0.7	0.88	0.8	0.8	0.8	0.7	0.83	0.75	0.64
OSWEGO, NY	0.91	1.00	0.95	0.9	0.90	0.80	0.8	0.94	0.9	0.86	0.8	1.00	0.9	0.8	0.85	0.92	0.86	0.78	0.6	1.09	1.0	1.0	0.9	1.1	1.04	1.03	0.88
PATCHOQUE, NY	0.91	1.06	1.23	0.9	1.07	0.98	1.1	1.33	0.9	1.04	1.0	1.13	0.8	1.0	0.93	1.01	0.87	1.18	0.8	1.09	1.3	1.1	1.1	1.5	1.52	1.52	1.37
PENN YAN, NY	0.91	1.00	0.95	0.8	0.89	0.92	0.8	0.77	0.9	0.90	0.8	0.97	0.9	0.8	0.81	0.91	1.04	0.87	0.8	0.95	0.7	0.8	0.9	1.0	0.97	0.88	0.79
PLAINVIEW, NY	0.91	1.06	1.23	0.9	1.07	0.98	1.1	1.33	0.9	1.04	1.0	1.13	0.8	1.0	0.93	1.01	0.87	1.18	0.8	1.09	1.3	1.1	1.1	1.5	1.52	1.52	1.37
PLATTSBURGH, NY	0.91	1.00	0.95	0.8	0.94	0.99	0.9	1.28	0.8	0.91	0.8	1.06	0.8	0.8	0.87	0.83	1.00	0.87	0.7	1.05	1.0	0.9	1.0	1.0	1.03	0.94	0.91
POMONA, NY	0.91	1.06	1.23	0.9	1.02	0.88	1.1	1.35	0.9	0.92	0.9	1.14	0.8	0.8	0.91	1.16	0.84	1.15	0.7	1.07	1.1	0.9	1.0	1.4	1.37	1.39	1.32
PORT JERVIS, NY	0.91	1.01	1.08	1.0	1.12	1.03	1.3	1.54	0.9	1.01	1.0	1.28	0.9	0.9	1.02	1.27	0.98	1.28	0.7	1.17	0.9	1.0	1.0	1.0	0.94	0.86	0.82
RENSSELAER COUNTY, NY	0.91	1.00	0.95	0.8	0.96	1.19	1.2	1.34	0.9	0.97	0.8	1.09	0.7	0.9	0.96	0.96	1.03	0.93	0.7	1.17	0.9	1.0	1.0	0.8	1.07	1.02	1.01
RIVERHEAD, NY	0.91	1.06	1.23	0.7	0.99	0.74	1.0	1.18	0.8	0.81	0.9	1.22	0.8	0.8	0.97	1.02	0.90	0.99	0.7	0.97	0.9	0.8	0.9	1.1	1.24	1.16	1.06
ROCHESTER, NY	0.91	1.00	0.95	0.8	0.89	0.92	0.8	0.77	0.9	0.90	0.8	0.97	0.9	0.8	0.81	0.91	1.04	0.87	0.8	0.95	0.7	0.8	0.9	1.0	0.97	0.88	0.79

TABLE H.—PHYSICIAN GAAFS (GEOGRAPHIC AREA ADJUSTMENT FACTORS) FOR RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS; BY VA FACILITY LOCATION—Continued

VA Facility location	Medicare work adjuster	RVU GAAFs: Work expense	Practice expense	Conversion factor GAAFs by physician CPT code group: Inpatient visits	Ofc/ Home/ Urgent care visits	Therapeutic injections	Allergy testing	Allergy immunotherapy	Misc. medical	ER visits & observ. care	Consults	Physical medicine	Cardiovascular	Immunizations	Well baby exams	Vision exams	Hearing/ speech exams	Physical exams	Chiropractor	OP psych./ alcohol & drug abuse	Surgery	Radiology	Pathology	Anesthesia	Normal deliveries	Cesarean deliveries	Non-deliveries
ROCKLAND COUNTY, NY	0.91	1.06	1.23	0.9	1.02	0.88	1.1	1.35	0.9	0.92	0.9	1.14	0.8	0.8	0.91	1.16	0.84	1.15	0.7	1.07	1.1	0.9	1.0	1.4	1.37	1.39	1.32
ROME, NY	0.91	1.00	0.95	1.1	1.01	1.10	1.1	1.08	1.0	1.14	0.9	1.20	0.9	0.9	0.95	0.96	0.99	0.91	1.0	0.97	1.0	1.1	0.9	1.1	1.04	1.03	0.88
SAINT ALBANS, NY	0.91	1.05	1.23	0.9	1.07	0.98	1.1	1.34	1.0	1.04	1.0	1.14	0.8	1.0	0.93	1.02	0.88	1.19	0.8	1.10	1.3	1.1	1.1	1.4	1.69	1.53	1.55
SARATOGA, NY	0.91	1.00	0.95	0.8	0.96	1.19	1.2	1.34	0.9	0.97	0.8	1.09	0.7	0.9	0.96	0.96	1.03	0.93	0.7	1.17	0.9	1.0	1.0	0.8	1.07	1.02	1.01
SAYVILLE, NY	0.91	1.06	1.23	0.9	1.07	0.98	1.1	1.33	0.9	1.04	1.0	1.13	0.8	1.0	0.93	1.01	0.87	1.18	0.8	1.09	1.3	1.1	1.1	1.5	1.52	1.52	1.37
SCHENECTADY, NY	0.91	1.00	0.95	0.8	0.96	1.19	1.2	1.34	0.9	0.97	0.8	1.09	0.7	0.9	0.96	0.96	1.03	0.93	0.7	1.17	0.9	1.0	1.0	0.8	1.07	1.02	1.01
SENECA FALLS, NY	0.91	1.00	0.95	0.9	0.90	0.80	0.8	0.94	0.9	0.86	0.8	1.00	0.9	0.8	0.85	0.92	0.86	0.78	0.6	1.09	1.0	1.0	0.9	1.1	1.04	1.03	0.88
SIDNEY, NY	0.91	1.01	1.08	0.8	0.83	0.79	0.7	0.68	0.7	0.85	0.7	0.89	0.7	0.7	0.75	0.86	0.91	0.80	0.8	0.90	0.9	0.8	0.9	1.0	0.94	0.86	0.82
SOMERS, NY	0.91	1.06	1.23	1.0	1.06	0.86	1.2	1.17	0.9	0.84	0.9	1.09	0.8	0.9	0.98	1.07	0.86	1.19	0.7	1.25	1.1	1.1	1.0	1.4	1.55	1.39	1.07
SONYEA, NY	0.91	1.00	0.95	0.8	0.89	0.92	0.8	0.77	0.9	0.90	0.8	0.97	0.9	0.8	0.81	0.91	1.04	0.87	0.8	0.95	0.7	0.8	0.9	1.0	0.97	0.88	0.79
STATEN ISLAND, NY	0.91	1.06	1.23	1.0	1.06	0.86	1.2	1.17	1.0	0.84	0.9	1.09	0.8	0.9	0.98	1.07	0.86	1.19	0.7	1.25	1.2	1.1	1.0	1.5	1.67	1.53	1.19
SYRACUSE, NY	0.91	1.00	0.95	1.1	1.01	1.10	1.1	1.08	1.0	1.14	0.9	1.20	0.9	0.9	0.95	0.96	0.99	0.91	1.0	0.97	1.0	1.1	0.9	1.1	1.14	1.08	1.01
UTICA, NY	0.91	1.00	0.95	0.8	0.94	0.99	0.9	1.28	0.8	0.91	0.8	1.06	0.8	0.8	0.87	0.83	1.00	0.87	0.7	1.05	1.0	0.9	1.0	1.1	1.04	1.03	0.88
WATERTOWN, NY	0.91	1.00	0.95	0.8	0.94	0.99	0.9	1.28	0.8	0.91	0.8	1.06	0.8	0.8	0.87	0.83	1.00	0.87	0.7	1.05	1.0	0.9	1.0	1.1	1.14	1.08	1.01
WELLSVILLE, NY	0.91	1.00	0.95	0.9	0.90	0.80	0.8	0.94	0.9	0.86	0.8	1.00	0.9	0.8	0.85	0.92	0.86	0.78	0.6	1.09	0.9	1.0	0.9	1.0	0.94	0.87	0.91
WHITE PLAINS, NY	0.91	1.06	1.23	0.9	1.15	1.16	1.1	1.68	0.9	0.91	1.0	1.11	0.9	1.0	1.15	1.13	0.90	1.10	0.8	1.17	1.1	0.9	1.1	1.4	1.55	1.39	1.07
YONKERS, NY	0.91	1.06	1.23	0.7	0.99	0.74	1.0	1.18	0.8	0.81	0.9	1.22	0.8	0.8	0.97	1.02	0.90	0.99	0.7	0.97	1.1	0.8	0.9	1.4	1.55	1.39	1.07
AKRON, OH	0.91	0.99	0.94	0.8	0.86	0.78	0.8	0.76	0.8	1.16	0.8	0.94	0.7	0.8	0.80	0.83	0.87	0.74	0.9	0.93	0.9	0.8	0.9	0.9	0.78	0.78	0.95
ASHTABULA, OH	0.91	0.99	0.94	0.8	0.91	0.90	1.4	0.79	0.9	1.13	0.9	0.99	1.2	1.0	0.80	0.88	0.84	0.76	1.0	0.85	1.0	0.9	0.9	1.0	0.75	0.76	1.03
ATHENS, OH	0.91	0.99	0.94	0.8	0.83	0.98	0.8	0.81	0.8	0.84	0.9	0.92	1.0	0.8	0.79	0.86	0.86	0.74	0.7	0.88	0.9	0.8	0.9	0.8	0.72	0.77	0.90
BATAVIA, OH	0.91	0.99	0.94	0.8	0.83	1.10	1.2	0.74	0.7	0.99	0.8	0.91	0.7	0.9	0.78	0.85	0.85	0.87	0.8	0.88	0.9	0.7	0.8	0.7	0.70	0.71	0.86
CANTON, OH	0.91	0.99	0.94	0.8	0.92	0.63	1.1	0.67	0.7	0.88	0.9	0.91	1.0	0.8	0.76	0.91	0.74	0.74	0.9	0.94	0.9	0.9	0.8	0.9	0.73	0.80	0.93
CHILLICOTHE, OH	0.91	0.99	0.94	0.9	0.86	1.06	1.0	0.78	0.9	0.90	0.9	0.96	1.0	0.9	0.80	0.84	0.87	0.76	0.8	0.91	0.9	0.9	0.9	0.8	0.71	0.71	0.88
CINCINNATI, OH	0.91	0.99	0.94	0.8	0.90	0.88	1.2	0.86	0.8	0.89	0.9	1.00	0.8	0.9	0.79	0.87	0.81	0.80	0.9	0.99	0.9	0.8	0.8	0.7	0.73	0.74	0.87
CLEVELAND, OH	0.91	0.99	0.94	1.3	1.06	1.10	1.5	0.90	0.9	1.00	1.2	1.07	1.0	1.0	0.92	0.96	0.94	0.82	0.9	1.00	1.1	1.1	0.9	1.0	0.81	0.78	0.96
COLUMBUS, OH	0.91	0.99	0.94	0.9	0.94	0.93	0.8	0.58	0.8	0.93	0.9	0.94	1.0	0.9	0.84	0.92	0.83	0.78	0.8	0.99	1.0	1.0	0.9	0.9	0.71	0.79	0.88
DAYTON, OH	0.91	0.99	0.94	0.9	0.86	1.06	1.0	0.78	0.9	0.90	0.9	0.96	1.0	0.9	0.80	0.84	0.87	0.76	0.8	0.91	0.9	0.9	0.9	0.8	0.71	0.71	0.88
EAST LIVERPOOL, OH	0.91	0.99	0.94	0.8	0.83	1.09	1.0	0.77	1.0	1.03	0.8	0.99	0.9	0.9	0.79	0.79	0.86	0.67	0.9	0.94	0.9	0.9	0.9	0.9	0.73	0.80	0.93
HILLSBORO, OH	0.91	0.99	0.94	0.8	0.83	1.10	1.2	0.74	0.7	0.99	0.8	0.91	0.7	0.9	0.78	0.85	0.85	0.87	0.8	0.88	0.9	0.7	0.8	0.7	0.70	0.71	0.86
LANCASTER, OH	0.91	0.99	0.94	0.8	0.83	0.98	0.8	0.81	0.8	0.84	0.9	0.92	1.0	0.8	0.79	0.86	0.86	0.74	0.7	0.88	0.9	0.8	0.9	0.8	0.72	0.77	0.90
LIMA, OH	0.91	0.99	0.94	0.8	0.80	1.15	1.1	0.67	0.7	0.91	0.8	0.91	0.8	0.9	0.79	0.77	0.97	0.67	0.7	0.93	0.9	1.0	0.9	0.8	0.71	0.78	0.90
LORAIN, OH	0.91	0.99	0.94	0.8	0.91	0.90	1.4	0.79	0.9	1.13	0.9	0.99	1.2	1.0	0.80	0.88	0.84	0.76	1.0	0.85	1.0	0.9	0.9	1.0	0.75	0.76	1.03
MANSFIELD, OH	0.91	0.99	0.94	0.8	0.80	0.94	0.8	0.68	0.8	0.96	0.9	0.89	1.0	0.8	0.79	0.91	0.74	0.64	0.8	0.91	0.9	0.8	0.8	0.8	0.71	0.78	0.90
MARIETTA, OH	0.91	0.99	0.94	0.8	0.83	0.98	0.8	0.81	0.8	0.84	0.9	0.92	1.0	0.8	0.79	0.86	0.86	0.74	0.7	0.88	0.9	0.8	0.9	0.8	0.72	0.77	0.90
MEDINA, OH	0.91	0.99	0.94	0.8	0.86	0.78	0.8	0.76	0.8	1.16	0.8	0.94	0.7	0.8	0.80	0.83	0.87	0.74	0.9	0.93	0.9	0.8	0.9	0.9	0.73	0.80	0.93
MIDDLETOWN, OH	0.91	0.99	0.94	0.8	0.83	1.10	1.2	0.74	0.7	0.99	0.8	0.91	0.7	0.9	0.78	0.85	0.85	0.87	0.8	0.88	0.9	0.7	0.8	0.7	0.70	0.71	0.86
PAINESVILLE, OH	0.91	0.99	0.94	0.8	0.91	0.90	1.4	0.79	0.9	1.13	0.9	0.99	1.2	1.0	0.80	0.88	0.84	0.76	1.0	0.85	1.0	0.9	0.9	1.0	0.75	0.76	1.03
PORTSMOUTH, OH	0.91	0.99	0.94	0.9	0.86	1.06	1.0	0.78	0.9	0.90	0.9	0.96	1.0	0.9	0.80	0.84	0.87	0.76	0.8	0.91	0.9	0.9	0.9	0.8	0.71	0.71	0.88
RAVENNA, OH	0.91	0.99	0.94	0.8	0.86	0.78	0.8	0.76	0.8	1.16	0.8	0.94	0.7	0.8	0.80	0.83	0.87	0.74	0.9	0.93	0.9	0.8	0.9	0.9	0.73	0.80	0.93
SAINT CLAIRSVILLE, OH	0.91	0.99	0.94	0.8	0.83	1.09	1.0	0.77	1.0	1.03	0.8	0.99	0.9	0.9	0.79	0.79	0.86	0.67	0.9	0.94	0.9	0.9	0.9	0.9	0.73	0.80	0.93
SANDUSKY, OH	0.91	0.99	0.94	0.8	0.80	0.94	0.8	0.68	0.8	0.96	0.9	0.89	1.0	0.8	0.79	0.91	0.74	0.64	0.8	0.91	0.9	0.8	0.8	0.8	0.71	0.78	0.90
SPRINGFIELD, OH	0.91	0.99	0.94	0.8	0.80	1.15	1.1	0.67	0.7	0.91	0.8	0.91	0.8	0.9	0.79	0.77	0.97	0.67	0.7	0.93	0.9	1.0	0.9	0.7	0.70	0.71	0.86
TOLEDO, OH	0.91	0.99	0.94	0.8	0.87	0.84	0.8	0.72	0.8	1.05	0.9	1.01	1.0	0.8	0.73	0.87	0.83	0.84	0.9	0.98	0.9	0.8	0.9	0.9	0.75	0.76	0.94
TROY, OH	0.91	0.99	0.94	0.8	0.80	1.15	1.1	0.67	0.7	0.91	0.8	0.91	0.8	0.9	0.79	0.77	0.97	0.67	0.7	0.93	0.9	1.0	0.9	0.7	0.70	0.71	0.86
WASHINGTON CTHS, OH	0.91	0.99	0.94	0.8	0.83	0.98	0.8	0.81	0.8	0.84	0.9	0.92	1.0	0.8	0.79	0.86	0.86	0.74	0.7	0.88	0.9	0.8	0.9	0.8	0.72	0.77	0.90
WELLSTON, OH	0.91	0.99	0.94	0.9	0.86	1.06	1.0	0.78	0.9	0.90	0.9	0.96	1.0	0.9	0.80	0.84	0.87	0.76	0.8	0.91	0.9	0.9	0.9	0.8	0.71	0.71	0.88
YOUNGSTOWN, OH	0.91	0.99	0.94	0.8	0.83	1.09	1.0	0.77	1.0	1.03	0.8	0.99	0.9	0.9	0.79	0.79	0.86	0.67	0.9	0.94	0.9	0.9	0.9	0.8	0.69	0.75	0.85
ZANESVILLE, OH	0.91	0.99	0.94	0.7	0.81	0.84	0.9	0.93	0.8	0.89	0.8	0.85	0.8	0.8	0.73	0.84	0.83	0.67	0.7	0.80	0.9	0.8	0.8	0.8	0.72	0.77	0.90
ADA, OK	0.91	0.96	0.88	0.8	0.92	1.16	1.0	0.76	0.8	0.98	1.0	1.09	0.9	0.9	0.84	0.95	0.87	0.77	0.7	1.06	0.9	0.8	0.9	0.7	0.78	0.75	0.81
ALTUS, OK	0.91	0.96	0.88	0.9	0.97	0.92	0.7	1.53	0.8	0.92	0.9	1.12	0.7	0.9	0.84	0.89	1.11	0.80	1.0	1.08	0.9	0.9	0.8	0.7	0.78	0.75	0.81
ARDMORE, OK	0.91	0.96	0.88	0.8	0.92	1.16	1.0	0.76	0.8	0.98	1.0	1.09	0.9	0.9	0.84	0.95	0.87	0.77	0.7	1.06	0.8	0.8	0.9	0.7	0.72	0.78	0.73
CLINTON, OK	0.91	0.96	0.88	0.8	0.95	1.17	0.8	0.69	0.7	0.95	0.9	1.05	0.7	0.9	0.92	0.97	0.97	0.86	0.9	0.98	0.9	0.8	0.8	0.7	0.78	0.75	0.81
JAY, OK	0.91	0.96	0.88	0.8	0.92	1.16	1.0	0.76	0.8	0.98	1.0	1.09	0.9	0.9	0.84	0.95	0.87	0.77	0.7	1.06	0.8	0.8	0.9	0.7	0.72	0.78	0.73
JENKS, OK	0.91	0.96	0.88	0.8	0.95	1.17	0.8	0.69	0.8	0.95	0.9	1.05	0.7	0.9	0.92	0.97	0.97	0.86	0.9	0.98	0.8	0.8	0.8	0.7	0.72	0.78	0.73
LAWTON, OK	0.91	0.96	0.88	0.9	0.97	0.92	0.7	1.53	0.8	0.92	0.9	1.12	0.7	0.9	0.84	0.89	1.11	0.80	1.0	1.08	0.9	0.9	0.8	0.7	0.78	0.75	0.81
MCALESTER, OK	0.91	0.96	0.88	0.9	0.97	0.92	0.7	1.53	0.9	0.92	0.9	1.12	0.7	0.9	0.84	0.89	1.11	0.80	1.0	1.08	0.8	0.9	0.8	0.7	0.72	0.78	0.73

TABLE H.—PHYSICIAN GAAFS (GEOGRAPHIC AREA ADJUSTMENT FACTORS) FOR RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS; BY VA FACILITY LOCATION—Continued

VA Facility location	Medicare work adjuster	RVU GAAFs: Work expense	Practice expense	Conversion factor GAAFs by physician CPT code group: Inpatient visits	Ofc/Home/Urgent care visits	Therapeutic injections	Allergy testing	Allergy immunotherapy	Misc. medical	ER visits & observ. care	Consults	Physical medicine	Cardiovascular	Immunizations	Well baby exams	Vision exams	Hearing/speech exams	Physical exams	Chiropractor	OP psych./alcohol & drug abuse	Surgery	Radiology	Pathology	Anesthesia	Normal deliveries	Cesarean deliveries	Non-deliveries
MUSKOGEE, OK	0.91	0.96	0.88	0.8	0.95	1.17	0.8	0.69	0.8	0.95	0.9	1.05	0.7	0.9	0.92	0.97	0.97	0.86	0.9	0.98	0.8	0.8	0.8	0.7	0.72	0.78	0.73
NORMAN, OK	0.91	0.96	0.88	0.8	0.92	1.16	1.0	0.76	0.8	0.98	1.0	1.09	0.9	0.9	0.84	0.95	0.87	0.77	0.7	1.06	0.9	0.8	0.9	0.7	0.78	0.75	0.81
OKLAHOMA CITY, OK	0.91	0.96	0.88	0.9	0.97	1.23	1.0	0.93	0.8	1.00	0.9	1.07	0.7	1.0	0.85	0.95	0.98	0.98	0.8	0.84	0.9	1.0	1.0	0.8	0.80	0.78	0.80
PONCA CITY, OK	0.91	0.96	0.88	0.8	0.95	1.17	0.8	0.69	0.7	0.95	0.9	1.05	0.7	0.9	0.92	0.97	0.97	0.86	0.9	0.98	0.9	0.8	0.8	0.7	0.78	0.75	0.81
POTEAU, OK	0.91	0.96	0.88	0.9	0.97	0.92	0.7	1.53	0.9	0.92	0.9	1.12	0.7	0.9	0.84	0.89	1.11	0.80	1.0	1.08	0.8	0.9	0.8	0.7	0.72	0.78	0.73
TALAHINA, OK	0.91	0.96	0.88	0.9	0.97	0.92	0.7	1.53	0.9	0.92	0.9	1.12	0.7	0.9	0.84	0.89	1.11	0.80	1.0	1.08	0.8	0.9	0.8	0.7	0.72	0.78	0.73
TULSA, OK	0.91	0.96	0.88	1.0	1.03	1.38	1.2	0.73	0.8	1.11	0.9	1.06	0.9	0.8	0.85	1.01	0.92	0.93	1.0	0.96	0.8	1.1	0.9	0.8	0.76	0.73	0.74
ASTORIA, OR	0.91	0.96	0.93	0.9	0.99	0.82	0.9	0.75	0.8	0.96	0.9	0.93	0.9	0.9	1.08	0.99	0.87	1.28	0.8	0.88	0.8	0.7	0.7	0.7	0.99	0.92	0.75
BANDON, OR	0.91	0.96	0.93	0.9	0.97	0.68	1.2	0.78	0.8	0.90	0.9	0.90	0.8	0.8	1.30	1.01	1.01	1.40	0.8	0.93	0.8	0.8	0.7	0.7	0.91	0.87	0.64
BEAVERTON, OR	0.91	0.99	1.01	0.8	0.94	0.76	0.9	0.70	0.7	0.91	0.9	0.88	0.8	0.8	1.02	0.94	0.81	1.21	0.8	0.84	0.8	0.7	0.7	0.7	0.94	0.88	0.71
BEND, OR	0.91	0.96	0.93	0.9	0.97	0.68	1.2	0.78	0.8	0.90	0.9	0.90	0.8	0.8	1.30	1.01	1.01	1.40	0.8	0.93	0.8	0.8	0.7	0.7	0.91	0.87	0.64
BROOKINGS, OR	0.91	0.96	0.93	0.9	0.97	0.68	1.2	0.78	0.8	0.90	0.9	0.90	0.8	0.8	1.30	1.01	1.01	1.40	0.8	0.93	0.8	0.8	0.7	0.7	0.91	0.87	0.64
EUGENE, OR	0.91	0.96	0.93	0.9	0.97	0.68	1.2	0.78	0.8	0.90	0.9	0.90	0.8	0.8	1.30	1.01	1.01	1.40	0.8	0.93	0.8	0.8	0.7	0.7	0.91	0.87	0.64
GRANTS PASS, OR	0.91	0.96	0.93	0.9	0.97	0.68	1.2	0.78	0.8	0.90	0.9	0.90	0.8	0.8	1.30	1.01	1.01	1.40	0.8	0.93	0.8	0.8	0.7	0.7	0.91	0.87	0.64
GRESHAM, OR	0.91	0.99	1.01	0.8	0.94	0.76	0.9	0.70	0.7	0.91	0.9	0.88	0.8	0.8	1.02	0.94	0.81	1.21	0.8	0.84	0.8	0.7	0.7	0.7	0.94	0.88	0.71
KLAMATH FALLS, OR	0.91	0.96	0.93	0.9	0.97	0.68	1.2	0.78	0.8	0.90	0.9	0.90	0.8	0.8	1.30	1.01	1.01	1.40	0.8	0.93	0.8	0.8	0.7	0.7	0.91	0.87	0.64
AKE OSWEGO, OR	0.91	0.99	1.01	0.8	0.94	0.76	0.9	0.70	0.7	0.91	0.9	0.88	0.8	0.8	1.02	0.94	0.81	1.21	0.8	0.84	0.8	0.7	0.7	0.7	0.94	0.88	0.71
LINCOLN CITY, OR	0.91	0.96	0.93	0.9	0.99	0.82	0.9	0.75	0.8	0.96	0.9	0.93	0.9	0.9	1.08	0.99	0.87	1.28	0.8	0.88	0.8	0.7	0.7	0.7	0.91	0.87	0.64
PORTLAND, OR	0.91	0.99	1.01	0.9	1.00	1.02	1.0	0.91	0.8	0.96	1.0	0.87	0.8	0.8	1.23	0.95	0.91	1.52	1.0	0.91	0.8	0.8	0.7	0.7	0.94	0.88	0.71
ROSEBURG, OR	0.91	0.96	0.93	0.9	0.97	0.68	1.2	0.78	0.8	0.90	0.9	0.90	0.8	0.8	1.30	1.01	1.01	1.40	0.8	0.93	0.8	0.8	0.7	0.7	0.91	0.87	0.64
SALEM, OR	0.91	0.96	0.93	0.9	0.99	0.82	0.9	0.75	0.8	0.96	0.9	0.93	0.9	0.9	1.08	0.99	0.87	1.28	0.8	0.88	0.8	0.7	0.7	0.7	0.91	0.87	0.64
THE DALLES, OR	0.91	0.96	0.93	0.9	0.99	0.82	0.9	0.75	0.8	0.96	0.9	0.93	0.9	0.9	1.08	0.99	0.87	1.28	0.8	0.88	0.8	0.7	0.7	0.7	0.99	0.92	0.75
TILLAMOOK, OR	0.91	0.96	0.93	0.9	0.99	0.82	0.9	0.75	0.8	0.96	0.9	0.93	0.9	0.9	1.08	0.99	0.87	1.28	0.8	0.88	0.8	0.7	0.7	0.7	0.99	0.92	0.75
WHITE CITY, OR	0.91	0.96	0.93	0.9	0.97	0.68	1.2	0.78	0.8	0.90	0.9	0.90	0.8	0.8	1.30	1.01	1.01	1.40	0.8	0.93	0.8	0.8	0.7	0.7	0.91	0.87	0.64
ALIQUIPPA, PA	0.91	0.99	0.92	0.8	0.87	1.07	1.2	0.73	1.0	0.96	0.8	1.09	1.1	0.9	0.81	0.93	1.58	0.69	0.8	0.96	1.0	0.9	0.9	0.9	0.85	0.81	1.15
ALLENTOWN, PA	0.91	0.99	0.92	0.8	0.92	0.99	1.0	0.83	1.0	0.90	0.8	1.08	1.1	1.0	0.78	0.94	1.24	0.76	0.8	0.91	1.0	1.0	1.1	1.1	0.97	0.84	1.21
ALTOONA, PA	0.91	0.99	0.92	0.9	0.81	0.81	1.0	0.85	0.7	0.74	0.8	0.97	1.0	0.9	0.72	0.84	1.38	0.62	0.7	0.81	1.0	0.9	0.9	0.8	0.89	0.92	1.06
ARMSTRONG, PA	0.91	0.99	0.92	0.8	0.82	1.14	1.5	0.59	0.8	1.01	0.7	1.13	1.0	0.9	0.65	0.90	1.12	0.68	0.7	0.75	0.9	0.9	0.9	0.8	1.04	0.97	1.02
BLOOMSBURG, PA	0.91	0.99	0.92	1.1	0.88	0.72	0.8	0.80	0.7	0.85	0.9	0.94	1.1	0.9	0.74	0.90	1.53	0.73	0.7	0.84	1.0	0.9	0.8	0.8	0.86	0.89	1.31
BUTLER, PA	0.91	0.99	0.92	0.8	0.81	0.72	1.2	0.62	0.8	1.02	0.8	0.86	0.9	0.9	0.73	0.83	1.16	0.72	0.7	0.79	0.9	0.8	0.8	0.8	1.04	0.97	1.02
CAMP HILL, PA	0.91	0.99	0.92	0.9	0.84	0.80	1.6	0.89	0.8	0.89	0.8	0.93	1.1	0.9	0.71	0.85	1.20	0.67	0.6	0.75	0.9	1.0	0.7	0.9	0.79	0.72	1.04
CARBONDALE, PA	0.91	0.99	0.92	0.8	0.80	1.92	1.9	0.67	0.7	1.17	0.7	1.06	1.1	0.9	0.87	0.90	1.35	0.67	1.0	1.16	1.0	1.0	0.9	0.8	0.90	0.89	1.14
CLARION, PA	0.91	0.99	0.92	0.8	0.82	1.14	1.5	0.59	0.8	1.01	0.7	1.13	1.0	0.9	0.65	0.90	1.12	0.68	0.7	0.75	0.9	0.9	0.9	0.8	1.04	0.97	1.02
CLEARFIELD, PA	0.91	0.99	0.92	0.9	0.81	0.81	1.0	0.85	0.8	0.74	0.8	0.97	1.0	0.9	0.72	0.84	1.38	0.62	0.7	0.81	0.9	0.9	0.9	0.9	0.85	0.81	0.98
COATESVILLE, PA	0.91	1.02	1.09	0.8	0.87	0.81	1.0	0.91	0.9	1.13	0.8	0.96	1.0	0.8	0.80	0.91	1.10	0.73	0.7	0.77	0.9	0.9	1.2	1.0	0.95	0.85	0.95
CRAWFORD, PA	0.91	0.99	0.92	0.8	0.82	0.79	1.6	0.98	0.7	0.81	0.7	1.01	0.9	0.9	0.68	0.80	1.30	0.68	0.7	0.86	1.0	0.9	1.0	0.8	0.89	0.92	1.06
ERIE, PA	0.91	0.99	0.92	0.9	0.88	0.81	0.8	0.61	0.8	0.80	0.8	0.98	1.4	1.0	0.78	0.83	1.11	0.68	0.9	1.05	1.0	0.9	0.8	0.8	0.89	0.92	1.06
FAYETTE COUNTY, PA	0.91	0.99	0.92	0.8	0.87	1.07	1.2	0.73	0.9	0.96	0.8	1.09	1.1	0.9	0.81	0.93	1.58	0.69	0.8	0.96	0.9	0.9	0.9	0.9	0.85	0.81	0.98
GREENSBURG, PA	0.91	0.99	0.92	0.8	0.82	1.14	1.5	0.59	0.7	1.01	0.7	1.13	1.0	0.9	0.65	0.90	1.12	0.68	0.7	0.75	1.0	0.9	0.9	0.8	0.89	0.92	1.06
HARRISBURG, PA	0.91	0.99	0.92	1.1	0.88	0.72	0.8	0.80	0.7	0.85	0.9	0.94	1.1	0.9	0.74	0.90	1.53	0.73	0.7	0.84	0.9	0.9	0.8	0.9	0.79	0.72	1.04
JOHNSTOWN, PA	0.91	0.99	0.92	0.9	0.81	0.81	1.0	0.85	0.8	0.74	0.8	0.97	1.0	0.9	0.72	0.84	1.38	0.62	0.7	0.81	0.9	0.9	0.9	0.9	0.85	0.81	0.98
LANCASTER, PA	0.91	0.99	0.92	0.8	0.81	0.86	1.1	0.81	0.7	1.24	0.7	0.97	0.9	0.8	0.71	0.86	1.00	0.65	0.7	0.91	0.9	1.0	0.7	0.9	0.73	0.74	0.98
LAWRENCE, PA	0.91	0.99	0.92	0.8	0.82	0.79	1.6	0.98	0.8	0.81	0.7	1.01	0.9	0.9	0.68	0.80	1.30	0.68	0.7	0.86	1.0	0.9	1.0	0.9	0.85	0.81	1.15
LEBANON, PA	0.91	0.99	0.92	0.9	0.84	0.80	1.6	0.89	0.8	0.89	0.8	0.93	1.1	0.9	0.71	0.85	1.20	0.67	0.6	0.75	0.9	1.0	0.7	0.9	0.79	0.72	1.04
MCCANDLESS, PA	0.91	0.99	0.92	1.0	0.93	1.00	1.1	0.80	0.9	1.04	0.8	1.18	1.1	0.9	0.81	0.92	1.61	0.73	1.2	0.92	1.0	1.0	0.9	1.0	0.85	0.84	0.99
MCKEAN, PA	0.91	0.99	0.92	0.8	0.80	1.92	1.9	0.67	0.8	1.17	0.7	1.06	1.1	0.9	0.87	0.90	1.35	0.67	1.0	1.16	0.9	1.0	0.9	0.8	1.04	0.97	1.02
MCKEESPORT, PA	0.91	0.99	0.92	0.8	0.87	1.07	1.2	0.73	1.0	0.96	0.8	1.09	1.1	0.9	0.81	0.93	1.58	0.69	0.8	0.96	1.0	0.9	0.9	0.9	0.85	0.81	1.15
MERCER, PA	0.91	0.99	0.92	0.8	0.82	0.79	1.6	0.98	0.8	0.81	0.7	1.01	0.9	0.9	0.68	0.80	1.30	0.68	0.7	0.86	1.0	0.9	1.0	0.9	0.85	0.81	1.15
MONROEVILLE, PA	0.91	0.99	0.92	0.8	0.87	1.07	1.2	0.73	1.0	0.96	0.8	1.09	1.1	0.9	0.81	0.93	1.58	0.69	0.8	0.96	1.0	0.9	0.9	0.9	0.85	0.81	1.15
ORWIGSBURG, PA	0.91	0.99	0.92	0.9	0.81	0.67	0.8	0.69	0.8	1.14	0.8	0.95	1.0	0.9	0.66	0.84	1.40	0.62	1.3	1.06	1.0	0.9	1.0	0.8	0.86	0.89	1.31
PHILADELPHIA, PA	0.91	1.02	1.09	1.2	1.09	1.05	0.9	0.89	0.9	0.97	1.0	1.09	1.1	0.9	0.87	1.03	1.43	0.88	0.9	0.98	1.1	1.1	1.1	1.3	1.02	0.98	0.95
PITTSBURGH, PA	0.91	0.99	0.92	1.0	0.93	1.00	1.1	0.80	0.9	1.04	0.8	1.18	1.1	0.9	0.81	0.92	1.61	0.73	1.2	0.92	1.0	1.0	0.9	1.0	0.85	0.84	0.99
POTTSVILLE, PA	0.91	0.99	0.92	0.9	0.81	0.67	0.8	0.69	0.8	1.14	0.8	0.95	1.0	0.9	0.66	0.84	1.40	0.62	1.3	1.06	1.0	0.9	1.0	0.8	0.86	0.89	1.31
READING, PA	0.91	0.99	0.92	0.8	0.87	0.80	1.0	0.81	0.8	0.90	0.8	1.13	1.0	0.9	0.88	0.86	1.24	0.75	0.7	0.84	1.0	0.9	0.6	0.8	0.86	0.89	1.31
SAYRE, PA	0.91	0.99	0.92	0.9	0.92	0.96	1.1	0.98	0.8	1.18	0.9	1.15	1.2	0.9	0.79	1.12	1.41	0.70	0.9	0.89	1.0	0.8	0.9	0.8	0.90	0.89	1.14
SCHUYLKILL, PA	0.91	0.99	0.92	0.9	0.81	0.67	0.8	0.69	0.8	1.14	0.8	0.95	1.0	0.9	0.66	0.84	1.40	0.62	1.3	1.06	1.0	0.9	1.0	0.8	0.86	0.89	1.31
SCRANTON, PA	0.91	0.99	0.92	0.8	0.88	0.52	0.8	1.10	0.8	0.85	0.7	1.05	1.1	0.9	0.64	0.86	1.68	0.58	0.8	0.94	1.0	1.0	0.8	0.7	0.86	0.97	1.22
SHENANDOAH, PA	0.91	0.99	0.92	0.9	0.81	0.67	0.8	0.69	0.8	1.14	0.8	0.95	1.0	0.9	0.66	0.84	1.40	0.62	1.3	1.06	1.0	0.9	1.0	0.8	0.86	0.89	1.31
SPRINGFIELD, PA	0.91	1.02	1.09	0.9	0.89	1.03	0.9	1.02	0.9	1.06	0.8	1.17	1.0	0.9	0.86	0.98	1.19	0.77	1.1	0.93	1.0	1.0	1.0	1.1	0.96	0.88	1.01

TABLE H.—PHYSICIAN GAAFS (GEOGRAPHIC AREA ADJUSTMENT FACTORS) FOR RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS; BY VA FACILITY LOCATION—Continued

VA Facility location	Medicare work adjuster	RVU GAAFs: Work expense	Practice expense	Conversion factor GAAFs by physician CPT code group: Inpatient visits	Ofc/Home/Urgent care visits	Therapeutic injections	Allergy testing	Allergy immunotherapy	Misc. medical	ER visits & observ. care	Consults	Physical medicine	Cardiovascular	Immunizations	Well baby exams	Vision exams	Hearing/speech exams	Physical exams	Chiropractor	OP psych./alcohol & drug abuse	Surgery	Radiology	Pathology	Anesthesia	Normal deliveries	Cesarean deliveries	Non-deliveries
STATE COLLEGE, PA	0.91	0.99	0.92	0.9	0.81	0.81	1.0	0.85	0.8	0.74	0.8	0.97	1.0	0.9	0.72	0.84	1.38	0.62	0.7	0.81	0.9	0.9	0.9	0.9	0.85	0.81	0.98
TOBYHANNA, PA	0.91	0.99	0.92	0.8	0.80	1.92	1.9	0.67	0.7	1.17	0.7	1.06	1.1	0.9	0.87	0.90	1.35	0.67	1.0	1.16	1.0	1.0	0.9	0.8	0.90	0.89	1.14
WASHINGTON, PA	0.91	0.99	0.92	0.8	0.87	1.07	1.2	0.73	1.0	0.96	0.8	1.09	1.1	0.9	0.81	0.93	1.58	0.69	0.8	0.96	0.9	0.9	0.9	0.8	1.04	0.97	1.02
WILKES-BARRE, PA	0.91	0.99	0.92	0.9	0.81	0.67	0.8	0.69	0.8	1.14	0.8	0.95	1.0	0.9	0.66	0.84	1.40	0.62	1.3	1.06	1.0	0.9	1.0	0.7	0.86	0.97	1.22
WILLIAMSPORT, PA	0.91	0.99	0.92	0.8	0.80	1.92	1.9	0.67	0.7	1.17	0.7	1.06	1.1	0.9	0.87	0.90	1.35	0.67	1.0	1.16	1.0	1.0	0.9	0.8	0.86	0.89	1.31
WILLOW GROVE, PA	0.91	1.02	1.09	0.9	0.89	1.03	0.9	1.02	0.9	1.06	0.8	1.17	1.0	0.9	0.86	0.98	1.19	0.77	1.1	0.93	1.0	1.0	1.0	1.1	0.96	0.88	1.01
YORK, PA	0.91	0.99	0.92	0.8	0.81	0.86	1.1	0.81	0.8	1.24	0.7	0.97	0.9	0.8	0.71	0.86	1.00	0.65	0.7	0.91	1.0	1.0	0.7	0.9	0.81	0.81	0.81
ARECIBO, PR	0.91	0.88	0.73	1.2	1.13	1.52	1.4	1.18	1.2	1.04	1.1	1.22	1.4	1.6	1.23	1.14	1.47	0.96	1.7	0.88	1.1	1.1	0.7	0.8	1.17	1.17	1.13
CEIBA, PR	0.91	0.88	0.73	1.2	1.13	1.52	1.4	1.18	1.2	1.04	1.1	1.22	1.4	1.6	1.23	1.14	1.47	0.96	1.7	0.88	1.1	1.1	0.7	0.8	1.17	1.17	1.13
FAJARDO, PR	0.91	0.88	0.73	1.2	1.13	1.52	1.4	1.18	1.2	1.04	1.1	1.22	1.4	1.6	1.23	1.14	1.47	0.96	1.7	0.88	1.1	1.1	0.7	0.8	1.17	1.17	1.13
MAYAGUEZ, PR	0.91	0.88	0.73	1.2	1.13	1.52	1.4	1.18	1.2	1.04	1.1	1.22	1.4	1.6	1.23	1.14	1.47	0.96	1.7	0.88	1.1	1.1	0.7	0.8	1.17	1.17	1.13
PONCE, PR	0.91	0.88	0.73	1.2	1.13	1.52	1.4	1.18	1.2	1.04	1.1	1.22	1.4	1.6	1.23	1.14	1.47	0.96	1.7	0.88	1.1	1.1	0.7	0.8	1.17	1.17	1.13
SAN JUAN, PR	0.91	0.88	0.73	1.2	1.13	1.52	1.4	1.18	1.2	1.04	1.1	1.22	1.4	1.6	1.23	1.14	1.47	0.96	1.7	0.88	1.1	1.1	0.7	0.8	1.17	1.17	1.13
CRANSTON, RI	0.91	1.01	1.07	0.8	1.00	0.77	1.3	0.99	0.8	0.77	0.9	1.17	0.7	0.6	1.01	0.97	1.22	1.03	0.8	0.86	0.9	1.0	0.9	1.0	1.02	0.85	0.97
PROVIDENCE, RI	0.91	1.01	1.07	0.8	1.00	0.77	1.3	0.99	0.8	0.77	0.9	1.17	0.7	0.6	1.01	0.97	1.22	1.03	0.8	0.86	0.9	1.0	0.9	1.0	1.02	0.85	0.97
CHARLESTON, SC	0.91	0.97	0.90	0.9	0.92	1.27	0.7	0.84	1.1	1.05	0.9	0.96	0.9	0.8	0.85	0.91	0.92	0.81	0.8	0.91	0.9	1.0	0.8	0.8	0.82	0.75	0.86
COLUMBIA, SC	0.91	0.97	0.90	0.9	0.95	1.08	1.0	0.79	1.1	0.96	0.9	0.95	1.0	0.9	0.91	0.86	0.92	0.90	0.7	0.79	0.9	0.9	0.8	0.8	0.86	0.75	1.02
FLORENCE, SC	0.91	0.97	0.90	0.9	0.92	1.27	0.7	0.84	1.1	1.05	0.9	0.96	0.9	0.8	0.85	0.91	0.92	0.81	0.8	0.91	0.9	1.0	0.8	0.8	0.86	0.76	0.85
GREENVILLE, SC	0.91	0.97	0.90	0.9	0.95	1.20	0.9	0.85	1.0	0.94	0.9	0.91	0.9	0.9	0.83	0.93	0.83	0.82	1.4	0.93	0.9	1.0	0.8	0.8	0.77	0.67	0.81
MYRTLE BEACH, SC	0.91	0.97	0.90	0.9	0.92	1.27	0.7	0.84	1.1	1.05	0.9	0.96	0.9	0.8	0.85	0.91	0.92	0.81	0.8	0.91	0.9	1.0	0.8	0.8	0.86	0.76	0.85
EAGLE BUTTE, SD	0.91	0.93	0.86	0.9	0.91	0.75	1.0	0.78	0.8	0.93	1.0	0.95	1.0	0.8	0.71	0.86	0.87	0.69	0.7	0.86	0.8	0.9	0.8	0.7	0.71	0.85	0.82
ELLSWORTH AFB, SD	0.91	0.93	0.86	0.9	0.91	0.75	1.0	0.78	0.8	0.93	1.0	0.95	1.0	0.8	0.71	0.86	0.87	0.69	0.7	0.86	0.9	0.9	0.8	0.7	0.76	0.86	0.78
FORT MEADE, SD	0.91	0.93	0.86	0.9	0.91	0.75	1.0	0.78	0.8	0.93	1.0	0.95	1.0	0.8	0.71	0.86	0.87	0.69	0.7	0.86	0.9	0.9	0.8	0.7	0.76	0.86	0.78
HOT SPRINGS, SD	0.91	0.93	0.86	0.9	0.91	0.75	1.0	0.78	0.8	0.93	1.0	0.95	1.0	0.8	0.71	0.86	0.87	0.69	0.7	0.86	0.9	0.9	0.8	0.7	0.76	0.86	0.78
KYLE, SD	0.91	0.93	0.86	0.9	0.91	0.75	1.0	0.78	0.8	0.93	1.0	0.95	1.0	0.8	0.71	0.86	0.87	0.69	0.7	0.86	0.9	0.9	0.8	0.7	0.76	0.86	0.78
MCLAUGHLIN, SD	0.91	0.93	0.86	0.9	0.91	0.75	1.0	0.78	0.8	0.93	1.0	0.95	1.0	0.8	0.71	0.86	0.87	0.69	0.7	0.86	0.8	0.9	0.8	0.7	0.71	0.85	0.82
PIERRE, SD	0.91	0.93	0.86	0.9	0.91	0.75	1.0	0.78	0.8	0.93	1.0	0.95	1.0	0.8	0.71	0.86	0.87	0.69	0.7	0.86	0.8	0.9	0.8	0.7	0.71	0.85	0.82
PINE RIDGE, SD	0.91	0.93	0.86	0.9	0.91	0.75	1.0	0.78	0.8	0.93	1.0	0.95	1.0	0.8	0.71	0.86	0.87	0.69	0.7	0.86	0.9	0.9	0.8	0.7	0.76	0.86	0.78
RAPID CITY, SD	0.91	0.93	0.86	0.9	0.91	0.75	1.0	0.78	0.8	0.93	1.0	0.95	1.0	0.8	0.71	0.86	0.87	0.69	0.7	0.86	0.9	0.9	0.8	0.7	0.76	0.86	0.78
ROSEBUD, SD	0.91	0.93	0.86	0.9	0.91	0.75	1.0	0.78	0.8	0.93	1.0	0.95	1.0	0.8	0.71	0.86	0.87	0.69	0.7	0.86	0.8	0.9	0.8	0.7	0.71	0.85	0.82
SIOUX FALLS, SD	0.91	0.93	0.86	1.0	1.01	0.99	0.8	0.71	0.9	0.94	1.1	0.90	1.1	0.8	0.90	1.04	0.98	0.70	0.7	1.14	1.0	0.8	0.8	0.7	0.84	0.87	0.87
WINNER, SD	0.91	0.93	0.86	0.9	0.91	0.75	1.0	0.78	0.8	0.93	1.0	0.95	1.0	0.8	0.71	0.86	0.87	0.69	0.7	0.86	0.8	0.9	0.8	0.7	0.71	0.85	0.82
ARNOLD AFB, TN	0.91	0.97	0.89	0.9	0.97	0.91	0.9	0.76	0.8	0.96	0.9	0.95	0.9	1.0	0.89	0.86	0.85	0.86	1.0	1.07	0.9	0.9	0.9	1.0	0.88	0.80	0.86
CHATTANOOGA, TN	0.91	0.97	0.89	1.0	0.99	1.02	0.7	0.54	1.0	0.91	1.0	1.00	0.9	0.9	0.84	0.92	0.87	1.00	0.7	1.09	1.0	0.9	0.8	1.0	0.88	0.87	1.03
CLARKSVILLE, TN	0.91	0.97	0.89	0.9	0.93	0.90	0.9	0.63	0.8	0.95	0.9	0.95	0.9	0.8	0.95	0.88	0.87	0.85	0.9	1.04	1.0	0.9	0.8	0.9	0.86	0.83	0.87
COOKEVILLE, TN	0.91	0.97	0.89	0.9	0.97	0.91	0.9	0.76	0.8	0.96	0.9	0.95	0.9	1.0	0.89	0.86	0.85	0.86	1.0	1.07	0.9	0.9	0.9	1.0	0.88	0.80	0.86
DOVER, TN	0.91	0.97	0.89	0.9	0.93	0.90	0.9	0.63	0.8	0.95	0.9	0.95	0.9	0.8	0.95	0.88	0.87	0.85	0.9	1.04	1.0	0.9	0.8	0.9	0.86	0.83	0.87
JOHNSON CITY, TN	0.91	0.97	0.89	0.9	0.97	0.91	0.9	0.76	0.8	0.96	0.9	0.95	0.9	1.0	0.89	0.86	0.85	0.86	1.0	1.07	0.9	0.9	0.9	0.9	0.81	0.82	0.77
KNOXVILLE, TN	0.91	0.97	0.89	0.9	0.97	0.91	0.9	0.76	0.9	0.96	0.9	0.95	0.9	1.0	0.89	0.86	0.85	0.86	1.0	1.07	0.9	0.9	0.9	0.9	0.90	0.90	0.89
MADISON, TN	0.91	0.97	0.89	0.9	0.93	0.90	0.9	0.63	0.8	0.95	0.9	0.95	0.9	0.8	0.95	0.88	0.87	0.85	0.9	1.04	1.0	0.9	0.8	0.9	0.86	0.83	0.87
MEMPHIS, TN	0.91	0.97	0.89	0.9	1.01	1.05	1.0	0.85	1.0	1.02	0.9	1.10	0.9	1.0	0.76	1.00	0.94	0.80	1.3	1.10	0.9	0.9	0.9	1.0	0.90	0.86	0.91
MOUNTAIN CITY, TN	0.91	0.97	0.89	0.9	0.97	0.91	0.9	0.76	0.8	0.96	0.9	0.95	0.9	1.0	0.89	0.86	0.85	0.86	1.0	1.07	0.9	0.9	0.9	0.9	0.81	0.82	0.77
MOUNTAIN HOME, TN	0.91	0.97	0.89	0.9	0.97	0.91	0.9	0.76	0.8	0.96	0.9	0.95	0.9	1.0	0.89	0.86	0.85	0.86	1.0	1.07	0.9	0.9	0.9	0.9	0.81	0.82	0.77
MURFREESBORO, TN	0.91	0.97	0.89	0.9	0.93	0.90	0.9	0.63	0.8	0.95	0.9	0.95	0.9	0.8	0.95	0.88	0.87	0.85	0.9	1.04	1.0	0.9	0.8	0.9	0.86	0.83	0.87
NASHVILLE, TN	0.91	0.97	0.89	1.0	1.06	0.90	0.8	0.65	1.0	0.98	1.1	1.05	0.8	0.9	1.07	0.98	0.89	1.02	0.9	1.08	1.0	0.8	0.9	1.1	0.94	0.90	0.98
TULLAHOMA, TN	0.91	0.97	0.89	0.9	0.97	0.91	0.9	0.76	0.8	0.96	0.9	0.95	0.9	1.0	0.89	0.86	0.85	0.86	1.0	1.07	0.9	0.9	0.9	1.0	0.88	0.80	0.86
ABILENE, TX	0.91	0.96	0.88	0.9	0.91	1.08	0.9	0.64	0.9	0.87	0.9	0.88	1.0	1.0	0.83	0.86	0.94	0.74	0.7	1.02	0.9	0.9	0.9	0.9	0.80	0.85	1.04
ALICE, TX	0.91	0.96	0.88	0.9	1.01	0.96	1.0	0.84	0.9	0.98	0.9	1.02	0.9	0.9	0.86	1.03	0.97	0.84	0.9	0.98	1.0	0.9	0.9	0.8	0.83	0.95	0.98
AMARILLO, TX	0.91	0.96	0.88	0.9	0.92	1.09	0.8	0.71	0.9	0.91	0.9	0.93	1.0	1.0	0.81	0.98	0.90	0.77	0.7	1.01	0.9	1.0	1.0	0.9	0.80	0.85	1.04
AUSTIN, TX	0.91	0.98	0.99	1.0	1.01	1.20	0.9	0.75	0.9	0.83	0.9	1.01	1.0	1.0	0.80	0.84	0.85	0.83	0.8	0.90	0.9	1.1	0.9	0.8	0.75	0.78	0.87
BEAUMONT, TX	0.91	0.99	0.89	1.0	0.95	1.28	1.0	0.91	0.9	1.05	0.9	0.96	1.0	0.9	0.80	0.87	0.87	0.91	0.8	1.02	0.9	1.0	0.9	0.9	0.88	0.91	0.83
BEEVILLE, TX	0.91	0.96	0.88	0.9	1.00	1.24	0.8	0.89	1.0	0.98	0.9	1.01	1.0	1.0	0.84	0.99	0.94	0.77	0.8	1.10	0.9	1.1	0.9	0.9	0.80	0.85	1.04
BIG SPRING, TX	0.91	0.96	0.88	0.9	0.91	1.08	0.9	0.64	1.0	0.87	0.9	0.88	1.0	1.0	0.83	0.86	0.94	0.74	0.7	1.02	0.9	0.9	0.9	0.9	0.82	0.86	0.89
BONHAM, TX	0.91	0.96	0.88	1.1	1.03	1.17	1.1	0.85	1.0	1.04	1.0	1.05	1.2	1.0	1.00	0.95	1.07	0.95	1.0	1.08	0.9	1.1	1.0	0.8	0.93	0.92	0.79
BROWNSVILLE, TX	0.91	0.96	0.88	1.0	0.96	0.84	0.8	0.82	1.0	1.09	0.9	1.01	1.0	1.1	0.84	0.84	0.87	0.85	0.7	0.99	1.0	1.0	1.0	0.8	0.83	0.95	0.98
BROWNWOOD, TX	0.91	0.96	0.88	0.9	0.91	1.08	0.9	0.64	0.9	0.87	0.9	0.88	1.0	1.0	0.83	0.86	0.94	0.74	0.7	1.02	0.9	0.9	0.9	0.9	0.80	0.85	1.04
BRYAN, TX	0.91	0.96	0.88	1.0	0.98	1.36	1.0	0.95	1.0	1.09	1.0	1.01	1.1	1.0	0.83	0.90	0.93	0.95	0.8	1.07	0.9	1.0	0.9	0.8	0.79	0.82	0.93
CHILDRESS, TX	0.91	0.96	0.88	0.9	0.91	1.08	0.9	0.64	0.9	0.87	0.9	0.88	1.0	1.0	0.83	0.86	0.94	0.74	0.7	1.02	0.9	0.9	0.9	0.9	0.80	0.85	1.04
CLEBURNE, TX	0.91	0.96	0.88	1.0	0.98	1.29	1.0	0.80	1.0	0.92	0.9	1.04	1.1	1.0	0.91	0.96	0.94	0.94	1.0	1.08	1.0	1.1	0.9	0.9	0.89	0.87	0.96

TABLE H.—PHYSICIAN GAAFS (GEOGRAPHIC AREA ADJUSTMENT FACTORS) FOR RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS; BY VA FACILITY LOCATION—Continued

VA Facility location	Medicare work adjuster	RVU GAAFs: Work expense	RVU GAAFs: Practice expense	Conversion factor GAAFs by physician CPT code group: Inpatient visits	Ofc/Home/Urgent care visits	Therapeutic injections	Allergy testing	Allergy immunotherapy	Misc. medical	ER visits & observ. care	Consults	Physical medicine	Cardiovascular	Immunizations	Well baby exams	Vision exams	Hearing/speech exams	Physical exams	Chiropractor	OP psych./alcohol & drug abuse	Surgery	Radiology	Pathology	Anesthesia	Normal deliveries	Cesarean deliveries	Non-deliveries
COPPERAS COVE, TX	0.91	0.96	0.88	1.1	1.24	0.87	1.3	0.98	1.1	0.99	1.2	0.95	1.2	1.1	1.45	0.94	1.29	0.90	0.8	1.12	0.9	1.1	1.1	0.8	0.79	0.82	0.93
CORPUS CHRISTI, TX ..	0.91	0.96	0.88	0.9	1.01	0.96	1.0	0.84	0.9	0.98	0.9	1.02	0.9	0.9	0.86	1.03	0.97	0.84	0.9	0.98	1.0	0.9	0.9	0.8	0.83	0.95	0.98
CORSICANA, TX	0.91	0.96	0.88	0.9	0.98	0.96	1.1	1.03	1.0	0.88	0.9	0.99	1.0	1.0	0.86	0.94	0.87	1.02	0.7	1.05	1.1	1.0	0.9	1.0	0.96	0.98	1.02
DALLAS, TX	0.91	1.01	1.01	1.1	1.07	1.19	0.8	0.69	1.1	1.13	1.0	0.98	1.0	0.9	0.91	0.93	1.06	0.93	0.7	0.99	1.0	1.0	1.1	1.1	0.90	0.90	0.87
DECATUR, TX	0.91	0.96	0.88	1.0	0.98	1.29	1.0	0.80	1.0	0.92	0.9	1.04	1.1	1.0	0.91	0.96	0.94	0.94	1.0	1.08	1.0	1.1	0.9	0.9	0.89	0.87	0.96
DEL RIO, TX	0.91	0.96	0.88	0.9	1.00	1.24	0.8	0.89	1.0	0.98	0.9	1.01	1.0	1.0	0.84	0.99	0.94	0.77	0.8	1.10	0.9	1.1	0.9	0.9	0.80	0.85	1.04
DENTON, TX	0.91	0.96	0.88	1.0	0.98	1.29	1.0	0.80	1.0	0.92	0.9	1.04	1.1	1.0	0.91	0.96	0.94	0.94	1.0	1.08	1.0	1.1	0.9	0.9	0.89	0.87	0.96
DIAMOND HILL, TX	0.91	0.98	0.97	1.0	0.94	1.18	0.9	0.73	0.9	0.88	0.9	0.98	1.0	0.9	0.86	0.92	0.86	0.88	1.0	1.04	0.9	1.0	0.9	0.9	0.82	0.81	0.75
EAGLE PASS, TX	0.91	0.96	0.88	0.9	1.00	1.24	0.8	0.89	1.0	0.98	0.9	1.01	1.0	1.0	0.84	0.99	0.94	0.77	0.8	1.10	0.9	1.1	0.9	0.9	0.80	0.85	1.04
EASTLAND, TX	0.91	0.96	0.88	0.9	0.91	1.08	0.9	0.64	0.9	0.87	0.9	0.88	1.0	1.0	0.83	0.86	0.94	0.74	0.7	1.02	0.9	0.9	0.9	0.9	0.80	0.85	1.04
EL PASO, TX	0.91	0.96	0.88	1.0	0.95	1.46	0.9	0.83	1.0	1.04	1.0	1.15	0.9	0.9	0.82	0.93	1.01	0.86	0.7	1.30	0.9	1.2	0.9	0.9	0.82	0.86	0.89
FORT STOCKTON, TX ..	0.91	0.96	0.88	0.9	0.91	1.08	0.9	0.64	1.0	0.87	0.9	0.88	1.0	1.0	0.83	0.86	0.94	0.74	0.7	1.02	0.9	0.9	0.9	0.9	0.82	0.86	0.89
FORT WORTH, TX	0.91	0.98	0.97	1.0	0.94	1.18	0.9	0.73	0.9	0.88	0.9	0.98	1.0	0.9	0.86	0.92	0.86	0.88	1.0	1.04	0.9	1.0	0.9	0.9	0.82	0.81	0.75
GALVESTON, TX	0.91	0.98	0.96	0.9	0.91	1.13	0.8	0.69	0.9	1.03	0.9	0.92	1.1	0.9	0.91	0.88	0.91	0.84	0.7	0.95	1.0	1.0	0.9	0.9	0.82	0.83	0.87
GEORGETOWN, TX	0.91	0.96	0.88	0.8	0.95	1.14	1.0	0.66	0.9	0.86	0.9	0.92	0.7	1.0	1.07	0.81	0.82	0.83	0.8	0.92	0.9	1.0	0.9	0.8	0.79	0.82	0.93
GREENVILLE, TX	0.91	0.96	0.88	1.1	1.03	1.17	1.1	0.85	1.0	1.04	1.0	1.05	1.2	1.0	1.00	0.95	1.07	0.95	1.0	1.08	0.9	1.1	1.0	0.8	0.93	0.92	0.79
HAMILTON, TX	0.91	0.96	0.88	1.1	1.24	0.87	1.3	0.98	1.1	0.99	1.2	0.95	1.2	1.1	1.45	0.94	1.29	0.90	0.8	1.12	0.9	1.1	1.1	0.8	0.79	0.82	0.93
HOUSTON, TX	0.91	1.02	1.00	1.0	0.98	1.11	0.9	0.68	1.0	1.06	1.0	1.00	0.9	0.9	0.83	0.96	0.90	0.84	1.0	0.94	1.0	1.0	1.0	1.0	0.87	0.87	0.92
KERRVILLE, TX	0.91	0.96	0.88	0.9	1.00	1.24	0.8	0.89	1.1	0.98	0.9	1.01	1.0	1.0	0.84	0.99	0.94	0.77	0.8	1.10	0.9	1.1	0.9	0.8	0.79	0.82	0.93
KINGSVILLE, TX	0.91	0.96	0.88	0.9	1.01	0.96	1.0	0.84	0.9	0.98	0.9	1.02	0.9	0.9	0.86	1.03	0.97	0.84	0.9	0.98	1.0	0.9	0.9	0.8	0.83	0.95	0.98
LAREDO, TX	0.91	0.96	0.88	0.9	1.00	1.24	0.8	0.89	1.1	0.98	0.9	1.01	1.0	1.0	0.84	0.99	0.94	0.77	0.8	1.10	0.9	1.1	0.9	0.8	0.79	0.82	0.93
LONGVIEW, TX	0.91	0.96	0.88	0.9	0.98	0.96	1.1	1.03	0.8	0.88	0.9	0.99	1.0	1.0	0.86	0.94	0.87	1.02	0.7	1.05	0.9	1.0	0.9	0.8	0.93	0.92	0.79
LUBBOCK, TX	0.91	0.96	0.88	1.0	0.93	1.12	0.6	0.66	0.9	0.94	0.9	1.02	1.0	1.1	0.66	0.98	0.99	0.74	0.7	1.05	0.9	1.0	0.9	0.9	0.82	0.86	0.89
LUFKIN, TX	0.91	0.96	0.88	0.9	0.98	0.96	1.1	1.03	0.8	0.88	0.9	0.99	1.0	1.0	0.86	0.94	0.87	1.02	0.7	1.05	0.9	1.0	0.9	0.9	0.95	0.98	0.89
MARLIN, TX	0.91	0.96	0.88	0.9	0.91	1.08	0.9	0.64	1.0	0.87	0.9	0.88	1.0	1.0	0.83	0.86	0.94	0.74	0.7	1.02	0.9	0.9	0.9	0.8	0.79	0.82	0.93
MCALLEN, TX	0.91	0.96	0.88	1.0	0.96	0.84	0.8	0.82	1.0	1.09	0.9	1.01	1.0	1.1	0.84	0.84	0.87	0.85	0.7	0.99	1.0	1.0	1.0	0.8	0.83	0.95	0.98
MCKINNEY, TX	0.91	0.96	0.88	1.1	1.03	1.17	1.1	0.85	1.2	1.04	1.0	1.05	1.2	1.0	1.00	0.95	1.07	0.95	1.0	1.08	1.1	1.1	1.0	1.0	0.96	0.98	1.02
MEMPHIS, TX	0.91	0.96	0.88	0.9	0.91	1.08	0.9	0.64	0.9	0.87	0.9	0.88	1.0	1.0	0.83	0.86	0.94	0.74	0.7	1.02	0.9	0.9	0.9	0.9	0.80	0.85	1.04
MIDLAND, TX	0.91	0.96	0.88	0.9	0.91	1.08	0.9	0.64	1.0	0.87	0.9	0.88	1.0	1.0	0.83	0.86	0.94	0.74	0.7	1.02	0.9	0.9	0.9	0.9	0.82	0.86	0.89
MONAHANS, TX	0.91	0.96	0.88	0.9	0.91	1.08	0.9	0.64	1.0	0.87	0.9	0.88	1.0	1.0	0.83	0.86	0.94	0.74	0.7	1.02	0.9	0.9	0.9	0.9	0.82	0.86	0.89
NEW BRAUNFELS, TX	0.91	0.96	0.88	0.9	1.00	1.24	0.8	0.89	1.0	0.98	0.9	1.01	1.0	1.0	0.84	0.99	0.94	0.77	0.8	1.10	0.9	1.1	0.9	0.9	0.80	0.85	1.04
ODESSA, TX	0.91	0.96	0.88	0.9	0.91	1.08	0.9	0.64	1.0	0.87	0.9	0.88	1.0	1.0	0.83	0.86	0.94	0.74	0.7	1.02	0.9	0.9	0.9	0.9	0.82	0.86	0.89
PALESTINE, TX	0.91	0.96	0.88	0.9	0.98	0.96	1.1	1.03	0.8	0.88	0.9	0.99	1.0	1.0	0.86	0.94	0.87	1.02	0.7	1.05	0.9	1.0	0.9	0.9	0.95	0.98	0.89
PLEASANT GROVE, TX	0.91	1.01	1.01	1.1	1.07	1.19	0.8	0.69	1.1	1.13	1.0	0.98	1.0	0.9	0.91	0.93	1.06	0.93	0.7	0.99	1.0	1.0	1.1	1.1	0.90	0.90	0.87
REESE, TX	0.91	0.96	0.88	1.0	0.93	1.12	0.6	0.66	0.9	0.94	0.9	1.02	1.0	1.1	0.66	0.98	0.99	0.74	0.7	1.05	0.9	1.0	0.9	0.9	0.82	0.86	0.89
SAN ANGELO, TX	0.91	0.96	0.88	0.9	0.92	1.09	0.8	0.71	0.9	0.91	0.9	0.93	1.0	1.0	0.81	0.98	0.90	0.77	0.7	1.01	0.9	1.0	1.0	0.9	0.82	0.86	0.89
SAN ANTONIO, TX	0.91	0.96	0.88	0.9	1.00	1.24	0.8	0.89	1.0	0.98	0.9	1.01	1.0	1.0	0.84	0.99	0.94	0.77	0.8	1.10	0.9	1.1	0.9	0.8	0.77	0.78	0.80
SAN MARCOS, TX	0.91	0.96	0.88	0.8	0.95	1.14	1.0	0.66	0.9	0.86	0.9	0.92	0.7	1.0	1.07	0.81	0.82	0.83	0.8	0.92	0.9	1.0	0.9	0.8	0.79	0.82	0.93
SEGUIN, TX	0.91	0.96	0.88	0.9	1.00	1.24	0.8	0.89	1.0	0.98	0.9	1.01	1.0	1.0	0.84	0.99	0.94	0.77	0.8	1.10	0.9	1.1	0.9	0.9	0.80	0.85	1.04
SOUTH BEXAR CO., TX	0.91	0.96	0.88	0.9	1.00	1.24	0.8	0.89	1.0	0.98	0.9	1.01	1.0	1.0	0.84	0.99	0.94	0.77	0.8	1.10	0.9	1.1	0.9	0.8	0.77	0.78	0.80
STAMFORD, TX	0.91	0.96	0.88	0.9	0.91	1.08	0.9	0.64	0.9	0.87	0.9	0.88	1.0	1.0	0.83	0.86	0.94	0.74	0.7	1.02	0.9	0.9	0.9	0.9	0.80	0.85	1.04
STEPHENVILLE, TX	0.91	0.96	0.88	0.9	0.91	1.08	0.9	0.64	0.9	0.87	0.9	0.88	1.0	1.0	0.83	0.86	0.94	0.74	0.7	1.02	0.9	0.9	0.9	0.9	0.80	0.85	1.04
STRATFORD, TX	0.91	0.96	0.88	0.9	0.91	1.08	0.9	0.64	0.9	0.87	0.9	0.88	1.0	1.0	0.83	0.86	0.94	0.74	0.7	1.02	0.9	0.9	0.9	0.9	0.80	0.85	1.04
TEMPLE, TX	0.91	0.96	0.88	1.1	1.24	0.87	1.3	0.98	1.1	0.99	1.2	0.95	1.2	1.1	1.45	0.94	1.29	0.90	0.8	1.12	0.9	1.1	1.1	0.8	0.79	0.82	0.93
TEXARKANA, T X	0.91	0.96	0.88	1.2	1.08	1.31	1.0	0.77	1.0	1.16	1.1	1.12	1.1	1.1	0.92	1.05	1.06	0.93	1.1	1.04	0.9	1.1	1.0	0.9	0.95	0.98	0.89
TYLER, TX	0.91	0.96	0.88	0.9	0.98	0.96	1.1	1.03	0.8	0.88	0.9	0.99	1.0	1.0	0.86	0.94	0.87	1.02	0.7	1.05	0.9	1.0	0.9	0.8	0.93	0.92	0.79
UVALDE, TX	0.91	0.96	0.88	0.9	1.00	1.24	0.8	0.89	1.0	0.98	0.9	1.01	1.0	1.0	0.84	0.99	0.94	0.77	0.8	1.10	0.9	1.1	0.9	0.9	0.80	0.85	1.04
VICTORIA, TX	0.91	0.96	0.88	0.8	0.95	1.14	1.0	0.66	0.9	0.86	0.9	0.92	0.7	1.0	1.07	0.81	0.82	0.83	0.8	0.92	0.9	1.0	0.9	0.8	0.79	0.82	0.93
WACO, TX	0.91	0.96	0.88	1.0	0.97	1.28	1.0	0.76	1.0	1.09	0.9	1.00	1.2	1.0	0.98	0.93	1.03	0.91	0.8	1.01	0.9	1.0	0.9	0.8	0.79	0.82	0.93
WICHITA FALLS, TX	0.91	0.96	0.88	1.1	1.03	1.17	1.1	0.85	1.1	1.04	1.0	1.05	1.2	1.0	1.00	0.95	1.07	0.95	1.0	1.08	0.9	1.1	1.0	0.9	0.80	0.85	1.04
WILLFORD HALL, TX	0.91	0.96	0.88	0.9	1.00	1.24	0.8	0.89	1.0	0.98	0.9	1.01	1.0	1.0	0.84	0.99	0.94	0.77	0.8	1.10	0.9	1.1	0.9	0.8	0.77	0.78	0.80
LAYTON, UT	0.91	0.97	0.90	0.9	0.84	0.84	0.8	0.58	0.7	0.86	0.9	0.84	0.9	0.9	0.86	0.85	0.82	0.81	0.8	0.87	0.7	0.8	0.7	0.6	0.64	0.68	0.62
OGDEN, UT	0.91	0.97	0.90	0.9	0.90	0.81	0.8	0.47	0.8	0.87	0.9	0.81	0.8	0.7	0.84	0.87	1.01	0.84	0.6	0.92	0.7	0.8	0.7	0.6	0.64	0.68	0.62
OREM, UT	0.91	0.97	0.90	0.9	0.84	0.84	0.8	0.58	0.7	0.86	0.9	0.84	0.9	0.9	0.86	0.85	0.82	0.81	0.8	0.87	0.7	0.8	0.7	0.6	0.64	0.68	0.62
PROVO, UT	0.91	0.97	0.90	0.9	0.84	0.84	0.8	0.58	0.7	0.86	0.9	0.84	0.9	0.9	0.86	0.85	0.82	0.81	0.8	0.87	0.7	0.8	0.7	0.6	0.64	0.68	0.62
ROOSEVELT, UT	0.91	0.97	0.90	0.9	0.84	0.84	0.8	0.58	0.7	0.86	0.9	0.84	0.9	0.9	0.86	0.85	0.82	0.81	0.8	0.87	0.7	0.8	0.7	0.6	0.64	0.68	0.62
SAINT GEORGE, UT	0.91	0.97	0.90	0.9	0.84	0.84	0.8	0.58	0.7	0.86	0.9	0.84	0.9	0.9	0.86	0.85	0.82	0.81	0.8	0.87	0.7	0.8	0.7	0.6	0.64	0.68	0.62
SALT LAKE CITY, UT	0.91	0.97	0.90	0.9	0.90	0.81	0.8	0.47	0.8	0.87	0.9	0.81	0.8	0.7	0.84	0.87	1.01	0.84	0.6	0.92	0.8	0.8	0.7	0.7	0.68	0.76	0.59
ALEXANDRIA, VA	0.91	1.05	1.17	1.0	1.04	0.98	0.7	0.87	1.0	1.01	0.9	1.02	0.9	0.9	0.82	0.99	0.89	0.89	0.8	0.94	1.0	0.8	1.0	1.0	1.17	1.11	1.06

TABLE H.—PHYSICIAN GAAFS (GEOGRAPHIC AREA ADJUSTMENT FACTORS) FOR RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS; BY VA FACILITY LOCATION—Continued

VA Facility location	Medicare work adjuster	RVU GAAFs: Work expense	Practice expense	Conversion factor GAAFs by physician CPT code group: Inpatient visits	Ofc/Home/Urgent care visits	Therapeutic injections	Allergy testing	Allergy immunotherapy	Misc. medical	ER visits & observ. care	Consults	Physical medicine	Cardiovascular	Immunizations	Well baby exams	Vision exams	Hearing/speech exams	Physical exams	Chiropractor	OP psych./alcohol & drug abuse	Surgery	Radiology	Pathology	Anesthesia	Normal deliveries	Cesarean deliveries	Non-deliveries
COVINGTON, VA	0.91	0.98	0.94	0.9	0.90	0.83	0.8	0.51	0.8	0.93	0.9	0.95	0.9	0.9	0.97	0.84	1.15	0.78	0.7	0.81	0.9	1.0	1.0	0.7	0.82	0.75	0.80
DANVILLE, VA	0.91	0.98	0.94	0.9	0.93	0.94	1.0	0.60	0.8	0.98	0.9	0.90	0.9	0.8	0.96	0.81	0.81	0.75	0.7	0.87	0.9	0.9	0.8	0.7	0.79	0.72	0.83
FAIRFAX, VA	0.91	1.05	1.17	1.0	1.03	0.92	0.7	0.65	1.0	0.99	1.0	0.96	0.9	0.9	0.89	1.01	0.93	0.90	0.8	0.87	0.9	0.9	1.0	1.1	1.08	1.05	1.01
FREDERICKSBURG, VA	0.91	0.98	0.94	0.9	0.95	0.92	1.1	0.70	0.8	0.95	0.9	0.94	0.8	0.9	0.88	0.83	1.08	0.99	0.7	0.87	0.9	1.1	0.8	0.9	0.92	0.91	0.83
HAMPTON , VA	0.91	0.98	0.94	0.9	0.96	1.14	1.2	0.81	0.9	1.02	0.9	0.94	0.9	0.9	0.84	0.92	0.86	0.90	0.8	0.92	0.9	1.0	0.8	0.7	0.88	0.86	0.89
HILLSVILLE, VA	0.91	0.98	0.94	0.9	0.90	0.83	0.8	0.51	0.8	0.93	0.9	0.95	0.9	0.9	0.97	0.84	1.15	0.78	0.7	0.81	0.9	1.0	1.0	0.7	0.79	0.72	0.83
LANGLEY, VA	0.91	1.05	1.17	1.0	1.03	0.92	0.7	0.65	1.0	0.99	1.0	0.96	0.9	0.9	0.89	1.01	0.93	0.90	0.8	0.87	0.9	0.9	1.0	1.1	1.08	1.05	1.01
LYNCHBURG, VA	0.91	0.98	0.94	0.9	0.93	0.94	1.0	0.60	0.8	0.98	0.9	0.90	0.9	0.8	0.96	0.81	0.81	0.75	0.7	0.87	0.9	0.9	0.8	0.7	0.79	0.72	0.83
MARION, VA	0.91	0.98	0.94	0.9	0.90	0.83	0.8	0.51	0.8	0.93	0.9	0.95	0.9	0.9	0.97	0.84	1.15	0.78	0.7	0.81	0.9	1.0	1.0	0.7	0.79	0.72	0.83
MARTINSVILLE, VA	0.91	0.98	0.94	0.9	0.93	0.94	1.0	0.60	0.8	0.98	0.9	0.90	0.9	0.8	0.96	0.81	0.81	0.75	0.7	0.87	0.9	0.9	0.8	0.7	0.82	0.75	0.80
NORFOLK, VA	0.91	0.98	0.94	0.9	0.98	0.77	1.0	0.76	1.0	0.93	0.9	0.97	0.9	0.9	0.82	0.98	0.92	0.84	0.7	0.93	0.9	0.8	0.9	0.8	0.87	0.88	0.86
NORTON, VA	0.91	0.98	0.94	0.9	0.90	0.83	0.8	0.51	0.8	0.93	0.9	0.95	0.9	0.9	0.97	0.84	1.15	0.78	0.7	0.81	0.9	1.0	1.0	0.7	0.82	0.75	0.80
PETERSBURG, VA	0.91	0.98	0.94	0.9	0.95	0.92	1.1	0.70	0.8	0.95	0.9	0.94	0.8	0.9	0.88	0.83	1.08	0.99	0.7	0.87	0.9	1.1	0.8	0.7	0.88	0.86	0.89
PULASKI, VA	0.91	0.98	0.94	0.9	0.90	0.83	0.8	0.51	0.8	0.93	0.9	0.95	0.9	0.9	0.97	0.84	1.15	0.78	0.7	0.81	0.9	1.0	1.0	0.7	0.79	0.72	0.83
RICHMOND, VA	0.91	0.98	0.94	0.9	0.98	0.77	1.0	0.76	1.0	0.93	0.9	0.97	0.9	0.9	0.82	0.98	0.92	0.84	0.7	0.93	0.9	0.8	0.9	0.8	0.86	0.81	0.78
ROANOKE, VA	0.91	0.98	0.94	0.9	0.93	0.94	1.0	0.60	0.8	0.98	0.9	0.90	0.9	0.8	0.96	0.81	0.81	0.75	0.7	0.87	0.9	0.9	0.8	0.7	0.82	0.75	0.80
SALEM, VA	0.91	0.98	0.94	0.9	0.93	0.94	1.0	0.60	0.8	0.98	0.9	0.90	0.9	0.8	0.96	0.81	0.81	0.75	0.7	0.87	0.9	0.9	0.8	0.7	0.82	0.75	0.80
STUARTS DRAFT, VA	0.91	0.98	0.94	0.9	0.90	0.83	0.8	0.51	0.8	0.93	0.9	0.95	0.9	0.9	0.97	0.84	1.15	0.78	0.7	0.81	0.9	1.0	1.0	0.7	0.82	0.75	0.80
TAZEWELL, VA	0.91	0.98	0.94	0.9	0.90	0.83	0.8	0.51	0.8	0.93	0.9	0.95	0.9	0.9	0.97	0.84	1.15	0.78	0.7	0.81	0.9	1.0	1.0	0.7	0.82	0.75	0.80
BENNINGTON, VT	0.91	0.97	0.98	0.8	0.93	1.08	0.7	0.89	1.1	0.80	0.8	0.94	0.7	0.7	0.80	0.87	1.20	0.93	0.7	0.87	0.9	1.0	0.9	1.0	0.78	0.85	0.84
BURLINGTON, VT	0.91	0.97	0.98	0.8	0.93	1.08	0.7	0.89	1.1	0.80	0.8	0.94	0.7	0.7	0.80	0.87	1.20	0.93	0.7	0.87	0.9	1.0	0.9	1.0	0.78	0.85	0.84
MONTPELIER, VT	0.91	0.97	0.98	0.8	0.85	0.75	0.9	1.20	0.8	0.90	0.8	1.02	0.7	0.7	0.79	0.88	1.13	0.81	0.7	0.83	0.9	0.7	0.8	1.0	0.78	0.85	0.84
NEWPORT, VT	0.91	0.97	0.98	0.8	0.85	0.75	0.9	1.20	0.8	0.90	0.8	1.02	0.7	0.7	0.79	0.88	1.13	0.81	0.7	0.83	0.9	0.7	0.8	1.0	0.78	0.85	0.84
NORTH TROY, VT	0.91	0.97	0.98	0.8	0.85	0.75	0.9	1.20	0.8	0.90	0.8	1.02	0.7	0.7	0.79	0.88	1.13	0.81	0.7	0.83	0.9	0.7	0.8	1.0	0.78	0.85	0.84
RUTLAND, VT	0.91	0.97	0.98	0.8	0.85	0.75	0.9	1.20	0.8	0.90	0.8	1.02	0.7	0.7	0.79	0.88	1.13	0.81	0.7	0.83	0.9	0.7	0.8	1.0	0.78	0.85	0.84
SAINT ALBANS, VT	0.91	0.97	0.98	0.8	0.93	1.08	0.7	0.89	1.1	0.80	0.8	0.94	0.7	0.7	0.80	0.87	1.20	0.93	0.7	0.87	0.9	1.0	0.9	1.0	0.78	0.85	0.84
SAINT JOHNSBURY, VT	0.91	0.97	0.98	0.8	0.85	0.75	0.9	1.20	0.8	0.90	0.8	1.02	0.7	0.7	0.79	0.88	1.13	0.81	0.7	0.83	0.9	0.7	0.8	1.0	0.78	0.85	0.84
WHITE RIVER JCT, VT	0.91	0.97	0.98	0.8	0.85	0.75	0.9	1.20	0.8	0.90	0.8	1.02	0.7	0.7	0.79	0.88	1.13	0.81	0.7	0.83	0.9	0.7	0.8	1.0	0.78	0.85	0.84
WILDER, VT	0.91	0.97	0.98	0.8	0.85	0.75	0.9	1.20	0.8	0.90	0.8	1.02	0.7	0.7	0.79	0.88	1.13	0.81	0.7	0.83	0.9	0.7	0.8	1.0	0.78	0.85	0.84
AMERICAN LAKE, WA	0.91	0.98	0.96	1.0	1.02	0.75	0.9	0.99	0.9	0.82	1.0	0.92	0.8	0.6	1.26	1.04	0.91	1.39	0.8	0.97	0.8	0.8	0.7	0.8	0.96	1.00	0.72
BELLINGHAM, WA	0.91	0.98	0.96	0.9	1.05	0.75	0.9	1.22	0.9	0.89	1.0	0.90	0.8	0.7	1.24	1.06	0.92	1.22	0.8	0.96	0.8	0.8	0.7	0.8	0.96	1.00	0.72
BREMERTON, WA	0.91	0.98	0.96	0.9	0.98	0.76	1.0	1.32	0.8	0.89	1.0	0.86	0.8	0.6	1.35	1.00	0.84	1.20	0.8	0.90	0.8	0.8	0.7	0.8	0.96	1.00	0.72
EAST WENATCHEE, WA	0.91	0.98	0.96	0.9	0.95	1.03	1.0	0.89	0.9	0.87	0.9	0.90	0.9	0.6	0.80	0.91	0.94	0.94	0.9	1.02	0.7	0.8	0.7	0.7	0.95	1.01	0.78
KITSAP COUNTY, WA	0.91	0.98	0.96	0.9	0.98	0.76	1.0	1.32	0.8	0.89	1.0	0.86	0.8	0.6	1.35	1.00	0.84	1.20	0.8	0.90	0.8	0.8	0.7	0.8	0.96	1.00	0.72
LONGVIEW, WA	0.91	0.98	0.96	0.9	0.98	0.76	1.0	1.32	0.8	0.89	1.0	0.86	0.8	0.6	1.35	1.00	0.84	1.20	0.8	0.90	0.7	0.8	0.7	0.7	0.95	1.01	0.78
LYNWOOD, WA	0.91	0.98	0.96	0.9	1.05	0.75	0.9	1.22	0.9	0.89	1.0	0.90	0.8	0.7	1.24	1.06	0.92	1.22	0.8	0.96	0.8	0.8	0.7	0.8	0.99	0.98	0.75
MADIGAN, WA	0.91	0.98	0.96	1.0	1.02	0.75	0.9	0.99	0.9	0.82	1.0	0.92	0.8	0.6	1.26	1.04	0.91	1.39	0.8	0.97	0.8	0.8	0.7	0.8	0.96	1.00	0.72
OLYMPIA, WA	0.91	0.98	0.96	1.0	1.02	0.75	0.9	0.99	0.8	0.82	1.0	0.92	0.8	0.6	1.26	1.04	0.91	1.39	0.8	0.97	0.7	0.8	0.7	0.7	0.95	1.01	0.78
PULLMAN, WA	0.91	0.98	0.96	0.9	0.95	1.03	1.0	0.89	0.9	0.87	0.9	0.90	0.9	0.6	0.80	0.91	0.94	0.94	0.9	1.02	0.7	0.8	0.7	0.8	0.84	0.85	0.68
RICHLAND, WA	0.91	0.98	0.96	0.9	0.95	1.03	1.0	0.89	0.9	0.87	0.9	0.90	0.9	0.6	0.80	0.91	0.94	0.94	0.9	1.02	0.7	0.8	0.7	0.8	0.84	0.85	0.68
SEATTLE, WA	0.91	1.00	1.07	1.1	1.04	0.75	0.9	0.77	0.9	0.91	1.0	0.86	0.8	0.6	1.16	1.03	0.93	1.06	0.9	0.92	0.8	0.8	0.7	0.9	0.97	0.98	0.72
SOUTH THURSTON CO., WA	0.91	0.98	0.96	1.0	1.02	0.75	0.9	0.99	0.8	0.82	1.0	0.92	0.8	0.6	1.26	1.04	0.91	1.39	0.8	0.97	0.7	0.8	0.7	0.7	0.95	1.01	0.78
SPOKANE, WA	0.91	0.98	0.96	0.9	0.95	1.03	1.0	0.89	0.9	0.87	0.9	0.90	0.9	0.6	0.80	0.91	0.94	0.94	0.9	1.02	0.7	0.8	0.7	0.8	0.84	0.85	0.68
TACOMA, WA	0.91	0.98	0.96	1.0	1.02	0.75	0.9	0.99	0.9	0.82	1.0	0.92	0.8	0.6	1.26	1.04	0.91	1.39	0.8	0.97	0.8	0.8	0.7	0.8	0.96	1.00	0.72
TOPPENISH, WA	0.91	0.98	0.96	0.9	0.98	0.76	1.0	1.32	0.8	0.89	1.0	0.86	0.8	0.6	1.35	1.00	0.84	1.20	0.8	0.90	0.7	0.8	0.7	0.8	0.84	0.85	0.68
TRI-CITIES AREA, WA	0.91	0.98	0.96	0.9	0.95	1.03	1.0	0.89	0.9	0.87	0.9	0.90	0.9	0.6	0.80	0.91	0.94	0.94	0.9	1.02	0.7	0.8	0.7	0.8	0.84	0.85	0.68
VANCOUVER, WA	0.91	0.98	0.96	0.9	0.98	0.76	1.0	1.32	0.8	0.89	1.0	0.86	0.8	0.6	1.35	1.00	0.84	1.20	0.8	0.90	0.7	0.8	0.7	0.7	0.95	1.01	0.78
WALLA WALLA, WA	0.91	0.98	0.96	0.9	0.95	1.03	1.0	0.89	0.9	0.87	0.9	0.90	0.9	0.6	0.80	0.91	0.94	0.94	0.9	1.02	0.7	0.8	0.7	0.8	0.84	0.85	0.68
YAKIMA, WA	0.91	0.98	0.96	0.9	0.98	0.76	1.0	1.32	0.8	0.89	1.0	0.86	0.8	0.6	1.35	1.00	0.84	1.20	0.8	0.90	0.7	0.8	0.7	0.8	0.84	0.85	0.68
APPLETON, WI	0.91	0.98	0.93	1.0	1.09	0.91	1.1	0.87	0.9	0.97	1.0	0.90	1.0	0.9	0.89	1.04	1.10	0.80	1.1	1.18	0.9	0.9	1.0	0.8	0.76	0.80	0.78
BARABOO, WI	0.91	0.98	0.93	0.9	0.98	0.82	1.3	1.15	0.8	0.95	1.0	0.91	0.9	0.8	0.88	0.81	1.02	0.87	1.1	1.01	0.9	0.8	0.9	0.8	0.76	0.80	0.78
BEAVER DAM, WI	0.91	0.98	0.93	0.9	0.98	0.82	1.3	1.15	0.8	0.95	1.0	0.91	0.9	0.8	0.88	0.81	1.02	0.87	1.1	1.01	0.9	0.8	0.9	0.8	0.76	0.80	0.78
CHIPPEWA FALLS, WI	0.91	0.98	0.93	0.9	1.04	0.97	0.6	1.18	0.7	1.00	0.9	0.86	0.8	0.9	0.91	0.87	0.94	0.93	1.0	1.07	0.9	0.8	1.0	0.9	0.81	0.86	0.83
EAU CLAIRE, WI	0.91	0.98	0.93	0.9	1.04	0.97	0.6	1.18	0.7	1.00	0.9	0.86	0.8	0.9	0.91	0.87	0.94	0.93	1.0	1.07	0.9	0.8	1.0	0.9	0.81	0.86	0.83
JANESVILLE, WI	0.91	0.98	0.93	0.9	0.98	0.82	1.3	1.15	0.8	0.95	1.0	0.91	0.9	0.8	0.88	0.81	1.02	0.87	1.1	1.01	1.0	0.8	0.9	0.9	0.90	0.97	0.79
LOYAL, WI	0.91	0.98	0.93	1.0	1.09	0.91	1.1	0.87	1.0	0.97	1.0	0.90	1.0	0.9	0.89	1.04	1.10	0.80	1.1	1.18	0.9	0.9	1.0	0.9	0.81	0.86	0.83
MADISON, WI	0.91	0.98	0.93	1.1	1.27	0.82	1.4	0.85	0.9	1.05	1.1	1.03	1.1	0.8	1.03	0.99	1.23	1.06	1.2	1.23	1.0	1.0	1.1	0.9	0.90	0.97	0.79

TABLE H.—PHYSICIAN GAAFS (GEOGRAPHIC AREA ADJUSTMENT FACTORS) FOR RVUS (RELATIVE VALUE UNITS) AND CONVERSION FACTORS; BY VA FACILITY LOCATION—Continued

VA Facility location	Medicare work adjuster	RVU GAAFs: Work expense	Practice expense	Conversion factor GAAFs by physician CPT code group: Inpatient visits	Ofc/Home/Urgent care visits	Therapeutic injections	Allergy testing	Allergy immunotherapy	Misc. medical	ER visits & observ. care	Consults	Physical medicine	Cardiovascular	Immunizations	Well baby exams	Vision exams	Hearing/speech exams	Physical exams	Chiropractor	OP psych./alcohol & drug abuse	Surgery	Radiology	Pathology	Anesthesia	Normal deliveries	Cesarean deliveries	Non-deliveries
MARINETTE, WI	0.91	0.98	0.93	0.9	0.98	0.82	1.3	1.15	0.8	0.95	1.0	0.91	0.9	0.8	0.88	0.81	1.02	0.87	1.1	1.01	0.9	0.8	0.9	0.7	0.74	0.82	0.68
MILWAUKEE, WI	0.91	0.98	0.93	1.1	1.19	0.95	1.1	0.94	0.9	0.98	1.1	1.01	1.0	0.9	0.93	1.02	0.99	0.99	1.0	1.14	1.0	0.9	1.1	0.9	0.86	0.84	0.75
RHINELANDER, WI	0.91	0.98	0.93	1.0	1.09	0.91	1.1	0.87	0.9	0.97	1.0	0.90	1.0	0.9	0.89	1.04	1.10	0.80	1.1	1.18	1.1	0.9	1.0	0.9	0.82	0.92	0.94
SUPERIOR, WI	0.91	0.98	0.93	0.9	1.04	0.97	0.6	1.18	0.7	1.00	0.9	0.86	0.8	0.9	0.91	0.87	0.94	0.93	1.0	1.07	0.9	0.8	1.0	0.9	0.81	0.86	0.83
TOMAH, WI	0.91	0.98	0.93	1.0	1.12	0.81	1.0	0.93	0.8	0.93	1.0	0.88	1.0	0.8	0.82	0.95	1.19	0.87	1.1	0.96	1.1	1.0	1.0	0.9	0.82	0.92	0.94
UNION GROVE, WI	0.91	0.98	0.93	1.0	1.12	0.97	1.0	0.92	0.9	0.93	1.0	0.90	1.0	0.9	0.90	0.93	0.96	0.93	1.1	1.08	1.0	0.8	1.1	0.8	0.83	0.86	0.86
WAUSAU, WI	0.91	0.98	0.93	1.0	1.09	0.91	1.1	0.87	1.0	0.97	1.0	0.90	1.0	0.9	0.89	1.04	1.10	0.80	1.1	1.18	0.9	0.9	1.0	0.9	0.81	0.86	0.83
WAUTOMA, WI	0.91	0.98	0.93	1.0	1.09	0.91	1.1	0.87	0.9	0.97	1.0	0.90	1.0	0.9	0.89	1.04	1.10	0.80	1.1	1.18	0.9	0.9	1.0	0.8	0.76	0.80	0.78
BECKLEY, WV	0.91	0.96	0.85	0.8	0.91	0.86	1.1	0.72	1.0	0.93	0.9	1.05	0.9	1.1	0.85	0.90	1.01	0.68	0.9	0.97	1.0	1.0	0.9	0.9	1.05	0.98	0.87
CHARLESTON, WV	0.91	0.96	0.85	0.9	0.94	0.96	1.2	1.16	1.0	0.80	0.9	0.96	0.9	1.0	0.80	1.07	1.07	1.06	0.9	0.93	1.0	0.9	1.1	1.0	0.92	0.88	1.08
CLARKSBURG, WV	0.91	0.96	0.85	0.9	0.87	0.72	1.5	0.92	0.9	0.90	0.9	0.93	0.9	1.0	1.04	0.94	0.82	0.72	0.9	0.76	0.9	0.8	1.0	0.9	0.86	0.88	0.81
HUNTINGTON, WV	0.91	0.96	0.85	1.0	0.97	1.00	1.4	0.99	0.9	0.98	1.0	0.86	1.0	1.0	0.71	0.89	1.03	0.99	0.8	0.93	1.0	1.2	1.1	0.9	0.80	0.83	1.11
MARTINSBURG, WV	0.91	0.96	0.85	0.9	0.87	0.84	1.3	0.77	1.0	0.93	0.9	1.02	1.0	1.0	0.99	1.37	0.97	0.89	1.2	0.93	1.0	0.9	0.9	1.0	0.92	0.88	1.08
MORGANTOWN, WV	0.91	0.96	0.85	0.9	0.91	1.08	1.3	0.86	1.0	1.01	0.9	1.04	0.8	0.9	1.11	0.94	1.08	0.84	0.9	1.04	1.0	0.8	1.0	0.9	0.98	0.91	0.77
PARKERSBURG, WV	0.91	0.96	0.85	0.9	0.87	0.72	1.5	0.92	0.9	0.90	0.9	0.93	0.9	1.0	1.04	0.94	0.82	0.72	0.9	0.76	0.9	0.8	1.0	0.9	0.86	0.88	0.81
PARSONS, WV	0.91	0.96	0.85	0.9	0.87	0.72	1.5	0.92	0.9	0.90	0.9	0.93	0.9	1.0	1.04	0.94	0.82	0.72	0.9	0.76	1.0	0.8	1.0	0.9	1.05	0.98	0.87
PRINCETON, WV	0.91	0.96	0.85	1.0	0.97	1.00	1.4	0.99	0.9	0.98	1.0	0.86	1.0	1.0	0.71	0.89	1.03	0.99	0.8	0.93	1.0	1.2	1.1	0.9	1.05	0.98	0.87
WHEELING, WV	0.91	0.96	0.85	0.9	0.87	0.84	1.3	0.77	1.0	0.93	0.9	1.02	1.0	1.0	0.99	1.37	0.97	0.89	1.2	0.93	1.0	0.9	0.9	0.9	0.86	0.88	0.81
CASPER, WY	0.91	0.96	0.88	0.9	0.89	1.19	0.8	0.57	0.9	0.89	0.9	0.80	0.8	0.6	0.83	0.92	0.83	0.70	0.8	0.86	0.8	0.9	0.8	0.7	0.77	0.83	0.81
CHEYENNE, WY	0.91	0.96	0.88	0.9	0.95	0.83	0.8	0.67	0.9	0.95	1.0	0.86	0.8	0.5	0.83	0.93	0.90	0.68	0.8	0.96	0.8	0.9	0.8	0.7	0.77	0.83	0.81
NEWCASTLE, WY	0.91	0.96	0.88	0.9	0.89	1.19	0.8	0.57	0.9	0.89	0.9	0.80	0.8	0.6	0.83	0.92	0.83	0.70	0.8	0.86	0.8	0.9	0.8	0.7	0.77	0.83	0.81
RIVERTON, WY	0.91	0.96	0.88	0.9	0.95	0.83	0.8	0.67	0.9	0.95	1.0	0.86	0.8	0.5	0.83	0.93	0.90	0.68	0.8	0.96	0.8	0.9	0.8	0.7	0.77	0.83	0.81
ROCK SPRINGS, WY	0.91	0.96	0.88	0.9	0.89	1.19	0.8	0.57	0.9	0.89	0.9	0.80	0.8	0.6	0.83	0.92	0.83	0.70	0.8	0.86	0.8	0.9	0.8	0.7	0.77	0.83	0.81
SHERIDAN, WY	0.91	0.96	0.88	0.9	0.95	0.83	0.8	0.67	0.9	0.95	1.0	0.86	0.8	0.5	0.83	0.93	0.90	0.68	0.8	0.96	0.8	0.9	0.8	0.7	0.77	0.83	0.81

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TABLE I.—PHYSICIAN GAAFS (GEOGRAPHIC AREA ADJUSTMENT FACTORS) FOR CPT CODES WITH TOTAL RELATIVE VALUE UNITS ONLY; BY VA FACILITY

VA Facility location	GAAF
NATIONWIDE AVERAGE	1.00
ANCHORAGE, AK	1.11
FAIRBANKS, AK	1.11
FORT WAINWRIGHT, AK	1.11
KENAI, AK	1.11
WASILLA, AK	1.11
ANNISTON, AL	0.93
BIRMINGHAM, AL	0.93
DECATUR, AL	0.93
DOTHAN, AL	0.93
FAIRHOPE, AL	0.93
FLORENCE, AL	0.93
GADSDEN, AL	0.93
HUNTSVILLE, AL	0.93
JASPER, AL	0.93
MOBILE, AL	0.93
MONTGOMERY, AL	0.93
TUSCALOOSA, AL	0.93
TUSKEGEE, AL	0.93
EL DORADO, AR	0.91
FAYETTEVILLE, AR	0.91
HARRISON, AR	0.91
HOT SPRINGS, AR	0.91
JONESBORO, AR	0.91
LITTLE ROCK, AR	0.91
MENA, AR	0.91
MOUNTAIN HOME, AR	0.91
NORTH LITTLE ROCK, AR	0.91
PARAGOULD, AR	0.91
WALDRON, AR	0.91
BISBEE, AZ	0.98
CASA GRANDE, AZ	0.98
FLAGSTAFF, AZ	0.98
FORT HUACHUCA, AZ	0.98
GREEN VALLEY, AZ	0.98
KEARNEY, AZ	0.98
KINGMAN, AZ	0.98
MARANA, AZ	0.98
MESA, AZ	0.98
NOGALES, AZ	0.98
PHOENIX, AZ	0.98
PRESCOTT, AZ	0.98
SAFFORD, AZ	0.98
SHOW LOW, AZ	0.98
SIERRA VISTA, AZ	0.98
SUN CITY, AZ	0.98
TUCSON, AZ	0.98
YUMA, AZ	0.98
ANAHEIM, CA	1.11
ANTELOPE VALLEY, CA	1.13
AUBURN, CA	1.03
BAKERSFIELD, CA	1.03
BERKELEY, CA	1.12
CHICO, CA	1.03
CHULA VISTA, CA	1.03
CONCORD, CA	1.12
CRESCENT CITY, CA	1.03
CULVER CITY, CA	1.13
EAST LOS ANGELES, CA	1.13
EDWARDS, CA	1.03

TABLE I.—PHYSICIAN GAAFS (GEOGRAPHIC AREA ADJUSTMENT FACTORS) FOR CPT CODES WITH TOTAL RELATIVE VALUE UNITS ONLY; BY VA FACILITY—Continued

VA Facility location	GAAF
EL CENTRO, CA	1.03
EUREKA, CA	1.03
FRESNO, CA	1.03
GARDENA, CA	1.13
HAYWARD, CA	1.12
HEMET, CA	1.03
HOLLYWOOD, CA	1.13
INDIO, CA	1.03
INGLEWOOD, CA	1.13
IRVINE, CA	1.11
LAGUNA NIGUEL, CA	1.11
LANCASTER, CA	1.13
LIVERMORE, CA	1.12
LOMA LINDA, CA	1.03
LOMPOC, CA	1.03
LONG BEACH, CA	1.13
LOS ANGELES, CA	1.13
MARE ISLAND, CA	1.09
MARINA, CA	1.03
MARTINEZ, CA	1.12
MATHER AFB, CA	1.03
MENLO PARK, CA	1.16
MERCED, CA	1.03
MODESTO, CA	1.03
MONTEREY, CA	1.03
OAKLAND, CA	1.12
OXNARD, CA	1.09
PALM SPRINGS, CA	1.03
PALO ALTO, CA	1.16
PASADENA, CA	1.13
PLEASANT HILL, CA	1.12
REDDING, CA	1.03
REDWOOD CITY, CA	1.16
RIVERSIDE, CA	1.03
ROHNERT PARK, CA	1.03
SACRAMENTO, CA	1.03
SAN BERNARDINO, CA	1.03
SAN DIEGO, CA	1.03
SAN FRANCISCO, CA	1.19
SAN JOSE, CA	1.16
SAN LUIS OBISPO, CA	1.03
SANTA ANA, CA	1.11
SANTA BARBARA, CA	1.03
SANTA ROSA, CA	1.03
SEPULVEDA, CA	1.13
STOCKTON, CA	1.03
SUN CITY, CA	1.03
TRAVIS AFB, CA	1.12
UPLAND, CA	1.03
VALLEJO, CA	1.09
VICTORVILLE, CA	1.03
VISALIA, CA	1.03
VISTA, CA	1.03
WEST COVINA, CA	1.13
WEST LOS ANGELES, CA	1.13
WEST RIVERSIDE, CA	1.03
WHITTIER, CA	1.13
YOUNTVILLE, CA	1.09
AURORA, CO	0.98
BOULDER, CO	0.98
COLORADO SPRINGS, CO	0.98
CORTEZ, CO	0.98
DENVER, CO	0.98
FITZSIMONS ARMY MC, CO	0.98

TABLE I.—PHYSICIAN GAAFS (GEOGRAPHIC AREA ADJUSTMENT FACTORS) FOR CPT CODES WITH TOTAL RELATIVE VALUE UNITS ONLY; BY VA FACILITY—Continued

VA Facility location	GAAF
FLORENCE, CO	0.98
FORT CARSON, CO	0.98
FORT COLLINS, CO	0.98
FORT LYON, CO	0.98
FORT MORGAN, CO	0.98
GRAND JUNCTION, CO	0.98
GREELEY, CO	0.98
LA JUNTA, CO	0.98
MONTROSE, CO	0.98
PUEBLO, CO	0.98
BRIDGEPORT, CT	1.11
DANBURY, CT	1.11
HARTFORD, CT	1.11
NEW HAVEN, CT	1.11
NEW LONDON, CT	1.11
NEWINGTON, CT	1.11
NORWICH, CT	1.11
TORRINGTON, CT	1.11
WATERBURY, CT	1.11
WEST HAVEN, CT	1.11
WILLIMANTIC, CT	1.11
WINDHAM, CT	1.11
WASHINGTON, DC	1.11
DOVER AFB, DE	1.02
MILLSBORO, DE	1.02
NEW CASTLE, DE	1.02
OCEAN VIEW, DE	1.02
REHOBOTH, DE	1.02
SEAFORD, DE	1.02
WILMINGTON. DE	1.02
ARCADIA, FL	0.96
BARTOW, FL	0.96
BAY PINES, FL	0.96
BROOKSVILLE, FL	0.96
CECIL FIELD, FL	0.96
CLEARWATER, FL	0.96
DAYTONA BEACH, FL	0.96
EAST PASCO COUNTY, FL	0.96
FORT LAUDERDALE, FL	1.01
FORT MYERS, FL	1.01
FORT PIERCE, FL	0.96
FORT WALTON BEACH, FL	0.96
GAINESVILLE, FL	0.96
HOMESTEAD, FL	1.05
JACKSONVILLE, FL	0.96
KEY LARGO, FL	1.05
KEY WEST, FL	1.05
KISSIMMEE, FL	0.96
LAKE CITY, FL	0.96
LAKE WALES, FL	0.96
LAKELAND, FL	0.96
LEESBURG, FL	0.96
MANATEE COUNTY, FL	0.96
MIAMI, FL	1.05
NAPLES, FL	1.01
NORTH PINELLAS CO., FL	0.96
OAKLAND PARK, FL	1.01
OCALA, FL	0.96
OKEECHOBEE CO., FL	0.96
ORLANDO, FL	0.96
PALM BAY, FL	0.96
PANAMA CITY, FL	0.96
PEMBROKE PINES, FL	1.01
PENSACOLA, FL	0.96

TABLE I.—PHYSICIAN GAAFS (GEOGRAPHIC AREA ADJUSTMENT FACTORS) FOR CPT CODES WITH TOTAL RELATIVE VALUE UNITS ONLY; BY VA FACILITY—Continued

VA Facility location	GAAF
PORT CHARLOTTE, FL	0.96
PORT RICHEY, FL	0.96
PUTNAM COUNTY, FL	0.96
RIVIERA BEACH, FL	1.01
SAINT PETERSBURG, FL	0.96
SANFORD, FL	0.96
SARASOTA, FL	0.96
SOUTH PALM BEACH CO.,	1.01
SOUTH SAINT PETERSBURG,	0.96
TALLAHASSEE, FL	0.96
TAMPA, FL	0.96
WEST PALM BEACH, FL	1.01
ALBANY, GA	0.94
ATLANTA (DECATUR), GA	1.02
ATLANTA (MIDTOWN), GA	1.02
AUGUSTA, GA	0.94
COLUMBUS, GA	0.94
DUBLIN, GA	0.94
FORT GORDON, GA	0.94
MACON, GA	0.94
NORTHEAST CORRIDOR, GA	0.94
SAVANNAH, GA	0.94
VALDOSTA, GA	0.94
GUAM, GU	1.10
HILO, HI	1.10
HONOLULU, HI	1.10
KAILUA KONA, HI	1.10
LIHUE, HI	1.10
WAILUKU, HI	1.10
BETTENDORF, IA	0.92
CEDAR RAPIDS, IA	0.92
DES MOINES, IA	0.92
DUBUQUE, IA	0.92
FORT DODGE, IA	0.92
IOWA CITY, IA	0.92
KNOXVILLE, IA	0.92
MARSHALLTOWN, IA	0.92
MASON CITY, IA	0.92
OTTUMWA, IA	0.92
SIOUX CITY, IA	0.92
WATERLOO, IA	0.92
BOISE, ID	0.93
MOSCOW, ID	0.93
POCATELLO, ID	0.93
TWIN FALLS, ID	0.93
AURORA, IL	1.04
BELLEVILLE, IL	0.96
CARMI, IL	0.93
CHICAGO HEIGHTS, IL	1.05
CHICAGO, IL	1.05
DANVILLE, IL	0.93
DECATUR, IL	0.93
EAST SAINT LOUIS, IL	0.96
ELGIN, IL	1.04
EVANSTON, IL	1.05
GALESBURG, IL	0.93
GURNEE, IL	1.04
HINES, IL	1.05
JOLIET, IL	1.04
LASALLE COUNTY, IL	0.93
MANTENO, IL	0.93
MARION, IL	0.93
MOLINE, IL	0.93
MOUNT VERNON, IL	0.93

TABLE I.—PHYSICIAN GAAFS (GEOGRAPHIC AREA ADJUSTMENT FACTORS) FOR CPT CODES WITH TOTAL RELATIVE VALUE UNITS ONLY; BY VA FACILITY—Continued

VA Facility location	GAAF
NORTH CHICAGO, IL	1.04
OAK LAWN, IL	1.05
OAK PARK, IL	1.05
OSWEGO, IL	0.93
PEORIA, IL	0.93
QUINCY, IL	0.93
ROCKFORD, IL	0.93
SPRINGFIELD, IL	0.93
WOODLAWN, IL	1.05
CROWN POINT, IN	0.95
EVANSVILLE, IN	0.95
FORT WAYNE, IN	0.95
HIGHLAND, IN	0.95
INDIANAPOLIS, IN	0.95
LAFAYETTE, IN	0.95
LAWRENCEBURG, IN	0.95
MARION, IN	0.95
MUNCIE, IN	0.95
NEW ALBANY, IN	0.95
RICHMOND, IN	0.95
SOUTH BEND, IN	0.95
TERRE HAUTE, IN	0.95
ABILENE, KS	0.93
DODGE CITY, KS	0.93
EMPORIA, KS	0.93
GARDEN CITY, KS	0.93
HAYS, KS	0.93
HOLTON, KS	0.93
JUNCTION CITY, KS	0.93
KANSAS CITY, KS	0.93
LEAVENWORTH, KS	0.93
LIBERAL, KS	0.93
MCPHERSON, KS	0.93
PITTSBURG, KS	0.93
PRATT, KS	0.93
SALINA, KS	0.93
SENACA, KS	0.93
TOPEKA, KS	0.93
WICHITA, KS	0.93
BOWLING GREEN, KY	0.92
COVINGTON, KY	0.92
CYNTHIANA, KY	0.92
DANVILLE, KY	0.92
FORT CAMPBELL, KY	0.92
FORT KNOX, KY	0.92
FRANKFORT, KY	0.92
GRAYSON, KY	0.92
HARRODSBURG, KY	0.92
HOPKINSVILLE, KY	0.92
LEXINGTON, KY	0.92
LOUISVILLE, KY	0.92
MAYSVILLE, KY	0.92
MOREHEAD, KY	0.92
MOUNT STERLING, KY	0.92
OWENSBORO, KY	0.92
PADUCAH, KY	0.92
PRESTONSBURG, KY	0.92
RAVENNA, KY	0.92
RICHMOND, KY	0.92
SOMERSET, KY	0.92
VERSAILLES, KY	0.92
ALEXANDRIA, LA	0.92
BATON ROUGE, LA	0.92
COVINGTON, LA	0.92

TABLE I.—PHYSICIAN GAAFS (GEOGRAPHIC AREA ADJUSTMENT FACTORS) FOR CPT CODES WITH TOTAL RELATIVE VALUE UNITS ONLY; BY VA FACILITY—Continued

VA Facility location	GAAF
HOUMA, LA	0.92
JENNINGS, LA	0.92
LAFAYETTE, LA	0.92
LAKE CHARLES, LA	0.92
MONROE, LA	0.92
MORGAN CITY, LA	0.92
NEW ORLEANS, LA	0.97
SHREVEPORT, LA	0.92
BEDFORD, MA	1.12
BOSTON, MA	1.12
BROCKTON, MA	1.05
CHICOPEE, MA	1.05
FRAMINGHAM, MA	1.12
GREENFIELD, MA	1.05
HAVERHILL, MA	1.05
HOLYOKE, MA	1.05
HYANNIS, MA	1.05
LOWELL, MA	1.12
LYNN, MA	1.05
NEW BEDFORD, MA	1.05
NORTHAMPTON, MA	1.05
PITTSFIELD, MA	1.05
PLYMOUTH, MA	1.05
SOUTH SHORE, MA	1.12
SPRINGFIELD, MA	1.05
WASHINGTON, MA	1.05
WEST ROXBURY, MA	1.12
WORCESTER, MA	1.05
BALTIMORE, MD	1.03
CAMBRIDGE, MD	0.98
CHARLOTTE HALL, MD	0.98
CUMBERLAND, MD	0.98
ELKTON, MD	0.98
FORT HOWARD, MD	1.03
HAGERSTOWN, MD	0.98
MILLINGTON, MD	0.98
PERRY POINT, MD	0.98
SILVER SPRING, MD	1.11
BANGOR, ME	0.94
CARIBOU, ME	0.94
LEWISTON, ME	0.94
PORTLAND, ME	1.00
RUMFORD (WESTERN), ME	0.94
SANFORD, ME	1.00
TOGUS, ME	0.94
ANN ARBOR, MI	1.04
BATTLE CREEK, MI	0.97
BENTON HARBOR, MI	0.97
DETROIT, MI	1.04
FLINT, MI	0.97
GAYLORD, MI	0.97
GRAND RAPIDS, MI	0.97
HANCOCK, MI	0.97
IRON MOUNTAIN, MI	0.97
JACKSON, MI	0.97
LANSING, MI	0.97
LINCOLN PARK, MI	1.04
MARQUETTE, MI	0.97
MENOMINEE, MI	0.97
MUSKEGON, MI	0.97
OSCODA, MI	0.97
PONTIAC, MI	1.04
SAGINAW, MI	0.97
SAULT SAINTE MARIE, MI	0.97

TABLE I.—PHYSICIAN GAAFS (GEOGRAPHIC AREA ADJUSTMENT FACTORS) FOR CPT CODES WITH TOTAL RELATIVE VALUE UNITS ONLY; BY VA FACILITY—Continued

VA Facility location	GAAF
TRAVERSE CITY, MI	0.97
YALE, MI	0.97
BRAINERD, MN	0.98
FERGUS FALLS, MN	0.98
HIBBING, MN	0.98
MANKATO, MN	0.98
MINNEAPOLIS, MN	0.98
OWATONNA, MN	0.98
SAINT CLOUD, MN	0.98
SAINT PAUL, MN	0.98
VIRGINIA, MN	0.98
WORTHINGTON, MN	0.98
BELTON/RICH-GEB AFB, MO	0.89
BRANSON, MO	0.89
CAPE GIRARDEAU, MO	0.89
COLUMBIA, MO	0.89
FORT LEONARD WOOD, MO	0.89
GRAND VIEW, MO	0.97
KANSAS CITY, MO	0.97
KIRKSVILLE, MO	0.89
MEXICO, MO	0.89
MOUNT VERNON, MO	0.89
NEVADA, MO	0.89
POPLAR BLUFF, MO	0.89
SAINT CHARLES, MO	0.97
SAINT JAMES, MO	0.89
SAINT JOSEPH, MO	0.89
SAINT LOUIS, MO	0.97
SEDALIA, MO	0.89
WEST PLAINS, MO	0.89
BILOXI, MS	0.90
DURANT, MS	0.90
GREENVILLE, MS	0.90
GULFPORT, MS	0.90
HATTIESBURG, MS	0.90
JACKSON, MS	0.90
MERIDIAN, MS	0.90
SMITHVILLE, MS	0.90
ANACONDA, MT	0.91
BILLINGS, MT	0.91
BOZEMAN, MT	0.91
BROWNING, MT	0.91
COLUMBIA FALLS, MT	0.91
FORT HARRISON, MT	0.91
GALLATIN VALLEY, MT	0.91
GREAT FALLS, MT	0.91
LAME DEER, MT	0.91
LIBBY, MT	0.91
MILES CITY, MT	0.91
MISSOULA, MT	0.91
WHITEFISH, MT	0.91
WOLF POINT, MT	0.91
ASHEVILLE, NC	0.95
CHARLOTTE, NC	0.95
DURHAM, NC	0.95
FAYETTEVILLE, NC	0.95
FRANKLIN, NC	0.95
GOLDSBORO, NC	0.95
GREENSBORO, NC	0.95
GREENVILLE, NC	0.95
HICKORY, NC	0.95
JACKSONVILLE, NC	0.95
RALEIGH, NC	0.95
SALISBURY, NC	0.95
WILMINGTON, NC	0.95
WINSTON-SALEM, NC	0.95
BISMARCK, ND	0.91
FARGO, ND	0.91
GRAFTON, ND	0.91
MINOT, ND	0.91
ALLIANCE, NE	0.91
BEATRICE, NE	0.91
BELLEVUE, NE	0.91
GERING, NE	0.91
GRAND ISLAND, NE	0.91
KEARNEY, NE	0.91
LINCOLN, NE	0.91
NORFOLK, NE	0.91
NORTH PLATTE, NE	0.91
OMAHA, NE	0.91
RUSHVILLE, NE	0.91
SCOTTSBLUFF, NE	0.91
SIDNEY, NE	0.91
BERLIN, NH	1.01
KEENE, NH	1.01
LITTLETON, NH	1.01
MANCHESTER, NH	1.01
PORTSMOUTH, NH	1.01
TILTON, NH	1.01
BLACKWOOD, NJ	1.06
BRICK, NJ	1.06
CAPE MAY, NJ	1.06
EAST ORANGE, NJ	1.13
ELIZABETH, NJ	1.13
FORT DIX, NJ	1.06
HACKENSACK, NJ	1.13
JAMESBURG, NJ	1.13
JERSEY CITY, NJ	1.13
LINWOOD, NJ	1.06
LYONS, NJ	1.13
NEW BRUNSWICK, NJ	1.13
NEWARK, NJ	1.13
SALEM CITY, NJ	1.06
TRENTON, NJ	1.06
VENTNOR, NJ	1.06
VINELAND, NJ	1.06
ALBUQUERQUE, NM	0.94
ARTESIA, NM	0.94
CLAYTON, NM	0.94
CLOVIS, NM	0.94
ESPANOLA, NM	0.94
FARMINGTON, NM	0.94
GALLUP, NM	0.94
HOBBS, NM	0.94
LAS CRUCES, NM	0.94
LAS VEGAS, NM	0.94
RATON, NM	0.94
SANTA FE, NM	0.94
SANTA ROSA, NM	0.94
SILVER CITY, NM	0.94
TRUTH OR CONSEQUENCES,	0.94
ELY, NV	1.02
HENDERSON, NV	1.02
LAS VEGAS, NV	1.02
MESQUITE, NV	1.02
RENO, NV	1.02
ALBANY, NY	0.98
AMSTERDAM, NY	0.98
ATTICA, NY	0.98
AUBURN, NY	0.98
BABYLON, NY	1.15
BATAVIA, NY	0.98
BATH, NY	0.98
BINGHAMTON, NY	0.98
BRONX, NY	1.15
BROOKLYN, NY	1.15
BUFFALO, NY	0.98
CANANDAIGUA, NY	0.98
CARMEL, NY	1.05
CASTLE POINT, NY	1.05
CATSKILL, NY	1.05
CORNING, NY	0.98
CORTLAND, NY	0.98
DANSVILLE, NY	0.98
ELIZABETHTOWN, NY	0.98
GENESEO, NY	0.98
GENEVA, NY	0.98
GLENS FALLS, NY	0.98
GLOVERSVILLE, NY	0.98
HARLEM, NY	1.22
HARRIS, NY	1.05
HICKSVILLE, NY	1.15
HORSEHEADS, NY	0.98
HOUGHTON, NY	0.98
HUDSON, NY	1.05
ISLIP, NY	1.15
ITHACA, NY	0.98
JAMESTOWN, NY	0.98
KINGSTON, NY	1.05
LIBERTY, NY	1.05
LINDENHURST, NY	1.15
LITTLE FALLS, NY	0.98
LYNBROOK, NY	1.15
LYONS, NY	0.98
MASSENA, NY	0.98
MONTICELLO, NY	1.05
MONTROSE, NY	1.15
MOUNT SINAI, NY	1.15
NEW YORK, NY	1.22
NIAGARA FALLS, NY	0.98
NORTH TONAWANDA, NY	0.98
NORTHPORT, NY	1.15
OLEAN, NY	0.98
OSWEGO, NY	0.98
PATCHOQUE, NY	1.15
PENN YAN, NY	0.98
PLAINVIEW, NY	1.15
PLATTSBURGH, NY	0.98
POMONA, NY	1.15
PORT JERVIS, NY	1.05
RENSSELAER COUNTY, NY	0.98
RIVERHEAD, NY	1.15
ROCHESTER, NY	0.98
ROCKLAND COUNTY, NY	1.15
ROME, NY	0.98
SAINT ALBANS, NY	1.14
SARATOGA, NY	0.98
SAYVILLE, NY	1.15
SCHENECTADY, NY	0.98
SENECA FALLS, NY	0.98
SIDNEY, NY	1.05
SOMERS, NY	1.15

TABLE I.—PHYSICIAN GAAFS (GEOGRAPHIC AREA ADJUSTMENT FACTORS) FOR CPT CODES WITH TOTAL RELATIVE VALUE UNITS ONLY; BY VA FACILITY—Continued

VA Facility location	GAAF
SONYEA, NY	0.98
STATEN ISLAND, NY	1.15
SYRACUSE, NY	0.98
UTICA, NY	0.98
WATERTOWN, NY	0.98
WELLSVILLE, NY	0.98
WHITE PLAINS, NY	1.15
YONKERS, NY	1.15
AKRON, OH	0.97
ASHTABULA, OH	0.97
ATHENS, OH	0.97
BATAVIA, OH	0.97
CANTON, OH	0.97
CHILLICOTHE, OH	0.97
CINCINNATI, OH	0.97
CLEVELAND, OH	0.97
COLUMBUS, OH	0.97
DAYTON, OH	0.97
EAST LIVERPOOL, OH	0.97
HILLSBORO, OH	0.97
LANCASTER, OH	0.97
LIMA, OH	0.97
LORAIN, OH	0.97
MANSFIELD, OH	0.97
MARIETTA, OH	0.97
MEDINA, OH	0.97
MIDDLETOWN, OH	0.97
PAINESVILLE, OH	0.97
PORTSMOUTH, OH	0.97
RAVENNA, OH	0.97
SAINT CLAIRSVILLE, OH	0.97
SANDUSKY, OH	0.97
SPRINGFIELD, OH	0.97
TOLEDO, OH	0.97
TROY, OH	0.97
WASHINGTON CTHS, OH	0.97
WELLSTON, OH	0.97
YOUNGSTOWN, OH	0.97
ZANESVILLE, OH	0.97
ADA, OK	0.93
ALTUS, OK	0.93
ARDMORE, OK	0.93
CLINTON, OK	0.93
JAY, OK	0.93
JENKS, OK	0.93
LAWTON, OK	0.93
MCALESTER, OK	0.93
MUSKOGEE, OK	0.93
NORMAN, OK	0.93
OKLAHOMA CITY, OK	0.93
PONCA CITY, OK	0.93
POTEAU, OK	0.93
TALAHINA, OK	0.93
TULSA, OK	0.93
ASTORIA, OR	0.95
BANDON, OR	0.95
BEAVERTON, OR	1.00
BEND, OR	0.95
BROOKINGS, OR	0.95
EUGENE, OR	0.95
GRANTS PASS, OR	0.95
GRESHAM, OR	1.00
KLAMATH FALLS, OR	0.95
LAKE OSWEGO, OR	1.00

TABLE I.—PHYSICIAN GAAFS (GEOGRAPHIC AREA ADJUSTMENT FACTORS) FOR CPT CODES WITH TOTAL RELATIVE VALUE UNITS ONLY; BY VA FACILITY—Continued

VA Facility location	GAAF
LINCOLN CITY, OR	0.95
PORTLAND, OR	1.00
ROSEBURG, OR	0.95
SALEM, OR	0.95
THE DALLES, OR	0.95
TILLAMOOK, OR	0.95
WHITE CITY, OR	0.95
ALIQUIPPA, PA	0.96
ALLENTOWN, PA	0.96
ALTOONA, PA	0.96
ARMSTRONG, PA	0.96
BLOOMSBURG, PA	0.96
BUTLER, PA	0.96
CAMP HILL, PA	0.96
CARBONDALE, PA	0.96
CLARION, PA	0.96
CLEARFIELD, PA	0.96
COATESVILLE, PA	1.06
CRAWFORD, PA	0.96
ERIE, PA	0.96
FAYETTE COUNTY, PA	0.96
GREENSBURG, PA	0.96
HARRISBURG, PA	0.96
JOHNSTOWN, PA	0.96
LANCASTER, PA	0.96
LAWRENCE, PA	0.96
LEBANON, PA	0.96
MCCANDLESS, PA	0.96
MCKEAN, PA	0.96
MCKEESPORT, PA	0.96
MERCER, PA	0.96
MONROEVILLE, PA	0.96
ORWIGSBURG, PA	0.96
PHILADELPHIA, PA	1.06
PITTSBURGH, PA	0.96
POTTSVILLE, PA	0.96
READING, PA	0.96
SAYRE, PA	0.96
SCHUYLKILL, PA	0.96
SCRANTON, PA	0.96
SHENANDOAH, PA	0.96
SPRINGFIELD, PA	1.06
STATE COLLEGE, PA	0.96
TOBYHANNA, PA	0.96
WASHINGTON, PA	0.96
WILKES-BARRE, PA	0.96
WILLIAMSPORT, PA	0.96
WILLOW GROVE, PA	1.06
YORK, PA	0.96
ARECIBO, PR	0.81
CEIBA, PR	0.81
FAJARDO, PR	0.81
MAYAGUEZ, PR	0.81
PONCE, PR	0.81
SAN JUAN, PR	0.81
CRANSTON, RI	1.04
PROVIDENCE, RI	1.04
CHARLESTON, SC	0.94
COLUMBIA, SC	0.94
FLORENCE, SC	0.94
GREENVILLE, SC	0.94
MYRTLE BEACH, SC	0.94
EAGLE BUTTE, SD	0.90
ELLSWORTH AFB, SD	0.90

TABLE I.—PHYSICIAN GAAFS (GEOGRAPHIC AREA ADJUSTMENT FACTORS) FOR CPT CODES WITH TOTAL RELATIVE VALUE UNITS ONLY; BY VA FACILITY—Continued

VA Facility location	GAAF
FORT MEADE, SD	0.90
HOT SPRINGS, SD	0.90
KYLE, SD	0.90
MCLAUGHLIN, SD	0.90
PIERRE, SD	0.90
PINE RIDGE, SD	0.90
RAPID CITY, SD	0.90
ROSEBUD, SD	0.90
SIOUX FALLS, SD	0.90
WINNER, SD	0.90
ARNOLD AFB, TN	0.94
CHATTANOOGA, TN	0.94
CLARKSVILLE, TN	0.94
COOKEVILLE, TN	0.94
DOVER, TN	0.94
JOHNSON CITY, TN	0.94
KNOXVILLE, TN	0.94
MADISON, TN	0.94
MEMPHIS, TN	0.94
MOUNTAIN CITY, TN	0.94
MOUNTAIN HOME, TN	0.94
MURFREESBORO, TN	0.94
NASHVILLE, TN	0.94
TULLAHOMA, TN	0.94
ABILENE, TX	0.93
ALICE, TX	0.93
AMARILLO, TX	0.93
AUSTIN, TX	0.99
BEAUMONT, TX	0.95
BEEVILLE, TX	0.93
BIG SPRING, TX	0.93
BONHAM, TX	0.93
BROWNSVILLE, TX	0.93
BROWNWOOD, TX	0.93
BRYAN, TX	0.93
CHILDRESS, TX	0.93
CLEBURNE, TX	0.93
COPPERAS COVE, TX	0.93
CORPUS CHRISTI, TX	0.93
CORSICANA, TX	0.93
DALLAS, TX	1.01
DECATUR, TX	0.93
DEL RIO, TX	0.93
DENTON, TX	0.93
DIAMOND HILL, TX	0.98
EAGLE PASS, TX	0.93
EASTLAND, TX	0.93
EL PASO, TX	0.93
FORT STOCKTON, TX	0.93
FORT WORTH, TX	0.98
GALVESTON, TX	0.98
GEORGETOWN, TX	0.93
GREENVILLE, TX	0.93
HAMILTON, TX	0.93
HOUSTON, TX	1.01
KERRVILLE, TX	0.93
KINGSVILLE, TX	0.93
LAREDO, TX	0.93
LONGVIEW, TX	0.93
LUBBOCK, TX	0.93
LUFKIN, TX	0.93
MARLIN, TX	0.93
MCALLEN, TX	0.93
MCKINNEY, TX	0.93

TABLE I.—PHYSICIAN GAAFS (GEOGRAPHIC AREA ADJUSTMENT FACTORS) FOR CPT CODES WITH TOTAL RELATIVE VALUE UNITS ONLY; BY VA FACILITY—Continued

VA Facility location	GAAF
MEMPHIS, TX	0.93
MIDLAND, TX	0.93
MONAHANS, TX	0.93
NEW BRAUNFELS, TX	0.93
ODESSA, TX	0.93
PALESTINE, TX	0.93
PLEASANT GROVE, TX	1.01
REESE, TX	0.93
SAN ANGELO, TX	0.93
SAN ANTONIO, TX	0.93
SAN MARCOS, TX	0.93
SEGUIN, TX	0.93
SOUTH BEXAR CO., TX	0.93
STAMFORD, TX	0.93
STEPHENVILLE, TX	0.93
STRATFORD, TX	0.93
TEMPLE, TX	0.93
TEXARKANA, T X	0.93
TYLER, TX	0.93
UVALDE, TX	0.93
VICTORIA, TX	0.93
WACO, TX	0.93
WICHITA FALLS, TX	0.93
WILLFORD HALL, TX	0.93
LAYTON, UT	0.94
OGDEN, UT	0.94
OREM, UT	0.94
PROVO, UT	0.94
ROOSEVELT, UT	0.94
SAINT GEORGE, UT	0.94
SALT LAKE CITY, UT	0.94
ALEXANDRIA, VA	1.11
COVINGTON, VA	0.96
DANVILLE, VA	0.96
FAIRFAX, VA	1.11
FREDERICKSBURG, VA	0.96
HAMPTON , VA	0.96
HILLSVILLE, VA	0.96
LANGLEY, VA	1.11

TABLE I.—PHYSICIAN GAAFS (GEOGRAPHIC AREA ADJUSTMENT FACTORS) FOR CPT CODES WITH TOTAL RELATIVE VALUE UNITS ONLY; BY VA FACILITY—Continued

VA Facility location	GAAF
LYNCHBURG, VA	0.96
MARION, VA	0.96
MARTINSVILLE, VA	0.96
NORFOLK, VA	0.96
NORTON, VA	0.96
PETERSBURG, VA	0.96
PULASKI, VA	0.96
RICHMOND, VA	0.96
ROANOKE, VA	0.96
SALEM, VA	0.96
STUARTS DRAFT, VA	0.96
TAZEWELL, VA	0.96
BENNINGTON, VT	0.98
BURLINGTON, VT	0.98
MONTPELIER, VT	0.98
NEWPORT, VT	0.98
NORTH TROY, VT	0.98
RUTLAND, VT	0.98
SAINT ALBANS, VT	0.98
SAINT JOHNSBURY, VT	0.98
WHITE RIVER JCT, VT	0.98
WILDER, VT	0.98
AMERICAN LAKE, WA	0.98
BELLINGHAM, WA	0.98
BREMERTON, WA	0.98
EAST WENATCHEE, WA	0.98
KITSAP COUNTY, WA	0.98
LONGVIEW, WA	0.98
LYNWOOD, WA	0.98
MADIGAN, WA	0.98
OLYMPIA, WA	0.98
PULLMAN, WA	0.98
RICHLAND, WA	0.98
SEATTLE, WA	1.04
SOUTH THURSTON CO., WA	0.98
SPOKANE, WA	0.98
TACOMA, WA	0.98
TOPPENISH, WA	0.98
TRI-CITIES AREA, WA	0.98

TABLE I.—PHYSICIAN GAAFS (GEOGRAPHIC AREA ADJUSTMENT FACTORS) FOR CPT CODES WITH TOTAL RELATIVE VALUE UNITS ONLY; BY VA FACILITY—Continued

VA Facility location	GAAF
VANCOUVER, WA	0.98
WALLA WALLA, WA	0.98
YAKIMA, WA	0.98
APPLETON, WI	0.96
BARABOO, WI	0.96
BEAVER DAM, WI	0.96
CHIPPEWA FALLS, WI	0.96
EAU CLAIRE, WI	0.96
JANESVILLE, WI	0.96
LOYAL, WI	0.96
MADISON, WI	0.96
MARINETTE, WI	0.96
MILWAUKEE, WI	0.96
RHINELANDER, WI	0.96
SUPERIOR, WI	0.96
TOMAH, WI	0.96
UNION GROVE, WI	0.96
WAUSAU, WI	0.96
WAUTOMA, WI	0.96
BECKLEY, WV	0.91
CHARLESTON, WV	0.91
CLARKSBURG, WV	0.91
HUNTINGTON, WV	0.91
MARTINSBURG, WV	0.91
MORGANTOWN, WV	0.91
PARKERSBURG, WV	0.91
PARSONS, WV	0.91
PRINCETON, WV	0.91
WHEELING, WV	0.91
CASPER, WY	0.93
CHEYENNE, WY	0.93
NEWCASTLE, WY	0.93
RIVERTON, WY	0.93
ROCK SPRINGS, WY	0.93
SHERIDAN, WY	0.93

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Federal Register

Tuesday
October 13, 1998

Part III

Department of the Interior

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Determinations of Endangered or Threatened Status; Final Rules and Withdrawal of Proposed Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AD38

Endangered and Threatened Wildlife and Plants; Determination of Endangered or Threatened Status for Four Plants From Southwestern California and Baja California, Mexico

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Fish and Wildlife Service (Service) determines endangered status for one plant *Monardella linoides* ssp. *viminea* (willowy monardella) throughout its historic range in southwestern California and northwestern Baja California, Mexico, and threatened status for three plants: *Acanthomintha ilicifolia* (San Diego thornmint), *Dudleya stolonifera* (Laguna Beach dudleya), and *Hemizonia conjugens* (Otay tarplant) throughout their historic ranges in southwestern California and northwestern Baja California, Mexico, under the Endangered Species Act of 1973, as amended (Act). These four species occur in coastal sage scrub, chaparral, and grassland habitats and are threatened by a variety of factors including urban and agricultural development, competition from nonnative plant species, off-road vehicle use, mining, grazing, and trampling by hikers. This rule implements the Federal protection and recovery provisions afforded by the Act for these four plant species.

DATES: This rule is effective on November 12, 1998.

ADDRESSES: The complete file for this rule is available for public inspection, by appointment, during normal business hours at the U.S. Fish and Wildlife Service, Carlsbad Field Office, 2730 Loker Avenue West, Carlsbad, California 92008.

FOR FURTHER INFORMATION CONTACT: Dr. Gary D. Wallace, Botanist (see **ADDRESSES** section) (telephone 760/431–9440; FAX 760/431–9624).

SUPPLEMENTARY INFORMATION:

Background

Acanthomintha ilicifolia (San Diego thornmint), *Monardella linoides* ssp. *viminea* (willowy monardella), and *Hemizonia conjugens* (Otay tarplant) occur in San Diego County, California, and northwestern Baja California, Mexico. *Dudleya stolonifera* (Laguna Beach liveforever) is restricted to the San Joaquin Hills of Orange County, California. These species occur in coastal sage scrub, grasslands on clay soils, or in a mosaic of sage scrub, chaparral, and riparian scrub habitats.

Typically, areas with Mediterranean climates such as southern California have numerous rare, locally endemic (native) species (Cody 1986). Southern California has the highest concentration of locally endemic plant species in the United States (Gentry 1986) and currently has one of the highest human population growth rates in the country. From 1950 to 1990, the human population of San Diego County increased by 349 percent, and the population of Orange County increased by 1,015 percent (California Department of Finance 1993). Most of these increases occurred within or near sites historically occupied, in part, by coastal sage scrub. Between 1990 and 2015, the number of occupied housing units in San Diego County is expected to increase by 45 percent (City of San Diego and U.S. Fish and Wildlife Service 1996a).

By the 1980's, nearly 90 percent of the entire coastal sage scrub ecosystem in California had been lost (Westman 1981a, 1981b). In San Diego County, 95 percent of the native perennial grasslands and nearly 60 percent of the coastal sage scrub have been eliminated as a result of urban and agricultural development (Oberbauer and Vanderweir 1991, San Diego Association of Governments 1995). About 220,000 acres of coastal sage scrub remain in San Diego County (U.S. Fish and Wildlife Service, *in litt.* 1996).

Habitat destruction or modification adversely affects species native to this area by reducing population densities and contributing to habitat fragmentation. Rapid urbanization and agricultural conversion in Orange and San Diego Counties has already eliminated or reduced populations of the four plant species addressed in this final rule. The trend of habitat loss and fragmentation is expected to continue as the population of southern California expands. These species are also adversely affected by the invasion of nonnative plants, off-road vehicle (ORV) use, increased erosion, grazing, and trampling by humans.

Populations of these four species in Baja California are also threatened by land use practices. For example, Bowler (1990) and Oberbauer (1992) reported that coastal scrub vegetation in northern Baja California is being grazed, burned to increase grass production, and rapidly converted to row-crop agriculture or condominiums, campgrounds and resort housing. Rea and Weaver (as cited in Atwood 1990) also noted that coastal sage scrub in Baja California ''* * * has been seriously degraded by burning, grazing, and conversion to vineyards during the past two decades.''

Discussion of the Four Species

Acanthomintha ilicifolia (San Diego thornmint) was first described by Asa Gray (1872) as *Calamintha ilicifolia,* based on a specimen collected from ''California, probably lower California.'' Gray (1878) subsequently renamed the species *Acanthomintha ilicifolia.* This species is an annual aromatic herb of the mint family (Lamiaceae). Members of this genus have paired leaves and several sharply spined bracts (modified leaves) below whorled flowers. *Acanthomintha ilicifolia* can be distinguished from other members of the genus by its flower, which has hairless anthers and style. The tubular, two-lipped corollas (petals) are white with rose markings on the lower lip.

Acanthomintha ilicifolia usually occurs on heavy clay soils in openings within coastal sage scrub, chaparral and native grassland of coastal San Diego County and in isolated populations south to San Telmo in northern Baja California, Mexico (Beauchamp 1986; Reiser 1996; U.S. Fish and Wildlife Service, unpubl. data). *Acanthomintha ilicifolia* is frequently associated with gabbro soils which are derived from igneous rock and also occurs in calcareous marine sediments.

About 40 percent of 52 historic populations of *Acanthomintha ilicifolia* in the United States have been extirpated (i.e., no longer exist). Currently, there are about 150,000–170,000 individuals in 32 populations in the United States, ranging from San Marcos east to Alpine and south to Otay Mesa in San Diego County (California Native Natural Diversity Data Base (CNDDB) 1997, Reiser 1996, Roberts 1997a). This species occupies an estimated 156 hectares (ha) (400 acres (ac)). About 60 percent of the reported individuals are concentrated in four populations (Sycamore Canyon, Slaughterhouse Canyon, and two populations on Viejas Mountain). At least nine sites are known to have recently supported *A. ilicifolia* in Baja California, Mexico. The current status of this species in Mexico is uncertain.

Of the 32 extant populations of *Acanthomintha ilicifolia,* 11 are considered major populations (i.e., supporting over 3,000 individuals each). Four of these major populations are located within the Multiple Species Conservation Program (MSCP) planning subregion of southern San Diego

County, California. Two of these, Sabre Springs (private ownership) and Sycamore/Slaughterhouse canyons (San Diego County ownership) are adequately conserved by the MSCP (City of San Diego and U.S. Fish and Wildlife Service 1996b). Another population, Asphalt Inc. (private ownership) is in the MSCP outside the Multiple Habitat Preserve Area (MHPA) but will receive significant conservation benefits within the Metro-Lakeside-Jamul segment of the MSCP of the County of San Diego. The last of these four populations, Otay Lakes Northeast (private ownership) is not adequately protected. The remaining seven major populations are located either north or east of the MSCP subregion (CNDDB 1997, Roberts 1997a). Of these seven major populations, four are located within lands managed by the Forest Service (on Viejas and Poser mountains). The three remaining major populations and the majority of the smaller populations are on lands managed by private landowners.

Dudleya stolonifera (Laguna Beach liveforever) was first described by Reid Moran (1949) based on a specimen he collected in 1948 from Aliso Canyon in Orange County. *Dudleya stolonifera* is a succulent perennial member of the stonecrop family (Crassulaceae) and has basal rosettes of flat, oblong, bright green leaves arising from a woody base. Its flowers have bright yellow-green petals that are fused near their base. *Dudleya stolonifera* is distinguished by its branching stolons (horizontal stems that root at the nodes) and lateral vegetative branches that arise from the basal rosette (Moran 1977).

Dudleya stolonifera is found only in the vicinity of Laguna Beach (Orange County) on steep cliffs in canyons. *Dudleya stolonifera* is primarily restricted to weathered sandstone rock outcrops on cliffs in microhabitats within coastal sage scrub or chaparral.

This species is known from only 6 populations, which collectively contain up to 10,000 individuals. Four of the six populations collectively contain over 95 percent of all known individual plants. Two populations of *Dudleya stolonifera* have been reduced by urban development. The westernmost portion and the main portion of the Aliso Gorge population have been eliminated. Approximately half of the Canyon Acres population of *D. stolonifera* has been cleared by the landowner (CNDDB 1997).

The range of *Dudleya stolonifera* lies entirely within the boundaries of the Central/Coastal subregion of the State's Natural Communities Conservation Planning (NCCP) area. One of the four major populations is within the lands designated as a preserve within the Central/Coastal subregion. This population is on a State ecological preserve predating the NCCP program. The other three major populations, representing about 70 percent of the individuals of this species, are found on private lands managed by nonparticipating landowners. One minor population is within lands designated as a preserve within the Central/Coastal subregion.

Hemizonia conjugens (Otay tarplant) was first described by David D. Keck (1958) based on a specimen collected by L.R. Abrams in 1903 from river bottom land in the Otay Valley area of San Diego. *Hemizonia conjugens*, a glandular, aromatic annual in the sunflower family (Asteraceae), has a branching stem from 5 to 25 centimeters (cm) (2.0 to 9.8 inches (in)) in height and deep green or gray-green leaves covered with soft, shaggy hairs. The yellow flower heads are composed of 8–10 ray flowers and 13–21 disk flowers with hairless or sparingly downy corollas (petals). The phyllaries (bracts, or modified leaves, below the flower head) are keeled with short-stalked glands and large, stalkless, flat glands near the margins. *Hemizonia conjugens* occurs within the range of *Hemizonia fasciculata* and *Hemizonia paniculata* (Tanowitz 1982). *Hemizonia conjugens* can be distinguished from these species in having 8–20 ray flowers.

Three of the 25 historic localities of *Hemizonia conjugens* in the United States are considered to be extirpated (Hogan 1990; Sandy Morey, Coordinator for the Endangered Plant Program, California Department of Fish and Game (CDFG), *in litt.* November 1994). It is likely, however, that other unreported populations have also been eliminated as about 70 percent of the suitable habitat for this species within its known range has been developed or is under cultivation. *Hemizonia conjugens* currently has a limited distribution near Otay Mesa in southern San Diego County, California; there is one known population near the United States border in Baja California, Mexico (Sandy Morey, Endangered Plants Program Coordinator, CDFG, *in litt.* 1994; CDFG 1994, Reiser 1996, CNDDB 1997, Roberts 1997b).

Hemizonia conjugens distribution is highly correlated with the distribution of clay soils or clay subsoils (Sandy Morey, *in litt.* November 1994). This species is typically found in clay soils on slopes and mesas within native and mixed (native and nonnative) grassland or open coastal sage scrub habitats. The majority of *H. conjugens* populations are associated with native grasslands, mixed grasslands (i.e., native grassland interspersed with nonnative grass species such as *Bromus diandrus* (ripgut grass), *Bromus madritensis* (foxtail chess), and *Hordeum murinum* (hare barley)) and open, grassy coastal sage scrub.

About 11,930 ha (30,310 ac) of land with clay soils or clay subsoils are situated within the general range of *Hemizonia conjugens* in San Diego County (City of San Diego and U.S. Fish and Wildlife Service 1997). Clay soils are heavy (dense) and favor grassland development. It is likely that much of this area was once vegetated with native grassland and open and grassy coastal sage scrub, which provided suitable habitat for *H. conjugens*. About 4,200 ha (10,600 ac) (about 37 percent) of this area has been urbanized and about 4,155 ha (10,555 ac) (about 37 percent) has been cultivated. Although the cultivated lands could be restored to natural habitat capable of supporting *H. conjugens*, these areas do not currently support this species and are not likely to support the species in the foreseeable future based on proposed land use. Thus, only about 3,415 ha (8,530 ac) of habitat with the appropriate soils are currently available to the species. This represents about 30 percent of the historically available area (City of San Diego and U.S. Fish and Wildlife Service 1997). Fewer than 250 ha (650 ac) of areas with appropriate soil types are known to be occupied by *H. conjugens*.

Hemizonia conjugens, like many annual species, can vary significantly in numbers of individuals from one year to the next due to a variety of factors, including rainfall, timing of rainfall, and temperature. In the 22 extant populations in California, there may be as many as 300,000 individuals under favorable conditions (CNDDB 1997, Roberts 1997b); however, the number of individuals in any given year is probably considerably less. Without knowledge of the species' demography, seedbank and seedbank dynamics, estimations of effective population size are impossible. Until its rediscovery in Baja California in 1977, this species was considered potentially extinct in California as a result of extensive development within its range (Tanowitz 1978).

Of the 22 extant populations of *Hemizonia conjugens* in California, 12 are considered major populations (i.e., having more than 1000 individuals). The largest population complex, Horseshoe Bend-Gobblers Knob (Rancho San Miguel), supports about 200,000 individuals, more than 65 percent of all

known plants. Although all individuals in the Rancho San Miguel complex have been reported as *Hemizonia conjugens*, variations in soil substrates suggest that about 23,000 individuals may be *Hemizonia paniculata* (OGDEN 1992a, Stone 1994, San Diego Gas and Electric 1995, Roberts 1997b). The five largest populations of *Hemizonia conjugens* (Horseshoe Bend-Gobblers Knob (Rancho San Miguel), Rice Canyon, Poggi Canyon, Proctor Valley, and Dennery Canyon) support about 94 percent of all reported individuals (OGDEN 1992a; Stone 1994; San Diego Gas and Electric 1995; Morey, *in litt.* 1994; City of San Diego and U.S. Fish and Wildlife Service 1996b; Roberts 1997b). Of the 17 remaining populations 7 are reported to support from 1,000 to 6,000 individuals each, and 10 support fewer than 1,000 individuals each. All populations of this species in the United States are on private lands.

Hemizonia conjugens appears to tolerate mild levels of disturbance such as light grazing (Dr. Barry Tanowitz, University of California, Santa Barbara, *in litt.* 1977; Hogan 1990). Such mild disturbances create sites necessary for germination (Tanowitz, *in litt.* 1977); however, the species is otherwise threatened by activities such as development and intensive agriculture.

Monardella linoides ssp. *viminea* was first described by Edward L. Greene (1902) as *Monardella viminea* based on a specimen collected by George Vasey in 1880. Greene (1906) later proposed the combination *Monardella viminea.* Munz (1935) reduced this taxon to the rank of variety as *Monardella linoides* ssp. *viminea.* Abrams (1951) published the currently accepted combination of *Monardella linoides* ssp. *viminea.*

Monardella linoides ssp. *viminea* is a perennial herb in the mint family (Lamiaceae) with a woody base and aromatic foliage. The leaves of this species are linear to lanceolate (lance-shaped). Greenish-white, often rose-tipped bracts are below dense terminal heads of pale white to rose-colored flowers. This species can be distinguished from other members of the genus by its glaucous (waxy) green, hairy stems and its conspicuously gland-dotted bracts.

Monardella linoides ssp. *viminea* often grows in sandy washes and floodplains and is frequently associated with *Eriogonum fasciculatum* (California buckwheat), *Platanus racemosa* (sycamore), *Quercus agrifolia* (coast live oak), *Artemisia californica* (California sagebrush), and *Baccharis sarothroides* (coyotebush) (Scheid 1985). *Monardella linoides* ssp. *viminea* primarily inhabits washes in coastal sage scrub or riparian scrub habitats.

Populations of *Monardella linoides* ssp. *viminea,* which are concentrated in the Miramar area of San Diego County, extend south into Baja California, Mexico. This species was previously known from 27 occurrences in the United States. Approximately 6,000 individuals of *M. linoides* ssp. *viminea* from 20 occurrences are thought to currently exist in the United States (Reiser 1996, CNDDB 1997). All populations, with the exception of 2 populations of approximately 200 individuals each (Cedar Canyon and Marron Valley) occur between Penasquitos Canyon and Mission Gorge in San Diego County. Fifteen populations have fewer than 100 plants, and 6 of these populations contain fewer than 15 individuals. Most populations occur on Federal land at Marine Corps Air Station, Miramar, including one of the largest populations. About 1,700 individuals were reported at that locale in 1994 (R.G. Fahey, Lieutenant Commander, CEC, U.S. Navy, *in litt.* 1995). One population occurs near Arroyo Jatay in northern Baja California, Mexico.

Previous Federal Actions

Federal government action on the four plant species considered in this rule began with section 12 of the Act, which directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be endangered, threatened, or extinct. This report (House Document No. 94–51) was presented to Congress on January 9, 1975, and included *Acanthomintha ilicifolia, Dudleya stolonifera, Monardella linoides* ssp. *viminea,* and *Hemizonia conjugens* as endangered. The Service published a notice on July 1, 1975 (40 FR 27823) of its acceptance of the report of the Smithsonian Institution as a petition (under section 4(c)(2) of the Act, but now covered under section 4(b)(3)) and of the Service's intention to review the status of the plant species named in the report. On June 16, 1976, the Service proposed to determine approximately 1,700 vascular plant species, including *A. ilicifolia, D. stolonifera, H. conjugens,* and *M. linoides* ssp. *viminea,* to be endangered species (41 FR 24523) as defined by section 4 of the Act. General comments received in response to the 1976 proposal were summarized in an April 26, 1978, notice (43 FR 17909).

The Act amendments of 1978 required that all proposals over two years old be withdrawn. A one-year grace period was given to those proposals already more than two years old. In a December 10, 1979 notice (44 FR 70796), the Service published a notice of withdrawal of the outstanding portion of the June 16, 1976, proposal, including the four species considered in this listing.

The Service published an updated Notice of Review of plants on December 15, 1980 (45 FR 82480). This notice included *Acanthomintha ilicifolia, Dudleya stolonifera, Hemizonia conjugens,* and *Monardella linoides* ssp. *viminea* as category 1 candidates (i.e., those species for which substantial information on biological vulnerability and threats is available to support preparation of listing proposals).

The 1982 amendments to the Act required that all petitions pending on October 13, 1982, be treated as having been newly submitted on that date (section 2(b)(1)). The 1975 Smithsonian report, including the four subject species, was accepted as a petition. The Service is required to determine within 12 months of the receipt of a petition (section 4(b)(3)(B)) whether the petitioned action is not warranted, is warranted, or is warranted but precluded by other pending listing actions of higher priority (section 4(b)(3)(B)(iii)). On October 13, 1983, the Service found that the petitioned listing of these species was warranted but precluded and published the notification of this finding on January 20, 1984 (49 FR 2485). A warranted but precluded petition must be recycled (section 4(b)(3)(C)(1)), and the finding was reviewed annually from October of 1984 through 1992.

On November 28, 1983, the Service published (48 FR 53640) a supplement to the 1980 Notice of Review. This supplement treated *Acanthomintha ilicifolia, Monardella linoides* ssp. *viminea,* and *Hemizonia conjugens* as category 2 candidates (i.e., species for which data in the Service's possession indicated listing was possibly appropriate but for which substantial information on biological vulnerability and threats were not known or on file to support preparation of proposed rules). *Dudleya stolonifera* was not included as either a category 1 or category 2 candidate in the 1983 Notice of Review.

In the September 27, 1985 revised Notice of Review for plants (50 FR 39526), *Dudleya stolonifera* was included as a category 1 species, and *Acanthomintha ilicifolia, Hemizonia conjugens,* and *Monardella linoides* ssp. *viminea* were included as category 2 species. Enough data were subsequently gathered to include *A. ilicifolia* as a category 1 species in the February 21, 1990, Notice of Review (50 FR 45242).

On December 14, 1990, the Service received a petition dated December 5, 1990, from Mr. David Hogan of the San Diego Biodiversity Project, to list *Hemizonia conjugens* as endangered. The petition also requested designation of critical habitat. On January 7, 1991, the Service received another petition from Mr. Hogan, dated December 30, 1990, to list *Acanthomintha ilicifolia* as endangered. This petition also requested designation of critical habitat. *Acanthomintha ilicifolia* and *H. conjugens* were included in the Smithsonian Institution's Report of 1975 that had been accepted as a petition. The Service, therefore, regarded Mr. Hogan's petitions to list these two species as second petitions.

In the September 30, 1993 Notice of Review revision (58 FR 51144), *Dudleya stolonifera* and *Acanthomintha ilicifolia* remained as category 1 candidate species, and *Hemizonia conjugens* and *Monardella linoides* ssp. *viminea* remained as category 2 candidate species. The Service made a final ''not warranted'' finding on the 1975 petition with respect to *A. ilicifolia, M. linoides* ssp. *viminea,* and 863 other species in the December 9, 1993, **Federal Register** (58 FR 64828). This finding was based on the lack of data relating to current threats throughout a significant portion of the species' ranges (i.e., one of the five factors described within the proposed rule under 50 CFR 424.11). These species were retained in category 2 on the basis that they may be subject to extinction or endangerment from loss of habitat or from other human-caused changes to their environment (58 FR 64840). Use of the category 2 designation was discontinued in the February 28, 1996, Notice of Review (61 FR 7596).

In 1994, the Service obtained complete data that adequately described those factors that placed *Acanthomintha ilicifolia* and *Monardella linoides* ssp. *viminea* at risk of extinction. The Service ultimately responded to the Smithsonian and Hogan petitions by publishing a proposed rule to list *Acanthomintha ilicifolia, Dudleya stolonifera, Hemizonia conjugens,* and *Monardella linoides* ssp. *viminea* as endangered in the **Federal Register** on August 9, 1995 (60 FR 40549). On April 10, 1995, a moratorium on final listings was imposed by Congress. Until the moratorium was lifted on April 26, 1996, the Service was not allowed to complete any final listing actions.

The Service published Listing Priority Guidance for Fiscal Years 1998 and 1999 on May 8, 1998 (63 FR 25502). The guidance clarifies the order in which the Service will process rulemakings giving highest priority (Tier 1) to processing emergency rules to add species to the Lists of Endangered and Threatened Wildlife and Plants (Lists); second priority (Tier 2) to processing final determinations on proposals to add species to the Lists, processing new proposals to add species to the Lists, processing administrative findings on petitions (to add species to the Lists, delist species, or reclassify listed species), and processing a limited number of proposed or final rules to delist or reclassify species; and third priority (Tier 3) to processing proposed or final rules designating critical habitat. Processing of this final rule is a Tier 2 action.

Summary of Comments and Recommendations

In the August 9, 1995, proposed rule (60 FR 40549) and associated notifications, all interested parties were requested to submit factual reports or information that might contribute to the development of a final rule. The comment period closed on October 9, 1995. Appropriate State agencies, County governments, Federal agencies and other interested parties were contacted and requested to comment. Public notices announcing the publication of the proposed rule were published in the San Diego Union Tribune in San Diego County on August 11, 1995, and the Orange County Register on August 16, 1995. No request for a public hearing was received.

A total of 20 written comments was received. Four commenters did not address the proposed listing action directly, or support or oppose the listing of these species. Ten commenters supported the listing, and 6 commenters opposed the proposed listing; however, only 8 of the 16 commenters supporting or opposing the listing addressed all 4 species. Information from a number of these comments has been incorporated into the final rule. The Service's responses to each of 12 relevant issues raised in these comments are as follows.

Issue 1: One commenter expressed concern that the proposed listing of these plants appeared to be in response to litigation and not objective science. This comment apparently is in reference to a court settlement with the California Native Plant Society to render decisions on 159 category 1 plant species by March 31, 1996. This same commenter also expressed concern that there was inadequate staff resources to properly analyze data relevant to the decision-making process. The commenter cited ''significant deficiencies'' in the database upon which the Service relied to determine if these species should be listed.

Service Response: The Service disagrees that there are significant deficiencies in the data used in the decision-making process for the four species listed in this rule. The commenter did not supply any data that would have changed the Service's finding.

The court settlement with the California Native Plant Society did influence the timing of the review of the current status of *Dudleya stolonifera* and *Hemizonia conjugens;* however, *Acanthomintha ilicifolia* and *Monardella linoides* ssp. viminea were not part of the original lawsuit settlement. The Service determined that these species would likely qualify for listing as endangered species as early as 1976 (see ''Previous Federal Action'' section of this rule). Actions of higher priority precluded a review of the status of these species for nearly two decades. The lawsuit settlement prompted the Service to review *D. stolonifera* and *H. conjugens* and 157 other species as high priority actions. The lawsuit, however, did not require any specific action with regard to the 159 species, only that the conservation status of each species be resolved through publication of a ''not warranted'' finding or a proposed rule to list the species. A review of the data in the Services' files and data obtained during 1992 and 1993 demonstrated that *A. ilicifolia* and *M. linoides* ssp. *viminea* also needed protection under the Act and resulted in publication of a proposed rule to list these species in 1995.

The Service acknowledges that botanical staff resources were limited at the time the settlement was concluded in 1991, and this limitation resulted in delays. In addition, Congress imposed a listing moratorium from April 10, 1995, through April 26, 1996, which precluded the Service from rendering final listing decisions. Subsequent to the lifting of the moratorium, the Service had inadequate staff and funding to process the backlog of final listing actions (243 proposed species) that accumulated because of the moratorium; other listing activities (petition findings, new proposals of candidates species, and withdrawals) were delayed, as well. In response, the Service adopted guidelines for the processing of listing actions.

Issue 2: One commenter claimed that the proposed rule both ignored important existing population data and lacked sufficient population data to support a listing of *Acanthomintha ilicifolia, Hemizonia conjugens,* and *Monardella linoides* ssp. *viminea.* The

commenter noted that, although the proposed rule claimed that there were 20 extant populations of *A. ilicifolia,* the MSCP data base contains 41 populations. The commenter stated that the MSCP localities for the southwestern quarter of San Diego County alone is twice the previous Service estimate for the entire U.S. range. One commenter claimed to have supplied the CDFG with data on the status of 25 populations of *H. conjugens.* The commenter asserted that the estimate of 15 extant populations of *H. conjugens* in the proposed rule is an underestimate and an indication that the Service did not use all available data in its analysis. The commenter also noted that the Service failed to provide an estimate for the number of individuals of *H. conjugens.*

Service Response: In preparation of the MSCP database maps, ''points'' were applied to represent species localities. A point may describe information ranging from an individual plant, a population, or an undefined number of individuals, unless specifically defined. A cluster of points may represent colonies or individuals in proximity that are not necessarily discrete populations. ''Points'' are also known to represent isolated or fragmented populations that have been significantly reduced, or in some cases, are recently extirpated localities. Differences in numbers of ''points'' between the MSCP database (based on unpublished data supplied by OGDEN in 1996) and figures used in the proposed rule (based on a variety of sources) result from differences in defining populations.

Thirty-nine *Acanthomintha ilicifolia* ''points'' are reported in the most recent MSCP database (City of San Diego and U.S. Fish and Wildlife Service 1996b; U.S. Fish and Wildlife Service, unpubl. data). The Service has determined that these 39 ''points'' or point locations constitute 15 of the 32 currently known extant populations of *A. ilicifolia* in the U.S. The remaining 17 populations are located outside of the MSCP planning area. A number of populations of *A. ilicifolia* were not known at the time the proposed rule was prepared. However, these new localities face the same threats as previously known populations, therefore, the status of the species has not significantly improved.

The Natural Heritage Division of CDFG has reported Rancho San Miguel (Horseshoe Bend-Gobblers Knob) as supporting four separate occurrences of *Hemizonia conjugens* (CNDDB 1997). The MSCP database represents these populations with 20 ''points.'' Because of their proximity and similarity in habitat, the Service is treating ''points'' in this complex as a single extended population for purposes of this document. A single extended population of *H. conjugens* is recognized by the Service and CDFG within the Otay River Valley. This population is represented by 43 ''points'' within the MSCP database. A recent survey of this population located only 10 individual plants (Stone 1994). A discussion regarding population estimates for *Hemizonia conjugens* has been included under the ''Discussion of the Four Species'' section of this rule. The Service is currently aware of 22 extant populations of *H. conjugens,* 7 more than were known in 1994. Although the number of known sites has increased, the majority of the new localities are also threatened; therefore, the status of the species has not significantly improved.

The commenter did not supply substantive information regarding *Monardella linoides* ssp. *viminea;* however, the species' distribution is fairly well-known. Although other populations may eventually be found, the Service considers the data available to be sufficient. Only 5 of the 20 extant populations have at least 100 individuals. The Service believes this reduction in numbers and distribution of *M. linoides* ssp. *viminea* combined with threats to the remaining populations (urban development, sand and gravel mining, ORVs, fire, trampling, trash dumping, and erosion) support the listing of this species as endangered.

Issue 3: One commenter claimed that the Service was obliged to survey thoroughly for the three San Diego County species before reaching a final decision regarding the listing of the three species. The commenter noted that the proposed rule indicated that *Acanthomintha ilicifolia* is frequently associated with gabbro clay soils and occurs in calcareous marine sediments. Data compiled for the MSCP indicate that the majority of these areas occur east of substantial development within the subregion and that many of these areas have not been systematically surveyed for *A. ilicifolia.* The commenter argued that these areas should be thoroughly surveyed before a final decision can be reached. The commenter also questioned the known status of *A. ilicifolia, Hemizonia conjugens,* and *Monardella linoides* ssp. *viminea,* in Baja California, Mexico, claiming that the Service has not demonstrated that thorough surveys have been conducted in these areas.

Service Response: The Service concludes, as detailed in the ''Background'' and ''Summary of Factors Affecting the Species'' sections of this rule, that sufficient biological data exist to warrant listing of the three plant species under the Act. Although the Service acknowledges that additional populations of these rare plant species may be discovered in San Diego County, California, it is likely that these populations would be subject to the same threats that currently place known populations at risk. For example, existing data indicate that *Monardella linoides* ssp. *viminea* primarily occurs in washes at low elevations along the coast. The species is unlikely to be found at the higher elevations along the eastern boundary of the MSCP subregion where appropriate habitat is uncommon. Additional unreported populations of this species would likely be situated in areas subject to urbanization and related impacts.

The general distribution limits of *Hemizonia conjugens* are fairly well-understood. Significant populations of this species are not likely to occur at higher elevations along the eastern border of the MSCP due to a lack of preferred habitat (mesas and rolling hills with clay soils or clay subsoils). Although additional populations may be located within the range of *H. conjugens,* these populations would likely be threatened given the current nature and extent of fragmentation, cultivation, and proposed urbanization throughout the range of the species.

Of the three San Diego taxa, only *Acanthomintha ilicifolia* has significant favorable habitat occurring along the eastern boundary of the MSCP and Multiple Habitat Conservation Plan (MHCP) subregions. Recent discoveries indicate that additional significant populations of this species may occur in the vicinity of Alpine and Sycamore Canyon. The Service has considered this information in listing this species as threatened rather than endangered as proposed. Nevertheless, the majority of historic populations of *A. ilicifolia* were in western San Diego County, California, and nearly half have been extirpated. Data within the Service's files indicate that much of the undeveloped habitat within the range of this species is likely to be urbanized, or to be in proximity to urbanization in the foreseeable future.

Although the flora of northwestern Baja California has received less scrutiny than that of Alta California, several botanists (notably Reid Moran formerly of the San Diego Natural History Museum) have made extensive surveys in coastal areas between Tijuana and El Rosario, Mexico. There are numerous collections of plants from Mexico in the herbaria of the Rancho

Santa Ana Botanic Garden in Claremont, California, and the San Diego Natural History Museum in San Diego, California. All localities cited within the proposed rule are based on collection records. Although it is possible that other populations of all three species exist in coastal Baja California, all three species are restricted to specific habitats or have very restricted ranges. *Hemizonia conjugens* is known only from a single locality east of Tijuana (La Presa) and is not expected to occur farther than 16 kilometers (km) (10 miles (mi)) south of the U.S. border. This area has been subject to substantial urban and agricultural impacts (Direccion de Planeacion del Desarrollo Urbano y Ecologica and San Diego Association of Governments (SANDAG) 1996). *Acanthomintha ilicifolia* and *Monardella linoides* ssp. *viminea* are more broadly distributed in Baja California. The preferred habitat for these species, however, is limited and found in isolated patches.

Issue 4: One commenter claimed that the Service was applying unreliable data and selective anecdotal speculation regarding threats to these plants in Baja California, Mexico.

Service Response: The threats to the flora of northwestern Baja California are well-documented and extensively discussed in recent publications (Bowler 1990, RECON 1991b, Oberbauer 1992). Habitat between Tijuana and Ensenada, Mexico, and in the vicinity of San Quintin, MX is being converted to urban, recreational and agricultural development (Oberbauer 1992). Impacts of expanding cultivation and urbanization are also evidenced through satellite imagery of the vicinity of Tijuana and La Presa (Direccion de Planeacion del Desarrollo Urbano y Ecologica and San Diego Association of Governments (SANDAG) 1996). This area includes the only known population of *H. conjugens* in Baja California, Mexico.

Monardella linoides ssp. *viminea* and *Acanthomintha ilicifolia* both occur in the vicinity of San Quintin. Satellite imagery documents that about 49,500 ha (124,000 ac) of coastal plain in this region had been converted to cultivation and urbanization by 1974 (U.S. Fish and Wildlife Service, unpubl. data). The San Quintin kangaroo rat (*Dipodomys gravipes*), a coastal lowland-associated species endemic to the Baja California, Mexico, from San Telmo to El Rosario, is nearly extinct as a result of this change in land use (Best 1983). More recent satellite imagery (Earth Satellite Corporation 1994) documented approximately 5,450 ha (13,600 ac) of additional habitat conversion on the coastal plain and adjacent foothills by January 1994.

Issue 5: One commenter stated that the Service failed to establish minimum viable population size for *Hemizonia conjugens, Acanthomintha ilicifolia,* and *Monardella linoides* ssp. *viminea.* Without an estimate of the minimum viable population size and distribution, ''* * * the public is unable to determine what the Service believes constitutes a population size and distribution threatening or endangering the continued existence of these species * * *''.

Service Response: A minimum viability population analysis may be useful for developing a recovery plan for some species (Shaffer 1990), but is not necessary to determine whether a species should be listed. A minimum viability population analysis does not address existing and foreseeable threats to species that are key factors in determining whether a species should be listed under the Act (see ''Summary of Factors Affecting the Species'' section of this rule).

Issue 6: One commenter stated that the Service did not correctly analyze the degree of threat to *Hemizonia conjugens, Acanthomintha ilicifolia,* and *Monardella linoides* ssp. *viminea* inferred from past and projected population growth in San Diego County. Although the Service has relied on SANDAG estimates that the number of occupied housing units in San Diego County would increase 69 percent between 1990 and 2015, the commenter noted that the May 1995 draft EIR/EIS for the San Diego MSCP predicted that the San Diego metropolitan area will increase by only 18 percent between 1990 and 2005. The commenter stated that population growth in residential and commercial development in San Diego County has ''significantly slowed since 1990'' and suggested that the earlier SANDAG figure significantly overstates the current best estimates for growth.

Service Response: Population growth estimates by SANDAG represent the best available population growth estimates for the region and are used extensively by local County and municipal jurisdictions in local and regional planning. Because the Service does recognize that growth projections are dynamic, we have incorporated the most recently available figures on population growth into this rule. The August 1996 final EIR/EIS for the MSCP estimates a population increase of 21 percent for the population of the City of San Diego from 1990 to 2005 (City of San Diego and U.S. Fish and Wildlife Service 1996a). The projected growth for the same area from 1990 to 2015 is 42 percent. The cited document also reveals that population growth is projected to increase 50 percent in the San Diego region from 2.5 million people to 3.8 million people. Occupied housing units are estimated to increase 45 percent in San Diego County from 1990 to 2015. Although these numbers are lower than the earlier SANDAG estimates, they clearly indicate that the region will be subject to significant population growth, which is likely to contribute to the further decline of the three plant species and their habitats.

Issue 7: One commenter questioned the accuracy of the reference (Oberbauer and Vanderweir 1991) cited by the Service for purposes of documenting and analyzing the loss of historic native grasslands in the San Diego Region.

Service Response: The Service has determined that Oberbauer and Vanderweir (1991) based their conclusions on data gathered utilizing acceptable scientific methods.

Issue 8: One commenter claimed that the listing proposal did not present an adequate discussion and analysis, with the exception of the California gnatcatcher, on the protections afforded *Acanthomintha ilicifolia, Hemizonia conjugens,* and *Monardella linoides* ssp. *viminea* from other federally listed species. The commenter specifically requested that the Service analyze the protections afforded by the listings of *Arctostaphylos glandulosa* ssp. *crassifolia* (Del Mar manzanita), *Baccharis vanessae* (Encinitas baccharis), *Chorizanthe orcuttiana* (Orcutt's spineflower), *Corethrogyne filaginifolia* var. *linifolia* (Del Mar aster), *Dudleya blochmaniae* ssp. *brevifolia* (short-leaved dudleya), *Navarretia fossalis* (spreading navarretia), *Pogogyne abramsii* (San Diego mesa mint), *P. nudiuscula* (Otay mesa mint), Riverside fairy shrimp (*Streptocephalus wootoni*), Harbison's Dunne skipper (*Euphyes vestris harbisoni*), Thorne's hairstreak butterfly (*Mitoura thornei*), arroyo toad (*Bufo microscaphus californicus*), California red-legged frog (*Rana aurora daytonii*), least Bell's vireo (*Vireo bellii pusillus*), Pacific pocket mouse (*Perognathus longimembris pacificus*), and Stephens' kangaroo rat (*Dipodomys stephensii*).

Service Response: The proposal to list *Corethrogyne filaginifolia* var. *linifolia* (Del Mar aster) and *Dudleya blochmaniae* ssp. *brevifolia* (short-leaved dudleya) was withdrawn on October 7, 1996 (61 FR 52402). These species confer no Federal protections on *Acanthomintha ilicifolia, Hemizonia conjugens,* or *Monardella linoides* ssp. *viminea.* Additionally, the ranges of the

two withdrawn species do not overlap those of the species listed in this rule. Harbison's Dunne skipper (*Euphyes vestris harbisoni*) and Thorne's hairstreak butterfly (*Mitoura thornei*) are not listed nor have these species ever been proposed for Federal listing. Therefore, these two butterfly species confer no protection on the plants listed in this rule. Although the Stephens' kangaroo rat (*Dipodomys stephensii*) is listed as an endangered species, the range of the Stephens' kangaroo rat is not known to overlap with any of the four plant species listed in this rule. None of the other 11 federally listed species mentioned by the commenter are found in the same habitat as the 4 species addressed in this rule; therefore, protections for those listed species do not confer any direct protection to the four species being listed by this rule. An analysis of potential protection indirectly conferred on these plants from the other listed species has been expanded in Factor D of the ''Summary of Factors Affecting the Species'' section of this rule.

Issue 9: Two respondents claimed that the Service failed to analyze the expected impact of a listing on the regional NCCP habitat conservation programs, or expressed concern that the listings would result in a negative impact on these programs. One commenter alleged that the action of listing three of the plant species could preclude approval of the MSCP and, therefore, result in jeopardy to the species' continued existence.

Service Response: The Service actively supports multispecies planning efforts to avoid or reduce the need for future listing actions within designated planning areas. However, the Service is required to determine whether a species is endangered or threatened based solely on the applicability of the five factors listed under section 4(a)(1) of the Act. Significant populations of three species (*Acanthomintha ilicifolia, Dudleya stolonifera,* and *Monardella linoides* ssp. *viminea*) listed in this rule are outside the geographical limits of approved or nearly completed multispecies conservation plan areas (MSCP or Central/Coastal NCCP), or are not under the jurisdiction of these plans.

Acanthomintha ilicifolia is considered adequately conserved within jurisdictions with approved subarea plans in the MSCP subregion and, therefore, no additional mitigation is required to protect the species within these jurisdictions. About 55 percent of the United States populations (and about 65 percent of the major populations), however, are outside the MSCP subregion.

The distribution of *Dudleya stolonifera* lies entirely within the Central/Coastal NCCP subregion of Orange County. The species is considered a ''covered species'' (species that will be adequately conserved by the plan's proposed preservation and management) under the Central/Coastal NCCP with respect to planned activities carried out by participating landowners because protection of the species is assured under the plan on lands owned and managed by such landowners. However, only one of four major populations of *D. stolonifera* within the Central/Coastal NCCP is on land owned by a participating landowner. The plan does not extend coverage or ensure protection of this species on lands owned by nonparticipating landowners in the subregion.

The entire U.S. distributions of *Hemizonia conjugens* and *Monardella linoides* ssp. *viminea* occur within the MSCP subregion. Nearly 80 percent of the populations of *M. linoides* ssp. *viminea,* however, are found on Marine Corps Air Station, Miramar lands not under jurisdiction of the MSCP, and, although *H. conjugens* is a covered species under the MSCP, the potential impacts of projects that are not subject to the jurisdiction of the MSCP (see Factor D of the ''Summary of Factors Affecting the Species'' section of this rule) are very important to the long-term survival of this species. The listing of *H. conjugens* and *M. linoides* ssp. *viminea* will not adversely affect jurisdictions with approved subarea plans under the MSCP because these species are ''covered'' under the MSCP, and therefore no additional mitigation is required to protect the species in these jurisdictions. Thus, the listing of *Acanthomintha ilicifolia, Dudleya stolonifera,* and *Monardella linoides* ssp. *viminea* will not have a negative impact on the MSCP and Central/Coastal NCCP because the Service has determined that populations of these species covered by these plans will be adequately protected by the participating jurisdictions and/or participating landowners; no additional mitigation will be required of these participants. The significant threats faced by species outside of the geographical or regulatory jurisdictions of the approved plans warrant the listing of these species.

Issue 10: One commenter stated the Service should not add *Dudleya stolonifera* to the endangered species list because one of the threats cited was competition from nonnative plant species. The commenter stated that competition is a natural process, and therefore ''* * * nature is doing its own eliminating.'' By attempting to protect the species, the Service was only prolonging the inevitable.

Service Response: The Service is required to determine whether any species is endangered or threatened based on the applicability of the five factors listed under section 4(a)(1) of the Act, including ''* * * other natural or manmade factors affecting their continued existence.'' Competition from nonnative plants often results from, and is accelerated by, human activities such as disturbance of natural habitat and fragmentation of natural habitat. The Service does not consider competition from nonnative plants a natural process, and therefore such competition constitutes a threat under the Act.

Issue 11: The Service must comply with Executive Order No. 12630 and conduct a takings analysis for each species before reaching any final decisions.

Service Response: Executive Order 12630, Government Actions and Interference with Constitutionally Protected Property Rights, requires that a Takings Implications Assessment (TIA) be conducted in connection with final rulemakings that may affect the value or use of private property. The Attorney General has issued guidelines to the Department of the Interior (Department) regarding TIAs. The Attorney General's guidelines state that TIAs are to be prepared after, rather than before, an agency makes a restricted discretionary decision. The Act requires the Service to make listing determinations based solely upon the best scientific and commercial data available. Economic considerations may not be used in listing determinations. If the Service determines that the final rule for listing any of these species may affect the use or value of private property, a TIA will be prepared for the rule(s).

Issue 12: One commenter supported the listing of *Acanthomintha ilicifolia* and *Hemizonia conjugens* and suggested that the genetic differences among populations of patchily distributed edaphic specialists could affect preservation strategies and priorities.

Service Response: The Service agrees that genetic differences among patchily distributed populations are a relevant concern in designing conservation strategies. Determination of genetic differences and their effects on conservation strategies and priorities will be addressed in recovery plan development after the species are listed.

Peer Review

The Service routinely has solicited comments from parties interested in, and knowledgeable of, species which have been proposed for listing as threatened or endangered species. The July 1, 1994, Peer Review Policy (59 FR 34270) established the formal requirement that a minimum of three independent peer reviewers be solicited to review the Service's listing decisions. During the August 9, 1995, to October 9, 1995, comment period, the Service solicited the expert opinions of three biologists having recognized expertise in botany and/or conservation biology to review the proposed rule. The Service received comments from two of the three reviewers within the comment period. Both concurred with the Service on factors relating to the taxonomy of the species and biological and ecological information (E. Bauder *in litt.* 1995, M. Dodero *in litt.* 1995).

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that *Monardella linoides* ssp. *viminea* should be classified as an endangered species, and *Acanthomintha ilicifolia, Dudleya stolonifera,* and *Hemizonia conjugens* should be classified as threatened species. Procedures found in section 4 of the Act and regulations implementing the listing provisions of the Act (50 CFR part 424) were followed. A species may be determined to be endangered or threatened due to one or more of the five factors described in section 4(a)(1). The threats and their application to *Acanthomintha ilicifolia* A. Gray, (San Diego thornmint), *Dudleya stolonifera* Moran (Laguna Beach liveforever), *Hemizonia conjugens* D.D. Keck (Otay tarplant), and *Monardella linoides* A. Gray ssp. *viminea* (Greene) Abrams (willowy monardella) are as follows and summarized in Table 1.

TABLE 1.—SUMMARY OF THREATS

	Trampling grazing	Alien plant species	Off-road vehicles (ORV)	Urbanization	Mining	Alteration of hydrology	Overutilization
Acanthomintha ilicifolia	X	X	X	X	X		
Dudleya stolonifera	X	X		X			X
Hemizonia conjugens	X	X	X	X			
Monardella linoides ssp. *viminea*	X	X	X	X	X	X	X

A. The Present or Threatened Destruction, Modification, or Curtailment of Their Habitat or Range

The rapid urbanization of coastal southern California imminently threatens the four species in this final determination. Many of the same factors threatening *Acanthomintha ilicifolia, Hemizonia conjugens,* and *Monardella linoides* ssp. *viminea* in the United States (urban and agricultural development) also threaten these species in Baja California, Mexico.

Of the 52 historically known populations of *Acanthomintha ilicifolia* in the United States, 20 have been extirpated by residential or commercial developments. In addition, ORV activity and trampling by cattle and humans have contributed to the decline of this species. For example, one population (Sabre Springs) in Poway has declined by about 60 percent as a result of these factors (Bauder, McMillan, and Kemp 1994, CNDDB 1997). Five populations are currently directly threatened by development (OGDEN 1992b, OGDEN 1992d, Enviromine 1994, CNDDB 1997). Although existing and proposed development largely avoids direct impacts, in many cases the development footprint is immediately adjacent or in proximity to *A. ilicifolia* populations (Michael Brandman Associates 1990, RECON 1991a, OGDEN 1992b, OGDEN 1992c, OGDEN 1992d, OGDEN 1995, Bauder, McMillan, and Kemp 1994, Sweetwater Environmental Biologists 1994, T. & B. Planning Consultants 1994, Shapouri and Associates 1995, City of San Diego 1995a, City of San Diego and U.S. Fish and Wildlife Service 1996a, 1996b, 1997; U.S. Fish and Wildlife Service, *in litt.* 1996). Consequently, habitat is degraded and risks from nonnative plant replacement, trampling, fragmentation, and isolation increase (See Factor E of the ''Summary of Factors Affecting the Species'' section of this rule). Sixty percent of all individuals are, or will be situated in proximity to development after implementation of currently approved or proposed development (Roberts 1997a).

Four occurrences of *Acanthomintha ilicifolia* are on lands managed by the City of San Diego (Mission Trails Park, Los Penasquitos Park, and Sycamore Canyon Park) (Bauder, McMillan, and Kemp 1994; CNDDB 1997). Each of these four occurrences receives some level of protection by the City of San Diego, because *A. ilicifolia* is a ''covered species'' under the MSCP.

One population of *Acanthomintha ilicifolia* is on land managed by The Nature Conservancy (McGinty Mountain) and four populations occur on the Cleveland National Forest (Viejas Mountain and Poser Mountain). These populations, however, are vulnerable to habitat degradation resulting from illegal dumping, trampling, erosion and ORV activity (Bauder, McMillan, and Kemp 1994). Roads adjacent to populations in the vicinity of McGinty Mountain and Penasquitos Canyon provide easy access for foot traffic and ORV use.

The status of *Acanthomintha ilicifolia* and its habitat in northwestern Baja California, Mexico, is not well-documented. The species is known to occur as far south as Las Escobas near San Quintin, Mexico, but its distribution in Mexico is spotty (Reid Moran, pers. comm. 1992). The San Diego Natural History Museum has herbarium specimens of *A. ilicifolia* from nine localities in Baja California, Mexico; however, little information is available on numbers of individuals or specific threats. One population near Tecate, Mexico is threatened by an adjacent clay mining operation (Tom Oberbauer, Senior Planner, San Diego County, pers. comm. 1992). This northern region represents one of the most severely impacted areas in Baja California, and many of the same factors (urban and agricultural development) that have affected the status of this species in the United States also threaten the species in Mexico.

Three of the 25 known historic locations of *Hemizonia conjugens* are considered to be extirpated (Hogan 1990, S. Morey *in litt.* 1994, CNDDB 1997). In addition, about 70 percent of the potentially suitable habitat for this species has been cleared for agriculture and urbanization (City of San Diego and U.S. Fish and Wildlife Service 1997). About 40 percent of all remaining individuals will be eliminated by currently approved and proposed

development projects (Morey, *in litt.* 1994; OGDEN 1992a, OGDEN 1992c, San Diego Gas and Electric 1995, Tetra Tech 1996, CNDDB 1997). These impacts have been considered by the Service through development of the MSCP. Of the remaining populations after implementation of these various developments, about 90 percent will be situated adjacent to, or within the immediate vicinity of, urban development and recreation areas (Roberts 1997b). These plants will be threatened by the secondary effects of encroaching development (e.g., nonnative plant species replacement, isolation, and fragmentation). Management provided through the MSCP and on San Diego National Wildlife Refuge lands, however, will help alleviate these effects for projects subject to the MSCP.

The four largest populations (Horseshoe Bend, Rice Canyon, Dennery Canyon, and Proctor Valley) of *Hemizonia conjugens* support 90 percent of all individuals. At Horseshoe Bend, the largest population (about 65 percent of all individuals) will be impacted by a residential-commercial development project (Rancho San Miguel), utilities, and State Route 125 (OGDEN 1992a, San Diego Gas and Electric 1995, Tetra Tech 1996). These impacts will result in loss of about 60 percent of the individuals and most of the occupied habitat in the Rancho San Miguel complex. The remaining portion of the Horseshoe Bend population, which constitutes about 35 percent of the known individuals of the species, will be conserved as part of the MSCP. Direct impacts to the Rice Canyon population (about 15 percent of all individuals) have been for the most part avoided. The remaining population, however, is isolated and in proximity to urban development. It is likely that this population will decline significantly in the foreseeable future (Morey, *in litt.* 1994; CNDDB 1997, Roberts 1997b). A third major population is located in the vicinity of Dennery Canyon. The majority of this population will be conserved in open space (City of San Diego 1995b, City of San Diego and U.S. Fish and Wildlife Service 1996b). A significant portion of the potential habitat within the population, however, was impacted by grading in the spring of 1997 for a residential-commercial project (Cal Terraces) (U.S. Fish and Wildlife Service, *in litt.* 1997). This project resulted in preservation of 1.2 ha (3 ac) out of 7 ha (17.5 ac) of suitable habitat on the project site. The fourth largest population (Proctor Valley) is partially within an approved development (OGDEN 1992c, City of San Diego and U.S. Fish and Wildlife Service 1996b, City of San Diego and U.S. Fish and Wildlife Service 1997).

Several populations of *Hemizonia conjugens* have also been affected by ORV activity on Otay Mesa. For example, about 12 ha (30 ac) of suitable and occupied habitat at Dennery Canyon have been severely impacted by ORV activities (B. McMillan, U.S. Fish and Wildlife Service, pers. comm. 1997). Implementation of the MSCP requires that these effects be alleviated.

Several other major populations of *Hemizonia conjugens* will be largely conserved (Wolf Canyon, Otay Valley, Old Salt Creek, Jamacha Hills); however, these populations will be adjacent to, or in proximity to recreation or future development (OGDEN 1992c, City of San Diego and U.S. Fish and Wildlife Service 1996b, Roberts 1997b). In addition, populations that are conserved through the development process may be affected by Federal and State activities not subject to the MSCP, including State transportation projects (California Department of Transportation), border fencing, ORV activity, and new facilities (Immigration and Naturalization Service), and airport expansion (Federal Aviation Administration). For example, one alternative for State Route 125 may affect as much as 23 ha (57 ac) of *H. conjugens* habitat. State Route 905 passes through suitable habitat and expansion of this highway will likely reduce the extent of this habitat. At least five populations of *H. conjugens* on Otay Mesa are at risk from United States Immigration and Naturalization Service Border Patrol (Border Patrol) activities due to the proximity of the U.S.-Mexican border. ORV activity relating to Border Patrol activities has impacted and potentially significantly reduced one major population (Spring Canyon) (B. McMillan, pers. comm. 1997). These activities also impact considerable suitable but currently unoccupied habitat on private land on Otay Mesa. Another population may be impacted by a proposed Border Patrol field station on Otay Mesa. To some degree those populations covered under the MSCP will still be subject to the effects of habitat fragmentation, ORV activity, and disturbance described previously in this rule.

Monardella linoides ssp. *viminea* was previously known from 27 occurrences in the United States, 7 of which have been extirpated by transportation projects and industrial development. Of the 5 remaining occurrences with at least 100 individuals, none are currently protected. The remaining populations of *M. linoides* ssp. *viminea* are threatened by urban development, sand and gravel mining, ORV activity, trampling, trash dumping, and erosion. One of the largest populations (2,000 to 3,000 individuals) is located partially on private property, partially on Federal land managed by the Navy, and partially on city-owned property (Sycamore Canyon City Park). This population has been damaged by ORVs and fire, factors that also threaten the other remaining populations of this species. Two populations on Marine Corps Air Station, Miramar land have been partially destroyed by road construction. The other two large populations of *M. linoides* ssp. *viminea* are on private property. One of these (approximately 340 individuals) is threatened by sand and gravel mining. The other population, with approximately 200 individuals, is on property proposed for development. Habitat for this species in Los Penasquitos City Regional Park is degraded by stream erosion, trash dumping, and the invasion of nonnative species. Another population in San Clemente Park, owned by the City of San Diego, was reported to have approximately 60 plants in the early 1980's, but contained fewer than 35 plants in 1987 (CNDDB 1997).

Approximately 8,000 to 10,000 individuals of *Dudleya stolonifera* are spread among 6 locations. Urban development and associated edge effects (see ''Discussion of the Four Species'' and Factor E of the ''Summary of Factors Affecting the Species'' sections of this rule) threaten several populations of *D. stolonifera.* Although the entire range of this species is within the boundaries of the Central/Coastal NCCP, three of the major populations representing 70 percent of the species are found on private lands managed by nonparticipating landowners. The population at the type locality (site of collection of the specimen used to describe the species) for *D. stolonifera* is directly adjacent to residential development in Aliso Canyon (Orange County) and is declining due to increased shading and competition from nonnative plants (F. Roberts, U.S. Fish and Wildlife Service, pers. obs.). This population is also threatened by fuel modification (Marsh 1992), which includes modifying existing habitat to reduce the immediate risk of fire (e.g., thinning vegetation, fire breaks, disking, and mowing).

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

All four species addressed in this rule may be threatened with vandalism and/or collection. Simply listing a plant species can precipitate commercial or scientific interest, both legal and illegal, which can threaten the species through unauthorized and uncontrolled collection for both commercial and scientific purposes. The listing of species as endangered or threatened publicizes their rarity and may make them more susceptible to collection by researchers or curiosity seekers (Mariah Steenson pers. comm. 1997, M. Bosch, U.S. Forest Service *in litt.* 1997). Plants are particularly vulnerable to vandalism, and rare or listed plants may be viewed as targets by vandals who view their presence as a threat to future land use. *Dudleya stolonifera* is known to be in cultivation, and is threatened by overcollection. All species of *Dudleya* are vulnerable to collection and *D. stolonifera* is listed as a CITES Appendix I species (Ayensu and DeFilipps 1978). Field-collected specimens of *D. stolonifera* have been found in southern California nurseries and are likely to be harvested for private collections (Kei Nakai, horticulturalist, *in litt.* 1978, and pers. comm. 1992). A Smithsonian report on endangered and threatened plants in the United States considers all species of *Dudleya* vulnerable to collection (Ayensu and DeFilipps 1978). *Monardella linoides* ssp. *viminea* is also known to be in cultivation, and the listing of this species could result in increased interest and possible illegal collection. Collection has not been documented for the other species in this rule.

C. Disease or Predation

Herbivory may threaten some populations of the plants contained in this rule. For example, failure of the *Acanthomintha ilicifolia* transplants at Quail Gardens was attributed primarily to rabbit predation (Don Miller, Quail Gardens, pers. comm. 1992). One population of *Dudleya stolonifera* appears to have increased in size significantly after cattle grazing was eliminated (U.S. Fish and Wildlife Service, unpubl. data, 1997). Threats from predation are not known to be a factor for *Hemizonia conjugens* and *Monardella linoides* ssp. *viminea.*

D. The Inadequacy of Existing Regulatory Mechanisms

Existing regulatory mechanisms that could provide some protection for these species include—(1) the Act in cases where these species occur in habitat occupied by a listed species; (2) conservation provisions under the Federal Clean Water Act; (3) listing under the California Endangered Species Act (CESA); (4) the California Environmental Quality Act (CEQA); (5) implementation of conservation plans pursuant to the California NCCP program; (6) land acquisition and management by Federal, State, or local agencies or by private groups and organizations; (7) local laws and regulations; and (8) enforcement of Mexican laws.

Federal Endangered Species Act

The Act may already afford protection to sensitive species if they coexist with species already listed as threatened or endangered under the Act. A number of federally listed species occur within the range of the four plants discussed in this final rule. Protection afforded by these species, however, is minimal due to lack of overlapping habitat requirements.

The coastal California gnatcatcher is listed as a threatened species under the Act, and it occurs in some of the areas occupied by these four plant species. Significant populations of these plants, however, occur in riparian scrub, chaparral, or grassland areas and, therefore, do not benefit from conservation required for the California gnatcatcher. For example, the open space on one development was designed to conserve the majority of the California gnatcatchers within the project boundary; however, only 40 percent of the *Hemizonia conjugens* on the project site is conserved as a result of this design (Tetra Tech 1996, City of San Diego and U.S. Fish and Wildlife Service 1996b). In another example, the Service consulted with the U.S. Army Corps of Engineers (Corps) on the California gnatcatcher in regard to a development proposal in the City of Carlsbad. The consultation included a review of impacts to *Acanthomintha ilicifolia.* However, direct benefits to the species were minimal (U.S. Fish and Wildlife Service, *in litt.* February 22, 1996).

Several other listed species occur within the vicinity of the species listed here but are largely restricted to vernal pools (*Pogogyne abramsii* (San Diego mesa mint), *Pogogyne nudiuscula* (Otay mesa mint), Riverside fairy shrimp (*Streptocephalus wootoni*), San Diego fairy shrimp (*Branchinecta sandiegoensis*) and San Diego button-celery (*Eryngium aristulatum* var. *parishii*)); riparian habitats (arroyo toad (*Bufo microscaphus californicus*), California red-legged frog (*Rana aurora daytonii*), and least Bell's vireo (*Vireo bellii pusillus*)); sandy coastal terraces (Pacific pocket mouse (*Perognathus longimembris pacificus*)); or southern maritime chaparral (*Arctostaphylos glandulosa* ssp. *crassifolia, Baccharis vanessae, Chorizanthe orcuttiana,* and *Verbesina dissita* (big-leaved crown beard)). These habitats are generally not occupied by any of the species in this final rule. Only one out of six populations of *Dudleya stolonifera* occurs with *Verbesina dissita.*

Conservation Agreements

Conservation agreements with other Federal agencies may reduce the decline of some species so that listing as threatened or endangered is no longer necessary. Conservation agreements with other Federal agencies, however, would not appreciably benefit most of the species in this rule. One of the four species, *Dudleya stolonifera,* is not known to occur on Federal lands. Although *Hemizonia conjugens* is not currently known from Federal lands, there may be potential habitat for this species on Federal land on Otay Mesa. Several large populations of *Acanthomintha ilicifolia* occur on Federal lands; however, these populations account for only a small number of the existing populations (5 of 32 populations). While a conservation agreement with the Forest Service could provide for the long-term conservation of these few populations, it is unlikely that such an agreement would preclude the overall decline of the species.

About 20 percent of *Monardella linoides* ssp. *viminea* populations occur on private land. The distribution of this species, characterized by small populations, is extremely restricted. The majority of the individual plants in the United States occur on Federal lands. These lands are presently under control of the U.S. Marine Corps. At this time there are no conservation agreements for this species with the U.S. Marine Corps. The Service is currently reviewing the Draft Integrated Natural Resource Management Plan for the Marine Corps Air Station Miramar. No significant protection measures are outlined in the draft beyond periodic monitoring. It is not clear what, if any, specific protection measures will be adopted for this species in the final version of the plan.

Conservation Provisions Under the Clean Water Act

Monardella linoides ssp. *viminea* could potentially be affected by projects requiring a permit from the Corps under section 404 of the Clean Water Act. However, there are no specific provisions that adequately conserve rare

or candidate plant species. Although the other species listed in this rule are not within habitat subject to Corps jurisdiction, inclusion of these species in projects reviewed by the Corps may result in consultation with the Service through interrelated and interdependent effects. But this seldom results in significant conservation benefits to upland species, such as *Acanthomintha ilicifolia* (U.S. Fish and Wildlife Service, *in litt.* February 22, 1996).

State Laws and Regulation

Under provisions of the Native Plant Protection Act (chapter 10 section 1900 *et seq.* of the California Fish and Game Code) and CESA (chapter 1.5 section 2050 *et seq.* of the Fish and Game Code), the California Fish and Game Commission listed *Acanthomintha ilicifolia* (1982), *Hemizonia conjugens* (1979), and *Monardella linoides* ssp. *viminea* (1979) as endangered (CDFG 1996). *Dudleya stolonifera* was listed as threatened by CDFG in 1987. Although both statutes prohibit the ''take'' of State-listed plants (chapter 10 section 1908 and chapter 1.5 section 2080), populations of three of the four species have continued to decline. For example, one project in San Diego, California, resulted in the elimination of a major population of *H. conjugens* (CDFG 1994, CNDDB 1997) subsequent to the State listing of the species. Although conditions of the State consultation required that 5 ha (12 ac) of *H. conjugens* habitat be acquired to mitigate the loss of the population, this has not occurred.

California Senate Bill 879, passed in 1997 and effective January 1, 1998, requires individuals and entities to obtain 2081(b) incidental take permits to take listed species; however, the draft of proposed regulations to implement Senate Bill 879 would except the prohibition of take of listed plant species from major categories of activities, including take incidental to agricultural operations, approved timber harvest operations, mining assessment work, public works projects, and removal or destruction of plants from building sites on private lands. The extent to which the amended State Statute will afford protection to State-listed plant species is uncertain at this time.

Acanthomintha ilicifolia has benefitted from State listing. Since the species was listed in 1982, direct impacts to the species from development projects have been reduced. The configuration of remaining populations, however, is not conducive to long-term conservation; in many cases the development footprint is immediately adjacent or in proximity to *A. ilicifolia* populations. Consequently, habitat is degraded and risks from nonnative plant replacement, trampling, fragmentation, and isolation increase (See Factor A of the ''Summary of Factors Affecting the Species'' section of this rule).

The majority of the known populations of *Acanthomintha ilicifolia, Dudleya stolonifera,* and *Hemizonia conjugens* occur on privately-owned land. Actions on private lands that may significantly affect biological resources, including the plants listed in this rule, require review under CEQA. The CEQA requires that significant biological impacts be addressed. Local lead agencies empowered to uphold and enforce the CEQA have made determinations that have affected, or will adversely affect, these species and their habitats.

The CEQA requires that a project proponent publicly disclose the potential environmental impacts of proposed projects. The public agency with the primary authority or jurisdiction over the project is designated as the lead agency and is responsible for conducting review of the project and consulting with other agencies concerned with resources affected by the project. Required biological surveys are sometimes inadequate and mitigation measures used to condition project approvals are sometimes experimental and do not always adequately guarantee protection of sustainable populations of the species considered in this rule. Section 15065 of the CEQA guidelines requires a finding of significance if a project has the potential to ''reduce the number or restrict the range of a rare or endangered plant or animal.'' CEQA decisions are also subject to overriding social and economic considerations, which allows the CEQA lead agency to approve a project with significant adverse effects on a listed plant species where the agency concludes that overriding considerations justify approval of the project.

As a case in point, a CEQA document reporting biological surveys conducted on a large parcel east of Chula Vista indicated the approximate location of *Hemizonia conjugens* within the project site, but included no data on relative population size (OGDEN 1992b). Regarding a separate project near the Sweetwater Reservoir, the CEQA document disclosed that proposed development associated with a project would result in significant declines to the largest known population of *H. conjugens* and result in preservation of less than 30 percent of the individuals within the project area (OGDEN 1992a, Tetra Tech, Inc. 1996). Later coordination with the State and Service increased preservation within the proposed project. In another example, a project on west Otay Mesa was proposed that effectively would have eliminated the majority of *H. conjugens* habitat within the project area (City of San Diego 1993). Nonetheless, statements of overriding considerations were developed, and these projects were approved.

Transplantation and relocation projects are frequently used to compensate for the loss of rare plant species under CEQA. Hall (1987) documents several attempts at transplanting *Acanthomintha ilicifolia, Hemizonia conjugens* and *Monardella linoides* ssp. *viminea.* In one transplantation project for *A. ilicifolia,* maintenance and monitoring was scheduled for a period of 5 years. Subsequently, all records of the project were lost and the new property owner claimed no responsibility for the project. This site was destroyed by trash dumping and ORV use (Hall 1987). One year after 45 individuals of *M. linoides* ssp. *viminea* were transplanted by the California Department of Transportation, only four had survived (Hall 1987, Kreager 1988). Of the 53 transplantation, relocation or reintroduction projects reviewed, only 15 percent were considered to be fully successful. None of these successful projects included *A. ilicifolia, H. conjugens,* or *M. linoides* ssp. *viminea.* Transplantation has not yet been demonstrated to provide for the long-term viability of any of the four species listed in this rule.

Regional Planning Efforts

In 1991, the State of California established the NCCP program to address conservation needs of natural ecosystems throughout the State. The focus of the current planning program is the coastal sage scrub community in southern California, although other vegetation communities are being addressed in an ecosystem approach. *Acanthomintha ilicifolia, Dudleya stolonifera, Hemizonia conjugens,* and *Monardella linoides* ssp. *viminea* are currently covered under the MSCP and the Central/Coastal Subregional NCCP/Habitat Conservation Plan (Central/Coastal NCCP) of Orange County, California, and are being considered for inclusion as covered species under the MHCP.

The Central/Coastal NCCP of Orange County was approved in July of 1996. Only one of the four species (*Dudleya stolonifera*) occurs within the Central/

Coastal NCCP. The entire range of this species lies within this subregion, and it is considered a ''covered species,'' but only on lands owned or controlled by participating landowners. ''Covered species'' are those species that will be adequately conserved by a plan's proposed preservation and management to provide long-term preservation within a Habitat Conservation Planning Area or NCCP subregion. Three of the four major populations of *Dudleya stolonifera,* including about 70 percent of all individuals and one minor population, are situated on lands managed by nonparticipating landowners within the Central/Coastal NCCP and, therefore, are not under the jurisdiction of the plan.

Since the publication of the proposed rule, the MSCP regional planning effort in southwestern San Diego County, has been finalized and submitted to the Service as part of several applications for section 10(a)(1)(B) incidental take permits for 85 species, including *Acanthomintha ilicifolia, Hemizonia conjugens,* and *Monardella linoides* ssp. *viminea.* The Service and the City of San Diego have jointly prepared a Recirculated Environmental Impact Statement, Issuance of Take Authorizations for Threatened and Endangered Species due to urban Growth within the (MSCP) planning area. This document, released on August 30, 1996, and finalized in December 1996, assesses the effects of land-use decisions that will be made by local jurisdictions to implement the plan and the effects of issuing the incidental take permit for the 85 species. A permit was issued to the City of San Diego in July, 1997, and to the County of San Diego in March 1998. A decision on permit issuance is expected for Chula Vista within the next year. The MSCP sets aside preservation areas and provides for monitoring and management for the 85 covered species addressed in the permit application, including *Acanthomintha ilicifolia, Hemizonia conjugens,* and *Monardella linoides* ssp. *viminea.*

Four of the 11 major populations (3,000 plants or more) of *Acanthomintha ilicifolia* within the United States occur within the MSCP subregion (Roberts 1997a). The Service believes that three of these four populations will be conserved by the MSCP. This species is also included on the list of narrow endemics under the MSCP, which requires jurisdictions to specify and implement measures in their subarea plan to avoid or minimize impacts to all populations (including 3 additional major populations). Significant populations of *A. ilicifolia,* however, are located outside the MSCP subregion, including four major populations that occur on lands managed by the Forest Service, and one additional major population that occurs east of the MSCP subregion. The MHCP planning area contains a single major population of *A. ilicifolia.* The MHCP, which will include the Carlsbad Habitat Management Plan (HMP) program, is still in the early developmental phase, and thus it is uncertain if and what level of protection will be provided for *A. ilicifolia.*

All of the United States populations of *Hemizonia conjugens* occur within the MSCP subregion. Nine of the 12 major populations, supporting about 35 percent of the individuals, will be adequately conserved by the MSCP. This species is on the MSCP list of narrow endemics, which requires jurisdictions to specify and implement measures in their subarea plan to avoid or minimize impacts. The MSCP also requires management of this species to address edge effects.

However, several other large populations, comprising about 80 percent of individuals, occur within the Chula Vista Subarea Planning Area of the MSCP. The Chula Vista Subarea Plan has not been submitted to the Service for approval. In addition, *Hemizonia conjugens* likely will continue to be subject to significant impacts from projects and activities not subject to the MSCP (e.g., Border Patrol activities, State and Federal transportation projects (e.g., State Route 125 and Interstate 905), Federal Aviation Administration projects, Department of Defense activities, utility lines, and pipelines).

Although about 95 percent of the United States range of *Monardella linoides* ssp. *viminea* occurs within the MSCP subregion, only about 20 percent occurs outside Marine Corps Air Station, Miramar. Therefore, the majority of the populations are not subject to MSCP jurisdiction. At least one additional small population occurs within the Poway Habitat Conservation Plan area. This species likely will continue to be subject to significant impacts from activities not subject to the MSCP (e.g., sand and gravel mining, State and Federal transportation projects, Department of Defense activities, pipelines and utility lines).

Land Acquisition and Management

Land acquisition and management by State or local agencies or by private groups and organizations have contributed to the protection of some localities containing the species included in this rule. These efforts, as discussed below, are inadequate, however, to assure the long-term survival of these four species. Nine of the 32 populations of *Acanthomintha ilicifolia* are on public lands (Penasquitos Park and Mission Trails Regional Park) or on lands managed by the Forest Service, including six major populations; however, these populations account for only about 30 percent of the known individual plants. Populations on Federal land (Cleveland National Forest) have been negatively affected by grazing, and illegal dumping (Winter 1991, Bauder, McMillan, and Kemp 1994). Two of the six populations, including one major population, of *Dudleya stolonifera* are within preserves (Laguna Laurel Ecological Preserve and Irvine Coast Wilderness Regional Park). The three other major populations of this species are on private land. Several small populations of *Monardella linoides* ssp. *viminea* occur on Penasquitos Preserve; however, the majority of plants in this species occurs outside preserve lands. Nine major populations of *Hemizonia conjugens* will be conserved under the MSCP.

The four plant species also occur in ''dedicated'' open space frequently in association with development projects. These areas are often specifically set aside for conservation as required by local and County project approvals or the CEQA, and are managed by private organizations, individuals, corporations, or local jurisdictions. Open space dedications, however, do not necessarily incorporate the principles of conservation biology. As a result, many are poorly configured or too small to ensure long-term preservation of these species (see Factor E of the ''Summary of Factors Affecting the Species'' section of this rule). County open space designations within General Development Plans are subject to amendments and, therefore, cannot be considered as permanent conservation.

Local Laws, Regulations, and Ordinances

The four species in this rule have been identified as sensitive under various local laws, regulations, and ordinances. However, development projects continue to be approved and implemented with designs that do not preserve populations or habitat for the species listed in this rule, or that contribute to further isolation and fragmentation of populations.

Mexican Laws

The ranges of *Acanthomintha ilicifolia, Hemizonia conjugens,* and *Monardella linoides* ssp. *viminea* extend

into northern Baja California, Mexico. Mexico has laws that could provide protection to rare plants; however, enforcement of these laws is lacking (Joe Quiroz, The Nature Conservancy, Pers. Comm. 1991).

On July 29, 1983, *Dudleya stolonifera* was included in Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). CITES is a treaty established to prevent international trade that may be detrimental to the survival of plants and animals. Generally, both import and export permits are required from the importing and exporting countries before an Appendix I species may be shipped, and Appendix I species may not be exported for primarily commercial purposes. But plants that are certified by the Service as artificially propagated in accordance with CITES conference resolutions may be exported for commercial purposes with only CITES export documents from the exporting country. CITES permits may not be issued if the export will be detrimental to the survival of the species or if the specimens were not legally acquired. CITES does not regulate take or domestic trade.

E. Other Natural or Manmade Factors Affecting Their Continued Existence

Dudleya stolonifera and *Monardella linoides* ssp. *viminea* are threatened with extinction by virtue of their small population sizes. Chance events, such as floods, fires, or drought, can substantially reduce or eliminate small populations and increase the likelihood of extinction. For example, in October 1993, a wildfire burned about 10,400 ha (26,000 ac) of the San Joaquin Hills in Orange County. Three of the six populations of *D. stolonifera* were within the burned area. The two smaller populations were significantly affected by the fire and potentially eliminated.

In addition, small populations are threatened by inbreeding depression. Small populations can have significantly lower germination rates than larger populations of the same species due to high levels of homozygosity (Menges 1990). Furthermore, *Acanthomintha ilicifolia* and *Hemizonia conjugens* are annuals that undergo large population fluctuations from year to year. Annuals may not have a persistent seed bank or may be unable to recolonize areas of suitable habitat due to dispersal barriers such as intervening development. These populations are particularly vulnerable to local extirpations.

The San Diego Water Authority periodically discharges as much as 3 million gallons of water into dry water courses that support *Monardella linoides* ssp. *viminea* on Marine Corps Air Station, Miramar lands (Susan Wynn, U.S. Fish and Wildlife Service, pers. comm. 1997). Water discharge outside the rainy season would affect this species by disrupting dispersal and by possibly eliminating mature plants. Although recent coordination between the Water Authority and the Navy has reduced the likelihood of these events, the threat remains.

Nonnative grass and forb species have invaded many of southern California's plant communities. Their presence and abundance is generally an indirect result of habitat disturbance by development, mining, grazing, disking, and alteration of hydrology. The invasion of both native and nonnative wetland plant species as a result of altered drainage patterns threatens habitat for *Monardella linoides* ssp. *viminea* (Scheid 1985).

The effects of competition with nonnative species is most problematic immediately adjacent to urban areas and in habitat isolated or fragmented by development (Alberts *et al.*, 1991). *Acanthomintha ilicifolia* is particularly sensitive to nonnative competition, and this factor has contributed to significant decline in many populations of this species (Bauder, McMillan, and Kemp 1994). Although more tolerant of nonnative competition, *Hemizonia conjugens* populations are also depressed by presence of dense populations of nonnative species (S. Morey, *in litt.* 1994, CNDDB 1997). Grazing negatively affects *A. ilicifolia* by increasing erosion, contributing to soil compaction, and introducing a variety of nonnative grasses that exclude *A. ilicifolia* from areas of otherwise suitable habitat (Winter 1991). Several populations of *Dudleya stolonifera* are threatened by trampling and the invasion of nonnative plant species (Marsh 1992).

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by these four species in determining to make this rule final. Much of the remaining habitat for these species is degraded. Based on this evaluation, the Service determines *Monardella linoides* ssp. *viminea* to be in danger of extinction throughout all or a significant portion of its range. This species persists in small, isolated populations surrounded by urban or agricultural development. This species is in danger of extinction throughout all or a portion of its range due to habitat alteration and destruction resulting from urban, recreational, and agricultural development; fuel modification; trampling from recreational activities; inadequacy of regulatory mechanisms; and competition from exotic plant species. Additionally, although populations of this species occur within the MSCP subregion of San Diego County, California, the majority of *M. linoides* ssp. *viminea* populations occur on Marine Corps Air Station, Miramar lands that are not subject to the MSCP.

For reasons discussed below, the Service finds that *Dudleya stolonifera, Hemizonia conjugens,* and *Acanthomintha ilicifolia* are likely to become endangered within the foreseeable future throughout all or a significant portion of their ranges. *Dudleya stolonifera* and *H. conjugens* for the most part persist as small, isolated populations surrounded by urban or agricultural development.

Dudleya stolonifera is at risk as a result of urban proximity, recreational activities, potential overcollection, and exotic competition. Because of the limited number and area of the populations, *D. stolonifera* is also at risk from fire and fire management related activities. Although the entire range of *D. stolonifera* is within the Central/Coastal NCCP subregion, most of the populations are not within the preserve area. Preserve design, however, will reduce the likelihood that significant habitat altering projects will be proposed that substantially impact these populations. The species also is situated in rugged terrain which offers some protection from urbanization.

The range of *Hemizonia conjugens* is restricted to a single planning subregion (MSCP) in the United States. Although the species continues to be threatened by approved and proposed urban development, ORV, and trampling, about 65 percent of the major populations will be preserved through the MSCP. The Service has determined that the protection afforded from MSCP preservation has reduced the likelihood of extinction of this species in the foreseeable future. However, the species is significantly threatened by activities that are not subject to MSCP jurisdiction (e.g., State Route 125, Immigration and Naturalization Service (INS) activities). Therefore, the Service has determined that threatened is the appropriate designation for this species.

Acanthomintha ilicifolia populations are threatened by habitat degradation and impacts from trampling, ORV activity, nonnative plants, fragmentation, and isolation either directly or indirectly due to the proximity to development of protected areas. Although the number of populations of A. ilicifolia has declined,

about 65 percent of the remaining major populations occur within the MSCP subregion, and six of these populations will be conserved by the MSCP. An additional major population may be protected by the MHCP, and four major populations are on lands managed by the Forest Service. Therefore, the Service has determined that threatened is the appropriate designation for this species.

Critical Habitat

Critical habitat is defined in section 3 of the Act as the specific areas within the geographical area occupied by a species, at the time it is listed in accordance with the Act, on which are found those physical or biological features essential to the conservation of the species and that may require special management considerations or protection; and specific areas outside the geographical area occupied by the species at the time it is listed, upon determination that such areas are essential for the conservation of the species. ''Conservation'' means the use of all methods and procedures needed to bring the species to the point at which listing under the Act is no longer necessary.

Section 4(a)(3) of the Act, as amended, and the Service's implementing regulations (50 CFR 424.12) require that, to the maximum extent prudent and determinable, the Secretary designate critical habitat at the time a species is listed as endangered or threatened. Service regulations (50 CFR 424.12(a)(1)) state that designation of critical habitat is not prudent when (1) the species is threatened by taking or other human activity, and identification of critical habitat can be expected to increase the degree of threat to the species, and/or (2) such designation of critical habitat would not be beneficial to the species.

Section 7(a)(2) of the Act requires Federal agencies to consult with the Service to ensure that any action authorized, funded, or carried out by such agency, does not jeopardize the continued existence of a federally listed species or does not destroy or adversely modify designated critical habitat. The requirement that Federal agencies refrain from contributing to the destruction or adverse modification of critical habitat in any action authorized, funded or carried out by such agency (agency action) is in addition to the section 7 prohibition against jeopardizing the continued existence of a listed species; and it is the only mandatory legal consequence of a critical habitat designation. The Service's implementing regulations (50 CFR part 402) define ''jeopardize the continuing existence of'' and ''destruction or adverse modification of'' in very similar terms. To jeopardize the continuing existence of a species means to engage in an action ''that reasonably would be expected to reduce appreciably the likelihood of both the survival and recovery of a listed species.'' Destruction or adverse modification of habitat means an ''alteration that appreciably diminishes the value of critical habitat for both the survival and recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species.'' Common to both definitions is an appreciable detrimental effect to both the survival and recovery of a listed species. An action that appreciably diminishes habitat for recovery and survival may also jeopardize the continued existence of the species by reducing reproduction, numbers, or distribution because negative impacts to such habitat may reduce population numbers, decrease reproductive success, or alter species distribution through habitat fragmentation.

For a listed plant species, an analysis to determine jeopardy under section 7(a)(2) would consider loss of the species associated with habitat impacts. Such an analysis would closely parallel an analysis of habitat impacts conducted to determine adverse modification of critical habitat. As a result, an action that results in adverse modification also would almost certainly jeopardize the continued existence of the species concerned. Because habitat degradation and destruction is the primary threat to these species, listing them will ensure that section 7 consultation occurs, and potential impacts to the species and their habitat are considered, for any Federal action that may affect these species. In many cases, listing also ensures that Federal agencies consult with the Service even when Federal actions may affect unoccupied suitable habitat where such habitat is essential to the survival and recovery of the species. This is especially important for plant species where consideration must be given to the seed bank component of the species, and associated pollinators and dispersal agents, which are not necessarily visible in the habitat throughout the year. In practice, the Service consults with Federal agencies proposing projects in areas where there is potentially suitable but unoccupied habitat, particularly when the species was known to recently occur there or in similar nearby areas, or the area is known to harbor seed banks.

Apart from section 7, the Act provides no additional protection to lands designated as critical habitat. Designating critical habitat does not create a management plan for the areas where the listed species occurs; does not establish numerical population goals or prescribe specific management actions (inside or outside of critical habitat); and does not have a direct effect on areas not designated as critical habitat.

Critical habitat would provide no benefit to the species addressed in this rule on non-Federal lands (i.e., private, State, County or City lands) beyond that provided by listing. Critical habitat provides protection on non-Federal lands only if there is Federal involvement (a Federal nexus) through authorization or funding of, or participation, in a project or activity on non-Federal lands. In other words, designation of critical habitat on non-Federal lands does not compel or require the private or other non-Federal landowner to undertake active management for the species or to modify any activities in the absence of a Federal nexus. Possible Federal agency involvement or funding that could involve the species addressed in the rule on non-Federal lands include the Corps through section 404 of the Clean Water Act, the Federal Department of Housing and Urban Development, Federal Aviation Administration, the INS, and the Federal Highway Administration. Federal involvement, if it does occur, will be addressed regardless of whether critical habitat is designated because interagency coordination requirements such as the Fish and Wildlife Coordination Act (FWCA) and section 7 of the Act are already in place. When a plant species is listed, activities occurring on all lands subject to Federal jurisdiction that may adversely affect the species would prompt the requirement for consultation under section 7(a)(2) of the Act, regardless of whether critical habitat has been designated.

While a designation of critical habitat on private lands would only affect actions where a Federal nexus is present and would not confer any additional benefit beyond that already provided by section 7 consultation because virtually any action that would result in an adverse modification determination would also likely jeopardize the species, a designation of critical habitat on private lands could result in a detriment to the species. This is because the limited effect of a critical habitat designation on private lands is often

misunderstood by private landowners whose property boundaries could be included within a general description of critical habitat for a specific species. Landowners may mistakenly believe that critical habitat designation will be an obstacle to development and impose restrictions on their use of their property. Unfortunately, inaccurate and misleading statements reported through widely popular medium available worldwide, are the types of misinformation that can and have led private landowners to believe that critical habitat designations prohibit them from making use of their private land when, in fact, they face potential constraints only if they need a Federal permit or receive Federal funding to conduct specific activities on their lands. These types of misunderstandings, and the fear and mistrust they create among potentially affected landowners, make it very difficult for the Service to cultivate meaningful working relationships with such landowners and to encourage voluntary participation in species conservation and recovery activities. Without the participation of landowners in the recovery process, the Service will find it very difficult to recover species that occur on non-Federal lands.

A designation of critical habitat on private lands could actually encourage habitat destruction by private landowners to rid themselves of the perceived endangered species problem. Listed plants have limited protection under the Act, particularly on private lands. Section 9(a)(2) of the Act, implemented by regulations at 50 CFR section 17.61 (endangered plants) and 50 CFR 17.71 (threatened plants) prohibits (1) removal and reduction of listed plant species to possession from areas under Federal jurisdiction, or their malicious damage or destruction on areas under Federal jurisdiction; or (2) removal, cutting, digging up, or damaging, or destroying any such species in knowing violation of any State law or regulation including State criminal trespass laws. Generally, on private lands, collection of, or vandalism to, listed plants must occur in violation of State law to be a violation of section 9 of the Act. The Service is not aware of any State law in California that generally regulates or prohibits the destruction or removal of federally listed plants on private lands (see section 9 discussion under ''Available Conservation Measures'' section of this rule). Thus, a private landowner concerned about perceived land management conflicts resulting from a critical habitat designation covering his property would likely face no legal consequences if the landowner removed the listed species or destroyed its habitat. For example, in the spring of 1998, a Los Angeles area developer buried one of the only three populations of the endangered *Astragalus brautonii* in defiance of efforts under the CEQA to negotiate mitigation for the species (T. Thomas, U.S. Fish and Wildlife Service). The designation of critical habitat involves the publication of habitat descriptions and mapped locations of the species in the **Federal Register**, increasing the likelihood of potential search and removal activities at specific sites.

The Service acknowledges that in some situations critical habitat designation may provide some value to the species by notifying the public about areas important for the species conservation and calling attention to those areas in special need of protection. However, when this limited benefit is weighed against the detriment to plant species associated with the widespread misunderstanding about the effects of such designation on private landowners and the environment of mistrust and fear that such misunderstanding can create, the Service concludes that the detriment to the species from a critical habitat designation covering non-Federal lands outweighs the educational benefit of such designation and that such designation is, therefore, not prudent. The information and education process can more effectively be handled by working directly with landowners and communities during the recovery planning process and by the section 7 consultation and coordination where the Federal nexus exists. The use of these existing processes will impart the same knowledge to the landowners that critical habitat designation would, but without the confusion and misunderstandings that may accompany a critical habitat designation.

For similar reasons, the Service also concludes that there would be no additional benefits to the species covered in this rule beyond the benefits conferred by listing from a designation of critical habitat on Federal lands. In the case of each of these plant species, the existing occurrences of the species are known by the DOD and the U.S. Forest Service and any action that would result in adverse modification would almost certainly result in likely jeopardy to the species, so that a designation of critical habitat on Federal lands would not confer any additional benefit on the species. On the other hand, particularly on National Forest System lands, a designation of critical habitat could increase the threats to these species from vandalism and collection similar to the threats identified in response to listing a species (Oberbauer 1992, Beauchamp *in litt.* 1997). Simply listing a species can precipitate commercial or scientific interest, both legal and illegal, which can threaten the species through unauthorized and uncontrolled collection for both commercial and scientific purposes. The listing of species as endangered or threatened publicizes their rarity and may make them more susceptible to collection by researchers or curiosity seekers (Mariah Steenson pers. comm. 1997, M.Bosch, U.S. Forest Service *in litt.* 1997). For example, the Service designated critical habitat for the mountain golden heather (*Hudsonia montana*), a small shrub not previously known to be commercially valuable or particularly susceptible to collection or vandalism. After the critical habitat designation was published in the **Federal Register**, unknown persons visited a Forest Service wilderness area in North Carolina where the plants occurred and, with a recently published newspaper article and maps of the plant's critical habitat designation in hand, asked about the location of the plants. Several plants the Service had been monitoring were later found to be missing from unmarked Service study plots. (Nora Murdock, U.S. Fish and Wildlife Service, pers. comm. 1998).

The Service has weighed the lack of overall benefits of critical habitat designation beyond that provided by listing as threatened or endangered, along with the benefits of public notification against the detrimental effects of the negative public response and misunderstanding of what critical habitat designation means and the increased threats of illegal collection and vandalism, and has concluded that critical habitat designation is not prudent for *Acanthomintha ilicifolia* (San Diego thornmint), *Monardella linoides* ssp. *viminea* (willowy monardella), *Hemizonia conjugens* (Otay tarplant), and *Dudleya stolonifera* (Laguna Beach liveforever). The specific reasons why designation of critical habitat is not prudent for each of these species are addressed in the following discussion.

Dudleya stolonifera

Dudleya stolonifera occurs within the Central/Coastal NCCP. However, only one of the six known populations and one minor population are considered to be adequately conserved on lands designated as a preserve. Three of the four major *Dudleya stolonifera*

populations, representing approximately 70 percent of the known individuals, occur on private lands whose owners are not participating in the Central/Coastal NCCP process. Federal involvement on these lands is unlikely because they do not involve wetland areas or any other activity associated with Federal agencies. If, in the future, there is Federal involvement through permitting or funding, such as through the Federal Highway Administration, then interagency coordination and consultation required by section 7 would be in effect if such actions may affect this species, once listed. As previously discussed, an analysis to determine jeopardy under section 7(a)(2) would consider loss of individual plants associated with habitat impacts. Such an analysis would closely parallel any analysis of habitat impacts conducted to determine adverse modification of critical habitat. A jeopardy finding would be equivalent to a finding of adverse modification of critical habitat. Therefore, there would be no additional conservation benefit to the species from designation of critical habitat beyond that provided by the species' listing.

All species of *Dudleya* are vulnerable to collection (Ayensu and DeFilipps 1978). *D. stolonifera* is listed as a CITES Appendix I species (see discussion under Factor D). Simply listing this species under the Act would publicize the rarity of the plants and could make them attractive to researchers, curiosity seekers or collectors of rare plants. Field collected specimens have been reported in nursery trade (Kei Nakai *in litt.* and discussion under Factor B of the ''Summary of Factors Affecting the Species'' section of this rule), most likely because of its attractiveness and accessibility, as well as taxonomic interest; Publication of precise maps and descriptions of critical habitat would likely increase the degree of threat to this species from collection or vandalism and habitat degradation associated with such collection and vandalism, and would likely contribute to its decline.

Therefore, the Service finds that critical habitat is not prudent for *Dudleya stolonifera* at this time because such designation would increase the risk of illegal collection and may increase the risk of vandalism. Furthermore, the Service believes that no benefit over that provided by listing would result from identification of critical habitat on the non-Federal lands where this species occurs, and designation would likely be detrimental for the reasons discussed above. The identification of critical habitat would not increase management or conservation efforts on State or private lands and could impair those efforts. The Service believes that conservation of this species on private lands can best be addressed by working directly with landowners and communities during the recovery planning process and through the interagency coordination and consultation processes of section 7 should there be any future unforeseen Federal involvement.

Acanthomintha ilicifolia

Acanthomintha ilicifolia occurs on Federal and private lands, both inside and outside areas covered by the MSCP. Four of the eleven major populations are on Federal (Forest Service) lands. The Forest Service is aware of the occurrences and habitat of the species on their lands. The Cleveland National Forest consults with the Service under section 7 for activities related to other listed species in the area and would be subject to similar requirements as a result of this listing. Designation of critical habitat would not necessarily require the Forest to increase or change their commitment or management efforts for this species, only to avoid adverse modification of such critical habitat.

Four populations are on private lands within the MSCP planning subregion, and landowners and regional governments are aware of these occurrences. Three of these populations are considered adequately conserved; the fourth of these may be protected by the MHCP in the future. The remaining major populations are on private lands outside of the MSCP planning area where no Federal involvement is anticipated. If, in the future, there is Federal involvement through permitting or funding, such as through the Federal Highway Administration, section 7 consultation would be required if such action may affect the species, once listed. As previously discussed, an analysis to determine jeopardy under section 7(a)(2) would consider loss associated with habitat impacts. Such an analysis would closely parallel any analysis of habitat impacts conducted to determine adverse modification of critical habitat and would result in identical section 7 findings. A jeopardy finding would be equivalent to a finding of adverse modification of critical habitat.

The Service finds that critical habitat is not prudent for *Acanthomintha ilicifolia* at this time because such designation would provide no benefit over that provided by listing on privately owned lands where this species occurs. Landowners where the species occur are aware of its presence and status. Critical habitat designation on these private lands would not change the way those lands are managed or require specific management actions to take place, and could be detrimental because of potential landowner misunderstandings about the real effects of critical habitat designation on private lands. The species is currently known and managed on Federal lands; no change in management would occur as a result of critical habitat designation and all activities that may affect the species on these Federal lands would be subject to section 7 consultation. The Service believes that the conservation of this species on private lands can best be addressed by working directly with landowners and communities during the recovery planning process and through the interagency coordination and consultation processes of section 7 for those activities with Federal agency involvement.

Hemizonia conjugens

Hemizonia conjugens occurs on private lands, all of which are situated within the MSCP subregion. If there is future Federal involvement such as through actions funded, permitted or conducted by the Federal Highway Administration, Federal Aviation Administration, or Border Patrol activities, then section 7 consultation would be required if the activities may affect the species, once listed. As previously discussed, an analysis to determine jeopardy under section 7(a)(2) would consider loss associated with habitat impacts. Such an analysis would closely parallel any analysis of habitat impacts conducted to determine adverse modification of critical habitat and result in identical section 7 findings. A jeopardy finding would be equivalent to a finding of adverse modification of critical habitat.

Private lands support all known populations of *Hemizonia conjugens* in the United States. Nine major populations, which support about 35 percent of the individuals, will be adequately conserved by the MSCP. The Service is unable to state at this time if the three remaining major populations will be adequately conserved under MSCP, because the subarea plan for the area containing the largest population (Chula Vista) has not yet been approved by the Service.

The Service has determined that the protection provided by MSCP preservation has reduced the likelihood of extinction of this species in the foreseeable future. But the species is threatened by activities not subject to MSCP jurisdiction, such as State

transportation projects (California Department of Transportation), border fencing, ORV activity, new facilities (Immigration and Naturalization Service), and airport expansion (Federal Aviation Administration). Any of these effects associated with a Federal nexus will be subject to section 7 consultation, as previously discussed. All existing sites are either currently known by the landowners, or the appropriate landowners will be notified prior to publication of this rule. The Service believes that the conservation of this species on private lands can best be addressed by working directly with landowners and communities during the recovery planning process, and through the interagency coordination and consultation processes of section 7 for those activities with Federal agency involvement. Therefore, the Service finds that critical habitat is not prudent for *Hemizonia conjugens* at this time because such designation would not be of benefit to the species. The Service believes that no benefit over that provided by listing would result from identification of critical habitat on privately owned land where this species occurs, and it could be detrimental because of potential landowner misunderstandings about the real effects of critical habitat designation on private lands.

Monardella linoides ssp. *viminea*

The entire U.S. distribution of *Monardella linoides* ssp. *viminea* occurs within the MSCP subregion. However, nearly 80 percent of the populations of *M. linoides* ssp. *viminea* are found on Marine Corp Air Station, Miramar lands that are not under jurisdiction of the MSCP. One of the largest populations (2,000 to 3,000 individuals) is located partially on private property, partially on Federal land managed by the Navy, and partially on City-owned property (Sycamore Canyon City Park). The DOD is aware of the species' presence, consults with the Service under section 7 for activities related to other listed species in the area and would be subject to these same requirements when this species is listed. Likewise, because of this plant's riparian habitat, the Corps is aware of the occurrences and habitat of this plant and the requirement for consultation under section 7 of the Act prior to issuance of permits under section 404 of the Clean Water Act. Designation of critical habitat would not increase the commitment of management efforts of the DOD or the Corps. At this time there are no conservation agreements for this species; however, the Service is currently reviewing the Draft Integrated Natural Resource Management Plan for the Marine Corps Air Station, Miramar. Although the draft does not provide specific protection measures, it does include periodic monitoring, and with input from the Service, more specific conservation measures may be added into the final version of the plan.

The Service has determined that the populations of *Monardella linoides* ssp. *viminea* covered by the MSCP will be adequately protected by the participating jurisdictions and landowners. This species likely will continue to be impacted by activities not subject to the MSCP, but those activities are potentially subject to section 7 consultation (e.g., sand and gravel mining, State and Federal transportation projects, Department of Defense activities, pipelines and utility lines). On non-Federal lands, where about 20 percent of the populations of *Monardella linoides* ssp. *viminea* exist, critical habitat would provide no additional benefits above that provided by listing because it would not require any special management actions, and there is not likely to be any future Federal involvement. The existing sites are either currently known by the landowners, or the affected landowners will be notified prior to publication of this rule. On Federal lands, and on non-Federal lands where a Federal nexus exists, section 7 consultation would be required for any action that may affect the species, once listed. As previously discussed, an analysis to determine jeopardy under section 7(a)(2) would consider loss associated with habitat impacts. Such an analysis would closely parallel any analysis of habitat impacts conducted to determine adverse modification of critical habitat and result in identical section 7 findings. A jeopardy finding would be equivalent to a finding of adverse modification of critical habitat.

Monardella linoides ssp. *viminea* is found in cultivation, and the listing of this species could result in increased interest and illegal collection. Listing of plant species can generate publicity, which may precipitate commercial and scientific interest in the species (M. Steenson pers. comm. 1997, M. Bosch *in litt.* 1997). This interest can threaten the species through illegal collection and by excessive trampling of plants by individuals interested in seeing rare plants. Publication of precise maps and descriptions of critical habitat would increase the degree of threat to this species from collection or vandalism and could contribute to its decline (see Factor B of the ''Summary of Factors Affecting the Species'' section of this final rule for additional discussion of collection threats).

Therefore, the Service finds that critical habitat is not prudent for *Monardella linoides* ssp. *viminea* at this time because such designation would not be of benefit to the species, and could increase the threat of illegal collection. The Service believes that no benefit over that provided by listing would result from identification of critical habitat on privately owned land where this species occurs. The Service believes that the conservation of this species can best be addressed by working directly with landowners and communities during the recovery planning process, and through the interagency coordination and consultation processes of section 7 for those activities with Federal agency involvement.

Given all of the above considerations, the Service finds that designation of critical habitat for *Dudleya stolonifera, Acanthomintha ilicifolia, Hemizonia conjugens,* and *Monardella linoides* ssp. *viminea* is not prudent at this time.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain activities. Recognition through listing results in public awareness and conservation actions by Federal, State, local, and private agencies, groups, and individuals. The Act provides for possible land acquisition from willing sellers and cooperation with the States and requires that recovery actions be carried out for all listed species. The protection required of Federal agencies and the prohibitions against certain activities involving listed plants are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(4) of the Act requires Federal agencies to confer with the Service on any action that is likely to jeopardize the continued existence of a species proposed for listing or result in destruction or adverse modification of proposed critical habitat. If a species is listed subsequently, section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the

continued existence of such a species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service. Section 7(a)(1) requires Federal agencies to use their authorities to conserve listed species.

Federal agencies expected to have involvement with *Monardella linoides* ssp. *viminea* include the Army Corps of Engineers and the Environmental Protection Agency due to their permit authority under section 404 of the Clean Water Act. Because *M. linoides* ssp. *viminea* occurs on Marine Corps Air Station, Miramar, the Marine Corps will likely be involved through military activities or potential transfer of excess Federal lands. The Forest Service has jurisdiction over several populations of *Acanthomintha ilicifolia*. *Monardella linoides* ssp. *viminea* and *Hemizonia conjugens* may be affected by projects funded in whole, or in part, by the Federal Highway Administration. Additionally, *H. conjugens* is expected to be affected by INS projects and Federal Aviation Agency projects on Otay Mesa.

The Act and its implementing regulations set forth a series of general prohibitions and exceptions that apply to all endangered or threatened plants. All prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.61 (endangered plants) and 17.71 (threatened plants), apply. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, sell or offer for sale in interstate or foreign commerce, or remove and reduce the species to possession from areas under Federal jurisdiction. In addition, for plants listed as endangered, the Act prohibits the malicious damage or destruction on areas under Federal jurisdiction and the removal, cutting, digging up, or damaging or destroying of such plants in knowing violation of any State law or regulation, including State criminal trespass law. Section 4(d) of the Act allows for the protections provided for endangered species to be extended to threatened species through regulation, and 50 CFR 17.71 extends prohibitions for endangered plants, with one exception, to plants listed as threatened. Seeds from cultivated specimens of threatened plant species are exempt from these prohibitions provided that their containers are marked ''Of Cultivated Origin.'' Certain exceptions to the prohibitions apply to agents of the Service and State conservation agencies.

The Act and 50 CFR 17.62, 17.63, and 17.72 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered or threatened plants under certain circumstances. Such permits are available for scientific purposes, economic hardship purposes, and to enhance the propagation or survival of the species. For threatened plants, permits are also available for botanical or horticultural exhibition, educational purposes, economic hardships, or special purposes consistent with the purpose of the Act.

It is the policy of the Service, published in the **Federal Register** on July 1, 1994 (59 FR 34272), to increase public understanding of the prohibited acts that will apply under section 9 of the Act. Two of the four species in this rule are known to occur on lands under the jurisdiction of the Forest Service or the DOD (Marine Corps). Collection of listed plants or activities that would damage or destroy listed plants on these lands is prohibited without a Federal endangered species permit. Such activities on non-Federal lands would constitute a violation of section 9 of the Act if activities were conducted in knowing violation of California State law or regulation, or in violation of California State criminal trespass law.

The Service believes that, based upon the best available information, the following actions will not result in a violation of section 9, provided these activities are carried out in accordance with existing regulations and permit requirements:

(1) Activities authorized, funded, or carried out by Federal agencies (e.g., grazing management, agricultural conversions, wetland and riparian habitat modification, flood and erosion control, residential development, recreational trail development, road construction, hazardous material containment and cleanup activities, prescribed burns, pesticide/herbicide application, pipelines or utility lines crossing suitable habitat,) when such activity is conducted in accordance with any reasonable and prudent measures given by the Service in a consultation conducted under section 7 of the Act;

(2) Casual, dispersed human activities on foot or horseback (e.g., bird watching, sightseeing, photography, camping, hiking);

(3) Activities on private lands that do not require Federal authorization and do not involve Federal funding, such as grazing management, agricultural conversions, flood and erosion control, residential development, road construction, and pesticide/herbicide application when consistent with label restrictions;

(4) Residential landscape maintenance, including the clearing of vegetation around one's personal residence as a fire break.

The Service believes that the following might potentially result in a violation of section 9; however, possible violations are not limited to these actions alone:

(1) Unauthorized collecting of the species on Federal lands;

(2) Application of pesticides/herbicides in violation of label restrictions;

(3) Interstate or foreign commerce and import/export without previously obtaining an appropriate permit. Permits to conduct activities are available for purposes of scientific research and enhancement of propagation or survival of the species.

The Act and 50 CFR 17.62 and 17.63 for endangered plants and 17.72 for threatened plants provide for the issuance of permits to carry out otherwise prohibited activities involving endangered and threatened plants under certain circumstances. Such permits are available for scientific purposes and to enhance the propagation or survival of the species. For threatened plants, permits are also available for botanical or horticultural exhibition, educational purposes, or special purposes consistent with the purposes of the Act.

Questions regarding whether specific activities would constitute violations of section 9 should be directed to the Field Supervisor of the Service's Carlsbad Field Office (see **ADDRESSES** section). Requests for copies of the regulations concerning listed plants (50 CFR 17.61 and 17.71) and general inquiries regarding prohibitions and permits may be addressed to the U.S. Fish and Wildlife Service, Ecological Services, Endangered Species Permits, 911 N.E. 11th Avenue, Portland, Oregon, 97232–4181 (telephone 503/231–2063; facsimile 503/231–6243).

National Environmental Policy Act

The Fish and Wildlife Service has determined that Environmental Assessments and Environmental Impact Statements, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

Paperwork Reduction Act

This rule does not contain any information collection requirements for which the Office of Management and Budget (OMB) approval under the

Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* is required. An information collection related to the rule pertaining to permits for endangered and threatened species has OMB approval and is assigned clearance number 1018–0094. This rule does not alter that information collection requirement. For additional information concerning permits and associated requirements for threatened species, see 50 CFR 17.32.

References

A complete list of all references cited in this final rule is available upon request from the Carlsbad Field Office (see **ADDRESSES** section).

Author: The primary authors of this final rule are Fred M. Roberts, Jr. and Gary D. Wallace, Ph.D. (see **ADDRESSES** section; telephone 760/431–9440).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Regulation Promulgation

Accordingly, amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—[AMENDED]

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

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

2. Section 17.12(h) is amended by adding the following, in alphabetical order under FLOWERING PLANTS, to the List of Endangered and Threatened Plants, to read as follows:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Species		Historic range	Family	Status	When listed	Critical habitat	Special rules
Scientific name	Common name						
FLOWERING PLANTS:							
* *	*	*	*	*	*		*
Acanthomintha ilicifolia	San Diego thornmint.	U.S.A. (CA) Mexico.	Lamiaceae	T	649	NA	NA
* *	*	*	*	*	*		*
Dudleya stolonifera	Laguna Beach liveforever.	U.S.A. (CA)	Crassulaceae	T	649	NA	NA
* *	*	*	*	*	*		*
Hemizonia conjugens	Otay tarplant	U.S.A. (CA) Mexico.	Asteraceae	T	649	NA	NA
* *	*	*	*	*	*		*
Monardella linoides ssp. *viminea*	Willowy monardella	U.S.A. (CA) Mexico.	Lamiaceae	E	649	NA	NA
* *	*	*	*	*	*		*

Dated: September 29, 1998.

Jamie Rappaport Clark,

Director, Fish and Wildlife Service.

[FR Doc. 98–26858 Filed 10–9–98; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AD60

Endangered and Threatened Wildlife and Plants; Endangered or Threatened Status for Three Plants from the Chaparral and Scrub of Southwestern California

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) determines endangered status pursuant to the Endangered Species Act of 1973, as amended (Act), for two plants, *Berberis nevinii* (Nevin's barberry) and *Fremontodendron mexicanum* (Mexican flannelbush) and threatened status for one plant, *Ceanothus ophiochilus* (Vail Lake ceanothus) throughout their respective historic ranges in southwestern California and northwestern Estado de Baja California, Mexico. These species are associated with scrub and chaparral plant communities and are, in some cases, endemic to specific types of clay soils.

These species are threatened by one or more of the following factors: destruction, degradation and fragmentation of habitat by urbanization; encroachment by exotic plant species, disruption of normal fire cycles; off-highway vehicle (OHV) use, hybridization, and the inadequacy of existing regulatory mechanisms. This rule implements the Federal protection and recovery provisions afforded by the Act for these species. These plant species were proposed for listing on October 2, 1995 (60 FR 51433). Another species proposed as threatened on that date, *Nolina interrata* (Dehesa beargrass), is withdrawn in this same **Federal Register** part, to be published on the same day as this final rule.

DATES: Effective November 12, 1998.

ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business hours at the U.S. Fish and Wildlife Service, Carlsbad Field Office, 2730 Loker Avenue West, Carlsbad, California 92008.

FOR FURTHER INFORMATION CONTACT: Loren Hays, Chief Branch of Listing and Recovery or Dr. Gary D. Wallace, Botanist at the above address (telephone 760/431–9440; facsimile 760/431–9624).

SUPPLEMENTARY INFORMATION:

Background

Berberis nevinii (Nevin's barberry) and *Ceanothus ophiochilus* (Vail Lake ceanothus) occur in restricted, localized populations in the interior foothills of Los Angeles, Riverside and San Bernardino Counties in California; *Fremontodendron mexicanum* occurs in

restricted and localized populations from the interior foothills of San Diego County and northwestern Baja California, Mexico. *Berberis nevinii* is found in chaparral and alluvial scrub associated with rocky slopes and sediments and sandy washes (Boyd 1987, Mistretta 1989a). *Ceanothus ophiochilus* is found in chamise chaparral, often in association with specific soil types. *Fremontodendron mexicanum* is known from closed-cone coniferous forest dominated by *Cupressus forbesii* (Tecate cypress) and chaparral.

Chaparral habitats of the interior foothill region of southern California are dense shrub associations of moderate height dominated by *Adenostoma fasciculatum* (chamise), *Ceanothus* sp. (California lilac), *Rhamnus ilicifolia* (red berry), *Arctostaphylos* sp. (manzanita), *Quercus berberidifolia* (California scrub oak), *Rhus ovata* (sugar bush), *Malosma laurina* (laurel sumac), *Heteromeles arbutifolia* (toyon), *Eriogonum fasciculatum* (California buckwheat), and *Salvia mellifera* (black sage) (Holland 1986). Chaparral plant communities are adapted to nutrient poor soils, cool wet winters, and hot dry summers.

Most chaparral species are adapted to periodic wildfire. In some species, only the seeds survive fires and these may require fire to germinate (Keeley 1991). Other species persist by resprouting from the burned stumps of the plants. A too frequent occurrence of fires can burn young or resprouting shrubs before they become reproductively mature, thus depleting or exhausting the seed bank (Zedler *et al.* 1983). Sustained fire prevention can result in senescent (extreme aging) plant communities that may not survive the eventual and unpredictable fires to reproduce vegetatively (Boyd 1991). Within these senescent chaparral communities, high fuel loads of plant material build up in the absence of fire, which often results in unnaturally hot fires that may kill plants and destroy the seed banks of some species. However, these species may repopulate historically occupied areas if a natural fire regime is restored.

Chaparral occurs on many different soil types, but *Ceanothus ophiochilus*, and often, *Fremontodendron mexicanum* typically occur in clay soils derived from gabbro (mineral) or metavolcanic bedrock (Boyd 1991, Oberbauer 1991, California Natural Diversity Data Base (CNDDB) 1997). Clay soils have unique physical and chemical properties that contribute to the disproportionately large number of rare plants found on this substrate, as compared to other soil types. For that reason, clay soils are an important component of floristic plant diversity in the region. The Vail Lake area of Riverside County has a large complex of unique habitats on clay soils formed from gabbro bedrock. Such habitats support many sensitive or endangered plant and animal species, including *C. ophiochilus* and *Berberis nevinii* (Metropolitan Water District (MWD) 1991).

Alluvial scrub, found in certain floodplain systems in southern California, comprises an open vegetation community of drought-deciduous and evergreen shrubs (Smith 1980, Hanes *et al.* 1989). Alluvial scrub is characterized by porous, infertile soils subject to periodic intense flooding and erosion associated with the outwash environment (Hanes *et al.* 1988). This vegetation type includes life-forms of desert and coastal affinities such as *Rhamnus crocea* (California redberry), *Lepidospartum squamatum* (scalebroom), *Cercocarpus betuloides* (mountain mahogany), *Eriogonum fasciculatum* (California buckwheat), and occasionally *Juniperus californica* (California juniper) (Hanes *et al.* 1988). Urbanization and industrial development are eliminating this plant community (Smith 1980).

Population centers for *Berberis nevinii* and *Ceanothus ophiochilus* are located near Vail Lake in southwestern Riverside County. One of the two largest known populations of *B. nevinii* occurs in this area adjacent to the type locality of *C. ophiochilus* (Boyd 1987, CNDDB 1997). The other large population of *B. nevinii* is in San Francisquito Canyon on the Angeles National Forest in Los Angeles County (Boyd *et al.* 1989). The majority of *B. nevinii* plants found outside the Vail Lake and Angeles National Forest sites occur as isolated populations in San Bernardino and Los Angeles Counties. Small populations of *C. ophiochilus* occur just south of Vail Lake in the Agua Tibia Wilderness of the Cleveland National Forest. *Fremontodendron mexicanum* is found only in southern San Diego County, California, and northwestern Estado de Baja California, Mexico.

Discussion of the Three Plant Species

Ceanothus ophiochilus (Vail Lake ceanothus), a member of the buckthorn family (Rhamnaceae), was described by Steve Boyd, Timothy Ross, and Laurel Arnseth based on a collection made by the authors in March 1989 west of Vail Lake in Riverside County, California (Boyd *et al.* 1991). This classification of the species is accepted in the most recent taxonomic treatment of the genus (Schmidt 1993).

Ceanothus ophiochilus is a rounded, divaricately branched (widely forked) shrub, 1.2–1.5 meters (m) (4–5 feet (ft)) tall. The leaves are opposite, thick, 3–7 m (0.1–0.3 inch (in)) long and less than 2.5 mm (0.1 in) wide. The stipules are corky. The fruits are 3–3.5 millimeters (mm) (0.1 inch (in)) in diameter, and usually hornless. *Ceanothus ophiochilus* lacks a burl and recovers after fire by means of seed germination. *Ceanothus ophiochilus* is differentiated from other species of *Ceanothus* in the area by its opposite, narrow leaves, pale green color below, blue flowers, and hornless fruits. This species grossly resembles *Adenostoma fasciculatum* (chamise), the codominant shrub in its habitat. *Ceanothus ophiochilus* flowers from mid-February to March and the seed capsules mature from about May to mid-June (Boyd *et al.* 1991, Schmidt 1993).

Ceanothus ophiochilus is restricted to dry habitats on ridgetops and north to northeast facing slopes in chamise chaparral. It occurs on shallow soils formed from ultra-basic parent materials or deeply weathered gabbro, both of which are phosphorus deficient (Boyd *et al.* 1991). Nutrient poor soils may be critical for the species to maintain reproductive isolation (Boyd *et al.* 1991). *Ceanothus ophiochilus* appears to hybridize with the locally common *C. crassifolius* in places where the two species occur together.

Ceanothus ophiochilus is found at three sites in southwestern Riverside County. These populations are scattered along borders of creeks and dry canyons, sometimes on gabbro soils (Shaffer 1993). One population of 3,000–5,000 plants occupies about 8 hectares (ha) (20 acres (ac)) within a 16 ha (40 ac) area of seemingly suitable habitat (Boyd 1991) on privately owned land at Vail Lake. There are some hybrid individuals in this population (Boyd *et al.* 1991). The remaining two populations exist on land managed by the Forest Service, where over 4,000 plants exist in a 12 ha (30 ac) area of the Agua Tibia Wilderness Area. The two populations in the Agua Tibia Wilderness occupy about 50 percent of the known occupied habitat of the species and contain a significant number of individuals, and the Vail Lake population includes the other 50 percent of the known occupied habitat and plants. Both Agua Tibia populations appear to contain hybrid plants. A portion of one of these populations consists of plants that are too young to determine the degree of hybridization taking place (Shaffer 1993; Steve Boyd, Rancho Santa Ana Botanical Garden, pers. comm. 1995).

Although all three populations contain some individuals that evidently are not pure *Ceanothus ophiochilus*, the Service continues to recognize their importance to the long-term survival of the species. Hybridization is a natural phenomenon common among the species of *Ceanothus* (Schmidt 1993). Conservation of the hybrid plants will be addressed in the recovery plan for *C. ophiochilus*.

Berberis nevinii (Nevin's barberry), a member of the barberry family (Berberidaceae), was described by Asa Gray (1895) based on a collection made by Joseph Nevin in 1892 on the east side of the San Fernando Valley near Los Angeles. *Berberis nevinii* has been treated as *Mahonia nevinii* (Fedde 1901) and *Odostemon nevinii* (Abrams 1910). Recent authorities follow Gray's treatment (Munz 1974, Williams 1993).

Berberis nevinii is a rhizomatous evergreen shrub 1–4 m (3–12 ft) tall. The pinnately compound leaves (featherlike arrangement of the leaflets) are gray-green with serrate, spine-tipped margins. The flowers, clustered in loose racemes, have six yellow petals arranged in two series. The berries are juicy, yellowish to red, 6–8 mm (less than 0.3 in) long with brownish seeds. This species flowers from March through April. *Berberis nevinii* is distinguished from other members of the genus by its nearly flat, narrow, serrate, pinnately veined leaves, few flowered racemes, and reddish fruits (Williams 1993).

Berberis nevinii is found in two habitat types: gravelly wash margins in alluvial scrub (Niehaus 1977, Boyd 1987), and on coarse soils in chaparral (Boyd 1987). This species typically is found between 300 and 650 m (900 and 2,000 ft) in elevation.

Historically, the range of this species probably consisted of fewer than 30 scattered occurrences. At least seven populations have been extirpated, probably due to factors associated with urbanization (California Department of Fish and Game (CDFG) 1991). The species' native range currently extends from the foothills of the San Gabriel Mountains of Los Angeles County to near the foothills of the Peninsular Ranges of southwestern Riverside County. The total number of individuals is reportedly fewer than 1,000 (Boyd 1987), but may be fewer than 500 (CNDDB 1997, MWD 1991). The largest remaining cluster of native populations, which collectively contain about 200 individuals, occurs in Riverside County in the Vail Lake/Oak Mountain area. Most of these populations are on private lands in the Vail Lake region, although a few individuals occur on Bureau of Land Management (BLM) lands north of Vail Lake and in the Cleveland National Forest southeast of Vail Lake (Boyd *et al.* 1989). In Los Angeles County, another population of 130–250 individuals occurs on an alluvial terrace and on steep slopes in San Francisquito Canyon, Angeles National Forest (Boyd *et al.* 1989, CNDDB 1997). Another site was recently discovered on the Angeles National Forest (Gary Wallace, U.S. Fish and Wildlife Service, pers. obs. 1998). Two other native populations are small, with fewer than 10 individuals, and occur on private lands (Boyd 1987, CNDDB 1997).

The range of *Berberis nevinii* has been extensively surveyed, and additional populations are not likely to occur in the Vail Lake area (Boyd *et al.* 1989). Searches for *B. nevinii*, based on Boyd's (1987) habitat parameters, revealed no additional plants on the San Bernardino National Forest (Mistretta 1989b; Melody Lardner, Botanist, San Bernardino National Forest, *in litt.* 1993).

Fremontodendron mexicanum, a member of the cacao family (Sterculiaceae), was first described by Anstruther Davidson (1917) based on a collection sent to him by Kate Sessions. Macbride (1918) applied the name *Fremontia mexicana* to the species. Harvey (1943) followed this nomenclature in his revision of the genus. The taxon was reduced to a variety of *Fremontia californica* by Jepson (1925) and to a subspecies of *Fremontodendron californicum* by Murray (1982); however, Munz (1974), Kelman (1991), and Whetstone and Atkinson (1993) have all recognized Davidson's combination. The genus name *Fremontia* was not conserved because *Fremontodendron* has priority.

Fremontodendron mexicanum is a small tree or shrub 1.5–6 m (5–19 ft) tall with evergreen, palmately (leaflets radiating from one point)lobed leaves 25–50 mm (1–2 in) wide. The flowers are up to about 69 mm (2.7 in) wide and lack petals. The showy orange to dark yellow sepals are sometimes reddish toward the bases. *Fremontodendron mexicanum* is distinguished from *F. californicum* by its orange sepals with basal pits generally lacking long hairs, and shiny black, glabrous (smooth) seeds that lack caruncles (outgrowths) (Kelman 1991). Native populations of this species occur primarily in closed-cone coniferous forest and southern mixed chaparral, often in association with metavolcanic soils (Oberbauer 1991, Reiser 1996) at elevations between 300 and 1,000 m (900 to 3,000 ft).

Fewer than 10 historical, native locations have been reported for *Fremontodendron mexicanum* in the United States. Several of these reports were based on misidentified or cultivated specimens. Apparently at least two historical populations of *F. mexicanum* have been extirpated; these were located at Boundary Monument near the coast and in the Jamul Mountains, both in San Diego County. Reliable distribution records for the species indicate that it is currently only known from Cedar Canyon on Otay Mountain in southern San Diego County and at Arroyo Seco, north of San Quintin, Estado de Baja California, Mexico (Wiggins 1980). This species has not been relocated during surveys of other historical localities (Ogden Environmental and Energy Services, Inc. 1992; Reiser 1996). BLM manages most of the Cedar Canyon population. Other historical sites the Service considers to have potential for currently supporting or reestablishing populations of *F. mexicanum* are divided in ownership between the BLM and private landowners (CNDDB 1997).

The total number of remaining plants of *Fremontodendron mexicanum* in the United States is estimated to be fewer than 100 individuals (Beauchamp, *in litt.* 1993, CNDDB 1997). Two additional native historical populations are reported from Mexico; however, one population has not been observed recently, and the other, Arroyo Seco, may have been extirpated by a substantial flood (Reiser 1996). Reports of this species in Monterey and Kern Counties (Kelman 1991) are based on single specimens lacking conclusive characters.

A reported occurrence for Los Angeles County (Kelman 1991) was likely based on a garden escapee and has not been relocated. Similarly, reports of this species in Orange and southwestern Imperial Counties (Whetstone and Atkinson 1993; Shevock, pers. comm. 1997) are based on specimens from plants of probable cultivated origin, or are unverified. Several other recent occurrences have been reported in San Diego County and in Los Angeles County, California; however, these occurrences likely represent planted individuals readily available in the nursery trade, or misidentifications (Reiser 1996, CNDDB 1997). However, even if one or more of these populations prove to be native *F. mexicanum*, because the flora of California is fairly well-known, this species would be a rare element at these sites and would not likely represent a substantial population.

Previous Federal Action

Federal government action on the three plant species contained in this rule began as a result of section 12 of the Act, which directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be endangered, threatened, or extinct in the United States. This report, designated as House Document No. 94–51, and presented to Congress on January 9, 1975, recommended *Berberis nevinii* and *Fremontodendron mexicanum* for endangered status. The Service published a notice in the **Federal Register** on July 1, 1975 (40 FR 27823) of its acceptance of the report as a petition within the context of section 4(c)(2) of the Act (now section 4(b)(3)(A)), and of the Service's intention to review the status of the plant species named in it, including *B. nevinii* and *F. mexicanum*. On June 16, 1976, the Service published a proposal in the **Federal Register** (41 FR 24523) to list approximately 1,700 vascular plant species as endangered species pursuant to section 4 of the Act. *Berberis nevinii* and *F. mexicanum* were included in the June 16, 1976 **Federal Register** notice.

General comments received in relation to the 1976 proposal were summarized in an April 26, 1978, **Federal Register** notice (43 FR 17909). Although the 1978 amendments to the Act required that all proposals over 2 years old be withdrawn, a 1-year grace period was given to those proposals already more than 2 years old. On December 10, 1979, **Federal Register** (44 FR 70796), the Service published a notice of withdrawal for the portion of the June 16, 1976 proposal that had not been made final, along with four other proposals that had expired. The Service published an updated notice of review of plants in the **Federal Register** on December 15, 1980 (45 FR 82479). This notice included *B. nevinii* and *F. mexicanum* as category 1 candidate species. Category 1 candidates were those species for which the Service had sufficient information on biological vulnerability and threats to support listing proposals, but the preparation of a proposal was precluded by higher priority species.

Section 4(b)(3)(B) of the Act, as amended in 1982, requires the Secretary to make findings on pending petitions within 12 months of their receipt. Section 2(b)(1) of the Act, as amended in 1982 further required that all petitions pending on October 13, 1982, be treated as having been newly submitted on that date. This was the case for *Berberis nevinii* and *Fremontodendron mexicanum*, the 1975 Smithsonian report having received the status of a petition. On October 13, 1983, the Service found that the petitioned listing of these species was warranted, but precluded by other pending listing actions, in accordance with section 4(b)(3)(B)(iii), of the Act. Notification of this finding was published in the **Federal Register** on January 20, 1984 (49 FR 2485). Such a finding requires the petition to be recycled annually, pursuant to section 4(b)(3)(C)(i) of the Act. The finding was reviewed each October, annually and the status of these two species was retained in the September 27, 1985 (50 FR 39526), the February 21, 1990, (55 FR 6184), the September 30, 1993 (58 FR 51143) and the February 28, 1996, (61 FR 7596) review of plant taxa.

On September 16, 1991, the Service received a petition dated September 13, 1991, from Mr. Steve Boyd of Rancho Santa Ana Botanic Garden, to list *Ceanothus ophiochilus* as an endangered species (Boyd 1991). The Service evaluated the petition and published a 90-day finding in the **Federal Register** on August 10, 1992 (57 FR 37513), that substantial information was presented and that the requested action may be warranted. The species was included as a category 2 candidate species in the September 30, 1993, notice of review (50 FR 51144). Category 2 candidate species were those species for which information in the possession of the Service indicated that a proposal to list the species as endangered or threatened was possibly appropriate, but sufficient data on biological vulnerability and threats were not currently available to support proposed rules.

On October 2, 1995, the Service published in the **Federal Register** (60 FR 51443) a proposal to list *Berberis nevinii* and *Fremontodendron mexicanum* as endangered and *Ceanothus ophiochilus* and *Nolina interrata* (Dehesa beargrass) as threatened. The proposal to list *N. interrata* was withdrawn and is addressed in a document published concurrently in the proposed rule section of this same **Federal Register** part. Publication of the proposed rule to list *B. nevinii, C. ophiochilus,* and *F. mexicanum* constituted the 12-month petition finding for these species.

The processing of this final rule follows the Service's final listing priority guidance for fiscal years 1998 and 1999 published on May 8, 1998, in the **Federal Register** (63 FR 25502). The guidance clarifies the order in which the Service will process rulemakings. The guidance calls for giving highest priority to the handling of emergency actions (Tier 1) and second highest priority to resolving the listing status of species included in outstanding proposed listing actions (Tier 2). This final rule falls under Tier 2 of the guidance. The three species in this rule face high magnitude threats. This rule has been updated to reflect changes in information concerning distribution, status and threats. However, this additional information was not of a nature that it altered the Service's decision to list the three species.

Summary of Comments and Recommendations

In the October 2, 1995, proposed rule (60 FR 51443) and associated notifications, all interested parties were asked to submit factual reports or information that might contribute to the development of a final rule. Appropriate Federal and State agencies, county and city governments, scientific organizations, and other interested parties were contacted and asked to comment. Individual newspaper notices of the proposed rule were published in the San Diego Union-Tribune and the Riverside Press-Enterprise on October 20, 1995. The 45-day comment period for the proposed rule closed on November 16, 1995. A public hearing was requested during the comment period, but the Service's ability to hold the hearing was precluded by severe funding constraints in effect between November 1995 and April 1996. The party requesting the hearing subsequently submitted written comments to the Service during the comment period. On June 4, 1997, a letter was sent to the party inquiring as to their wishes regarding the previous request for a public hearing. No response was received by the Service.

During the comment period, the Service received four letters concerning the proposed rule, including one from a Federal agency, one from a State agency, and two from individuals or groups. One respondent expressed support for the listing proposal, one opposed it, and two were neutral. Additional information and clarification provided by one commenter have been incorporated into this final rule. Relevant comments have been organized into specific issues. These issues and the Service's response to each are summarized as follows:

Issue 1: One commenter claimed that *Ceanothus ophiochilus* was a relictual (relic) species, formerly more common than at the present time and that the species likely will continue to persist, barring any new threats to its existence.

Service Response: It is not feasible, using current information, to determine

if *Ceanothus ophiochilus* is a relict species (a species from an earlier era that is surviving in a changed environment) or the extent of its prehistoric distribution. The listing status of this species is not based on its evolutionary history, but rather on current and future threats to its continued existence. Major threats to the species are presented by the modification, destruction, degradation, and fragmentation of its habitat due to urbanization and off-road vehicle use.

Issue 2: One commenter suggested that the Service has resisted efforts to provide the protection needed for *Ceanothus ophiochilus* and *Berberis nevinii*, readily available through the creation of a conservation bank at Vail Lake. Another commenter suggested acquiring the portion of the Vail Lake planned community that contains the *Ceanothus ophiochilus* population.

Service Response: The Service actively participated in discussions regarding the creation and implementation of a conservation bank for listed species and sensitive habitats at Vail Lake in 1995. In Spring 1995, the landowner of the Vail Lake Planned Community Area offered the Riverside County Habitat Conservation Agency (RCHCA) an option to acquire about 6,000 acres as part of a conservation bank, and a draft conservation agreement was prepared (Jeff David and Associates 1995). However, the option for this property expired in September of 1995 and all of the parcels have recently been sold (M. Shaughnessy, U.S. Fish and Wildlife Service, pers. comm. 1997). Protection of these two species through land purchases, conservation agreements, and other recovery strategies will be addressed in the recovery plan for these species.

Issue 3: One commenter contended that the threats specified in the proposed rule are unlikely to become real in the area containing the Vail Lake population of *Ceanothus ophiochilus.*

Service Response: The Service has recently received notification of filing for a conditional use permit for the recreational vehicle (RV) park parcel immediately adjacent to the parcel that supports the *Ceanothus ophiochilus* population. The close proximity of human activities increases the likelihood and frequency of accidental fires, the introduction of exotic species, and associated adverse impacts. In addition, as is indicated above, all of the parcels in the Vail Lake planned community supporting *C. ophiochilus* have been sold. Development of the parcels containing *C. ophiochilus*, and the associated habitat disturbances, remain a threat to the continued existence of the species.

Issue 4: One commenter suggested that additional populations of *Ceanothus ophiochilus* will be discovered.

Service Response: No new populations have been reported since the populations in the Agua Tibia Wilderness were found in 1993. At that time, several additional areas of potential habitat were searched by staff of the Cleveland National Forest without locating additional populations (Kirsten Winter, Botanist, Cleveland National Forest, *in litt.* 1995).

Issue 5: One commenter stated that none of the three species, which are all listed as endangered by the State of California under the California Endangered Species Act (CESA), is currently known to occur on State Park lands. However, if they were found to occupy State Park lands, California Environmental Quality Act (CEQA) would require consideration of impacts from proposed actions.

Service Response: CEQA applies to virtually all projects, whether on State or private lands. Under CEQA, the impacts of projects on listed species must be considered, not only on State Park lands but also on any non-Federal lands.

Issue 6: One commenter, noting that the proposed rule stated that *Berberis nevinii* is available for cultivation in the nursery trade, questioned how a species in cultivation could be endangered.

Service Response: One of the provisions of the Act (section 2(b)) includes providing ''a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved, to provide a program for the conservation of such endangered species and threatened species.'' The preservation of a species is ultimately successful through the long-term persistence of natural populations in native habitats. Introductions of cultivated specimens into native habitats may alter natural gene frequencies and thereby affect the survival potential of the species.

Issue 7: One commenter stated that listing *Ceanothus ophiochilus* and *Berberis nevinii* improperly denigrates other methods of conservation, such as the efforts and authority of the California Department of Fish and Game, as well as other State and local laws and practices addressing biological resources, such as CEQA. The commenter also noted the broader scope of the California Endangered Species Act (CESA) as compared to the Federal Act with respect to plants on private property.

Service Response: A detailed discussion regarding these and other programs has been incorporated into the final rule under ''Summary of Factors Affecting the Species.'' Although the Native Plant Protection Act (NPPA) and CESA both prohibit the ''take'' of State-listed plants (chapter 10 sec. 1908 and chapter 1.5, sec 2080), these statutes do not adequately protect against the taking of such plants by means of habitat modification or land use change by the landowner. After CDFG notifies a landowner that a State-listed plant grows on their property, the CDFG Code requires only that the landowner notify the agency ''at least 10 days in advance of changing the land use to allow salvage of such plant'' (chapter 10, sec. 1913). The requirement for the issuance of take permits for endangered plants under section 2081 of CESA is currently under review (Ann Malcomb, California Department of Fish and Game, pers. comm. 1998). CEQA guidelines require that once significant effects are identified, the lead agency has the option to either require mitigation for effects through changes in the project or to decide that the ''overriding social and economic considerations'' will make mitigation infeasible (California Public Resources Code, Guidelines, section 15093). In the latter case, significant environmental damage may result from an approved project, including the destruction of endangered plant species. Protection of listed plant species under CEQA is, therefore, dependent upon the discretion of the lead agency. The Service, therefore, finds the current regulations to be inadequate.

Issue 8: One commenter suggested that because *Fremontodendron mexicanum* was reported from the Descanso District of the Cleveland National Forest, that further surveys are needed to locate the species.

Service Response: Surveys have not located *Fremontodendron mexicanum* on the Cleveland National Forest. All previous reported localities on the Forest were found to support the widespread *Fremontodendron californicum* (Kirsten Winter, U.S. Forest Service, pers. comm. 1997).

Peer Review

In accordance with interagency policy published in the **Federal Register** on July 1, 1994 (59 FR 34270), the Service solicited the expert opinions of three independent specialists regarding pertinent scientific or commercial data and assumptions relating to the taxonomy, population models, and supportive biological and ecological information for the species under consideration for listing. The purpose of

such review is to ensure listing decisions are based on scientifically sound data, assumptions, and analyses, including input of appropriate experts and specialists. Despite this effort, no responses were received from the specialists solicited by the Service.

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that *Ceanothus ophiochilus* should be classified as a threatened species, and *Berberis nevinii* and *Fremontodendron mexicanum* should be classified as endangered species. Procedures found at section 4 of the Act (16 U.S.C. 1531) and regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act were followed. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Ceanothus ophiochilus* Boyd, Ross and Arnseth (Vail Lake ceanothus), *Berberis nevinii* Gray (Nevin's barberry), and *Fremontodendron mexicanum* Davidson (Mexican flannelbush) are as follows:

A. The present or threatened destruction, modification, or curtailment of their habitat or range

The Service finds that the three species listed in this rule are imperiled by various activities, including urbanization and off-road vehicle use, that result in habitat modification, destruction, degradation, and fragmentation. The specific soil and/or hydrological requirements of these plant species naturally limit their distribution to clay soils formed from gabbro and alluvial or sedimentary based substrates (sandy washes and terraces) within the chaparral or scrub plant communities. Rey-Vizgirdas (1994) places the loss of alluvial scrub habitats at over 90 percent based on an estimate of presettlement conditions. Most of the alluvial scrub habitat in the San Fernando and San Gabriel valleys has been eliminated by urban development, road widening, flood control measures or habitat degradation from extensive recreational use (CDFG 1991). Urban development and mining have generally impacted these habitat types more directly than other activities within the chaparral community, the terrain being more accessible than the typically rugged, steep, boulder-covered terrain of the surrounding chaparral.

Much of southwestern Riverside County is expected to be converted to urban development within the decade (Monroe *et al.* 1992, California Department of Finance 1993). The Vail Lake area, where both *Ceanothus ophiochilus* and *Berberis nevinii* occur, is included in a community plan. Development in the area was planned and approved by the County and allows subdivision of parcels into 20 ac (9 ha) lots (Boyd 1991, Shaffer 1993). In 1995, the owner of the property offered the Riverside County Habitat Conservation Agency (RCHCA) an option to acquire a portion of the Vail Lake planned community for a conservation bank. However, the option to purchase the property expired, and the parcels were subsequently sold (M. Shaughnessy, pers. comm. 1997). It is expected that individual landowners are likely to convert the existing habitat to gardens, lawns and pastures. This development will fragment remaining habitat, introduce invasive plants that compete with the species considered in this rule, contribute to combustible fuel loads, and degrade the habitat as a result of conversion to later successional stages of plant communities (Boyd 1991). In addition, fire management strategies for developed areas, including fire suppression measures and brush clearance requirements, alter the natural fire processes to which natural plant communities are adapted and which they require for long-term survival.

Populations of *Berberis nevinii* occurring in alluvial scrub habitats of Los Angeles County have been heavily impacted (CNDDB 1997). A note on a specimen of *B. nevinii* collected in 1932 stated that there were only about 100 plants known, all east of San Fernando Road, and that their numbers were likely to decrease. Wolf (1940) cites urbanization and brush fires as causes of the hastened rate of extinction of this species in the area near San Fernando (Los Angeles County). Several sites apparently containing *B. nevinii* in this area have been destroyed by the extensive urbanization of the eastern San Fernando Valley. These sites, however, were not included in the CNDDB because of inadequate data. Only two of the seven native occurrences of *B. nevinii* in Los Angeles County noted by CNDDB (1997) are extant. A new occurrence of a single plant was recently found in a canyon on the south slope of the San Gabriel Mountains (G. Wallace, pers. comm. 1998). The occurrence, of questionable origin because it was near an old nursery, consisted of a single plant on a parcel with an approved tentative tract map; this site was recently cleared.

The majority of the 16 native occurrences for *Berberis nevinii,* which are all located in the vicinity of Vail Lake in western Riverside County (CNDDB 1997), consist of five or fewer plants. Urban development in the Vail Lake area threatens the largest group of occurrences of *B. nevinii,* and most of these occurrences at Vail Lake would likely be eliminated by development (Jeff David and Associates 1995). Parcels recently sold at Vail Lake contain about 15 of the 16 occurrences (CNDDB 1997) and apparently contain more than 150 of the approximately 200 plants of *B. nevinii* in western Riverside County. An application for a conditional-use permit has been filed for one of the parcels that has both *B. nevinii* and another federally listed plant species, *Dodecahema leptoceras* (slender-horned spineflower). This parcel is also adjacent to a parcel that supports *Ceanothus ophiochilus.*

Highway projects may impact *Berberis nevinii* directly and indirectly. A proposal to widen State Route 79 to four lanes may directly impact some populations of *B. nevinii,* as well as promote development in the area (Monroe *et al.* 1992), leading to additional indirect impacts. Of the two occurrences of *Berberis nevinii* on private land near Redlands, San Bernardino County, one site supporting as many as six plants has been damaged as a result of off-road vehicles and horseback riding (CNDDB 1997). The other site in this county, supporting a single plant, is threatened by a predominance of annual grasses (CNDDB 1997).

The Vail Lake planned community is also the site of one of three populations of *Ceanothus ophiochilus.* The grading of fire breaks has reportedly destroyed some of the *C. ophiochilus* population at Vail Lake and a portion of the populations in the Agua Tibia Wilderness on the Cleveland National Forest (Boyd *et al.* 1989; Boyd 1991; Susan Cochrane, CDFG, *in litt.* 1993).

The only confirmed, extant native occurrence for *Fremontodendron mexicanum* in the United States is located in Cedar Canyon on Otay Mountain in southern San Diego County near the Mexican border (CNDDB 1997). About 50 percent of the habitat occupied or potentially suitable for restoration of *F. mexicanum* populations exists on lands administered by the BLM as an Area of Critical Environmental Concern (ACEC) and a Research Natural Area (RNA). The remaining portion of this habitat is located within the privately owned Otay Ranch, on lands zoned as natural open space (Ogden Environmental and Energy Services, Inc. 1992; Tom Oberbauer, pers. comm. 1998).

The Cedar Canyon ACEC and RNA were designated for the preservation of

Fremontodendron mexicanum by BLM in their 1994 South Coast Resource Management Plan. The ACEC is a right-of-way avoidance area, which is not available for mineral material sales or livestock grazing, and is closed to motorized vehicle use. Natural conditions are maintained in the ACEC/RNA, where possible, by allowing ordinary physical and biological processes to operate without human intervention. Some management activities are authorized to maintain the unique features for which the ACEC/RNA was designated. BLM has not yet completed the proposed acquisition of an additional 280 ac (113 ha) to add to the existing 705 ac of the ACEC and RNA (Bureau of Land Management 1994; Julia Dougan, Area Manager, Bureau of Land Management, pers. comm. 1997).

Although urbanization and associated habitat loss and further habitat fragmentation are no longer significant direct threats to *Fremontodendron mexicanum*, the single known population is vulnerable to a variety of threats. This species is likely susceptible to adverse genetic effects because of the low number of individuals in the population, which is estimated to be below 100 (Barrett & Kohn 1991).

Another primary threat to the Cedar Canyon population, and thereby to the species, is from altered fire regimes as a result of various human-caused fires. *Fremontodendron mexicanum* is associated with closed-cone coniferous forest dominated by *Cupressus forbesii* and with mixed chaparral. Both of these vegetation types are susceptible and adapted to naturally occurring fires. Fires that occur at longer or shorter intervals than the natural cycle or during reproductive seasons may imperil the species.

The BLM has made commitments to protect the population in the Cedar Canyon ACEC, however, the agency does not control a significant portion of the habitat in the lower end of Cedar Canyon and does not control some additional areas to the northeast of the canyon. Despite BLM's efforts it has not been possible to control the human foot-traffic through Cedar Canyon. Human foot traffic presents a significant threat as a source of accidental fires. A single catastrophic fire could potentially eliminate all or most of the *Fremontodendron mexicanum* population. A fire can occur too soon after an earlier fire resulting in the killing of young plants prior to their producing seeds. A fire can also occur at a time when litter and biomass accumulation has reduced or eliminated seedling establishment and kill all of the mature plants. Either of these types of fire occurrences could drastically reduce or eliminate the seed bank for this species and kill mature plants that might otherwise survive less severe fires. In the extreme circumstance an uncontrolled fire of sufficient intensity could potentially drive the species to extinction.

The establishment of the ACEC and RNA on BLM lands and the implementation of a comprehensive management plan that includes an appropriate fire management plan has the potential to significantly reduce the threats to this species, which are threats generally associated with urbanization, and other direct and indirect causes of habitat destruction and fragmentation on BLM lands. The BLM will consider the use of controlled fire in its management plan for the Cedar Canyon ACEC (Bureau of Land Management 1994; J. Dougan, pers. comm. 1997). An equivalent fire management plan and restoration of a natural fire regime would enhance occupied and potential habitat for *F. mexicanum* habitat on Otay Ranch.

B. Overutilization for commercial, recreational, scientific, or educational purposes

No evidence exists to indicate that overutilization is currently a factor in the decline of the three species listed in this rule, although all three are vulnerable to both collection and vandalism. Simply listing a plant species can precipitate commercial or scientific interest which can threaten the species through unauthorized and uncontrolled collection for both commercial and scientific purposes. The listing of species as endangered or threatened publicizes their rarity and may make the listed species more susceptible to collection by researchers or curiosity seekers (Mariah Steenson pers. comm. 1997, M. Bosch, U.S. Forest Service *in litt.* 1997). Both *Fremontodendron mexicanum* and *Berberis nevinii* exist in the nursery trade. Although seeds and cuttings for nursery stock are occasionally gathered from natural populations (Susan Jett, Nursery Manager, Rancho Santa Ana Botanic Garden, *in litt.* 1997), seed and cuttings for the species in this rule are reportedly usually derived from existing cultivars (variety) (Elena Benge, Tree of Life Nursery, San Juan Capistrano, California, pers. comm. 1995). The Cleveland National Forest has received requests from two botanical gardens for permits to collect *Ceanothus ophiochilus*, although no horticultural collections are permitted (Winter, *in litt.* 1995). Access to most of the remaining occurrences of all three species is limited by private property boundaries and/or inaccessible, rugged terrain.

Vandalism is considered a threat to *Ceanothus ophiochilus* and *Berberis nevinii* because some interests may view the presence of sensitive species as an obstacle to development (Mitchell Beauchamp, Pacific Southwest Biological Services, *in litt.* 1993). This type of threat exists for all occurrences of these plants on privately owned land.

C. Disease or Predation

Disease or predation are not known to be factors affecting the plant species listed in this rule.

D. The Inadequacy of Existing Regulatory Mechanisms

Existing regulatory mechanisms that could provide some protection for these species in the United States include: (1) Federal laws and regulations, including the National Environmental Policy Act (NEPA), the Endangered Species Act, in those cases where these species occur in habitat occupied by other listed species, and section 404 of the Federal Clean Water Act; (2) State laws, including the Native Plant Protection Act (NPPA), the California Endangered Species Act (CESA), the California Environmental Quality Act (CEQA), and section 1603 of the California Fish and Game Code; (3) regional planning efforts pursuant to the California Natural Community Conservation Planning Program (NCCP); (4) land acquisition and management by Federal, State, or local agencies, or by private groups and organizations; and (5) local land use processes and ordinances.

Federal Laws and Regulations

The National Environmental Policy Act (NEPA) (42 U.S.C. 4321 to 4347) requires disclosure of the environmental effects of projects within Federal jurisdiction. NEPA requires that each of the project alternatives recommend ways to ''protect, restore and enhance the environment'' and ''avoid and minimize any possible adverse effects,'' when implementation poses significant adverse impacts. The NEPA does not, however, require that the lead agency select an alternative with the least significant impact to the environment, nor does it prohibit implementing a proposed action in an environmentally sensitive area (40 CFR 1500 *et seq.*).

The Act may incidentally afford protection to the species under consideration in this rule if these species co-exist with species already listed as threatened or endangered under the Act. The Least Bell's vireo

(*Vireo bellii pusillus*), coastal California gnatcatcher (*Polioptila californica californica*), southwestern willow flycatcher (*Empidonax traillii extimus*), arroyo toad (*Bufo microscaphus californicus*), slender-horned spineflower (*Dodecahema leptoceras*), and Santa Ana River woolly star (*Eriastrum densiflorum* ssp. *sanctorum*) are listed as endangered or threatened under the Act and occur within the same geographical area as the species listed in this rule. These species, however, are not found in the same habitat as the plant species listed in this rule. Though *Berberis nevinii* is known to occur in alluvial fan scrub, which is also known to be occupied by *D. leptoceras*, and *E. densiflorum* ssp. *sanctorum*, these species are not known from any specific site where *B. nevinii* also occurs. A portion of the range of *B. nevinii* overlaps an area of the historical range of the San Bernardino kangaroo rat (*Dipodomys merriami parvus*), a federally listed endangered species. The rediscovery of the San Bernadino kangaroo rat in this portion of its historical range could afford some incidental protection to *B. nevinii* in those areas.

Section 404 of the Clean Water Act, administered by the U.S. Army Corps of Engineers (Corps), may provide for some conservation or protection of *Berberis nevinii* populations along alluvial features. Alluvial scrub habitats, which historically supported *B. nevinii*, have been reduced in extent by over 90 percent due to urban and agricultural development (Rey-Vizgirdas 1994). The impacts to these habitats must be considered under CEQA or NEPA and may be regulated, in part, by the permitting processes of the Corps under section 404 of the Clean Water Act. Under section 404, the Corps regulates the discharge of fill material into waters of the United States, which includes navigable and isolated waters, headwaters, and adjacent wetlands. Section 404 regulations require that applicants obtain an individual permit for projects to place fill material affecting greater than 1.2 ha (3 ac) of waters of the United States. Nationwide Permit 26 (33 CFR part 330, revised on December 20, 1996 (61 FR 65916) was established by the Department of the Army to facilitate authorization of discharges of fill into isolated waters (including wetlands and vernal pools) that cause the loss of less than 1.2 ha (3 ac) of waters of the United States, and that cause minimal individual and cumulative environmental impacts. Projects that qualify for authorization under Nationwide Permit 26 and that affect less than 0.1 ha (0.33 ac) of isolated waters, including wetlands, may proceed but the permittee must submit a report to the Corps within 30 days of completion of the work. Evaluation of the impacts of such projects through the section 404 permit process is, therefore, precluded.

Because the majority of the distributions of these species occur in upland (nonwetland) habitat or in isolated and fragmented parcels, it is unlikely that actions affecting the species will require section 404 permits. In addition, emergency flood control measures may circumvent compliance with these statutes. For example, as part of emergency measures, vegetation stripping occurred in Riverside and San Bernardino Counties throughout the potential range of *Berberis nevinii* after flooding subsided in the spring of 1993.

State Laws and Regulation

Although State laws at times may provide a measure of protection to the species, these laws are not adequate to protect the species in all cases. Numerous activities do not fall under the purview of State laws, such as certain Federal projects and projects falling under State statutory exemptions. For example, under CEQA where overriding social and economic considerations can be demonstrated, a project proposal may go forward even where adverse impacts to a species are significant.

Pursuant to the Native Plant Protection Act (NPPA) (chapter 10 section 1900 *et seq.* of the CDFG Code) and the California Endangered Species Act (CESA) (chapter 1.5, sec. 2050 *et seq.* of the CDFG Code), the California Fish and Game Commission listed *Berberis nevinii* and *Ceanothus ophiochilus* as endangered. Although NPPA and CESA prohibit the ''take'' of State-listed plants (chapter 10 sec. 1908 and chapter 1.5, sec 2080), these statutes inadequately protect against the taking of such plants through habitat modification or land use change by the landowner. Under the NPPA, the California Department of Fish and Game will notify a landowner that a State-listed plant grows on his or her property. Pursuant to the CDFG Code, where the taking is otherwise in compliance with State law, the landowner is only required to notify the agency. This notification is required ''at least 10 days in advance of changing the land use to allow salvage of such plant'' (chapter 10, sec. 1913). The requirement for the issuance of take permits for endangered plants under section 2081 of CESA is currently under review (A. Malcomb, pers. comm. 1998).

The California Environmental Quality Act (CEQA) (Public Resources Code, section 21000 *et seq.*) pertains to projects on non-Federal lands and requires that a project proponent publicly disclose the potential environmental impacts of proposed projects. The public agency with primary authority or jurisdiction over the project is designated as the lead agency. The lead agency is responsible for conducting a review of the project and consulting with the other agencies concerned with the resources affected by the project. Section 15065 of the CEQA Guidelines requires a finding of significance if a project has the potential to ''reduce the number or restrict the range of a rare or endangered plant or animal'' including those that are eligible for listing under NPPA and CESA. Under CEQA, impacts to State-listed plants are considered significant and must be addressed. Once significant effects are identified, the lead agency is faced with two options. These options are to either require mitigation for effects through changes in the project or to decide that the ''overriding social and economic considerations'' make such mitigation infeasible (Title 14, California Code of Regulations, section 15093). In the cases where overriding social and economic considerations are found, projects may be approved that cause significant environmental damage, such as the destruction of endangered plants. Protection of listed plant species under CEQA is, therefore, to some extent dependent upon the discretion of the lead agency.

Regional Planning Efforts

The Service is working with Riverside and San Bernardino Counties to create multispecies habitat conservation plans under section 10 of the Act that may benefit *Ceanothus ophiochilus* and *Berberis nevinii.* San Bernardino County and Riverside County have signed planning agreements with local, State and Federal agencies including the Service. Although this planning processes is ongoing and the protection to be provided for these species is yet to be established, such multispecies plans can provide significant protection to both species.

In the spring of 1995, as previously noted, the landowner of the Vail Lake Planned Community Area offered the Riverside County Habitat Conservation Agency (RCHCA) an option to acquire about 6,000 ac, including the *C. ophiochilus* population, as part of a conservation bank (Jeff David and Associates 1995). The option expired in September 1995, and all of these remaining parcels were recently sold.

Subsequent to this a conditional use permit was requested for one of the parcels containing *Dodecahema leptoceras,* a federally listed endangered species (M. Shaughnessy, pers. comm. 1997). This parcel contains an RV park and is adjacent to the parcel where the population of *C. ophiochilus* is located. This population comprises about one-half of the known individuals of *C. ophiochilus.*

Fremontodendron mexicanum was addressed under the Multiple Species Conservation Program in southwestern San Diego County, but it was not covered under the take authority due to insufficient distribution data and unknown level of conservation (County of San Diego 1996).

Local Land Use Processes and Ordinances

Land-use planning decisions at the local level are made on the basis of environmental review documents prepared in accordance with CEQA or the National Environmental Policy Act (NEPA), which may not fully consider ''foreseeable future'' or ''cumulative'' impacts to nonlisted species and their habitat. As with section 404 permits described above, the Service's comments through the NEPA and CEQA review processes are only advisory.

E. Other Natural or Manmade Factors Affecting Their Continued Existence.

Berberis nevinii, Ceanothus ophiochilus and *Fremontodendron mexicanum* are component species of chaparral, or related habitats, that are subject to natural fire regimes. These habitat types show evidence of time-dependent, self-regulating fire cycles under natural conditions (Minnich 1995). Many plant species have evolved survival responses to fire either through stump-sprouting after a fire or by germination of fire resistant seeds (obligate seeders).

Increases in human activity in a fire prone area are generally accompanied by an increased incidence of local accidental fires, but less frequent natural fires. Either of these conditions can be detrimental to the persistence of those species that evolved under natural fire cycle regimes (Zedler *et al.* 1983, Dunn 1987).

Fire management practices, often associated with increased urbanization, may alter fire frequency, fire intensity, season of occurrence, and location of fires. If the altered fire frequency pattern falls outside the range of ''normal'' natural fire cycles for a species, the species composition within the habitat may be altered, (Minnich *et al.* 1995) or species may be eliminated from the habitat (Zedler *et al.* 1983, Dunn 1985). Under those circumstances, the plant community will be adversely affected in the long term (Dunn 1987, Minnich *et al.* 1995, Zedler 1995).

During fire events, or as part of a fire protection program associated with nearby urban development, bulldozers may be used to clear fire breaks through vegetation to stop the advance of a fire. Fire breaks may increase erosion on slopes and introduce invasive nonnative species that may slow chaparral recovery. Introduction of nonnative species can also provide rapid buildup of potential fuel load, increasing the chance of a short interval between fires, to the detriment of native species (Zedler 1995).

Frequent fires could eliminate obligate seeding species (species able to survive in one environment) of the Genus *Ceanothus* (Zedler *et al.* 1983, Zedler 1995). *Ceanothus ophiochilus* is an obligate seeder and does not reproduce vegetatively after a fire, although it is dependent on occasional fires for seed germination (Boyd *et al.* 1991). Seedlings of *C. ophiochilus* appearing after the 1989 fire in the Agua Tibia Wilderness illustrated this pattern of post-fire seed germination. That fire apparently fell within the limits of the natural fire regime of this species. Under high frequency fire regimes, older plants are eliminated, while younger plants not having had time to reach reproductive maturity and are unable to set seeds, depleting the existing seed bank. This sequence results in population declines and extirpation (Zedler *et al.* 1983). Increased incidences of fire will probably accompany increased development in the Lake Vail area.

The effects of an altered fire regime on *Berberis nevinii* are not known. *Berberis nevinii* is able to stump sprout; however, vegetative propagation has been unsuccessful in cultivation (Mistretta 1989a). *Berberis nevinii* propagates by seed in nature, but seed production is sporadic and fertility is often low (Boyd 1987). Much of the area south of Vail Lake burned in 1996 (Darin Banks, Rancho Santa Ana Botanic Garden, *in litt.* 1997). The actual effect on *B. nevinii* in the area will not be immediately assessable, but future data collection may provide additional information on the species' fire survival mechanisms.

Because *Fremontodendron mexicanum* is known from one small population in the United States, with perhaps fewer than 100 individuals remaining, it continues to be vulnerable to extinction caused by random events, such as hot, slow-burning fires or fires that occur too frequently. Although *F. mexicanum* also has evolved in association with natural fire cycles, alteration of fire patterns can significantly affect the viability of this species by destroying plants and the seed bank, thereby reducing the genetic diversity of the species. A single fire event could severely impact the chance for recovery of this species.

The management plan for the Cedar Canyon ACEC will include the use of fire as part of the management strategy (J. Dougan, pers. comm. 1997) and likely will include restrictions on access. A fire management plan reflective of a natural fire regime in the Cedar Canyon ACEC is expected to benefit *F. mexicanum*. This management plan is yet to be completed and thus has not been implemented. Other areas of occupied or potential habitat for reestablishment of *F. mexicanum* are zoned as natural open space and are within the privately owned Otay Ranch. The future management and protection associated with this designation will likely reduce the threats of urbanization and off-road vehicle traffic.

Genetic variability may be reduced in small populations of limited distribution (Barrett and Kohn 1991). A single event or series of events can effectively reduce a species to below recoverable numbers. Proactive recovery efforts to lessen the threat of such random events typically involve the establishment of reserves that permanently protect and manage populations of the species of concern.

Hybrid individuals have been reported in all of the populations of *Ceanothus ophiochilus.* The population at Vail Lake is spatially more isolated from other *Ceanothus* species but reportedly contains some hybrid individuals (Boyd *et al.* 1991). Two populations, located nearby in the Agua Tibia Wilderness Area, reportedly contain more hybrid individuals with closely associated *C. crassifolius.* Various estimates of the percentage of hybrids in the Agua Tibia populations ranging from 1 to 10 percent were reported by Shaffer (1993). One population in the Agua Tibia Wilderness is estimated to contain 50 percent hybrids (Boyd and Banks 1995). The persistence of hybrids may be facilitated by disturbance of natural fire cycles or artificial clearing.

Hybridization and introgression have been documented in other rare plants and may lead to their elimination (Rieseberg 1991, Rhymer and Simberloff 1996, Rieseberg and Swensen 1996). Hybridization can reduce reproductive fitness and adversely affect random genetic drift (Barrett and Kohn 1991).

The degree of introgression among individuals of the various populations of *Ceanothus ophiochilus* has not yet been determined.

Most individuals of *Berberis nevinii* are concentrated in the Vail Lake area of Riverside County (CNDDB 1997). The species' low reproductive success rate (Mistretta 1989a) and disjunct distribution decrease its ability to recover from random detrimental events. Barrett and Kohn (1991) maintain that characteristics such as low reproductive success may be the result of random genetic drift. This effect is amplified in small isolated populations.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by these species in determining to issue this final rule. Based on this evaluation, the preferred action is to list *Berberis nevinii*, as endangered. Seventeen of the twenty-one native occurrences recorded by the CNDDB (1997) are imperiled by urban development, especially in western Riverside County, where parcels in the planned community development containing most of the plants known from the area have recently been sold. Only one significant native occurrence remains in Los Angeles County, and another consists of a single plant. Five other occurrences in Los Angeles County, and several not recorded by CNDDB (1997), have been extirpated by development or habitat modification such as that for flood control. The largest remaining group of occurrences are found around Vail Lake in southwestern Riverside County. Development of the site would likely remove most of the known specimens. Any specimens not directly destroyed as a result of development would be indirectly affected through increased competition from invasive exotic species and, possibly, from altered fire regimes. Although the specific impacts of an altered fire frequency are not fully understood, it is expected that they would likely be detrimental to this species (Zedler *et al.* 1993).

The Service finds that the preferred action is to list *Fremontodendron mexicanum*, as endangered. The only known, extant occurrence in Cedar Canyon on Otay Mountain is imperiled by altered fire regimes. It is likely that this species will also be indirectly affected by nearby urbanization and increased competition from exotic species. In addition, the specific details regarding the protections and management of the Cedar Canyon ACEC and the natural open space of the portion of Cedar Canyon on Otay Ranch are not presently known. There is also substantial, uncontrolled foot traffic through the canyon, and a consequential threat of deliberately set fires.

The Service finds that *Ceanothus ophiochilus* is likely to become endangered within the foreseeable future throughout all or a significant portion of its range if identified threats are not reduced or eliminated. Threats to this species include habitat destruction, alteration, fragmentation, and degradation from urban development, as well as alteration of fire regimes; the species is fire-dependent for successful proliferation, and disruption of the natural fire regime can disrupt or eliminate seedling establishment.

Critical Habitat

Critical habitat is defined in section 3 of the Act as the specific areas within the geographical area occupied by a species, at the time it is listed in accordance with the Act, on which are found those physical or biological features essential to the conservation of the species and that may require special management considerations or protection; and specific areas outside the geographical area occupied by the species at the time it is listed, upon determination that such areas are essential for the conservation of the species. ''Conservation'' means the use of all methods and procedures needed to bring the species to the point at which listing under the Act is no longer necessary.

Section 4(a)(3) of the Act, as amended, and the Service's implementing regulations (50 CFR 424.12) require that, to the maximum extent prudent and determinable, the Secretary designate critical habitat at the time a species is listed as endangered or threatened. Service regulations (50 CFR 424.12(a)(1)) state that designation of critical habitat is not prudent when: (1) the species is threatened by taking or other human activity, and identification of critical habitat can be expected to increase the degree of threat to the species; and/or (2) such designation of critical habitat would not be beneficial to the species.

Section 7(a)(2) of the Act requires Federal agencies to consult with the Service to ensure that any action authorized, funded, or carried out by such agency, does not jeopardize the continued existence of a federally listed species or does not destroy or adversely modify designated critical habitat. The requirement that Federal agencies refrain from contributing to the destruction or adverse modification of critical habitat in any action authorized, funded or carried out by such agency (agency action) is in addition to the section 7 prohibition against jeopardizing the continued existence of a listed species; and it is the only mandatory legal consequence of a critical habitat designation. The Service's implementing regulations (50 CFR part 402) define ''jeopardize the continuing existence of'' and ''destruction or adverse modification of'' in very similar terms. To jeopardize the continuing existence of a species means to engage in an action ''that reasonably would be expected to reduce appreciably the likelihood of both the survival and recovery of a listed species.'' Destruction or adverse modification of habitat means an ''alteration that appreciably diminishes the value of critical habitat for both the survival and recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species.'' Common to both definitions is an appreciable detrimental effect to both the survival and recovery of a listed species. An action that appreciably diminishes habitat for recovery and survival may also jeopardize the continued existence of the species by reducing reproduction, numbers, or distribution because negative impacts to such habitat may reduce population numbers, decrease reproductive success, or alter species distribution through habitat fragmentation.

For a listed plant species, an analysis to determine jeopardy under section 7(a)(2) must necessarily consider the loss of the species associated with habitat impacts. Such an analysis would closely parallel an analysis of habitat impacts conducted to determine adverse modification of critical habitat. The outcome of such analysis is that any action that is found to result in adverse modification of critical habitat, would almost certainly be found to also jeopardize the continued existence of the species concerned. Habitat degradation and destruction are the primary threats to these species. The listing of these species will ensure that section 7 consultation will occur. During consultation any potential impacts to the species and their habitats for any Federal action that may affect these species will be considered. Federal actions may also affect suitable but unoccupied habitat important to the survival and recovery of the species. In many cases, the listing of a species will ensure that Federal agencies consider the importance of such habitat to the listed species and consult with the Service where such habitat is impacted

and determined to be important to the survival and recovery of the species. This is especially important for plant species where consideration must be given to the seed bank component of the species, particularly for annuals, which are not necessarily visibly present in the habitat throughout the year. Because a significant portion of a plant's vegetative structure may not be in evidence during cursory surveys, a determination of whether a species is actually occupying suitable habitat is only reliable when done during the growing season. Therefore, such areas would need to be adequately addressed in any consultation for these species.

Apart from section 7, the Act does not provide any additional protection to lands designated as critical habitat. Designating critical habitat does not create a management plan for the areas where the listed species occurs, does not establish numerical population goals or prescribe specific management actions (inside or outside of critical habitat), and does not have a direct effect on areas not designated as critical habitat.

Critical habitat designation would provide no benefit to the species addressed in this rule on non-federal lands (i.e., private, state, county, or city lands) beyond that provided by listing. Critical habitat provides protection on non-Federal lands only if there is Federal involvement (a Federal nexus) through authorization or funding of, or participation in, a project or activity on non-Federal lands. In other words, designation of critical habitat on non-Federal lands does not compel or require the private or other non-Federal landowner to undertake active management for the species or to modify any activities in the absence of a Federal nexus. Possible Federal agency involvement or funding that could involve the species addressed in the rule on non-Federal lands include the Corps through section 404 of the Clean Water Act, the Federal Department of Housing and Urban Development, Federal Aviation Administration, the U.S. Immigration and Naturalization Service and the Federal Highway Administration. Where a Federal nexus exists, those actions will be addressed, regardless of whether critical habitat is designated, through the interagency coordination requirements such as the Fish and Wildlife Coordination Act (FWCA) and section 7 of the Act that are already in place. Consequently, in the event these described plant species become listed, any activity with a Federal nexus that may adversely affect these species would prompt the requirement for consultation under section 7(a)(2) of the Act, regardless of whether critical habitat has been designated.

A designation of critical habitat on private lands may have detrimental effects upon a species. The limited effect of a critical habitat designation on private lands is often misunderstood by private landowners whose property boundaries are included within a general description of critical habitat for a specific species. Landowners may believe that critical habitat designation will be an obstacle to the land's development and thus often mistakenly fear that such designations will become an imposition on the use and enjoyment of their property. In many cases, despite considerable Service outreach efforts to the contrary, the reporting and circulation of inaccurate and misleading anecdotal information within the media has led private landowners to believe that critical habitat designations will prevent them from making private use of their lands. In fact, such designation will affect only those activities requiring a Federal permit or receiving Federal funding.

A designation of critical habitat on private lands may actually encourage habitat destruction by private landowners seeking to avoid endangered species problems. Listed plants have limited protection under the Act, particularly on private lands. Section 9(a)(2) of the Act, implemented by regulations at 50 CFR 17.61 (endangered plants) and 50 CFR 17.71 (threatened plants) only prohibits: (1) Removal and reduction of listed plant species to possession from areas under Federal jurisdiction, or their malicious damage or destruction on areas under Federal jurisdiction; or (2) removal, cutting, digging up, or damaging or destroying any such species in knowing violation of any State law or regulation including state criminal trespass laws. Generally, then, on private lands, collection of, or vandalism to, listed plants must occur in violation of state law to be a violation of section 9. The Service is not aware of any state law in California that generally regulates or prohibits the destruction or removal of federally listed plants on private lands. Thus, private landowners concerned about perceived land management conflicts resulting from a critical habitat designation encompassing their property would likely face no legal consequences were they to remove the listed species or destroy its habitat. An unfortunate example of this occurred recently within the general area where the plants addressed in this rule are found, where persons have intentionally destroyed known federally listed plant habitat at a work site (T. Thomas, U.S. Fish and Wildlife Service). The designation of critical habitat involves the publication of habitat descriptions and mapped locations of the species in the **Federal Register**. Such publication reasonably increases the likelihood of unwanted notice and potential search and removal activities at specific sites.

The Service acknowledges that in some situations critical habitat designation may provide some limited value to the species by notifying the public about areas important for the species conservation and by calling attention to those areas in special need of protection. However, such limited values must be weighed against the reasonably anticipated detrimental effects to the species. In the present case because of the widespread misunderstanding about the effects of such designation on private landowners, and the environment of mistrust and fear that such misunderstanding often create, the Service concludes that the detriment to the species from a critical habitat designation covering non-Federal lands would outweigh the educational benefit of such designation. The information and education process is more effectively handled by working directly with landowners and communities during the recovery planning process and through the section 7 consultation and coordination process where a Federal nexus exists. The more effective utilization of these existing processes will impart the same knowledge to the landowners that critical habitat designation would, absent the resultant confusion and misunderstandings often accompanying a critical habitat designation.

For similar reasons, the Service also concludes that there would be no additional benefits to the species covered in this rule beyond the benefits conferred by listing from a designation of critical habitat on Federal lands. In the case of each of these plant species, the existing occurrences of the species are known by the BLM and the U.S. Forest Service. Also any action that would result in adverse modification would almost certainly result in likely jeopardy to the species. Therefore, a designation of critical habitat on these Federal lands would confer no additional benefit on the species. To the contrary, particularly on National Forest System lands, a designation of critical habitat is anticipated to increase the threats to these species from vandalism and collection. Threats of a similar nature to those previously identified are likely to result in response to the listing of a species (Oberbauer 1992, Beauchamp *in litt.* 1997). Simply listing

a species can precipitate both legal and illegal commercial or scientific collection interest. Such interest can threaten the species through unauthorized and uncontrolled collection for both commercial and scientific purposes. The listing of species as endangered or threatened publicizes their rarity and may make the species more susceptible to collection by researchers or curiosity seekers (Mariah Steenson pers. comm. 1997, M. Bosch, U.S. Forest Service *in litt.* 1997). The Service has been able to document a recent incident where, following the publication of critical habitat designation in the **Federal Register**, unidentified persons visited a Forest Service wilderness area where listed plants were located and specifically asked directions to the location of the plants in question. Several plants were later found to be missing from the Service study plots (Nora Murdock, U.S. Fish and Wildlife Service, pers. comm. 1998).

The Service has weighed the lack of overall benefits of critical habitat designation beyond that provided by virtue of listing as threatened or endangered, the benefits of public notification against the detrimental effects of the negative public response and misunderstanding of what critical habitat designation means, and the increased threats of illegal collection and vandalism. The Service therefore, finds that critical habitat designation is not prudent for *Berberis nevinii, Fremontodendron mexicanum* and *Ceanothus ophiochilus.*

More specific reasons why designation of critical habitat is not prudent for each of these species is addressed in the following discussion.

Berberis nevinii

Berberis nevinii occurs on both Federal and private lands in Riverside, San Bernardino and Los Angeles Counties. A large population occurs in San Francisquito Canyon on the Angeles National Forest in Los Angeles County (Boyd *et al.* 1989). A few individuals occur on BLM lands north of Vail Lake and in the Cleveland National Forest southeast of Vail Lake (Boyd *et al.* 1989). Both the BLM and the Forest Service are aware of the occurrences and habitat of this species on their lands; these agencies consult with the Service under section 7 for activities related to other listed species in the area and would be subject to similar requirements as a result of this listing. Designation of critical habitat would not necessarily require the Forests to increase or change their commitment or management efforts for this species, only to avoid adverse modification of such critical habitat.

On private lands, urban development in the Vail Lake area of Riverside County threatens the largest group of occurrences of *B. nevinii.* Most of the occurrences at Vail Lake would likely be eliminated by planned development in the area that was approved by Riverside County and allows subdivision of parcels into 20-ac lots (Boyd 1991, Shaffer 1993, Jeff David and Associates 1995).

Federal involvement on the private lands where this species occurs is not anticipated, although a proposal to widen State Route 79 to four lanes may impact some populations. If listed, any future Federal involvement through permitting or funding such as through the Federal Highway Administration or the Corps through section 404 of the Clean Water Act, would trigger the interagency coordination and consultation requirements of section 7 where such actions are found to affect this species. An analysis to determine jeopardy under section 7(a)(2) would necessarily consider the loss of individual plants associated with habitat impacts. Therefore, there would be no additional conservation benefit to the species from designation of critical habitat beyond that provided by the species' listing.

The threat of vandalism on both Federal and private lands exists for this species. The very limited protections of section 9(a)(2) of the Act renders plants particularly vulnerable to unrestricted collection, vandalism or other damage. Generally, on private lands, a section 9 violation requires evidence that collection of listed plants occurred without the consent of the landowner or in knowing violation of a state law, and that vandalism to plants occurred in violation of some existing state law such as criminal trespass. On Federal lands, to make a charge of section 9 violation, the Service would need to prove malicious intent and that the damage to plants and their habitat was deliberate. It is very difficult to prove criminal intent, particularly if the damage is the result of recreational activity such as off-road vehicle activity, hiking or camping. Vandalism is considered a threat to *Berberis nevinii* because some interests may view the presence of sensitive species as an obstacle to development (Mitchell Beauchamp, Pacific Southwest Biological Services, *in litt.* 1993).

Berberis nevinii also exists in the nursery trade. Seeds and cuttings for nursery stock are occasionally gathered from natural populations (Susan Jett, Nursery Manager, Rancho Santa Ana Botanic Garden, *in litt.* 1997), although many seeds and cuttings are also derived from existing cultivars (Elena Benge, Tree of Life Nursery, San Juan Capistrano, California, pers. comm. 1995). Access to most of the remaining occurrences is limited by private property boundaries and/or inaccessible, rugged terrain. However, simply listing this species may precipitate increased interest that could result in collections of wild specimens in the event their locations were made widely known. Publication of precise maps and descriptions of critical habitat would likely increase the degree of threat to this species from collection or vandalism and habitat degradation associated with such collection and vandalism, and would likely contribute to its decline.

The Service concludes that no benefit over that provided by listing would result from identification of critical habitat on the non-Federal lands where this species occurs and would likely be detrimental for the reasons mentioned above. The identification of critical habitat would not increase management or conservation efforts on private lands and could impair those efforts. The Service believes that conservation of this species on private lands can best be addressed by working directly with landowners and communities during the recovery planning process and through the interagency coordination and consultation processes of section 7 should there be any future unforeseen Federal involvement. The Service has weighed the general lack of benefit beyond that provided by virtue of listing as threatened or endangered against the detrimental effects of the increased threat of illegal collection and vandalism and the potential for private landowner misunderstandings about the effects of critical habitat designation on private lands, and concludes that critical habitat for *Berberis nevinii* is not prudent at this time because of an expected increase in the degree of threat to this species from vandalism and collection and an overall lack of benefit.

Fremontodendron mexicanum

Reliable distribution records for *Fremontodendron mexicanum* indicate that it is currently known only from Cedar Canyon on Otay Mountain in southern San Diego County, California and at Arroyo Seco, north of San Quintin, Estado de Baja California, Mexico (Wiggins 1980). BLM manages most of the Cedar Canyon population; about 50 percent of the habitat occupied or suitable for restoration of *F. mexicanum* populations exists on lands administered by the BLM as an Area of

Critical Environmental Concern (ACEC) and a Research Natural Area (RNA). The remaining occupied or potential habitat is located on the privately owned Otay Ranch and has been zoned as natural open space (Ogden Environmental and Energy Services, Inc. 1992; Tom Oberbauer, pers. comm. 1998).

Federal involvement on the private lands where this species occurs is not anticipated. If listed, any future Federal involvement through permitting or funding, such as through Immigration and Naturalization Service, Border Patrol activities or the Corps through section 404 of the Clean Water Act, would trigger interagency coordination and consultation, where such actions are found to affect this species. An analysis to determine jeopardy under section 7(a)(2) would consider loss of individual plants associated with habitat impacts. Therefore, there would be no additional conservation benefit to the species from designation of critical habitat beyond that provided by the species' listing.

The BLM is specifically managing for *Fremontodendron mexicanum* on their lands. The agency consults with the Service under section 7 for activities related to other listed species in the area and would be subject to similar requirements as a result of this listing. Designation of critical habitat would not necessarily require the BLM to increase or change their commitment or management efforts for this species, which are considerable, but would only add the requirement that the agency avoid adverse modification of such critical habitat. Because the BLM now provides considerable management for *Fremontodendron mexicanum* on their lands, and will be subject to the standards of section 7 consultation upon final listing, the Service finds that no additional benefits would be provided to the species above those provided by the actual listing.

Fremontodendron mexicanum exists in the nursery trade. Seeds and cuttings for nursery stock are occasionally gathered from natural populations (Susan Jett, Nursery Manager, Rancho Santa Ana Botanic Garden, *in litt.* 1997), although seeds and cuttings are also derived from existing cultivars (Elena Benge, Tree of Life Nursery, San Juan Capistrano, California, pers. comm. 1995). However, simply listing this species is expected to precipitate increased interest that could result in collections of wild specimens if their locations were made widely known. Publication of precise maps and descriptions of critical habitat would likely increase the degree of threat to this species from collection and habitat degradation associated with such collection, and would likely contribute to its decline.

The threat of vandalism on both Federal and private lands exists for this species. The very limited protection of section 9(a)(2) of the Act, render plants particularly vulnerable to unrestricted collection, vandalism or other damage.

The Service concludes that no benefit over that provided by listing would result from identification of critical habitat for *Fremontodendron mexicanum* and such designation would likely be detrimental for the reasons discussed above. The BLM is implementing considerable management for this species on its lands, and the designation of critical habitat would not change current management efforts. The identification of critical habitat would not increase management or conservation efforts on private lands. The Service believes that conservation of this species on both private and Federal lands can best be addressed by working directly with landowners and communities during the recovery planning process and through the interagency coordination and consultation processes of section 7.

In making this determination the Service has weighed the value of any benefits provided by critical habitat designation and compared that measure of value to that reasonably expected by the virtue of the species being listed as threatened or endangered. The Service has appropriately weighted the detrimental effects of the increased threat of illegal collection and vandalism, as well as the potential for private landowner misunderstandings about the effects of critical habitat designation on private lands. In light of this evaluation, the Service concludes that critical habitat for *Fremontodendron mexicanum* is not prudent at this time because of an expected increase in the degree of threat to this species from vandalism and collection and an overall lack of benefit.

Ceanothus ophiochilus

Ceanothus ophiochilus occurs at three sites on both private and Federal lands in southwestern Riverside County, California. One population of 3,000–5,000 plants occupies seemingly suitable habitat on privately owned land at Vail Lake. The remaining two populations exist on land managed by the Cleveland National Forest, where over 4,000 plants exist in the Agua Tibia Wilderness Area. The two populations in the Agua Tibia Wilderness occupy about 50 percent of the known occupied habitat of the species and contain a significant number of individuals, and the Vail Lake population includes the other 50 percent of the known occupied habitat and plants. The Forest Service is aware of the occurrences and habitat of this species on its lands and consults with the Service under section 7 for activities related to other listed species in the area. The Forest Service would be subject to similar requirements as a result of this listing. Designation of critical habitat would not necessarily require the Forest Service to increase or change its commitment or management efforts for this species, only to avoid adverse modification of such critical habitat.

On private lands, urban development in the Vail Lake area is a threat. Planned development in the area was approved by Riverside County and allows subdivision of parcels into 20 ac (9 ha) lots (Boyd 1991, Shaffer 1993). All of the parcels in the Vail Lake planned community supporting *Ceanothus ophiochilus* have been sold. The Service has recently received notification of filing for a conditional use permit for the RV park parcel immediately adjacent to the parcel that supports the *C. ophiochilus* population.

The Service is working with Riverside County to create a multispecies habitat conservation plan under section 10 of the Act that may benefit *Ceanothus ophiochilus*. Riverside County has signed planning agreements with local, State and Federal agencies including the Service. While the specific protections that such a plan could provide are not yet available, this multispecies plan may provide significant protection for *C. ophiochilus*.

Other than potential planning under section 10 of the Act, Federal involvement on the private lands where this species occurs is not anticipated. If listed, any future Federal involvement through permitting or funding, such as through the Federal Highway Administration or the Corps through section 404 of the Clean Water Act, would trigger the interagency coordination and consultation requirements of section 7 where such actions are found to affect this species. An analysis to determine jeopardy under section 7(a)(2) would consider loss of individual plants associated with habitat impacts. Therefore, there would be no additional conservation benefit to the species from designation of critical habitat beyond that provided by the species' listing.

The threat of vandalism on both Federal and private lands exists for this species. The very limited protection of section 9(a)(2) of the Act, renders plants particularly vulnerable to unrestricted collection, vandalism or other damage.

Vandalism is considered a threat to *Ceanothus ophiochilus* because some interests may view the presence of sensitive species as an obstacle to development (Mitchell Beauchamp, Pacific Southwest Biological Services, *in litt.* 1993). As previously noted, a rather unfortunate example of this occurred recently where persons have intentionally destroyed known federally listed plant locations at a work site in southern California (T. Thomas, U.S. Fish and Wildlife Service *in litt.*). This type of threat exists for all occurrences of these plants on privately owned land.

Collection is not believed to be a significant threat to *Ceanothus ophiochilus* at this time. However, simply listing this species could precipitate increased interest that could result in collections both legal and illegal of wild specimens if their locations were made widely known. Publication of precise maps and descriptions of critical habitat would likely increase the degree of threat to this species from collection or vandalism and habitat degradation associated with such collection and vandalism, and would likely contribute to its decline. The Cleveland National Forest has received requests for permits to collect *Ceanothus ophiochilus*, although no horticultural collections have been permitted (Winter, *in litt.* 1995).

The Service concludes that no benefit over that provided by listing would result from identification of critical habitat for *Ceanothus ophiochilus* and such designation would likely be detrimental for the reasons previously mentioned. The identification of critical habitat would not increase management or conservation efforts on private lands. The Service believes that conservation of this species on private lands can best be addressed by working directly with landowners and communities during the recovery planning process and through the interagency coordination and consultation processes of section 7 should there be any future unforeseen Federal involvement. The Service has weighed the general lack of benefit beyond that provided by virtue of listing as threatened or endangered against the detrimental effects of the increased threat of illegal collection and vandalism and the potential for private landowner misunderstandings about the effects of critical habitat designation on private lands, and concludes that critical habitat for *Ceanothus ophiochilus* is not prudent at this time because of an expected increase in the degree of threat to this species from vandalism and collection and an overall lack of benefit.

In conclusion, the Service, for each of these species has weighed the value of any benefit provided by virtue of being listed as threatened or endangered. The Service has compared that value to the detrimental effects of the increased threat of collection and vandalism and the potential for private landowner misunderstandings about the effects of critical habitat designation on private lands. The Service finds, in light of such factors, that designation of critical habitat for *Berberis nevinii, Ceanothus ophiochilus* and *Fremontodendron mexicanum* is not prudent at this time because of an expected increase in the degree of threat to these species from vandalism and collection and an overall lack of benefit.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing results in public awareness and conservation actions by Federal, State, and local agencies, private organizations and individuals. The Act provides for possible land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. The protection required of Federal agencies and the prohibitions against certain activities involving listed plants are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of a species or destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service. Federal agencies expected to have involvement with section 7 regarding *Berberis nevinii, Fremontodendron mexicanum*, and *Ceanothus ophiochilus* include the U.S. Forest Service, BLM, and the Immigration and Naturalization Service Border Patrol through their management activities and, for *B. nevinii*, the Army Corps of Engineers through its permit authority under section 404 of the Clean Water Act. These agencies either administer lands containing these species or authorize, fund, or otherwise conduct activities that may affect these species.

The Act and its implementing regulations set forth a series of general prohibitions and exceptions that apply to all endangered or threatened plants. All prohibitions of section 9(a)(2) of the Act apply. Section 4(d) of the Act allows for the provision of such protection to threatened species through regulation. This protection may apply to *Ceanothus ophiochilus* in the future if such regulations are promulgated. Seeds from cultivated specimens of threatened plants are exempt from these regulations provided that their containers are marked ''Of Cultivated Origin.'' Certain exceptions to the provisions also apply to agents of the Service and State conservation agencies.

It is the policy of the Service, published in the **Federal Register** on July 1, 1994 (59 FR 34272), to increase public understanding of the prohibited acts that will apply under section 9 of the Act. All three of the species in this rule are known to occur on lands under Federal jurisdiction. Collection, damage, or destruction of listed species on Federal lands is prohibited except as authorized under section 7 or section 10(a)(1)(A) of the Act. Such activities on non-Federal lands would constitute a violation of section 9 if conducted in knowing violation of California State law or regulation, or in violation of California State criminal trespass law.

The Service believes that, based upon the best available information, the following actions will not result in a violation of section 9, provided these activities are carried out in accordance with existing regulations and permit requirements:

(1) Activities authorized, funded, or carried out by Federal agencies (e.g., grazing management, agricultural conversions, wetland and riparian habitat modification, flood and erosion control, residential development, recreational trail development, road construction, hazardous material containment and cleanup activities, prescribed burns, pesticide/herbicide application, and pipelines or utility lines crossing suitable habitat), when such activity is conducted in accordance with any reasonable and prudent measures given by the Service in a consultation conducted under section 7 of the Act;

(2) Casual, dispersed human activities on foot or horseback (e.g., bird watching, sightseeing, photography, camping, hiking);

(3) Activities on private lands that do not require Federal authorization and do not involve Federal funding, such as grazing management, agricultural conversions, flood

and erosion control, residential development, road construction, and pesticide/herbicide application when consistent with label restrictions;

(4) Residential landscape maintenance, including the clearing of vegetation around one's personal residence as a fire break.

The Service believes that the following might potentially result in a violation of section 9; however, possible violations are not limited to these actions alone:

(1) Unauthorized collecting of the species on Federal lands;

(2) Application of pesticides/herbicides in violation of label restrictions;

(3) Interstate or foreign commerce and import/export without previously obtaining an appropriate permit. Permits to conduct activities are available for purposes of scientific research and enhancement of propagation or survival of the species.

Berberis nevinii and *Fremontodendron mexicanum* are considered attractive and are currently in commercial trade. Intrastate commerce (commerce within a State) of listed plant species is not prohibited under the Act; however, interstate and foreign commerce (sale or offering for sale across State or international boundaries), will require a Federal endangered species permit. Other than possible interstate commerce by the public that will be affected by this listing, the Service is not aware of any other activities being conducted by the public that will be affected by this proposal and result in a violation of section 9. Questions regarding whether specific activities will constitute a violation of section 9 should be directed to the Field Supervisor of the Carlsbad Field Office (see **ADDRESSES** section).

The Act and 50 CFR 17.62, 17.63 and 17.72 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered and threatened plants under certain circumstances. Such permits are available for scientific purposes and to enhance the propagation or survival of the species. For threatened plants, permits are also available for botanical and horticultural exhibition, educational purposes or special purposes consistent with the purposes of the Act. It is anticipated that trade permits will be sought and issued for all three of the plant species considered in this rule; two of these species, *Berberis nevinii* and *Fremontodendron mexicanum*, are currently in commercial trade.

Requests for copies of regulations on listed plants and inquiries regarding them may be addressed the U.S. Fish and Wildlife Service, Ecological Services, Endangered Species Permits, 911 N.E. 11th Avenue, Portland, Oregon, 97232–4181 (telephone 503/231–2063, FAX 503/231–6243).

National Environmental Policy Act

The Fish and Wildlife Service has determined that Environmental Assessments and Environmental Impact Statements, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Act. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

Required Determinations

This rule does not contain any information collection requirements for which the Office of Management and Budget (OMB) approval under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.* is required. An information collection related to the rule pertaining to permits for endangered and threatened species has OMB approval and is assigned clearance number 1018–0094. This rule does not alter that information collection requirement. For additional information concerning permits and associated requirements for threatened species, see 50 CFR 17.32.

References Cited

A complete list of all references cited in this rule are available upon request from the Carlsbad Field Office (see **ADDRESSES** above).

Author: The primary authors of this document are Dr. Gary D. Wallace, and the staff of the Carlsbad Field Office (see **ADDRESSES** section).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Regulation Promulgation

Accordingly, the Service amends part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—[AMENDED]

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

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500, unless otherwise noted.

2. Section 17.12(h) is amended by adding the following, in alphabetical order under FLOWERING PLANTS, to the List of Endangered and Threatened Plants, to read as follows:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Species		Historic range	Family	Status	When listed	Critical habitat	Special rules
Scientific name	Common name						
*	*	*	*	*	*	*	
FLOWERING PLANTS							
*	*	*	*	*	*	*	
Berberis nevinii	Nevin's barberry	U.S.A. (CA)	Berberidaceae	E	648	NA	NA
*	*	*	*	*	*	*	
Ceanothus ophiochilus.	Vail Lake ceanothus	U.S.A. (CA)	Rhamnaceae	T	648	NA	NA
*	*	*	*	*	*	*	
Fremontodendron mexicanum.	Mexican flannelbush	U.S.A. (CA), Mexico	Sterculiaceae	E	648	NA	NA
*	*	*	*	*	*	*	

Dated: September 29, 1998.

Jamie Rappaport Clark,

Director, Fish and Wildlife Service.

[FR Doc. 98–26859 Filed 10–9–98; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AD60

Endangered and Threatened Wildlife and Plants; Withdrawal of Proposed Rule to List Nolina interrata (Dehesa beargrass) as Threatened

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; withdrawal.

SUMMARY: The U. S. Fish and Wildlife Service (Service) withdraws the proposal to list *Nolina interrata* (Dehesa beargrass) as threatened under the Endangered Species Act of 1973, as amended (Act). This plant species is one of four chaparral species that were proposed for listing on October 2, 1995 (60 FR 51433). The Service finds that the information now available, as discussed below, justifies withdrawal of the proposed listing of this species. The California Department of Fish and Game and The Nature Conservancy have management prescriptions that will significantly reduce the threats to the known occurrences of *Nolina interrata*. In addition, provisions of the Multiple Species Conservation Program (MSCP), as implemented by the County of San Diego through the County's Subarea Plan to the MSCP, and the provisions of the County's Biological Mitigation Ordinance adopted on October 22, 1997, require avoidance of ''narrow endemic plants'' (in the Metro-Lakeside-Jamul segment of the San Diego County Subarea Plan), including *N. interrata*. When complete avoidance is not possible, encroachment is limited and requires mitigation. These measures, many of which have been adopted since the proposal to list, will significantly reduce threats to the remaining populations of this species. Based on this information, the Service concludes that listing *N. interrata* is not warranted. The other plant species, Mexican flannelbush (*Fremontodendron mexicanum*), Nevin's barberry (*Berberis nevinii*), and Vail Lake ceanothus (*Ceanothus ophiochilus*), which were proposed for listing with *N. interrata* (60 FR 51433), are the subjects of a final listing action in this same **Federal Register** part, to be published on the same day as this withdrawal.

ADDRESSES: The complete file for this rule is available for public inspection, by appointment, during normal business hours at the U.S. Fish and Wildlife Service, Carlsbad Field Office, 2730 Loker Avenue West, Carlsbad, California 92008.

FOR FURTHER INFORMATION CONTACT: Elizabeth Stevens, Deputy Field Supervisor, at the above address (telephone 760/431–9440; facsimile 760/431–9624).

SUPPLEMENTARY INFORMATION:

Background

On October 2, 1995, the Service published in the **Federal Register** (60 FR 51443) a proposal to list four chaparral plants from southwestern California and northwestern Estado de Baja California, Mexico, as endangered or threatened; that proposed rule included Nolina interrata (*Dehesa beargrass*).

Nolina interrata occurs in restricted and localized populations from the interior foothills of San Diego County to northwestern Baja California, Mexico. Most populations of *N. interrata* are situated in relatively rugged terrain dominated by chaparral, which is often associated with nutrient-poor soils and cool wet winters and hot dry summers. *Nolina interrata* is often found in association with specific soil types.

Chaparral occurs on many different soil types, but *Nolina interrata* typically occurs in clay soils derived from gabbro or metavolcanic bedrock (Oberbauer 1991, California Natural Diversity Data Base (CNDDB) 1997). Clay soils have unique physical and chemical properties that contribute to the disproportionally large number of rare plants found on this substrate, as compared to other soil types (Oberbauer 1991). For these reasons, clay soils are an important contributor to plant diversity in the San Diego County region.

Many chaparral species are adapted to periodic wildfires. In some species, only seeds survive fires and may, in fact, require fire to germinate (Keeley 1991). Other plants reproduce vegetatively by sprouting from the burned stumps. Fires that occur too frequently can burn young or resprouting shrubs before they become reproductively mature and, thus, deplete or exhaust the seed bank (Zedler *et al.* 1983). Sustained fire prevention can result in senescent (old) plant communities that may not survive the eventual and unpredictable fires that do occur. Within these senescent (extremely old) chaparral communities, high fuel loads of woody plant material build up in the absence of fire; this often results in unnatural, very hot fires causing reproductive failure for some species through killing of stumps and seed banks. It is likely that senescence of chaparral communities can cause a reduction in range and number of certain plant species, including *Nolina interrata*. This species may repopulate historically occupied areas if a natural fire regime is restored.

Nolina interrata, a member of the lily family (Liliaceae), was described by Howard S. Gentry (1946) based on a collection he made in 1945 near Dehesa School in San Diego County, California. Gentry's treatment is followed by Munz (1974) and Dice (1993). The most recent taxonomic treatment of the genus (Dice 1988) also found *Nolina interrata* to be distinctive. Beauchamp (1986), in his flora of San Diego County, listed Nolina interrata *as conspecific* (of the same species) with *Nolina parryi*.

Nolina interrata is a dioecious (separate male and female plants) perennial forming clusters of rosettes from underground rhizomatous platforms (rootlike horizontal stems). The glaucous (white powdery) leaves are 10–45 per rosette. The paniculate flower stalks are 0.5–1.6 meters (m) (1.6–5 feet (ft)) tall and up to 16 millimeters (mm) (0.6 inch (in)) in diameter at the base. The flowers are 2–4 mm (0.1–0.2 in) wide with whitish perianth parts. *Nolina interrata* is distinguished from the other *Nolina* species that occur in California by its lack of aerial stems, rosettes with 45 or fewer finely serrate leaves, and flower stalks under 1.6 m (5 ft) tall. It can be distinguished from *Yucca* species by its lack of a rigid spinose (spiny) leaf tip and leaves with shredding margins.

Nolina interrata grows in the chaparral community and is commonly associated with *Adenostoma fasciculatum* (chamise), *Helianthemum scoparium* (peak rush-rose), *Salvia clevelandii* (Cleveland sage), and *Tetracoccus dioicus* (San Diego button bush). *Nolina interrata* is often associated with other rare plants such as *Senecio ganderi* (Gander's butterweed), *Acanthomintha ilicifolia* (San Diego thornmint), *Monardella hypoleuca* ssp. *lanata* (felt-leaved monardella), and *Fritillaria biflora* (chocolate lily) (Oberbauer 1979). The association of *N. interrata* with these species reflects the distribution of clay soils formed from gabbro soils in the region (Oberbauer 1979, 1991; Beauchamp 1986). *Nolina interrata* does not flower every year and reproduces primarily asexually, which may compensate for its lack of consistent flowering. This species may require fire or other disturbance to induce flowering.

The known numbers of *Nolina interrata* totals about 9,000 plants. There are nine populations of *N. interrata* in San Diego County, all within a 15.6 square-kilometer (km^2) (6-

square-mile (mi^2)) area in the Dehesa Valley, immediately east of El Cajon, California. There are no records of extirpated populations. About two-thirds of all populations, and 90–100 percent of all major populations, are protected on reserve lands owned and managed by The Nature Conservancy (TNC) at McGinty Mountain and by the California Department of Fish and Game (CDFG) at Sycuan Peak. The protection afforded by the establishment of the Sycuan Ecological Preserve occurred subsequent to the proposal to list *N. interrata.* The remaining few occurrences are small and are on private lands (Oberbauer 1979, CNDDB 1997).

Nolina interrata is known from three localities in Baja California and ranges as far south as Ensenada (Rancho de la Cruz) in Baja California, Mexico (Jim Dice, California Department of Fish and Game, pers. comm. 1997). One population is about 16 km (10 mi) northeast of La Misión. Both of these disjunct Mexican populations have fewer than 25 individuals each. Another population has recently been discovered in Mexico closer to the United States border, and it appears to be of comparable size (J. Dice, pers. comm. 1997).

Summary of Comments and Recommendations

In the October 2, 1995, proposed rule (60 FR 51443) and associated notifications, all interested parties were requested to submit factual reports or information that might contribute to the development of a final rule. The 45-day comment period closed on November 16, 1995. Appropriate Federal and State agencies, county and city governments, scientific organizations, and other interested parties were contacted and requested to comment. In accordance with Service peer-review policy published on July 1, 1994 (59 FR 34270), three appropriate and independent specialists were solicited to review pertinent scientific or commercial data and assumptions relating to the proposed rule. No responses were received from the solicited peer reviewers. Individual newspaper notices of the proposed rule were published in the San Diego Union-Tribune and the Riverside Press-Enterprise on October 20, 1995. A public hearing was requested but precluded by severe funding constraints between November 1995 and April 1996. The requesting party subsequently submitted written comments to the Service during the comment period. A letter was sent to the party on June 4, 1997, inquiring what their current wishes were relative to their previous request for a public hearing. No response was received.

During the comment period, the Service received four letters concerning the proposed rule, including one from a Federal agency, one from a State agency, and two from individuals or groups. One respondent expressed support for the listing proposal, one opposed it, and two were neutral. Because the proposed rule included four plant species, only the one comment specific to *Nolina interrata* is discussed here. Comments not specific to this species and general comments pertaining to the proposed rule are discussed in a separate final rule to list *Fremontodendron mexicanum, Berberis nevinii* and *Ceanothus ophiochilus* published in this same **Federal Register** part (see **SUMMARY** above). One comment relevant to the proposed listing of *Nolina interrata* and the Service's response is summarized below:

Issue 1: One commenter requested that the Service use the protections afforded by the Multiple Species Conservation Plan (MSCP) to minimize habitat fragmentation.

Service Response: The County of San Diego received an incidental take permit from the Service in March 1998, based on the MSCP as implemented through the County's Subarea Plan, including the Biological Mitigation Ordinance. The County adopted the Biological Mitigation Ordinance on October 22, 1997, subsequent to the proposal to list *Nolina interrata.* The conservation measures described in the MSCP and the recently adopted Biological Mitigation Ordinance are expected to minimize habitat fragmentation of areas occupied and potentially occupied by *N. interrata*. This species is covered by the MSCP and 100 percent of the McGinty Mountain population, 90–100 percent of the Sycuan Peak, and 80–100 percent of the Dehesa Peak population will be conserved. This represents 90–100 percent of all major populations. Protection on the Sycuan Ecological Preserve was guaranteed subsequent to the proposal to list *N. interrata*. These protections on public and private lands are the primary reasons for the Service's decision to withdraw the proposal to list *N. interrata* as an endangered species.

Summary of Factors Affecting the Species

The Service must consider five factors described in section 4(a)(1) of the Act when determining whether to list a species. These factors and their application to the Service's decision to withdraw the proposal to list *Nolina interrata* H. Gentry (Dehesa beargrass) are as follows:

A. The Present or Threatened Destruction, Modification, or Curtailment of Their Habitat or Range

Urbanization and associated habitat loss and further habitat fragmentation are no longer significant threats to *Nolina interrata*. Sixty-seven percent (35 records) of the MSCP point occurrences of *N. interrata* are on reserve lands owned and managed by the California Department of Fish and Game at Sycuan Peak and on lands owned and managed by The Nature Conservancy at McGinty Mountain. A point occurrence is defined as a single record in the MSCP database contained at the Carlsbad Field Office. The broader protection afforded to this species by the increased size of the Sycuan Ecological Preserve occurred after *N. interrata* was proposed for listing. Since the proposed rule was published, the California Department of Fish and Game has acquired nearly all of the necessary parcels to complete this preserve (J. Dice, pers. comm. 1997). The remaining 33 percent (17 records) will be protected under provisions of the MSCP that require avoidance of narrow endemic species to the maximum extent possible. The County's Biological Mitigation Ordinance requires encroachment to be limited to 20 percent of the population on site for impacts that cannot be avoided. *Nolina interrata* is covered by the MSCP based on conservation of 100 percent of the McGinty Mountain population, 90–100 percent of the Sycuan Peak, and 80–100 percent of the Dehesa Peak population under this plan (City of San Diego 1997).

B. Overutilization for Commercial, Recreational, Scientific or Educational Purposes

Access to many *Nolina interrata* populations is limited by private property boundaries or rugged terrain. *Nolina interrata* has been collected for specimens, but this activity has mainly involved plants salvaged from road cuts, eroded cuts, or bulldozed areas (Oberbauer 1979).

C. Disease or Predation

Disease and predation are not known to be factors adversely affecting *Nolina interrata*.

D. The Inadequacy of Existing Regulatory Mechanisms

The Service evaluated existing Federal, State, and local regulations prior to preparing the proposed rule that included *Nolina interrata*. The Service found evidence the existing regulatory mechanisms were, overall, inadequate at that time. These regulatory mechanisms included: (1) Listing under the

California Endangered Species Act (CESA); (2) the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA); (3) conservation provisions under section 404 of the Federal Clean Water Act and Section 1603 of the California Fish and Game Code; (4) occurrence with other species protected by the Federal Endangered Species Act; (5) local laws and regulations; (6) land acquisition and management by Federal, State, or local agencies, or by private groups and organizations; and (7) adequate consideration in State or regional conservation planning efforts such as the Multiple Species Conservation Plan (MSCP) of the Natural Community Conservation Planning (NCCP) Program, and other multispecies efforts.

The adverse impacts of various development projects on *Nolina interrata*, because of its rare and localized nature, will be considered by Federal, State, and local planning agencies under CEQA and NEPA. The management activities implemented or proposed by the California Department of Fish and Game on the Sycuan Ecological Preserve and The Nature Conservancy at McGinty Mountain, as well as measures included in the MSCP and the County's Biological Mitigation Ordinance relating to narrow endemic plants (County of San Diego 1997), should assure adequate protection of *Nolina interrata*.

E. Other Natural or Manmade Factors Affecting Their Continued Existence

Nolina interrata depends on natural fire patterns; alteration of natural fire periodicity, season, and intensity may have various adverse effects on this species. Fire suppression measures are intensified in undeveloped areas near population centers. The natural period between fires in these areas may be altered. Fire suppression activities may also affect the vegetation. High fire frequencies prevent young plants from reaching reproductive maturity and will result in population declines or extirpation once the underground seed bank has been depleted (Zedler *et al.* 1983). In other cases, the reduced frequency of fire due to fire suppression programs can adversely affect the viability of plant populations by reducing genetic diversity.

Nolina interrata flowers profusely after fires. Plants also reproduce vegetatively from underground stems. Occurrences that are entirely female require pollen from disjunct male plants to fertilize the flowers and produce viable seeds. Plants in disjunct populations may not flower simultaneously, because flowering is, in part, dependent upon site-specific fire history (Dice 1988). Appropriately timed controlled burns may be necessary to maintain population vigor. The threats to this species from changes in natural fire frequencies will be reduced due to the development and implementation of management plans. Management plans, which include considerations for the fire ecology of this species, are being developed for the lands inhabited by *N. interrata* on Sycuan Ecological Reserve and McGinty Peak (J. Dice, pers. comm. 1997).

Because *Nolina interrata* is known from small populations with relatively few individuals, it is vulnerable to extinction due to random events, such as hot, slow-burning fires. Genetic variability also may be reduced in small populations of limited distribution (Barrett and Kohn 1991). One of the Dehesa Valley populations of *Nolina interrata* is considered to be a single female clone (J. Dice, pers. comm. 1997). A single event or series of events can reduce a species below recoverable numbers. Proactive recovery efforts to lessen the threat of such random events typically involve the establishment of reserves that permanently protect and manage populations of the species of concern. The management and protection of public and private lands inhabited by *N. interrata* on Sycuan Ecological Preserve and McGinty Mountain will significantly reduce the threats to this species from random events.

The Service has carefully assessed the best scientific and commercial information available and has determined that listing *Nolina interrata* as threatened is no longer warranted. Since the proposed rule for listing *N. interrata* was published, the California Department of Fish and Game acquired the majority of the lands inhabited by *N. interrata* on Sycuan Peak Ecological Preserve. The Nature Conservancy owns and manages lands at McGinty Mountain supporting this species. Provisions set forth in the MSCP and the County's Biological Mitigation Ordinance relating to narrow endemic plants will afford significant protection to the locations known to contain *Nolina interrata*. Other factors cited in the proposed rule, including fire management practices, over collection, and random natural events, are now of insufficient magnitude to warrant listing of the species in the absence of any significant threat from other factors.

References Cited

A complete list of all references cited in this withdrawal notice are available upon request from the U.S. Fish and Wildlife Service, Carlsbad Field Office (see **ADDRESSES** above).

Authors: The primary authors of this withdrawal notice are Dr. Gary D. Wallace and Christopher D. Nagano, Carlsbad Field Office (see **ADDRESSES** section).

Authority

The authority for this action is section 4(b)(6)(B)(ii) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: September 29, 1998.

Jamie Rappaport Clark,

Director, Fish and Wildlife Service.

[FR Doc. 98–26860 Filed 10–9–98; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AL88

Endangered and Threatened Wildlife and Plants; Determination of Endangered or Threatened Status for Four Southwestern California Plants from Vernal Wetlands and Clay Soils

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Fish and Wildlife Service (Service) determines endangered status pursuant to the Endangered Species Act of 1973, as amended (Act), for two plants—*Allium munzii* (Munz's onion) and *Atriplex coronata* var. *notatior* (San Jacinto Valley crownscale), and determines threatened status for two plants—*Brodiaea filifolia* (thread-leaved brodiaea) and *Navarretia fossalis* (spreading navarretia). These four plants occur in vernal pools and other wetlands or on clay soils and moist grasslands throughout their respective ranges in southwestern California and northwestern Baja California, Mexico. These plant are variously threatened by one or more of the following: habitat destruction and fragmentation from agricultural and urban development, pipeline construction, alteration of wetland hydrology by draining or excessive flooding, channelization, off-road vehicle activity, cattle and sheep grazing, weed abatement, fire suppression practices (including discing (plowing)), and competition from alien plant species. This rule implements the Federal protection and recovery provisions afforded by the Act for these four plants.

DATES: This rule is effective on November 12, 1998.

ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business hours at the U.S. Fish and Wildlife Service, Carlsbad Field Office, 2730 Loker Avenue West, Carlsbad, California, 92008.

FOR FURTHER INFORMATION CONTACT: Gary Wallace (see **ADDRESSES** above), telephone (760) 431–9440.

SUPPLEMENTARY INFORMATION:

Background

Allium munzii (Munz's onion), *Brodiaea filifolia* (thread-leaved brodiaea), *Atriplex coronata* var. *notatior* (San Jacinto Valley crownscale), and *Navarretia fossalis* (spreading navarretia) occur in clay soils or in vernal wetlands that have a clay hardpan or silty alkaline substrate. These habitats are restricted or unique, often associated with a specific soil type or hydrologic regime, or both. The composite range of these four plants encompasses the interior lowlands and foothills of Los Angeles, San Bernardino, Orange, and Riverside counties south into coastal San Diego County, California, and the northwestern State of Baja California, Mexico. Although some of these plants are relatively wide-ranging, all are localized in distribution within their respective ranges because of the restricted and patchy nature of the habitats in which they are found.

Allium munzii (Munz's onion), a member of the lily family (Liliaceae), was first referred to as *Allium fimbriatum* var. *munzii* by Marion Ownbey (Munz and Keck 1959). The varietal epithet was attributed to Ownbey and H. Aase. This name was not validly published because it lacked a proper description and citation, which were provided by Traub (1972), who published the name as *Allium fimbriatum* var. *munzii* Ownbey ex Traub, based on a specimen collected by Philip Munz south of Glen Ivy, Riverside County, California, in 1922. McNeal (1992) elevated this taxon to species status (*Allium munzii* (Traub) D. McNeal).

Allium munzii is a perennial herb, 15 to 35 centimeters (cm) (0.5 to 1.2 feet (ft)) tall, originating from a bulb with a papery, reddish-brown outer coat and light brown inner coat. The single leaf is teretes (cylindrical in shape) and up to 1.5 times as long as the stalk of the inflorescence (scape). The inflorescence (flower cluster) is umbellate, consisting of 10 to 35 flowers. The flowers have six perianth segments (undifferentiated petals and sepals) that are white, or white with a red midvein, becoming red with age. They are 6 to 8 millimeters (mm) (0.2 to 0.3 inches (in)) long. The ovary is crested with fine, irregularly dentate (pointed) processes and the fruit is a three-lobed capsule (Munz 1974, McNeal 1993).

Allium munzii can be distinguished from other members of the genus within its range by its solitary cylindric leaves, elliptic to ovate perianth segments, generally white flowers, and finely and irregularly dentate ovary crests.

Allium munzii is restricted to mesic clay soils in western Riverside County, California. This species is frequently found in association with southern needlegrass grassland, mixed grassland, and grassy openings in coastal sage scrub or, occasionally, in cismontane juniper woodlands (California Department of Fish and Game (CDFG) 1989, Orlando Mistretta, Rancho Santa Ana Botanic Garden, *in litt.* 1993). *A. munzii* is known from 13 extant populations. Only one of these populations is partially on Federal land (Roberts 1993a, California Natural Diversity Data Base (CNDDB) 1997, Jeff Newman, U.S. Fish and Wildlife Service, pers. comm. 1996). Five populations occur in the Gavilan Hills, including one at Harford Springs County Park, and one on lands managed by the Riverside County Habitat Conservation Agency (RCHCA). One population occurs in the Temescal Valley on private land; another population may still be extant but is likely extirpated. One population occurs north of Walker Canyon on private land. Five small populations occur in or near the Paloma Valley, including near the Scott Road, Skunk Hollow, Domenigoni Hills, and Bachelor Mountain areas. These populations are on land managed by the Reserve Management Committees (Domenigoni Hills and Bachelor Mountain) for the Riverside County multispecies plans, or on private land. One population is in the Elsinore Mountains, partly on Federal land in the Cleveland National Forest and partly on private lands (Boyd and Mistretta 1991).

The Service estimates that there are about 20,000 to 70,000 individuals of *A. munzii* (Roberts 1993a, CNDDB 1997, U.S. Fish and Wildlife Service unpublished data). In response to rainfall and other factors, perennial bulbs may not produce aerial leaves or flowers in a given year or may produce only leaves. As a result, fluctuations in numbers of observed individuals can be misleading. Five populations are large (over 2,000 individuals) and cover as much as 8 hectares (ha) (20 acres (ac)). Most populations contain fewer than 1,000 individuals and their areas range from several meters to less than 1 ha (2.5 ac).

Atriplex coronata var. *notatior* (San Jacinto Valley crownscale), a member of the goosefoot family (Chenopodiaceae), was described by Epson (1914), based on a specimen he collected in 1901 from the dried bed of San Jacinto Lake (= Mystic Lake), Riverside County, California. Hall and Clements (1923) considered this taxon a minor variant and submerged it in *A. coronata*. *Atriplex coronata* var. *notatior* has subsequently been recognized by Munz (1935, 1974) and Taylor and Wilken (1993).

Atriplex coronata var. *notatior* is an erect, gray-scurfy annual, 1 to 3 decimeters (dm) (4 to 12 in) tall. The grayish leaves are sessile, alternate, 8 to

20 mm (0.3 to 0.8 in) long and elliptic to ovate-triangular in outline. This taxon is monoecious (male and female flowers on the same plant). The female flowers are obscure and develop spherical bracts in the fruiting phase. These bracts have dense tubercles (nodule) that are roughly equal in number to the marginal teeth (Munz 1974, Taylor and Wilken 1993).

Atriplex coronata var. *notatior* can be distinguished from the more northern *A. coronata* var. *coronata* by its erect stature, the spheric shape of the bracts together in fruiting stage, and the more numerous tubercles and marginal teeth on the bracts. The distributions of the two varieties do not overlap. *Atriplex coronata* var. *coronata* is found in the Sacramento, San Joaquin, and neighboring valleys, while *A.c.* var. *notatior* is restricted to Riverside County. *A.c.* var. *notatior* occurs with eight other native and one introduced species of *Atriplex* within its range (D. Bramlet 1993b, Bramlet *in litt.* 1995, U.S. Fish and Wildlife Service, unpubl. data). It can be distinguished from these taxa by a combination of characteristics, including annual habit, the shape of the leaf, and the size and form of the bract (Munz 1974, Taylor and Wilken 1993).

Atriplex coronata var. *notatior* is restricted to highly alkaline, silty-clay soils in association with the Traver-Domino-Willows soil association (see Soil Conservation Service and Bureau of Indian Affairs 1971 for soil descriptions). Most populations are associated with the Willows soil series. It occurs in alkali sink scrub, alkali playa, vernal pools, and, to a lesser extent, in annual alkali grassland communities (Bramlet 1993a, Roberts 1993b). These areas are typically flooded by winter rains. The duration and extent of flooding are extremely variable from one year to the next. *A. coronata* var. *notatior* germinates after the water has receded. It usually flowers in April and May and sets fruit by May or June (D. Bramlet, *in litt.* 1992).

Atriplex coronata var. *notatior* is restricted to the San Jacinto, Perris, Menifee and Elsinore Valleys of western Riverside County, California. This taxon consists of 11 population centers that are primarily associated with the San Jacinto River and Old Salt Creek tributary drainages (Roberts 1993b, Roberts and McMillan 1997, CNDDB 1997). One additional isolated and small population has recently been discovered in Willows soils near Lake Elsinore (Roberts and McMillan 1997).

The number of individuals of *Atriplex coronata* var. *notatior* in a population complex varies in any given year in response to rainfall, extent of winter flooding, and temperature. Disturbance (discing, dryland farming, pipeline construction, out of season inundation) has become an increasingly important factor in limiting the number of individuals in a population.

Between 1990 and 1994, an estimated 78,000 *Atriplex coronata* var. *notatior* individuals were located (Metropolitan Water District (MWD) 1992, Ogden 1993, D. Bramlet, *in litt.* 1993, CNDDB 1997, Roberts 1993b). These plants occupied about 145 ha (400 ac) of about 3,300 ha (8,200 ac) of potentially suitable habitat (alkali scrub, alkali playa, and annual alkali grassland vegetation associations). The majority of the individuals (about 75 percent) were associated with three population centers (Mystic Lake, the Nuevo-Ramona Expressway segment of the San Jacinto River, and west Hemet) (Roberts 1993b). Since 1993, the population has apparently declined significantly as a result of major flooding in the winter of 1992–1993 and the subsequent conversion or alteration of potential habitat (Roberts and McMillan 1997). Several new populations have since been discovered near historic populations (e.g., 5,200 individuals on the San Jacinto River and fewer than 200 individuals near Elsinore, California). However, new discoveries have not appreciably balanced the reduction of populations due to activities and events described above. About 45 ha (115 ac) of nearly 2,200 ha (5,500 ac) of available potentially suitable habitat are currently occupied by about 26,500 individuals of *A. coronata* var. *notatior.* About 12 ha (30 ac) of 1,000 ha (2,500 ac) of marginal habitat that has been substantially disturbed are currently occupied by about 500 individuals of this taxon (Roberts and McMillan 1997). *Atriplex coronata* var. *notatior* appears to have declined about 70 percent since 1992.

The majority of the population centers of *A. coronata* var. *notatior* are located on privately owned lands. Three populations are on State land (San Jacinto Wildlife Area), one population is partially on County lands (RCHCA along the San Jacinto River), and one population is on a private preserve managed by MWD. This plant is not known to occur on Federal lands.

Brodiaea filifolia, a member of the lily family (Liliaceae), was described by Watson (1882) based on a specimen collected by S. B and W. F. Parish in 1880 at Arrowhead Hot Springs, San Bernardino County, California (Niehaus 1971). Greene (1887) transferred *B. filifolia* to the genus *Hookera.* However, monographic and floristic treatments accept *B. filifolia* as the name for this taxon (Niehaus 1971, Munz 1974, Beauchamp 1986, Keator 1993). *Brodiaea orcuttii* (Greene) Baker was included as a variety of *B. filifolia* by Epson (1922) but subsequent authors have recognized this taxon as a distinct species (Niehaus 1971, Munz and Keck 1973, Munz 1974, Keator 1993).

Brodiaea filifolia is a perennial herb with dark-brown, fibrous-coated corms. The flower stalks (scapes) are 2 to 4 dm (8 to 16 in) tall with several narrow leaves that are shorter than the scape. The flowers bloom from May to June and are arranged in a loose umbel. The six perianth segments are violet, spreading, and 9 to 12 mm (0.4 to 0.5 in) long. The broad and notched anthers are 3 to 5 mm (0.1 to 0.2 in) long. The fruit is a capsule (Munz 1974, Keator 1993).

Brodiaea filifolia can be distinguished from the other species of *Brodiaea* that occur within its range (*B. orcuttii, B. jolonensis,* and *B. terrestris* ssp. *kernensis*) by its narrow, pointed staminodia, rotate perianth lobes (i.e., a saucer-shaped flower), and a thin perianth tube, which is split by developing fruit (Niehaus 1971, Munz 1974).

Brodiaea filifolia is known to hybridize with *B. orcuttii, B. terrestris,* and possibly *B. jolonensis,* where these species coexist (Sandy Morey, CDFG, *in litt.* 1995, Boyd, et. al. 1992, CNDDB 1997). Significant hybridization is evident on the Santa Rosa Plateau between *B. filifolia* and *B. orcuttii,* or *B. filifolia* and *B. terrestris* (S. Morey, *in litt.* 1995). At least one major population in the vicinity of Miller Mountain (San Diego County) in the Cleveland National Forest appears to represent a hybrid swarm between *B. orcuttii* and *B. filifolia* (Boyd et al. 1992). The Miller Mountain population alone occupies nearly 45 percent of reported occupied habitat for *B. filifolia.* Hybridization among these *Brodiaea* species is a natural phenomenon. However, these plants relied on relatively species-specific native bee species for pollination in the past and the introduction of non-native honeybees, which tend to be species-generalist, may have increased the potential for hybridization (Gary Bell, The Nature Conservancy (TNC), pers. comm. 1997, S. Morey, *in litt.* 1995).

This species typically occurs on gentle hillsides, valleys, and floodplains in mesic, southern needlegrass grassland and alkali grassland plant communities in association with clay, loamy sand, or alkaline silty-clay soils (CDFG 1981, Bramlet 1993a). Sites occupied by this species are frequently intermixed with, or near, vernal pool

complexes, such as near San Marcos (San Diego County), the Santa Rosa Plateau, and southwest of Hemet in Riverside County.

The historical range of *B. filifolia* extends from the foothills of the San Gabriel Mountains at Glendora (Los Angeles County), east to Arrowhead Hot Springs in the western foothills of the San Bernardino Mountains (San Bernardino County), and south through eastern Orange and western Riverside Counties to Carlsbad in northwestern San Diego County, California (S. Morey, *in litt.* 1995, CNDDB 1997).

Forty-six populations of *B. filifolia* have been reported. At least nine of these populations have been extirpated, primarily in San Diego County, California. Thirty-seven populations are presumed extant. Nearly half of these remaining populations are clustered in the growing cities of Vista, San Marcos, and Carlsbad (nine populations) and in the vicinity of the Santa Rosa Plateau in southwestern Riverside County, California (six populations). The remaining 22 populations are scattered within the counties of Orange, Los Angeles, Riverside, San Bernardino, and San Diego.

The population of *B. filifolia* reported to have the largest number of individuals is on private land in the City of San Marcos (S. Morey, *in litt.* 1995). The populations with the largest extent of potentially suitable habitat are on the Santa Rosa Plateau, where only about 15 ha (38 ac) of the plateau is reported as occupied by *B. filifolia*, but about 120 ha (300 ac) is potentially suitable habitat (MWD 1991, CNDDB 1997). These lands are primarily managed by TNC.

The only populations of *Brodiaea filifolia* known to occur on Federal land are on Marine Corps Base, Camp Pendleton in San Diego County (CNNDB 1997, U. S. Marine Corps 1997), where three populations were recently discovered in an abandoned weapons impact area. Six populations were recently discovered in Orange County. Most of the recently discovered populations of *Brodiaea filifolia* in Orange County are relatively small. The largest population (Forster Ranch) supports about 60 percent of the *B. filifolia* individuals and about 80 percent of the occupied habitat in Orange County. Only two of the Orange County populations (Casper's Regional Park and Aliso-Woods Canyon Regional Park), with fewer than 1,000 individuals combined, are on lands managed by the County government (Michael Brandman Associates 1996, CNDDB 1997). *Brodiaea filifolia* has also been found on the San Jacinto Wildlife Management Area in Riverside County, managed by the CDFG.

Brodiaea filifolia, in its entire range, occupies about 330 ha (825 ac) of suitable habitat (mesic needlegrass grassland, mixed native-non-native grassland with clay soils, or alkali annual grassland with alkaline silty clay soils). The total number of individuals of this species and the extent of occupied habitat vary on an annual basis in response to the timing and amount of rainfall, as well as temperature patterns. Fewer than 2,000 individuals have been observed at most populations. Most of these populations occupy less than 5 ha (13 ac) (CNDDB 1997, U.S. Fish and Wildlife Service, unpubl. data). The largest extant population in Riverside County, Santa Rosa Plateau, has been estimated to contain over 30,000 observed individuals and occupies about 15 ha (38 ac) of habitat (MWD 1991, CNDDB 1997). In San Diego County, the largest confirmed population is on an isolated 16 ha (40 ac) parcel in San Marcos, California. This population may support as many as 342,000 individual plants (S. Morey, *in litt.* 1995). The number of observed individuals often does not correlate with the number of corms present at a site. For example, at one residential development site, Taylor and Burkhart (1992) reported 20 individuals of *B. filifolia,* but more than 8,000 corms were found during the effort to transplant *B. filifolia* to another site.

Brodiaea filifolia and its suitable habitat have been significantly reduced by urbanization, agricultural conversion, and discing for fire and weed control. In Riverside County, California, most of the annual alkaline grassland near the San Jacinto River and southwest of Hemet has been urbanized or converted to dryland farming or more intensive cultivation (see discussion under *A. coronata* var. *notatior* above). Additionally, *Brodiaea filifolia* is vulnerable to deep discing or repeated discing. Thus, areas that were disced and have partially recovered after being left fallow for a period of time tend to support reduced and gradually declining populations of *B. filifolia,* if any have survived. For example, at least two *B. filifolia* populations have been reported in the San Jacinto River flood plain in the vicinity of the I–215 highway crossing. Since 1992, 80 percent of the potentially suitable habitat in this area has been disced for dryland farming (Roberts and McMillan 1997, U.S. Fish and Wildlife Service, unpubl. data). The most significant threat to this species is urbanization, conversion to farming, and discing for fire and weed control.

In San Diego County, California, the majority of the *B. filifolia* populations are concentrated within the cities of San Marcos, Vista, and Carlsbad and are highly correlated with the distribution of clay soils and soils with clay subsoils. Data available from the Soil Conservation Service and Forest Service (1973) and other sources (U.S. Fish and Wildlife Service, unpubl. data) indicate that there are about 3,300 ha (8,280 ac) of clay soils and over 1,570 ha (3,940 ac) of soils with clay subsoils in these three cities. By 1994, nearly 65 percent of the clay soils and about 75 percent of the soils with clay subsoils had been developed or urbanized in these three cities and were no longer available for *B. filifolia* or its associated habitat (U.S. Fish and Wildlife Service, unpubl. data). In the City of Carlsbad, most *B. filifolia* populations occur in association with a specific soil series: the Altamont Clay soil series. There are about 1,085 ha (2,715 ac) of this soil in Carlsbad. By 1994, about 82 percent had been cultivated or overlain by urban development and was no longer available as habitat for conservation or recovery of this species (U.S. Fish and Wildlife Service, unpubl. data).

Based on the historic and current distribution of soils within the Vista, San Marcos, and Carlsbad area, it is likely that substantial unreported populations of *B. filifolia* were extirpated in this area. Of the 16 historically-known populations within these cities, at least 5 have been extirpated. Collectively, these sites were known to support as many as 128,000 individuals over at least 9 ha (23 ac) of occupied habitat (CNDDB 1997, Roberts and Vanderwier 1997). One additional major population was significantly reduced from about 8 ha (20 ac) to 1.6 ha (4 ac) around 1990 (WESTEC 1988, Taylor and Burkhart 1992, CNDDB 1997).

Navarretia fossalis (spreading navarretia), a member of the phlox family (Polemoniaceae), was described by Reid Moran in 1977 based on a specimen he collected in 1969 near La Misión in northwestern Baja California, Mexico (Moran 1977). *Navarretia fossalis* is a low, mostly spreading or ascending, annual herb, 10 to 15 cm (4 to 6 in) tall. The lower portions of the stems are mostly glabrous. The leaves are soft and finely divided, 1 to 5 cm (0.4 to 2 in) long, and spine-tipped when dry. The flowers are white to lavender white with linear petals and are arranged in flat-topped, compact, leafy heads. The fruit is an ovoid, 2-chambered capsule (Moran 1977, Day 1993).

Several other species of *Navarretia* occur within the range of *N. fossalis.* Two of them, *N. intertexta* and *N. prostrata,* can occur in similar habitat. *N. fossalis* is distinguished from them by its linear or narrowly ovate corolla lobes, erect habit, cymose inflorescences, size and shape of the calyx, and the position of the corolla relative to the calyx. All *Navarretia* species can be distinguished by the appearance of the pollen grain surface (Day 1993, Steve Spencer, Rancho Santa Ana Botanical Garden, *in litt.* 1993)

The primary habitat of *N. fossalis* is vernal pools. This species occasionally occurs in ditches and other artificial depressions, which often occur in degraded vernal pool habitat (Moran 1977). In western Riverside County, *N. fossalis* has been found in relatively undisturbed and moderately disturbed vernal pools within a larger vernal wetland plain dominated by annual alkali grassland (Bramlet 1993a).

Navarretia fossalis is distributed from northwestern Los Angeles County and western Riverside County, south through coastal San Diego County, California to San Quintin in northwestern Baja California, Mexico. Fewer than 30 populations exist in the United States. Nearly 60 percent of these populations are concentrated in three locations: Otay Mesa in southern San Diego County, along the San Jacinto River in western Riverside County, and near Hemet in Riverside County (Bauder 1986, Bramlet 1993a, CNDDB 1997). Others are scattered in southern Riverside County, Los Angeles County, and coastal San Diego County.

The number of individuals of *N. fossalis* varies annually in response to the timing and amount of rainfall and temperature. In Riverside County, one population contains 300,000 individuals. Another population contains 75,000 individuals. However, each of these populations occupies less than 3 ha (8 ac) of habitat. The majority of populations contain fewer than 1,000 individuals and occupy less than 0.5 ha (1 ac) of habitat (D. Bramlet, *in litt.* 1992, CNDDB 1997). The Service estimates that less than 120 ha (300 ac) of habitat in the United States is occupied by this species. The most pressing threat to *Navarretia fossalis* is the ongoing degradation of vernal pools and their outright destruction due to widespread urbanization, agricultural practices, off-road vehicles, and the longer-term threats from flood control and development.

The majority of *N. fossalis* populations are on privately owned lands. At least one population occurs on the federally owned Marine Corps Base, Camp Pendleton, and the plant occurs at three locations on Naval Air Station Miramar (J.S. Walker, Naval Base San Diego, *in litt.* 1997).

In Mexico, *N. fossalis* is known from fewer than 10 populations clustered in three areas: along the international border, on the plateaus south of the Rio Guadalupe, and on the San Quintin coastal plain (Moran 1977).

Previous Federal Action

Federal government actions on these four plants began as a result of section 12 of the Act, as amended (16 U.S.C. 1531 *et seq.*) which directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be endangered, threatened, or extinct in the United States. This report, designated as House Document No. 94–51, and was presented to Congress on January 9, 1975, and included *B. filifolia* as endangered. The Service published a notice in the July 1, 1975, **Federal Register** (40 FR 27823), of its acceptance of the report as a petition within the context of section 4(c)(2) (petition provisions are now found in section 4(b)(3)(A) of the Act) and its intention thereby to review the status of the plant taxa named therein, including *B. filifolia.* The Service published a proposal in the June 16, 1976, **Federal Register** (41 FR 24523) to determine approximately 1,700 vascular plant species to be endangered species pursuant to section 4 of the Act. The list of 1,700 plant taxa was assembled on the basis of comments and data received by the Smithsonian Institution and the Service in response to House Document No. 94–51 and the July 1, 1975, **Federal Register** publication. *Brodiaea filifolia* was included as endangered in the June 16, 1976, **Federal Register** notice.

General comments received in relation to the 1976 proposal were summarized in an April 26, 1978, **Federal Register** publication (43 FR 17909). The Endangered Species Act amendments of 1978 required that all proposals more than 2 years old be withdrawn. A one-year grace period was given to those proposals already more than two years old. In the December 10, 1979, **Federal Register** (44 FR 70796), the Service published a notice of withdrawal of the June 16, 1976, proposal, along with four other proposals that had expired.

The Service published an updated notice of review of plants in the **Federal Register** on December 15, 1980 (45 FR 82480). This notice included *Brodiaea filifolia* and *Navarretia fossalis* as category 1 candidates. Category 1 species were those for which the Service had on file substantial information on biological vulnerability and threats to support preparation of listing proposals.

On November 28, 1983, the Service published in the **Federal Register** a supplement to the Notice of Review (48 FR 53640). The plant notice of review was again revised on September 27, 1985 (50 FR 39526). *B. filifolia* and *N. fossalis* were included in the 1983 and 1985 supplements as category 2 candidates. Category 2 included taxa for which information in the possession of the Service indicated that a listing proposal was possibly appropriate, but for which sufficient data on biological vulnerability and threat were not available to support a proposed rule. *Allium munzii* (then known as *Allium fimbriatum* var. *munzii*) was included in the 1985 notice of review as a category 2 taxon. On February 21, 1990, a revised notice of review was published in the **Federal Register** (55 FR 6184) that included *A. fimbriatum* var. *munzii* and *B. filifolia* as category 1 candidate taxa, and *A. coronata* var. *notatior* as a category 2 candidate taxon; the status of *N. fossalis* remained unchanged from the 1985 notice of review. All four plant taxa were listed as category 1 candidate species in the September 30, 1993, notice of review (58 FR 51144).

Section 4(b)(3)(B) of the Act requires the Secretary to make certain findings on pending petitions within 12 months of their receipt. Section 2(b)(1) of the 1982 amendments further requires that all petitions pending on October 13, 1982, be treated as having been newly submitted on that date. That was the case for *Brodiaea filifolia* because the 1975 Smithsonian report had been accepted as a petition. On October 13, 1983, the Service found that the petitioned listing of these species was warranted, but precluded by other pending listing actions, in accordance with section 4(b)(3)(B)(iii) of the Act; notification of this finding was published on January 20, 1984 (49 FR 2485). Such a finding requires the petition to be recycled, pursuant to section 4(b)(3)(C)(I) of the Act. The finding was reviewed in October of 1984 through 1993.

On December 15, 1994 (59 FR 64812), the Service published a proposed rule to list *Allium munzii* and *Atriplex coronata* var. *notatior* as endangered, and *Brodiaea filifolia* and *Navarretia fossalis* as threatened. This proposed rule constituted the warranted petition finding for *Brodiaea filifolia.*

Based upon information received during public comment periods subsequent to the publication of the proposed rule, the Service now

determines *Allium munzii* and *Atriplex coronata* var. *notatior* to be endangered species, and *Brodiaea filifolia* and *Navarretia fossalis* to be threatened species.

The processing of this final rule follows the Service's fiscal years 1998 and 1999 Listing Priority Guidance published in the **Federal Register** on May 8, 1998 (63 FR 25502). The guidance establishes the order in which the Service will process rulemakings. The guidance calls for giving highest priority to handling emergency situations (Tier 1) and second highest priority (Tier 2) to resolving the listing status of outstanding proposed listings, processing new listing proposals, processing administrative petition findings, processing a limited number of delisting and reclassification actions. Processing critical habitat determinations is included in Tier 3 of the guidance. This final rule is a Tier 2 action and is being completed in accordance with the current listing priority guidance.

Summary of Comments and Recommendations

In the December 15, 1994, proposed rule (59 FR 64812) and associated notifications, all interested parties were requested to submit factual reports or information that might contribute to the development of a final rule. The first comment period closed on February 13, 1995. Appropriate State agencies, county governments, Federal agencies, and other interested parties were contacted and requested to comment. Public notices announcing the publication of the proposed rule were published in the Press Enterprise in Riverside County on January 5, 1995; the Orange County Register on January 11, 1995; and San Diego Union Tribune in San Diego County on January 13, 1995. Numerous requests for a public hearing were received. On March 7, 1995, a notice was published in the **Federal Register** announcing that a public hearing would be held on March 23, 1995, at the City of Riverside, in Riverside County, California (60 FR 12531). Copies of this notice were sent to parties that requested a public hearing. This notice also announced the reopening of the public comment period until May 20, 1995. Notices were published in the Orange County Register (March 7, 1995), San Diego Union Tribune (March 7, 1995), and Perris Progress (March 8, 1995), announcing the public hearing and extension of the public comment period.

The Service received a total of 65 written comments. Ten commenters supported the listing of these taxa. Five commenters neither supported nor opposed the proposed listing. Forty-four commenters opposed the proposed listing. During the public hearing, 21 commenters spoke, most of whom also sent written comments. Information from a number of these comments has been incorporated into the final rule. Seventeen issues were raised in these comments. The Service's response to each is as follows:

Issue 1: Concerns about taxonomy and identification. Several commenters questioned the taxonomic status of *Atriplex coronata* var. *notatior.* One commenter supported listing *A. coronata* var. *notatior* but doubted that it was taxonomically distinct from *A. c.* var. *coronata* of central California. The commenter noted that *A. c.* var. *coronata* appeared at least as uncommon as *A. c.* var. *notatior,* and suggested that the entire species should be listed. Other commenters stated that *A. coronata* var. *notatior* is a discrete entity. At least one commenter objected to the Service proposing to list a taxon of lower rank than a full species. Another commenter questioned the validity of the identification of reports of *Navarretia* in Riverside County, California, and suggested that *N. fossalis* may be more common than currently believed.

Service Response: The Service is required to make listing determinations based on the best available scientific and commercial data according to Section 4 (b)(1)(A) of the Act, as amended. Section 3(16) defines the term ''species'' to include any species or subspecies of fish or wildlife or plants. In plant nomenclature, a taxon recognized as a variety can alternatively be recognized as a subspecies, so varieties qualify for listing. *Atriplex coronata* var. *notatior* has been recognized as a distinct taxon from *A. coronata* var. *coronata* in floristic treatments since 1935 (Munz 1935, 1971, 1974) as well as in the most recent statewide systematic treatment of the genus (Taylor and Wilken 1993). While the status of *A. c.* var. *coronata* is also declining, this taxon is not the subject of this rule.

All available collections of *Navarretia* similar to *N. fossalis* in Riverside County have been reviewed by an expert on the genus. *Navarretia fossalis* is the primary wetlands dependent species in Riverside County. No new populations of *N. fossalis* from Riverside County have been reported recently (S. Spencer, *in litt.* 1993, S. Spencer, pers. comm. 1997).

Issue 2: One commenter noted that in the years before the proposed listing, an extreme drought had taken place within Riverside County, California. The commenter suggested that these species were represented by low numbers and isolated populations as a direct result of the drought and that the taxa would likely not be rare in wetter years.

Service Response: The Service agrees that wetland plants generally are both more widely distributed and more numerous in wet years than in dry years. However, wetlands plants are at their greatest risk of extinction or endangerment during dry years. *Navarretia fossalis* and *A. coronata* var. *notatior* populations have declined significantly since the proposed rule was published, irrespective of climatic conditions. Both species have been affected by increased farming activity and other threats that have resulted in continuing habitat disturbance and degradation.

Issue 3: Several commenters stated that the Service closed the public comment period before additional surveys could be performed and that these surveys were necessary for a final listing determination. Another commenter noted that letters originating from the Service in 1991 indicated that *A. coronata* var. *notatior* was a category 2 candidate for listing as threatened or endangered, thus indicating that there was not enough data to determine if listing was warranted. Then, 3 years later, the Service proposed to list *A. coronata* var. *notatior.* Other commenters suggested that the Service should postpone listing of this species until citizen concerns were addressed.

Service Response: The Service utilizes the best available scientific information in determining whether a species qualifies for Federal protection. Although the Service acknowledges that private landowners have legitimate economic and land use concerns, the Service reviews only the biological data in determining whether a species qualifies for Federal protection (See also Issues 2 and 13). Although additional surveys could be useful, they are unnecessary to make a final determination because the majority of the suitable habitat for these species remains threatened. The Service has continued to monitor habitat for these taxa since the proposed rule was published. Analyses of the relevant data reveal that three of the four species have declined considerably since the proposed rule was published in 1994. Although additional localities of *B. filifolia* have been reported in Orange County and in San Diego County, few of these populations are protected and several are threatened by urbanization.

Atriplex coronata var. *notatior* appeared in the 1990 Plant notice of

review (55 FR 6184) as a category 2 candidate. Category 2 candidates were taxa that the Service considered potentially at risk of extinction but did not have data to support a listing proposal. Information newly acquired by the Service between 1992 and 1993 indicated that the species qualified for Federal protection. In the September 30, 1993 plant notice of review (58 FR 51144), the Service elevated the status of this taxon to category 1, indicating that the Service possessed enough data in its files to support a listing proposal.

Issue 4: One commenter indicated that the Service failed to consider populations of *A. coronata* var. *notatior* at Mystic Lake and the extensive suitable habitat in the area.

Service Response: The known populations of *A. coronata* var. *notatior* in the vicinity of Mystic Lake were considered in this determination. The Mystic Lake bed and surrounding shoreline areas potentially support over 400 ha (1,000 ac) of suitable habitat for *A. coronata* var. *notatior.* In fact, the largest known population was reported in this area in 1992. However, prior to 1992, a significant portion of the lake bottom was under cultivation. In 1993, major flooding filled the lake and this population and several others were inundated. The lake did not recede enough to expose the former population until 1996. Few plants have been reported where 20,000 were once reported. Most of the Mystic Lake area is not within the San Jacinto Wildlife Area and has no formal protection. It has been proposed that reclaimed water be piped into Mystic Lake. The addition of water outside the normal rainy season will undoubtedly slow recovery of suitable habitat for *Atriplex coronata* var. *notatior* in this area.

Issue 5: Several commenters questioned the reliability of the data the Service used in preparation of the proposed rule. Several commenters noted that the Service did not incorporate existing reports that contained important data necessary to the decision making process. Several commenters specifically noted that the San Jacinto River Improvement Project Biological Assessment (Tierra Madre Consultants 1991) was not cited in the proposed rule. Another commenter indicated that the results from a number of other reports, such as a floral survey of March Air Force Base (James 1992), imply that these species are more widespread than the Service has indicated.

Another commenter noted that the soils which species like *Atriplex coronata* var. *notatior* appear to rely upon are not restricted to Riverside County. Similar soils occur from Solano to Santa Clara Counties in central California, and the Service did not indicate that surveys for this taxon were conducted in this area. By contrast, another commenter noted that the presence of similar soils outside the known range of *A. coronata* var. *notatior* does not necessarily indicate that the plant occurs there; such areas are likely to be occupied by a different variety, *A. coronata* var. *coronata,* which is also declining in central California habitat that has been largely converted to cultivation.

Service Response: The Service has used the best available scientific information upon which to make its findings. Although several of the commenters mentioned that the distribution and abundance of populations of these four species may be greater than indicated in the proposed rule, only two provided data to support their assertion. The Service acknowledges that the San Jacinto River Improvement Project Biological Assessment (Tierra Madre Consultants 1991) was not cited in the proposed rule. The Service incorporated the results of this report into this final determination. The Service notes that this report, in discussing *A. coronata* var. *notatior* states: ''[i]mpacts to the San Jacinto saltbush on lands to be reclaimed and subsequently developed as residential, commercial, and industrial areas, are direct. Populations of this species that have been reported in this document to occur on natural lands in the 100-year floodplain will suffer local extirpations if valley saltbush scrub habitat is destroyed. Proposed project developments in the 100-year floodplain that impact these remaining parcels of natural habitat should be reviewed by the Riverside County and the City of Perris planning departments on a case-by-case basis and substantial portions of these areas should be designated as 'open space' (not parks), or be included as part of the Habitat Conservation Plan for Riverside County.''

Information from several of the other documents, when appropriate, also has been incorporated into this determination. However, the Service notes that several other documents cited by commenters, such as a floral survey of March Air Force Base (James 1992), indicated only that subject species were known from a given general area, and not necessarily found within the study site.

The general distribution of the four plants addressed herein is well documented (Munz and Keck 1973, Munz 1974, Taylor and Wilken 1993, Skinner and Pavlik 1994). Several researchers (e.g., Boyd, Bramlet, and Sanders) have conducted directed surveys in Riverside County for these plants over several to many years. In the process, these researchers have verified the plants' habitat-specificity and have documented fluctuations in abundance. Although the Service acknowledges that additional populations of these plant taxa may be identified, it is unlikely, given the fairly specific habitat requirements of these taxa, that significant populations remain undiscovered. If so, it is likely that they would be subject to the same threats that currently place known populations at risk. The Service acknowledges that similar soils that could potentially be suitable habitat for these species occur in central California. However, there is no evidence that two of these species (*Navarretia fossalis* and *Brodiaea filifolia*) have ever been documented in central California and in the case of *Atriplex coronata,* these soils are occupied by a related but distinct taxon (*A. c.* var. *coronata*).

Issue 6: Several commenters stated that the Service did not adequately consider the conservation benefits that will result from regional Natural Communities Conservation Planning (NCCP).

Service Response: Two of the proposed taxa, *Brodiaea filifolia* and *Navarretia fossalis,* are covered species under the Multiple Species Conservation Plan (MSCP) in San Diego County. However, significant populations of both species are found outside of the MSCP boundary. Large populations of both taxa also occur in the Multiple Habitat Conservation Plan (MHCP) area of northern San Diego County. This plan is still in the data analysis stage, and species coverage for these two taxa has yet to be determined. Populations of *Brodiaea filifolia* and *Navarretia fossalis* are also found, along with *Atriplex coronata* var. *notatior* and *Allium munzii,* in western Riverside County, where a multiple species planning program is being initiated but conservation levels have not yet been determined.

Populations of *Brodiaea filifolia* also occur in Orange, Los Angeles, and San Bernardino Counties. In these counties, planning efforts for areas with these plants are either not yet complete or lacking (See discussion under Factor D). Significant populations of *Navarretia fossalis* occur in areas such as western Los Angeles County and western Riverside County where protection is still limited to existing land-use and regulatory mechanisms that have not

proven adequate in the past to conserve the species effectively.

Issue 7: Several commenters indicated that *Brodiaea filifolia* should be listed as endangered and not threatened.

Service Response: Brodiaea filifolia has one of the widest distributions of the four plants, being found in Los Angeles, Orange, western Riverside, southwestern San Bernardino, and San Diego Counties. The population with the largest area of potentially suitable habitat is protected in TNC's Santa Rosa Plateau Preserve. Other populations are protected at the CDFG's San Jacinto Wildlife Area. Several new populations have also recently been discovered in Orange County and San Diego County. As such, *B. filifolia* does not meet the definition of an endangered species under the Act and listing as threatened is appropriate.

Issue 8: Two respondents stated that the Service's notification to the public on this proposal was inadequate. One of these commenters stated specifically that the Service failed to give notice of the proposal to the County of Riverside, Riverside County Flood Control, and that the Service failed to publish notice of the proposed rule in a newspaper of general circulation within Riverside County. Two commenters stated that a single public hearing was inadequate to obtain full public input on the proposal. These same commenters requested that public hearings be held in more than one location. Additionally, several commenters also stated that the Service had not provided enough opportunity for the public to respond.

Service Response: The Service is obligated to hold one public hearing on a listing proposal if requested to do so within 45 days of publication of the proposal (16 U.S.C. 1533(b)(5)(E)). Considering the limited geographic distribution of the species, the Service determined that holding a single public hearing was not an impediment or undue inconvenience to those wishing to attend. In addition, the Service went through an extensive notification process to make the public aware of this proposal. This process, which is described in detail above, fully satisfied the requirements of the Act.

As was indicated above, newspaper notices were published in the Orange County Register, San Diego Union Tribune, and the Press Enterprise. All three papers are widely available in western Riverside County. A large number of interested parties, including the County of Riverside Planning Department and the Riverside County Flood Control District, were sent copies of the proposed rule on December 27, 1994.

The Service is obligated to allow 60 days for the public to respond to a proposed rule. The Service extended the comment period for an additional 60 days to allow for additional public response.

Issue 9: One commenter stated that the intention of the signed Memorandum of Understanding for the San Jacinto River Corridor Plan (MOU) was to ''avoid the need to list the saltbush'' and to cooperate in the development of a plan to protect the saltbush. Thus, although a plan was developed in accordance with the criteria delineated in the MOU, ''the Service has failed to approve this plan in blatant disregard of its commitments established in the MOU.''

Service Response: The intent of the MOU was to reduce the threats to the San Jacinto Valley crownscale (saltbush), *Atriplex coronata* var. *notatior*, by developing a conservation plan that accommodates channelization of the San Jacinto River while protecting saltbush habitat along the river. The MOU does not cover the entire range of the saltbush; approximately two-thirds of the range of the species is outside of the MOU area. Therefore, the proposal to list the saltbush does not violate the terms of the MOU. The MOU is still in effect, and the Service stands by its signatory responsibilities. However, to date, the Service has not received a plan that provides adequate protection and conservation measures for the species. The Service pledges to continue working with all interested parties to develop a conservation plan for the saltbush along the San Jacinto River that adequately and simultaneously meets the conservation needs of the species and the needs of the stakeholders.

Issue 10: Several commenters have stated that the Service has not appropriately taken into account the planning and preservation efforts by local jurisdictions. One commenter noted that ''the City of Hemet has undertaken a separate proactive planning effort which the Service also failed to consider when preparing this rule.''

Service Response: The Service has considered planning and preservation efforts by local jurisdictions in preparation of this determination. For example, although the City of Hemet initiated a conservation plan for the vernal pools and vernal wetlands along the western edge of the city in 1994, the plan apparently has not yet resulted in significant conservation of any of the taxa in this final rule.

Issue 11: One commenter stated that the proposed rule discloses inconsistencies in the Service's mitigation recommendations or requirements for various projects that could impact the species addressed herein.

Service Response: The commenter apparently is referring to the disparity between the mitigation accepted for pipeline projects versus that accepted for flood control projects. Pipeline projects involve temporary impacts and have fewer indirect effects than channelization projects, which permanently alter the habitat and prevent natural habitat recovery within the natural flood plan.

Issue 12: Four commenters stated that personal letters and informal correspondence should not be considered a legitimate source of information. They felt that the Service had not accounted for bias on the part of these parties.

Service Response: The Act requires the Service to use the best available scientific information as the sole basis for its listing decision. This information may take the form of published papers, peer review by acknowledged experts on a given subject, scientific reports, letters, and personal communications. The Service considers professional judgment and expert opinion by knowledgeable biologists in making decisions. All such information is subject to peer review during the listing process.

Issue 13: Two commenters stated the proposed rule failed to consider the protections provided by State and local statutes to the species listed herein. One commenter stated that listing of these species would not provide them with additional protection.

Service response: The Service considered all the existing applicable regulatory mechanisms that deal with the species listed herein on private, State, and Federal lands throughout their range. These issues are discussed in the Summary of Factors section, Factor D. The Service has concluded that existing regulatory mechanisms do not currently provide adequate protection for these plants. The listing of these species will protect them from a variety of unauthorized activities including removal or reduction to possession from areas under Federal jurisdiction or in violation of a State law, including criminal trespass, and will allow review of projects with a Federal nexus to determine whether such actions may affect the listed species.

Issue 14: Numerous commenters stated that critical habitat would impose an unnecessary economic burden on property owners or requested that the

boundaries of proposed critical habitat be modified to exclude their properties.

Service Response: Because critical habitat is not being designated in this rule, comments regarding critical habitat have not been addressed.

Issue 15: One commenter stated that existing regulatory mechanisms are adequate but regulatory agencies have failed to enforce these regulations.

Service Response: The adequacy of existing regulatory mechanisms is discussed under ''D.'' The Service acknowledges that not all regulatory mechanisms are strictly enforced.

Issue 16: Eight commenters expressed concern about adverse economic effects of the listing.

Service Response: Under section 4(b)(1)(A) of the Act, a listing determination must be based solely on the best scientific and commercial data available. The legislative history of this provision clearly states the intent of Congress to ''ensure'' that listing decisions are ''* * * based solely on biological criteria and to prevent nonbiological considerations from affecting such decisions ''* * *,'' (H.R. Rep. No. 97–835, 97th Cong. 2nd Sess. 19 (9182)). As further stated in the legislative history, ''* * * economic considerations have no relevance to determinations regarding the status of the species * * *'' (*Id.* at 20). Because the Service is specifically precluded from considering economic impacts, either positive or negative, in making listing decisions, the Service does not evaluate or consider the economic impacts of listing species.

Peer Review

In accordance with interagency policy published in the **Federal Register** on July 1, 1994 (59 FR 34270), the Service solicited the expert opinions of three independent specialists regarding pertinent scientific or commercial data and assumptions relating to the taxonomy, population models, and supportive biological and ecological information for the taxa under consideration for listing. The purpose of such review is to ensure listing decisions are based on scientifically sound data, assumptions, and analyses, including input from appropriate experts and specialists. One of the three specialists sent a supportive letter during the public comment period. No additional comments were received from the other specialists.

Summary of Factors Affecting the Species

Section 4 of the Act and regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act, set forth the procedures for adding species to the Federal lists. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Allium munzii* (Traub) D. McNeal (Munz's onion), *Atriplex coronata* S. Watson var. *notatior* Jeps. (San Jacinto Valley crownscale), *Brodiaea filifolia* S. Watson (thread-leaved brodiaea), and *Navarretia fossalis* Moran (spreading navarretia) are as follows and summarized in Table 1.

TABLE 1.—SUMMARY OF THREATS

Species	Agriculture/ urbanization	ORV use [1]	Mining	Alteration of hydrology	Trampling/ grazing	Alien species
Allium munzii	X	X	X	.....	X	X
Atriplex coronata var. *notatior*	X	X	.....	X	X	X
Brodiaea filifolia	X	.....	.....	.....	X	X
Navarretia fossalis	X	X	.....	X	X	X

[1] ORV=off road vehicle.

A. The Present or Threatened Destruction, Modification, or Curtailment of Their Habitat or Range

The natural plant communities of coastal Orange and San Diego counties, western Riverside and southwestern San Bernardino counties, California, and northwestern Baja California, Mexico, have undergone significant changes as a result of both direct and indirect human-caused activities. The rapid urbanization of this region (which currently harbors over 17 million people) has already eliminated a significant portion of the habitat for these four plants. The remaining patches of habitat are frequently isolated and have been, or are being, degraded and/or fragmented by agricultural practices, streambed channelization and other hydrological alterations, weed abatement, fire suppression practices, and grazing.

Allium munzii occurs in grassy openings in coastal sage scrub and mesic native perennial grasslands. The majority of *B. filifolia* populations are known to occur in mesic native perennial grasslands. The extent of these plant communities has undergone significant reduction due to urban and agricultural development (U.S. Fish and Wildlife Service 1993, Oberbauer and Vanderwier 1991). Approximately 59 percent of the coastal sage scrub in Riverside County has been destroyed since 1945, and as much as 71 percent has been destroyed since 1930 (U.S. Fish and Wildlife Service 1993). In San Diego County, 95 percent of the native perennial grasslands and 72 percent of the coastal sage scrub have been destroyed (Oberbauer and Vanderwier 1991). Native perennial grasslands continue to be at risk and are threatened by urbanization and agricultural conversion throughout the range of *Allium munzii* and *Brodiaea filifolia.*

Little is known concerning the historical distribution of *A. munzii.* owever, as much as 80 to 90 percent of the clay soils in western Riverside County that may have supported habitat for *A. munzii* have been adversely modified through extensive agriculture, urbanization, and clay mining (CDFG 1989).

Allium munzii has recently been extirpated from at least two sites as a result of agricultural development, clay mining, and highway construction. Other populations of this species have been impacted by reduction of available habitat and numbers of individuals. One population of *A. munzii* was partially eliminated in 1982 by the realignment of the Interstate 15 freeway corridor in the Temescal Valley of Riverside County (Roberts 1993a). Another population was reduced when part of its habitat was inundated for a reservoir (CDFG 1989).

Two of the remaining 13 populations of *Allium munzii* are within the boundaries of proposed development (Roberts 1993a, Royce Rigging and Associates, *in litt.* March 1998, Brenda McMillan, U.S. Fish and Wildlife Service, pers. comm. 1998). Combined these projects contain over 470 ha (1,175 ac) of which a substantial area is potential habitat for *A. munzii.* Discing for the weed abatement or dry land

farming may destroy habitat and cause population declines of *A. munzii.* These activities, or off-road vehicle activity, are affecting six of the thirteen known sites of *A. munzii* (CNDDB 1997, Steve Boyd, Rancho Santa Ana Botanical Garden and D. Bramlet, pers. comm. 1993). One site, for example, that has been persistently disced for dryland farming since it was reported as supporting 1,000 individuals in 1992, was found to contain fewer than 10 individuals in 1998 (B. McMillan, pers. comm. 1998). Altogether 7 of the 13 populations (over 50 percent) supporting about 20 percent of the individuals are threatened by loss of habitat through development, discing, and off-road vehicle activity.

Over 25 percent of *B. filifolia* populations have been eliminated by urbanization and agricultural conversion (Roberts and Vanderwier 1997). Over the last 15 years, nearly 60 ha (150 ac) of occupied habitat containing over 80,000 plants have been eliminated in the cities of San Marcos and Vista (CNDDB 1997, Taylor and Burkhart 1992, Wayne Armstrong, Palomar College, pers. comm. 1993, Roberts and Vanderwier 1997). Urbanization continues to be the most significant threat to this species. About 20 percent (about 8) of the remaining populations of *B. filifolia* in San Diego and Riverside counties are currently within proposed or approved development projects. Another 10 percent (4) of the populations are zoned for urbanization or threatened by discing for fire suppression activities or dryland farming. Suitable habitat is at even greater risk. For example, *Brodiaea filifolia* is associated with clay soils and soils with clay subsoils. In 1994, about 1,595 ha (3,990 ac) of these soils (about 30 percent of the historical figure) remained available in the cities of San Marcos, Vista, and Carlsbad. In 1996 and 1997, at least 120 ha (300 ac) of clay soils and soils with clay subsoils, in part occupied by *B. filifolia,* was graded in the City of Carlsbad alone. Two approved projects in the City of Carlsbad are likely to reduce these available appropriate soils by at least 400 ha (1,000 ac) (Soil Conservation Service and Forest Service, et. al. 1973, City of Carlsbad and Fieldstone/La Costa Associates 1994, Sweetwater Environmental Biologists 1994).

It is probable that the only known population of *B. filifolia* reported for San Bernardino County in nearly 70 years will be removed by a major pipeline project (Robert Thorne, Rancho Santa Ana Botanical Garden, pers. comm. 1993, Edna Rey, U.S. Fish and Wildlife Service, pers. comm. 1993).

Most of the recently discovered populations of *Brodiaea filifolia* in Orange County, California are relatively small and are not at immediate risk (2 are on protected land). However, the largest population known in Orange County is within the proposed grading footprint of a 1,600-unit residential development (City of San Clemente 1997). This population occupies about 6 ha (15 ac) and supports about 60 percent of the reported *B. filifolia* individuals and about 80 percent of the habitat occupied by this species in Orange County. As currently proposed, nearly the entire native population at this site would be impacted.

The largest reported population of *B. filifolia* occurs on 16 ha (40 ac) of habitat located near downtown San Marcos in San Diego County, which is zoned for industrial development (Kutz 1997). Other populations in San Marcos, although not as extensive, are also threatened. For example, a 9 ha (20 ac) parcel near the largest site is proposed for recreational development (San Diego Union Tribune, January 29, 1998).

The only populations of *Brodiaea filifolia* known to occur on Federal land are on Marine Corps Base, Camp Pendleton in San Diego County (CNNDB 1997, U.S. Marine Corps 1997). Several populations have recently been discovered in an abandoned weapons impact area. While no populations are currently reported as directly threatened by development on the base, a recently-proposed project may alter up to 54 ha (134 ac) of highly suitable habitat that is immediately adjacent to known occupied habitat (U.S. Marine Corps 1997).

As discussed below (vernal wetlands discussion), habitat that supports 5 of 6 populations of *Brodiaea filifolia* within the San Jacinto River flood plain and Old Salt Creek near Hemet is threatened by alteration of hydrology (duck ponds), channelization, discing for dry land farming and fire suppression practices, and urbanization (Roberts and Vanderwier 1997). These populations represent about one third of the populations and over 40 percent of the potential habitat for this species in Riverside County.

At least 12 of the remaining 37 populations of *Brodiaea filifolia* within San Bernardino, Orange, Riverside, and San Diego County are threatened by the destruction of habitat that will result from urbanization, discing for dry land farming or fire suppression. These populations include a significant portion of the occupied habitat and the largest populations of *Brodiaea filifolia* within San Diego and Orange Counties. The reduction of these populations will result in a significant decline in the species.

Vernal pools have undergone an extraordinary reduction in number and have nearly been eliminated in Los Angeles, Orange, and San Diego counties, and have been greatly reduced in Riverside County. In San Diego County, over 97 percent of vernal pool habitat occupied, in part, by *Navarretia fossalis,* had been lost by 1990 (Bauder 1986, Oberbauer and Vanderweir 1991).

Loss estimates for vernal pools and vernal wetlands in Riverside County are less certain and are based on the status of soil types that support these kinds of habitat. The Service estimates that about 12,800 ha (32,000 ac) in the Perris, western San Jacinto, and Menifee Valleys were historically dominated by alkali scrub, alkali playa, alkali grassland, or vernal pool plant communities that contained significant populations of *B. filifolia, A. coronata* var. *notatior,* and *N. fossalis.* About 75 percent of the 12,800 ha (32,000 ac) has been impacted by a combination of intensive cultivation, urbanization, or watercourse channelization; being filled; or otherwise being highly disturbed and, therefore, unlikely to return to supporting these native plants. A significant portion of the remaining 3,300 ha (8,200 ac) of alkali and vernal pool habitat suitable for these plants has been disturbed, predominantly by dryland farming activities (Tierra Madre Consultants 1992, Roberts 1993b, Roberts and McMillan 1997).

About 95 percent of the populations of *A. coronata* var. *notatior,* about 15 percent of the populations of *B. filifolia,* and about 50 percent of the populations of *N. fossalis* are associated with the San Jacinto River and a tributary of Old Salt Creek just west of the city of Hemet. Much of this area has been subject to dry land farming or irrigated farming at some time during the last 100 years. However, a 5-year drought contributed significantly to a reduction in agricultural activity, particularly along the San Jacinto River. Conversely, in some areas, the soils have routinely been too wet and too alkaline for dry land farming. Both factors have contributed to the continued existence of these taxa in this area.

Major commercial and urban development, transportation, and flood control projects have been proposed in General and Specific Plans for both the San Jacinto River Valley and the area west of Hemet. According to documents on file with the County of Riverside and the City of Perris in 1994, these proposals could result in over 19,000 new residential units, as well as hotel and commercial developments

encompassing over 3,200 ha (8,000 ac) (Riverside County Planning Department 1991, Louis Massey, Department of Planning, City of Perris, pers. comm. 1993, Mark Goldberg, City of Hemet, pers. comm. 1993). Although not all of these projects may move forward, potential habitat for *A. coronata* var. *notatior, N. fossalis,* and *B. filifolia* could be reduced by over 1,400 ha (3,500 ac) (Roberts 1993b). And, although the urbanization that could result from these major projects and others associated with the cities of San Jacinto and Hemet may not occur for up to five years, these same areas are more imminently threatened by a recent increase in pipeline construction, dry land farming, and weed abatement activities.

Three pipeline projects have recently destroyed vernal pool, alkali grassland, and alkali playa habitat and directly impacted 5 of 11 populations of *A. coronata* var. *notatior, N. fossalis,* and at least one historical site for *B. filifolia* in the San Jacinto River flood plain (Roger Turner, Eastern Municipal Water District, pers. comm. 1992, 1993, Tierra Madre Consultants 1992). At least one additional pipeline project will further reduce one population of *A. coronata* var. *notatior* and *N. fossalis* (Roberts and McMillan 1997).

In 1993, more than 200 ha (500 ac) of occupied or potential habitat for *A. coronata* var. *notatior, B. filifolia,* and *N. fossalis* were disced for weed abatement or fire suppression purposes (Roberts 1993b). In June 1993, an additional 80 ha (200 ac) of habitat containing *A. coronata var. notatior* and *N. fossalis* were disced and seeded for dry land farming (Bill Sweeney, landowner, pers. comm. 1993). Additional discing along the San Jacinto River has been reported since 1993. At least 42 stands of *A. coronata* var. *notatior,* including 4 of the largest, have been adversely modified since 1990. This has resulted in the decline in total numbers of *A. coronata* var. *notatior* plants, throughout its range, of nearly 70 percent since 1992 (Roberts and McMillan 1997).

While *Atriplex coronata* var. *notatior* has displayed some ability to persist despite dryland farming in its habitat, its severe decline since 1992, combined with extensive plans for flood control and further urban development in its habitat show that this plant is in danger of extinction in much of its remaining habitat. The existing protected areas, as discussed below, do not appear to offer adequate area or management to prevent endangerment. Nearly half of the known populations of *Navarretia fossalis* occur within the same habitat that is occupied by *A. coronata* var. *notatior.* However, the distribution of *N. fossalis* is even more restricted in that it can only persist in the wettest areas of the San Jacinto River flood plain and the vernal pools at Hemet. The loss of these populations will result in a significant decline in the species.

Navarretia fossalis also occurred historically in the vicinity of Murrieta Hot Springs in Riverside County during the 1920's (Spencer, *in litt.* 1993). Much of the Murrieta Hot Spring area has been urbanized or converted to agriculture resulting in a significant reduction and fragmentation of potential *N. fossalis* habitat (U.S. Fish and Wildlife Service, unpublished data). While there are no additional confirmed populations of *N. fossalis* occurring in the Murrieta area, the continued and rapid urbanization of this area reduces the opportunities to conserve potential habitat for species recovery.

The larger of two recently discovered occurrences of *Navarretia fossalis* in northwestern Los Angeles has apparently been partially graded, (Tim Thomas, U.S. Fish and Wildlife Service, pers. comm. 1998), leading to the ongoing deposition of fill material into the vernal pool.

In San Diego County, *N. fossalis* occurs within vernal pool complexes (Bauder 1986, CNDDB 1997). These areas have been and continue to be impacted by urbanization and agricultural conversion (Bauder 1986, Nancy Gilbert and Ellen Berryman, U.S. Fish and Wildlife Service, pers. comm. 1993).

One of the largest concentrations of *N. fossalis* occurs on Otay Mesa in San Diego County. At least 37 proposed Precise Plans and Tentative Maps for development have been filed pursuant to the California Environmental Quality Act for this area. These plans encompass about 80 percent of the undeveloped portion of the mesa within the jurisdiction of the City of San Diego and all but four of the remaining vernal pool complexes. Several of these projects will impact *N. fossalis.* In addition, at least one major transportation project has been proposed for Otay Mesa and could potentially affect vernal pools occupied by *N. fossalis* (California Department of Transportation 1993).

Navarretia fossalis and *Brodiaea filifolia* are found on Federal lands managed by the Navy at Naval Air Station, Miramar and Marine Corps Base, Camp Pendleton. These lands are used, in part, for military training activities that involve off-road vehicle maneuvers that adversely affect these species (D. Hogan, San Diego Biodiversity Project, and D. Belk, The Lady of the Lake University, *in litt.* 1992, CNDDB 1997).

Trash dumping has also degraded vernal pools in San Diego County. Chunks of concrete, tires, refrigerators, furniture, and other pieces of garbage or debris have been found in pools containing *N. fossalis.* This trash crushes or shades vernal pool plants, disrupts the hydrologic functions of the pool, and, in some cases, may release toxic substances. Trash dumping continues to threaten vernal pools that support this species (S. Wynn, U.S. Fish and Wildlife Service, pers. comm. 1998).

Vernal pools in Riverside and San Diego counties and, to a lesser extent, the alkali wetland habitats of Riverside County, have also been degraded by off-road vehicles. These vehicles compact soils, crush plants when water is present, cause turbidity, and leave deep ruts. This type of damage may alter the microhydrology of the pools by creating drainage channels or by disrupting the pool's water-retaining hardpan. Dirt roads that go through or adjacent to pools are widened as motorists try to avoid mud puddles, resulting in destruction of pool margins inhabited by *N. fossalis* and *B. filifolia.* Pools are incrementally destroyed, both as a result of destruction of vegetation and alteration of hydrology.

For *Navarretia fossalis,* whose 30 known populations in the United States are concentrated in Otay Mesa in southern San Diego County, along the San Jacinto River in western Riverside County, and near Hemet in Riverside County, the ongoing degradation of vernal pools and their outright destruction due to widespread urbanization in Otay Mesa is the most pressing threat, followed by agricultural practices and the longer-term threats from flood control and development in the San Jacinto-Hemet areas of Riverside County.

The vernal pool, alkali grassland, alkali playa, and alkali sink habitats upon which *N. fossalis, A. coronata* var. *notatior,* and, to a lesser extent, *B. filifolia* depend are also vulnerable to indirect destruction due to an alteration of the supporting watershed. An increase in water due to urban run-off leads to increased inundation, which makes pools vulnerable to invasion by plants characteristic of perennial wetlands, which results in decreased abundance of obligate vernal pool plants. At the other extreme, some pools and alkali wetlands have been drained or blocked from their source of water and have shown an increased domination by upland plant species. Of

the species covered by this rule, *N. fossalis* is the most vulnerable to alterations in hydrology because it is the most dependent on vernal pools. The other species in the plan occur in microhabitats that are more variable in wetness.

Agricultural and/or urban development adjacent to vernal pools and alkali wetlands may cause adverse alterations in drainage and adverse hydrological alterations to vernal pools. Drainage of wetlands for agricultural purposes may render land suitable for urban development. Wetland drainage is exemplified by recent activities near Hemet in Riverside County, California. In 1989, drainage structures were built in alkali grassland and vernal pools west of Hemet in association with an Auto Mall (M. Goldberg, pers. comm. 1993). These structures have significantly reduced standing water and are responsible for the gradual drying of wetland vegetation as evidenced by relic stands of *Eleocharis palustris* and other obligate wetland species (Wayne Ferren, University of California, Santa Barbara, pers. comm. 1993). In another example, a vernal pool supporting a large population of *N. fossalis* in 1994 was identified along the San Jacinto River. By 1997, the field had been disced and there was no evidence of the vernal pool nor *N. fossalis.*

Because *Navarretia fossalis* is an obligate wetland species, drainage of the wetlands it inhabits will destroy it. The generally small sizes of vernal pool wetlands render them highly vulnerable to deliberate drainage, as discussed above, as well as to more or less unintentional alteration through changes in drainage that occur during development, and from the physical effects of off-road vehicles and trash dumping. The loss of over 97 percent of vernal pool habitat in San Diego County occupied, in part, by *Navarretia fossalis*, by 1990, shows the intensity of economic and other pressures to develop clay-soil areas with vernal pools. To judge from recent development proposals, the remaining three percent of vernal pool habitat is likely to be lost. On the more extensive alkali wetlands of Riverside County, the effects of agricultural activities, drainage of wetlands, alteration of drainage (from diking and rerouting of drainage) likewise mean that the wetlands remaining available to this plant are much smaller and much more vulnerable to the effects of surrounding development than they were earlier in the century.

Livestock grazing typically changes the composition of native plant communities by reducing or eliminating plants that cannot withstand grazing and trampling and by enabling more resistant (usually non-native) species to increase in abundance. Non-native plants often are introduced and flourish under a grazing regime and may reduce or replace native species. Plants in vernal pools or adjacent alkali grasslands, playa, or scrub habitats may be trampled and killed or grazed prior to seed production. For example, sheep are imported to graze along the San Jacinto River and at Old Salt Creek annually, and they frequently trample habitat occupied by *Atriplex coronata* var. *notatior, Navarretia fossalis*, and *Brodiaea filifolia* (F. Roberts, pers. obs.). At least two populations of *Allium munzii* are within areas grazed by cattle (CNDDB 1997). Grazing also continues to impact vernal pool habitat in San Diego County, which, in part, is occupied by *Navarretia fossalis*, and on Otay Mesa where some of the most important populations are found, or at Ramona (S. Wynn, pers. comm. 1998).

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

Overutilization is not currently known to be a factor for these four plants, but unrestricted collecting for scientific or horticultural purposes or excessive visits by individuals interested in seeing rare plants could result from increased publicity as a result of this final rule.

C. Disease or Predation

Neither disease nor natural predation are known to be a factor for the four plants. Cattle grazing occurs on Otay Mesa in areas where several vernal pool complexes contain *N. fossalis.* Intensive sheep grazing occurs west of Hemet and along the San Jacinto River in habitat occupied by *N. fossalis, A. coronata* var. *notatior*, and *B. filifolia.* It is not anticipated that any of the four species are regular forage for grazing animals, and thus effects from grazing are more likely to be from trampling rather than predation.

D. The Inadequacy of Existing Regulatory Mechanisms

Existing regulatory mechanisms that could provide some protection for these species include: (1) listing under the California Endangered Species Act (CESA); (2) the California Environmental Quality Act (CEQA); (3) implementation of conservation plans pursuant to the California NCCP program; (4) conservation provisions under the Federal Clean Water Act; (5) the Act in cases where these species occur in habitat occupied by a listed species; (6) land acquisition and management by Federal, State, or local agencies, or by private groups and organizations; (7) local laws and regulations; and (8) enforcement of Mexican laws.

State Laws and Regulations

The California Fish and Game Commission has listed *B. filifolia* as endangered and *A. munzii* (= *A. fimbriatum* var. *munzii*) as threatened under the Native Plant Protection Act (NPPA) (Div. 2, chapter 10, section 1900 *et seq.* of the California Fish and Game Code) and CESA (chapter 1.5, section 2050 *et seq.*). *A. coronata* var. *notatior* and *N. fossalis* are included on Lists 1B of the California Native Plant Society's Inventory (Skinner and Pavlik 1994), which, in accordance with section 1901, chapter 10 of the California Department of Fish and Game Code, makes them eligible for State listing. Although both statutes prohibit the ''take'' of State-listed plants (chapter 10 section 1908 and chapter 1.5 section 2080), populations of three of the four species have continued to decline. For example, development proposals in Carlsbad (San Diego County) and in the Gavilan Hills (Riverside County) that involve direct impacts to *A. munzii* and *B. filifolia* have proceeded without notification to the Department (Roberts 1993a, Jim Dice, CDFG, pers. comm. 1993). In another case, a landowner disced a stand of *N. fossalis* growing with the State-listed *Orcuttia californica* for fire control without notifying the CDFG (Howard Windsor, Riverside County Fire Department, pers. comm. 1993).

California Senate Bill 879, passed in 1997 and effective January 1, 1998, requires individuals and entities to obtain 2081(b) incidental take permits to take listed species; however, the draft of proposed regulations to implement Senate Bill 879 would except the prohibition of take of listed plant species from major categories of activities, including take incidental to agricultural operations, approved timber harvest operations, mining assessment work, public works projects, and removal or destruction of plants from building sites on private lands. The extent to which the amended State Statute will afford protection to State-listed plant species is uncertain at this time.

The majority of the known populations of the four plants considered herein occur on privately owned land. Local lead agencies empowered to uphold and enforce the regulations of the California Environmental Quality Act (CEQA) have made determinations that have or will

adversely affect *A. munzii, A. coronata* var. *notatior, B. filifolia,* and *N. fossalis.* Required biological surveys are often inadequate, and project proponents may ignore the results of surveys if occurrences of sensitive species are viewed as a constraint on project design. Mitigation measures used to condition project approvals are essentially experimental and fail to adequately guarantee long-term protection of sustainable populations. In addition, relocation attempts often fail. Project designs have also failed to provide an adequate buffer zone around sensitive plant populations to protect their long-term viability (WESTEC 1988, D. Bramlet, *in litt.* 1992, D. Hogan and D. Belk, *in litt.* 1992, and O. Mistretta, *in litt.* 1993).

The CEQA requires that a project proponent publicly disclose the potential environmental impacts of proposed projects. The public agency with the primary authority or jurisdiction over the project is designated as the lead agency and is responsible for conducting review of the project and consulting with other agencies concerned with resources affected by the project. Required biological surveys are sometimes inadequate and mitigation measures used to condition project approvals are sometimes experimental and do not always adequately guarantee protection of sustainable populations of the species considered in this rule. Section 15065 of the CEQA guidelines requires a finding of significance if a project has the potential to ''reduce the number or restrict the range of a rare or endangered plant or animal.'' CEQA decisions are also subject to overriding social and economic considerations, which allows the CEQA lead agency to approve a project with significant adverse effects on a listed plant species where the agency concludes that overriding considerations justify approval of the project.

Even though impacts to rare plant taxa including *N. fossalis, B. filifolia,* and *A. coronata* var. *notatior* were considered significant under CEQA when several pipeline projects and Specific Plans were proposed in Riverside County, California, only *A. coronata* var. *notatior* was consistently considered in the environmental impact analyses. These projects proposed either no or inadequate mitigation for impacts to sensitive plant taxa (D. Bramlet, *in litt.* 1992, Roberts 1993b). In another case, a major development in San Marcos (San Diego County) resulted in a 70 percent reduction in *B. filifolia* habitat. Although 5 ha (12 ac) were set aside for preservation of this species, the preserve is surrounded by residential development, has inadequate buffers, and is poorly configured (WESTEC 1988).

Regional Planning Efforts

In 1991, the State of California established the NCCP Program to address conservation needs of natural ecosystems throughout the State. The focus of the current planning program is the coastal sage scrub community in southern California, although other vegetation communities are being addressed in an ecosystem-level approach. *Brodiaea filifolia* and *Navarretia fossalis* are currently being considered under the MSCP, MHCP, Central/Coastal Subregional NCCP/Habitat Conservation Plan (Central/Coastal) or the Southern Subregional NCCP/Habitat Conservation Plan of Orange County, California. All of these habitat conservation plans are being conducted under the procedures of section 10(a)(1)(B) of the Act, which allows incidental take permits for federally listed animals in return for effective conservation plans.

The Central/Coastal NCCP of Orange County was approved in July of 1996. Only one of the four plants (*Brodiaea filifolia*) occurs within the Central/Coastal NCCP. It is not considered a covered species because of its recent discovery within the subregion. Covered species are those species that have been adequately considered in terms of long-term preservation within a Habitat Conservation Planning Area or NCCP subregion. Under an agreement with participants, CDFG, and the Service, future potential impacts for covered species are considered adequately addressed through proposed preservation, mitigation, and management. The single population of *B. filifolia* within the Central/Coastal NCCP is situated on land preserved under the regional park system of the County of Orange.

Five populations of *B. filifolia* are within the Southern Subregion of the Orange County NCCP. Preserve design in the Southern Subregion is still preliminary, and it is uncertain to what degree it will conserve the four populations of this taxon. However, the largest of the four populations (Forster Ranch) is within a proposed residential development site and is unlikely to benefit from any future preserve (City of San Clemente 1997).

Since the publication of the proposed rule, the MSCP, a regional planning effort in southwestern San Diego County, has been finalized and submitted to the Service as part of an application for a section 10(a)(1)(B) incidental take permit for 85 species, including *Brodiaea filifolia* and *Navarretia fossalis.* The Service and the City of San Diego have jointly prepared a Recirculated Environmental Impact Statement, ''Issuance of Take Authorizations for Threatened and Endangered Species due to urban Growth within the Multiple Species Conservation Program (MSCP) Planning Area.'' This document, released on August 30, 1996, and finalized in December 1996, assesses the effects of land-use decisions that will be made by local jurisdictions to implement the plan and the effects of the issuance of the incidental take permit for the 85 species. A permit was issued to the City of San Diego in July 1997 and for the County of San Diego in March 1998. A permit is expected for Chula Vista in 1999.

The MSCP sets aside preserve areas and provides for monitoring and management for the 85 ''covered species'' addressed in the permit application, including *Brodiaea filifolia* and *Navarretia fossalis.* ''Covered species'' are taxa that will be adequately conserved by the plan's proposed preservation and management. Project proponents in areas outside the MSCP subregion will be required to coordinate with the Service on these taxa where applicable.

About 20 percent of the known populations of *N. fossalis* in the United States are in the MSCP subregion. The majority of these populations will be conserved by the MSCP. In addition the species is on the list of narrow endemics, which requires jurisdictions to specify and implement measures in their subarea plan to avoid or minimize impacts to all populations. However, significant populations of *N. fossalis* remain outside the MSCP subregion. Only a single recently reported population of *B. filifolia* occurs within the MSCP.

The MHCP area in northwestern San Diego County contains several significant populations of *N. fossalis* and about half of the *B. filifolia* populations. The MHCP, which will include the Carlsbad Habitat Management Plan (HMP) program, is still in the early developmental phase, and thus it is uncertain to what degree it will be successful in providing protection for *Brodiaea filifolia* and *Navarretia fossalis.*

About 50 percent of the populations of *Navarretia fossalis* occur in western Riverside County, along the San Jacinto River and southwest of Hemet. Riverside County is in the process of developing a multiple species plan. However, the plan will not be finalized

this year. *B. filifolia, A. coronata* var. *notatior,* and *Allium munzii* are also expected to benefit from the Riverside County plan when it is finalized. Five of the six populations of *B. filifolia* in southern Orange County are within multiple species planning areas in southern Orange County and most of these are expected to be conserved through the Southern Subregional NCCP. However, the largest and most significant population (Forster Ranch) will not have substantial conservation as a result of this planning effort. Small populations of *N. fossalis* and *B. filifolia* are also known from Los Angeles and San Bernardino County. These populations are generally in jurisdictions that have not developed or implemented regional multispecies planning programs.

Conservation Provisions Under the Clean Water Act

Atriplex coronata var. *notatior* and *N. fossalis* could potentially be affected by projects requiring a permit from the Corps under section 404 of the Clean Water Act. In Riverside County, the Corps has not required a permit or mitigation for filling of wetland habitat occupied by *A. coronata* var. *notatior, N. fossalis,* or *B. filifolia* in instances where the land had previously been used for agriculture or where the wetland was determined not to be within the jurisdiction of the Corps. The Corps has indicated a lack of certainty over whether hydric soils existed on a particular site, even though hydric vegetation and hydrologic features were present (U.S. Fish and Wildlife Service, *in litt.* 1993). Even if the Corps establishes jurisdiction under the Clean Water Act over vernal pools, this does not ensure their protection. At least two vernal pool complexes that represented suitable habitat for *Navarretia fossalis* that were under Corps jurisdiction in San Diego County have been destroyed or degraded without a section 404 permit (J. Dice, pers. comm. 1993, Carrie Phillips, U.S. Fish and Wildlife Service, pers. comm. 1993).

A permit was issued by the Corps for channelizing the San Jacinto River in 1996. As a condition of approval, the permit was tied to a plan that would be designed to conserve *A. coronata* var. *notatior* habitat along a portion of the San Jacinto River. This plan is still in the development stage. It is anticipated that this conservation plan, when finalized, will provide adequate habitat for *A. coronata* var. *notatior* and other rare plant species, including *N. fossalis.* It will cover about one-third of the range of *A. coronata* var. *notatior.* This conservation plan is intended to adequately conserve *A. coronata* var. *notatior* (but not *N. fossalis*) in the covered area and to allow for its full recovery once similar conservation measures are undertaken elsewhere in its range.

Federal Endangered Species Act

The Act may afford protection to sensitive species if they co-exist with species already listed as threatened or endangered under the Act. *Pogogyne abramsii* (San Diego mesa mint), *P. nudiuscula* (Otay Mesa mint), *Orcuttia californica* (California Orcutt grass), *Eryngium aristulatum* var. *parishii* (San Diego button-celery), San Diego fairy shrimp (*Branchinecta sandiegoensis*), and the Riverside fairy shrimp (*Streptocephalus wootoni*) are listed as endangered under the Act and occur in the same kinds of habitat type as several of the taxa listed herein. However, these species are often not found in the same vernal pool complexes as the taxa considered in this proposal. *N. fossalis* co-exists with other listed species in only seven vernal pool complexes (one in Riverside County, six in San Diego County).

The Stephens' kangaroo rat (*Dipodomys stephensi*) and the Quino checkerspot (*Euphydryas editha quino*) are listed as endangered, and the coastal California gnatcatcher (*Polioptila californica*) is listed as threatened under the Act. These species occur in coastal sage scrub (gnatcatcher) and grassland (kangaroo rat) habitats. Although *A. munzii* is known from similar habitats, there is less than 30 percent overlap between its populations and populations of these listed animals. Where overlap does occur, the *A. munzii* populations are either already preserved or potentially protected from development by other regulations. However, in these cases, *A. munzii* is still threatened by off-road vehicle activity and non-native plant species. *Brodiaea filifolia* occurs in the vicinity of California gnatcatcher populations in northern San Diego County but primarily inhabits a different habitat type (mesic grasslands). *Brodiaea filifolia* is known to co-exist with the Stephen's kangaroo rat at only one locality in Riverside County. The Quino checkerspot, an extremely rare species, is not known to occur with either species.

Land Acquisition and Management

Land acquisition and management by Federal, State, or local agencies or by private groups and organizations has contributed to the protection of some localities inhabited by the taxa under consideration in this proposal. However, as discussed below, these efforts are often directed at other species and are inadequate to assure the long-term survival of the taxa considered in this proposal.

Allium munzii and *Brodiaea filifolia* are found in the Cleveland National Forest and are recognized by the U.S. Forest Service (Forest Service) as sensitive species (U.S. Forest Service 1992, Boyd, et. al., 1992). The Forest Service has policies to protect sensitive plant taxa and attempts to establish these species in suitable or historic habitat. The Forest Service also encourages land ownership adjustments to acquire and protect sensitive plant habitat. To this end, the Forest Service (1992) has released a Management Guide for *A. munzii.* However, only a portion of a single population actually occurs within the Cleveland National Forest, and it continues to be threatened by off-road vehicle activity. The population of *B. filifolia* on National Forest lands, although one of the largest, is evidently a hybrid swarm (Boyd, et. al., 1992, S. Morey, in. litt. 1995).

In 1993, the Service entered into a Memorandum of Understanding (MOU) with local jurisdictions in Riverside County and the CDFG concerning channelization of the San Jacinto River and protection of *A. coronata* var. *notatior* habitat along the river. The purpose of this MOU is to reconcile conflicts between the conservation of this floodplain species and proposed flood control measures associated with major urban development plans. The MOU does not address the conservation of *N. fossalis, B. filifolia,* or other rare plants in the project area. The proposed flood control project could result in significant urban development and hydrological alterations that will contribute to the decline of all these taxa. Since 1993, over 400 ha (1,000 ac) of suitable *A. coronata* var. *notatior* habitat within the jurisdiction of the MOU was disced for purposes of dryland farming and weed abatement (Roberts 1993b, Roberts and McMillan 1997). Some of this altered habitat is in areas that could potentially be preserved as habitat for *A. coronata* var. *notatior.*

Recently, local property owners have been contributing significantly to the conservation process. The goal is to allow channelization of the San Jacinto River and to protect adequate habitat south of the Ramona Expressway for local conservation of *A. coronata* var. *notatior.* In so doing, it is anticipated that the habitat set aside will be adequate for the conservation of other rare plant taxa, including *N. fossalis.* However, this conservation plan, which is under development, will protect only

part of the habitat occupied by the four plants listed herein. Potentially suitable conservation lands have been identified, but a mechanism to acquire them is still lacking.

At least two of the plants listed in this rule occur in the San Jacinto Wildlife Area (SJWA), which is managed by the State of California. Although this preserve provides protection from urbanization and agriculture, it was originally established to mitigate impacts of State water projects. The SJWA's mission is to address multiple impacts such as loss of wetlands and to maintain waterfowl hunting along the San Jacinto River. In meeting this objective, a significant area of habitat for the plants listed in this rule has been converted into habitat for migrating waterfowl. Protection of rare plant habitat is only one of many potentially conflicting goals. Although there are rare plant management goals, duck ponds are inundated in regimes not necessarily conducive to the establishment of *N. fossalis, A. coronata* var. *notatior,* or *B. filifolia,* and significant portions of the SJWA support non-native grasses such as *Phalaris minor* and *Crypsis schoenoides* (swamp timothy) that feed migratory waterfowl but compete with native vegetation. Habitat within the preserve is also threatened, in part, with destruction from construction of utility lines (MWD 1992).

The Santa Rosa Plateau Preserve is managed by TNC and contains one of the largest remaining population complexes of *B. filifolia* and a single, small population of *N. fossalis.* Although these populations are managed for long-term protection and viability and are very important for the recovery of these plants, they represent a fraction of the range of either species. Other protected areas will be needed to adequately ensure their continued existence.

The RCHCA has initiated the preparation of a Multi-Species Habitat Conservation Plan (MSHCP). Although the intent of this plan is to identify and acquire areas with high biological diversity and sensitive species, the program is in the early development stage and it is uncertain to what degree it will be successful in providing protection for these taxa. In 1996, one land owner donated about 25 ha (60 ac) of land along the San Jacinto River to the RCHCA. This parcel supports small populations of *A. coronata* var. *notatior* and *N. fossalis.* This land will likely become part of a potential MSHCP preserve system.

Navarretia fossalis is present at 3 sites on Marine Corps Air Station Miramar, and both it and *Brodiaea filifolia* are present on Marine Corps Base Camp Pendleton. These two facilities comprise some 90 percent of the remaining vernal pool habitat in San Diego County, so they are essential to the conservation of *Navarretia fossalis. Navarretia fossalis* is fully protected at the Marine Corps Air Station at Miramar in vernal pool management zones through the Integrated Natural Resource Management Plan (IRMP). This plan is a good example of the permanent protective measures promoted by that the Endangered Species Act. Marine Corps Base, Camp Pendleton has a Draft Isolated Ephemeral Wetlands Management Plan that did not prevent the unauthorized filling of a vernal pool in April 1998 (Lt. Col. Quigley, U.S. Marine Corps, Environmental Security, Camp Pendleton, *in litt.* June 1998), and the Service has not been able to review the plan (J. Bartel, U.S. Fish and Wildlife Service, *in litt.* 1998).

Local Laws and Regulations

Local laws and regulations potentially offer some protection to species considered within this proposal but these laws and regulations are subject to overriding considerations, are seldom enforced, and, in some cases, are conflicting. For example, the City of Hemet General Plan requires that biological surveys be conducted at sites that may contain sensitive plants before alteration of a site for development. However, the City has also adopted an ordinance that requires vacant land to be cleared for weed abatement (Ron Wrench, City of Hemet, Fire Department, pers. comm. 1993). This activity has contributed to the decline of *A. coronata* var. *notatior, N. fossalis* and other sensitive plant species for which the City general plan requires surveys.

Habitat in Riverside County for *A. coronata* var. *notatior, N. fossalis,* and *B. filifolia* has been degraded by discing for weed abatement and fire management purposes. County ordinances require that parcels smaller than 2 ha (5 ac) and up to 30 meters (100 feet) adjacent to roads be cleared to reduce the potential for fire (Howard Windsor, Riverside County Fire Abatement, pers. comm. 1993). These activities have contributed to the decline of *N. fossalis* and the federally-listed, endangered *Orcuttia californica.* In some cases, landowners have exceeded the clearing requirements, which has resulted in additional reduction of sensitive plant populations and the destruction or perturbation (disturbance) of their habitat.

Mexican Laws

Navarretia fossalis also occurs in northwestern Baja California, Mexico. The Service is not aware of any existing regulatory mechanisms in Mexico that would protect this plant or its habitat. Although Mexico has laws that could provide protection to rare plants, they are not easily enforced. At this time there is no specific protections for vernal pools or *N. fossalis* in Mexico. If specific protections were available to this species in Mexico, the portion of the species range in Mexico alone would not be adequate to assure long-term conservation of this species.

E. Other Natural or Manmade Factors Affecting Their Continued Existence

Non-native species of grasses and forbs have invaded many of southern California's plant communities. Their presence and abundance are often an indirect result of habitat disturbance from grazing, development, mining, discing, and alteration of hydrology. All four plant taxa in this final rule are subject to displacement by such non-native plant species.

Many vernal pools on Otay Mesa and in San Marcos (San Diego County) have become dominated by *Lolium perenne,* the non-native perennial ryegrass that is very widely planted for lawns and other purposes. Ryegrass is tolerant of inundation and displaces native species such as *Navarretia fossalis* and *Brodiaea filifolia* in areas where significant populations for both species are known to occur. In Riverside County, *Crypsis schoenoides,* an aggressive non-native grass, has been seeded as a food source for migratory waterfowl along the San Jacinto River. This species is becoming widespread and has replaced, or is in the process of replacing, native vernal pool (and other) native species, including *N. fossalis, B. filifolia,* and *A. coronata* var. *notatior,* on the San Jacinto Wildlife Area and in other areas west of Hemet (D. Bramlet, *in litt.* 1992). The impact of this grass is extremely significant for *N. fossalis* since the majority of populations are found within this area and *Crypsis schoenoides* competes for the same habitat required by *N. fossalis.*

Non-native grass species such as *Avena barbata* and *Bromus madritensis* are dominant on the clay soils required by *A. munzii.* Crowding and competition for resources from these grasses threaten the majority of the 13 occurrences of *Allium munzii* (CNDDB 1997). For example, one of the largest populations (Estelle Peak), has not been located recently and increased competition from alien grasses is likely

the cause of this (B. McMillan, pers. comm. 1998). In San Diego County, aggressive non-native species such as *Cynara cardunculus* (wild artichoke) and *Foeniculum vulgare* (fennel) are impacting grassland habitat supporting populations of *Brodiaea filifolia* (Roberts and Vanderwier 1997, H. Wier, Dudek and Associates, pers. comm. 1997).

The four plants in this rule rely on seasonal rainfall. Drier conditions, such as those that prevailed from 1986 to 1992, reduce the number of individuals in populations. Such climatic conditions stress species and reduce germination and survival rates. Negative effects of habitat loss and degradation from other factors including development, discing, and grazing, when combined with climatic conditions, increase the level of threat to the involved species.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by these four plants in determining to make this final rule. Much of the remaining habitat for these species is degraded. Based on this evaluation, the Service finds that *Allium munzii* and *A. coronata* var. *notatior* are in danger of extinction throughout all or a significant portion of their ranges. *Allium munzii* is extremely threatened by competition from alien grass species throughout its entire range, and urban development, dry land farming activities, and off-road vehicle activities throughout a significant portion of its range. *A. coronata* var. *notatior* is threatened by alteration of hydrology of its vernal pool and alkali vernal wetland plains habitats, urbanization, grazing, and discing associated with dry land farming and fire suppression, as exemplified by a reduction of over 50 percent of known individuals since this species was proposed for listing as an endangered species in 1994.

For reasons discussed below, the Service finds that *B. filifolia* and *N. fossalis* are likely to become endangered within the foreseeable future throughout all or a significant portion of their ranges. Although many populations of *B. filifolia* are threatened by urbanization and agricultural development, trampling, grazing, and competition from non-native plant taxa, the Service finds that threatened status is appropriate for *B. filifolia* because, in part, one of the largest remaining populations (Santa Rosa Plateau) is protected. The Service finds that threatened status is appropriate for *N. fossalis* because although many populations are threatened by urbanization and agricultural development, alteration of hydrology of its vernal pool habitat, trampling, and competition from exotic plant taxa, this taxon has demonstrated resilience to some forms of disturbance. In addition, both *B. filifolia* and *N. fossalis* occur in a large enough number of populations and locations that they are not in immediate danger of extinction.

Critical Habitat

Critical habitat is defined in section 3 of the Act as the specific areas within the geographical area occupied by a species, at the time it is listed in accordance with the Act, on which are found those physical or biological features essential to the conservation of the species and that may require special management considerations or protection; and specific areas outside the geographical area occupied by the species at the time it is listed, upon determination that such areas are essential for the conservation of the species. ''Conservation'' means the use of all methods and procedures needed to bring the species to the point at which listing under the Act is no longer necessary.

Section 4(a) (3) of the Act, as amended, and the Service's implementing regulations (50 CFR 424.12) require that, to the maximum extent prudent and determinable, the Secretary designate critical habitat at the time a species is listed as endangered or threatened. Service regulations (50 CFR 424.12(a)(1)) state that designation of critical habitat is not prudent when: (1) The species is threatened by taking or other human activity, and identification of critical habitat can be expected to increase the degree of threat to the species; and/or (2) such designation of critical habitat would not be beneficial to the species.

Section 7(a)(2) of the Act requires Federal agencies to consult with the Service to ensure that any action authorized, funded, or carried out by such agency, does not jeopardize the continued existence of a federally listed species or does not destroy or adversely modify designated critical habitat. The requirement that Federal agencies refrain from contributing to the destruction or adverse modification of critical habitat in any action authorized, funded or carried out by such agency (agency action) is in addition to the section 7 prohibition against jeopardizing the continued existence of a listed species; and it is the only mandatory legal consequence of a critical habitat designation. The Service's implementing regulations (50 CFR part 402) define ''jeopardize the continuing existence of'' and ''destruction or adverse modification of'' in very similar terms. To jeopardize the continuing existence of a species means to engage in an action ''that reasonably would be expected to reduce appreciably the likelihood of both the survival and recovery of a listed species.'' Destruction or adverse modification of habitat means an ''alteration that appreciably diminishes the value of critical habitat for both the survival and recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species.'' Common to both definitions is an appreciable detrimental effect to both the survival and recovery of a listed species. An action that appreciably diminishes habitat for recovery and survival may also jeopardize the continued existence of the species by reducing reproduction, numbers, or distribution because negative impacts to such habitat may reduce population numbers, decrease reproductive success, or alter species distribution through habitat fragmentation.

For a listed plant species, an analysis to determine jeopardy under section 7(a)(2) would consider loss of the species associated with habitat impacts. Such an analysis would closely parallel an analysis of habitat impacts conducted to determine adverse modification of critical habitat. As a result, an action that results in adverse modification also would almost certainly jeopardize the continued existence of the species concerned. Because habitat degradation and destruction is the primary threat to these species, listing them will ensure that section 7 consultation occurs, and potential impacts to the species and their habitat are considered, for any Federal action that may affect these species. In many cases, listing also ensures that Federal agencies consult with the Service even when Federal actions may affect unoccupied suitable habitat where such habitat is essential to the survival and recovery of the species. This is especially important for plant species where consideration must be given to the seed bank component of the species, and associated pollinators and dispersal agents, which are not necessarily visible in the habitat throughout the year. In practice, the Service consults with Federal agencies proposing projects in areas where there is potentially suitable but unoccupied habitat, particularly when the species was known to recently occur there or in similar nearby areas; or the area is known to harbor seed banks.

Apart from section 7, the Act provides no additional protection to lands designated as critical habitat. Designating critical habitat does not create a management plan for the areas where the listed species occurs; does not establish numerical population goals or prescribe specific management actions (inside or outside of critical habitat); and does not have a direct effect on areas not designated as critical habitat.

Critical habitat would provide no benefit to the species addressed in this rule on non-Federal lands (i.e., private, State, County or City lands) beyond that provided by listing. Critical habitat provides protection on non-Federal lands only if there is Federal involvement (a Federal nexus) through authorization or funding of, or participation, in a project or activity on non-Federal lands. In other words, designation of critical habitat on non-Federal lands does not compel or require the private or other non-Federal landowner to undertake active management for the species or to modify any activities in the absence of a Federal nexus. Possible Federal agency involvement or funding that could involve the species addressed in this rule on non-Federal lands include the Corps through section 404 of the Clean Water Act, the Federal Department of Housing and Urban Development, Federal Aviation Administration, the U.S. Immigration and Naturalization Service and the Federal Highway Administration. Federal involvement, if it does occur, will be addressed regardless of whether critical habitat is designated because interagency coordination requirements such as the Fish and Wildlife Coordination Act (FWCA) and section 7 of the Act are already in place. When a plant species is listed, activities occurring on all lands subject to Federal jurisdiction that may adversely affect the species would prompt the requirement for consultation under section 7(a)(2) of the Act, regardless of whether critical habitat has been designated.

While a designation of critical habitat on private lands would only affect actions where a Federal nexus is present and would not confer any additional benefit beyond that already provided by section 7 consultation because virtually any action that would result in an adverse modification determination would also likely jeopardize the species, a designation of critical habitat on private lands could result in a detriment to the species. This is because the limited effect of a critical habitat designation on private lands is often misunderstood by private landowners whose property boundaries could be included within a general description of critical habitat for a specific species. Landowners may mistakenly believe that critical habitat designation will be an obstacle to development and impose restrictions on their use of their property. Unfortunately, inaccurate and misleading statements reported through widely popular medium available worldwide, are the types of misinformation that can and have led private landowners to believe that critical habitat designations prohibit them from making use of their private land when, in fact, they face potential constraints only if they need a Federal permit or receive Federal funding to conduct specific activities on their lands. These types of misunderstandings, and the fear and mistrust they create among potentially affected landowners, make it very difficult for the Service to cultivate meaningful working relationships with such landowners and to encourage voluntary participation in species conservation and recovery activities. Without the participation of landowners in the recovery process, the Service will find it very difficult to recover species that occur on non-Federal lands.

A designation of critical habitat on private lands could actually encourage habitat destruction by private landowners to rid themselves of the perceived endangered species problem. Listed plants have limited protection under the Act, particularly on private lands. Section 9(a)(2) of the Act, implemented by regulations at 50 CFR section 17.61 (endangered plants) and 50 CFR 17.71 (threatened plants) prohibits: (1) Removal and reduction of listed plant species to possession from areas under Federal jurisdiction, or their malicious damage or destruction on areas under Federal jurisdiction; or (2) removal, cutting, digging up, or damaging or destroying any such species in knowing violation of any State law or regulation including State criminal trespass laws. Generally, on private lands, collection of, or vandalism to, listed plants must occur in violation of State law to be a violation of section 9 of the Act. The Service is not aware of any State law in California that generally regulates or prohibits the destruction or removal of federally listed plants on private lands (see section 9 discussion under ''Available Conservation Measures'' section of this rule). Thus, a private landowner concerned about perceived land management conflicts resulting from a critical habitat designation covering his property would likely face no legal consequences if the landowner removed the listed species or destroyed its habitat. For example, in the spring of 1998, a Los Angeles area developer buried one of the only three populations of the endangered *Astragalus brautonii* in defiance of efforts under the CEQA to negotiate mitigation for the species (Tim Thomas, U.S. Fish and Wildlife Service, pers. comm. 1996). The designation of critical habitat involves the publication of habitat descriptions and mapped locations of the species in the **Federal Register**, increasing the likelihood of potential search and removal activities at specific sites.

The Service acknowledges that in some situations critical habitat designation may provide some value to the species by notifying the public about areas important for the species conservation and calling attention to those areas in special need of protection. However, when this limited benefit is weighed against the detriment to plant species associated with the widespread misunderstanding about the effects of such designation on private landowners and the environment of mistrust and fear that such misunderstanding can create, the Service concludes that the detriment to the species from a critical habitat designation covering non-Federal lands outweighs the educational benefit of such designation and that such designation is, therefore, not prudent. The information and education process can more effectively be handled by working directly with landowners and communities during the recovery planning process and by the section 7 consultation and coordination where the Federal nexus exists. The use of these existing processes will impart the same knowledge to the landowners that critical habitat designation would but without the confusion and misunderstandings that may accompany a critical habitat designation.

For similar reasons, the Service also concludes that there would be no additional benefits to the species covered in this rule beyond the benefits conferred by listing from a designation of critical habitat on Federal lands. In the case of each of these plant species, the existing occurrences of the species are known by the DOD and the U.S. Forest Service and any action that would result in adverse modification would almost certainly result in likely jeopardy to the species, so that a designation of critical habitat on Federal lands would not confer any additional benefit on the species. On the other hand, particularly on National Forest System lands, a designation of critical habitat could increase the threats to

these species from vandalism and collection similar to the threats identified in response to listing a species (Oberbauer 1992, Beauchamp *in litt.* 1997). Simply listing a species can precipitate commercial or scientific interest, both legal and illegal, which can threaten the species through unauthorized and uncontrolled collection for both commercial and scientific purposes. The listing of species as endangered or threatened publicizes their rarity and may make them more susceptible to collection by researchers or curiosity seekers (Mariah Steenson pers. comm. 1997, M.Bosch, U.S. Forest Service *in litt.* 1997). For example, the Service designated critical habitat for the mountain golden heather (*Hudsonia montana*), a small shrub not previously known to be commercially valuable or particularly susceptible to collection or vandalism. After the critical habitat designation was published in the **Federal Register**, unknown persons visited a Forest Service wilderness area in North Carolina where the plants occurred and, with a recently published newspaper article and maps of the plant's critical habitat designation in hand, asked about the location of the plants. Several plants the Service had been monitoring were later found to be missing from unmarked Service study plots. (Nora Murdock, U.S. Fish and Wildlife Service, pers. comm. 1998).

The Service has weighed the lack of overall benefits of critical habitat designation beyond that provided by listing as threatened or endangered, along with the benefits of public notification against the detrimental effects of the negative public response and misunderstanding of what critical habitat designation means and the increased threats of illegal collection and vandalism, and has concluded that critical habitat designation is not prudent for *Allium munzii* (Munz's onion), *Brodiaea filifolia* (thread-leaved brodiaea), *Atriplex coronata* var. *notatior* (San Jacinto Valley crownscale), and *Navarretia fossalis* (spreading navarretia). The specific reasons why designation of critical habitat is not prudent for each of these species are addressed in the following discussion.

Atriplex coronata var. *notatior*

In the December 15, 1994, proposed rule to list these taxa (59 FR 64812), the Service proposed to designate critical habitat in Riverside County for *A. coronata* var. *notatior.* The Service has now determined to withdraw that proposal, based on the plant's continued decline, by perhaps 50 percent, since its listing was proposed. The decline is due mostly to the end of a prolonged drought and a new source of reclaimed water, which have allowed increased barley farming. Repeated discing of significant areas of habitat occupied by this plant, including proposed critical habitat, is likely to have contributed to the decline, although the Service lacks information on the acreage involved, or the frequency of discing. This continued decline makes it less likely that *A. coronata* var. *notatior* will be found on sites that it currently does not occupy, and increases the conservation importance of remaining sites. This decline occurred despite the proposal of critical habitat, so the proposal's map evidently provided no conservation benefit with respect to notification of government agencies and others. In any case, such parties can identify potential habitat for this plant at least as easily and accurately by consulting the county soil survey as by consulting the critical habitat map.

The majority of the population centers of *A. coronata* var. *notatior* are located on privately owned lands. Three populations are on State land (San Jacinto Wildlife Area), one population is partially on County lands (RCHCA along San Jacinto River), and one population is on a private preserve managed by MWD. This plant is not known to occur on Federal lands. Federal involvement on these lands is unlikely because they do not involve wetland areas or any other activity associated with Federal agencies. If, in the future, there is Federal involvement through permitting or funding, such as through the Federal Highway Administration, then interagency coordination and consultation required by section 7 would be in effect if such actions may affect this species, once listed. As previously discussed, an analysis to determine jeopardy under section 7(a)(2) would consider loss of individual plants associated with habitat impacts. Such an analysis would closely parallel any analysis of habitat impacts conducted to determine adverse modification of critical habitat. A jeopardy finding would be equivalent to a finding of adverse modification of critical habitat. Therefore, there would be no additional conservation benefit to the species from designation of critical habitat beyond that provided by the species' listing.

Therefore, the Service finds that critical habitat is not prudent for *Atriplex coronata* var. *notatior* at this time because the Service believes no benefit over that provided by listing would result from identification of critical habitat on the non-Federal lands where this species occurs. The identification of critical habitat would not increase management or conservation efforts on State or private lands and could impair those efforts. The Service believes that conservation of this species on private lands can best be addressed by working directly with landowners and communities during the recovery planning process and through the interagency coordination and consultation processes of section 7 should there be any future unforeseen Federal involvement.

Navarretia fossalis

The majority of *N. fossalis* populations are on privately owned lands. At least one population occurs on Federal lands owned by the Department of the Navy. The Department of the Navy is aware of the occurrences and habitat of the species on their lands. Some of the private land has Federal involvement because *Navarretia fossalis* is a covered species under the MSCP and populations occur in the MHCP area of northern San Diego County. *Navarretia fossalis* is protected at Marine Corps Air Station, Miramar in vernal pool management zones through the Integrated Natural Resource Management Plan (IRMP). This plan is an example of the permanent protective measures promoted by the Act. Marine Corps Base, Camp Pendleton has a similar Draft Isolated Ephemeral Wetlands Management Plan (Lt. Col. Quigley, U.S. Marine Corps, Environmental Security, Camp Pendleton, *in litt.* June 1998). The Department of Navy consults with the Service under section 7 for activities related to other listed species in the area and would be subject to similar requirements as a result of this listing. Designation of critical habitat would not necessarily require either military agency to increase or change their commitment or management efforts for this species, only to avoid adverse modification of such critical habitat.

The Service finds that critical habitat is not prudent for *Navarretia fossalis* at this time because such designation would provide no benefit over that provided by listing on privately owned lands where this species occurs. Landowners where the species occur are aware of its presence and status. Critical habitat designation on these private lands would not change the way those lands are managed or require specific management actions to take place, and could be detrimental because of potential landowner misunderstandings about the real effects of critical habitat designation on private lands. The species is currently known and

managed on Federal lands; no change in management would occur as a result of critical habitat designation and all activities that may affect the species on these Federal lands would be subject to section 7 consultation. The Service believes that the conservation of this species on private lands can best be addressed by working directly with landowners and communities during the recovery planning process and through the interagency coordination and consultation processes of section 7 for those activities with Federal agency involvement.

Allium munzii

A. munzii is known from 13 extant populations; only one of these populations is partially on Federal land. Five populations occur in the Gavilan Hills, including one at Harford Springs County Park, and one on lands managed by the Riverside County Habitat Conservation Agency (RCHCA). Two populations occur on private land. Five small populations occur on land managed by the Reserve Management Committees (Domenigoni Hills and Bachelor Mountain) for the Riverside County multispecies plans, or on private land. One population is in the Elsinore Mountains, partly on Federal land in the Cleveland National Forest and partly on private lands.

The Service finds that critical habitat is not prudent for *Allium munzii* at this time because such designation would provide no benefit over that provided by listing on privately owned lands where this species occurs. Landowners where the species occur are aware of its presence and status. The plant occurs on land owned by the RCHCA. Such land is likely to become part of a Multi-Species Habitat Conservation Plan preserve system. Critical habitat designation on these private lands would not change the way those lands are managed or require specific management actions to take place, and could be detrimental because of potential landowner misunderstandings about the real effects of critical habitat designation on private lands. The species is currently known and managed on Federal lands; no change in management would occur as a result of critical habitat designation and all activities that may affect the species on these Federal lands would be subject to section 7 consultation. The Service believes that the conservation of this species on private lands can best be addressed by working directly with landowners and communities during the recovery planning process and through the interagency coordination and consultation processes of section 7 for those activities with Federal agency involvement.

Brodiaea filifolia

Brodiaea filifolia occurs on private land, including lands managed by TNC. Two populations are on lands managed by the County government and also on the San Jacinto Wildlife Management Area in Riverside County, managed by the CDFG. The only populations of *Brodiaea filifolia* known to occur on Federal lands managed by the Department of Navy. *Brodiaea filifolia* is protected at Marine Corps Air Station, Miramar in vernal pool management zones through the Integrated Natural Resource Management Plan (IRMP). This plan is an example of the permanent protective measures promoted by the Act. Marine Corps Base, Camp Pendleton has a similar Draft Isolated Ephemeral Wetlands Management Plan (Lt. Col. Quigley, U.S. Marine Corps, Environmental Security, Camp Pendleton, *in litt.* June 1998). The Department of Navy consults with the Service under section 7 for activities related to other listed species in the area and would be subject to similar requirements as a result of this listing. Designation of critical habitat would not necessarily require either military agencies to increase or change their commitment or management efforts for this species, only to avoid adverse modification of such critical habitat. Some of the private land has Federal involvement because *Brodiaea filifolia* is a covered species under the MSCP and populations occur in the MHCP area of northern San Diego County. *Brodiaea filifolia* habitat managed by the CDFG (San Jacinto Wildlife Area) is not wetlands, so there is no Federal involvement that would lead to protection through designation of critical habitat.

The Service finds that critical habitat is not prudent for *Brodiaea filifolia* at this time because such designation would provide no benefit over that provided by listing on privately owned lands where this species occurs. Landowners where the species occur are aware of its presence and status. Critical habitat designation on these private lands would not change the way those lands are managed or require specific management actions to take place, and could be detrimental because of potential landowner misunderstandings about the real effects of critical habitat designation on private lands. The species is currently known and managed on Federal lands; no change in management would occur as a result of critical habitat designation and all activities that may affect the species on these Federal lands would be subject to section 7 consultation. The Service believes that the conservation of this species on private lands can best be addressed by working directly with landowners and communities during the recovery planning process and through the interagency coordination and consultation processes of section 7 for those activities with Federal agency involvement.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain activities. Recognition through listing encourages and results in conservation actions by Federal, State, and local agencies, groups, and individuals. The Act provides for possible land acquisition from willing sellers and cooperation with the State and requires that recovery actions be carried out for all listed species. The protection required of Federal agencies and the prohibitions against certain activities involving listed plants are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(4) requires Federal agencies to confer with the Service on any action that is likely to jeopardize the continued existence of a species proposed for listing or result in destruction or adverse modification of proposed critical habitat. If a species is subsequently listed, section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service.

Federal agencies expected to have involvement with *Allium munzii, Atriplex coronata* var. *notatior, Brodiaea filifolia,* and *Navarretia fossalis* include the U.S. Army Corps of Engineers and the Environmental Protection Agency due to their permit authority under section 404 of the Clean Water Act. The Federal Aviation Administration has jurisdiction over areas with vernal pools containing *N.*

fossalis near Montgomery Field within the city limits of San Diego and on Brown Field on Otay Mesa in San Diego County. This jurisdiction would also apply if any of the taxa considered in this rule are discovered at Perris Airport or Ryan Airport in Riverside County. The Federal Highways Administration may be involved through potential funding of highway construction projects near Hemet (Riverside County) and Otay Mesa (San Diego County). Because *N. fossalis* occurs on Naval Air Station, Miramar and on Marine Corps Base, Camp Pendleton, these facilities will also likely be involved through the pursuit of their respective missions or the process of excessing surplus Federal lands. The Immigration and Naturalization Service will need to evaluate the effects of its activities on *N. fossalis,* which is known to occur along the international border. The Department of Housing and Urban Development may insure housing loans in areas that support some of these species. The Forest Service has jurisdiction over at least part of one population of *A. munzii* in Cleveland National Forest.

Listing *Allium munzii, Atriplex coronata* var. *notatior, Brodiaea filifolia,* and *Navarretia fossalis* provides for the development and implementation of recovery plans for the taxa. Such plans will bring together State and Federal efforts for conservation of the species. A recovery plan will establish a framework for agencies to coordinate conservation efforts. A plan will set recovery priorities and estimate the costs of tasks necessary to accomplish the priorities. It will also describe site-specific management actions necessary to achieve conservation and survival of the species.

The Act and its implementing regulations set forth a series of prohibitions and exceptions that apply to all endangered or threatened plants. All prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR parts 17.61, (endangered plants) and 17.71 (threatened plants) apply. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, sell or offer for sale in interstate or foreign commerce, or remove and reduce to possession any such species from areas under Federal jurisdiction. In addition, for plants listed as endangered, the Act prohibits malicious damage or destruction any such species on Federal lands or to remove, cut, dig up, damage, or destroy of any such species in knowing violation of any State law or regulation, including criminal trespass laws. Section 4(d) of the Act allows for the provision of such protection to threatened species through regulation. This protection may apply to these taxa in the future if regulations are promulgated. Seeds from cultivated specimens of threatened plant species are exempt from these regulations provided that their containers are marked ''of cultivated origin.'' Certain exceptions apply to agents of the Service and State conservation agencies.

The Act and 50 CFR 17.62 and 17.63 for endangered plants, and 17.72 for threatened plants, provide for the issuance of permits to carry out otherwise prohibited activities involving endangered or threatened plants under certain circumstances. Such permits are available for scientific purposes or for enhancing the propagation or survival of the plants. For threatened plants, permits are also available for botanical or horticultural exhibition, educational purposes, or special purposes consistent with the Act. It is anticipated that few trade permits would ever be sought or issued for the taxa considered herein because they are not common in cultivation or in the wild. These species have specific germination and growth requirements including, in some cases, seasonal inundation that would be difficult to recreate in cultivation.

It is the policy of the Service, published in the **Federal Register** on July 1, 1994 (59 FR 34272), to increase public understanding of the prohibited acts that will apply under section 9 of the Act. *Allium munzii, Brodiaea filifolia, Atriplex coronata* var. *notatior,* and *Navarretia fossalis* are known to occur on Federal lands under the jurisdiction of the Forest Service. Collection, damage or destruction of listed species on Federal lands is prohibited, except as authorized under section 7 or section 10(a)(1)(A) of the Act. Such activities on non-Federal lands would constitute a violation of section 9 of the Act if activities were conducted in knowing violation of California State law or regulation, or in violation of California State criminal trespass law.

The Service believes that, based upon the best available information, the following actions will not result in a violation of section 9, provided these activities are carried out in accordance with existing regulations and permit requirements:

(1) Activities authorized, funded, or carried out by Federal agencies (e.g., grazing management, agricultural conversions, wetland and riparian habitat modification, flood and erosion control, residential development, recreational trail development, road construction, hazardous material containment and cleanup activities, prescribed burns, pesticide/herbicide application, pipelines or utility lines crossing suitable habitat), when such activity is conducted in accordance with any reasonable and prudent measures given by the Service in a consultation conducted under section 7 of the Act;

(2) Casual, dispersed human activities on foot or horseback (e.g., bird watching, sightseeing, photography, camping, hiking);

(3) Activities on private lands that do not require Federal authorization and do not involve Federal funding, such as grazing management, agricultural conversions, flood and erosion control, residential development, road construction, and pesticide/herbicide application when consistent with label restrictions;

(4) Residential landscape maintenance, including the clearing of vegetation around one's personal residence as a fire break;

The Service believes that the following might potentially result in a violation of section 9; however, possible violations are not limited to these actions alone:

(1) Unauthorized collecting of the species on Federal lands;

(2) Application of herbicides violating label restrictions;

(3) Interstate or foreign commerce and import/export without previously obtaining an appropriate permit. Permits to conduct activities are available for purposes of scientific research and enhancement of propagation or survival of the species.

Questions regarding whether specific activities would constitute violations of section 9 should be directed to the Field Supervisor of the Service's Carlsbad Field Office (see **ADDRESSES** section). Requests for copies of the regulations concerning listed plants (50 CFR 17.61 and 17.71) and general inquiries regarding prohibitions and permits may be addressed to the U.S. Fish and Wildlife Service, Ecological Services, Endangered Species Permits, 911 N.E. 11th Avenue, Portland, Oregon 97232–4181 (telephone 503/231–2063; facsimile 503/231–6243).

National Environmental Policy Act

The Fish and Wildlife Service has determined that Environmental Assessments or Environmental Impact Statements, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

Paperwork Reduction Act

This rule does not contain any information collection requirements for which the Office of Management and Budget (OMB) approval under the Paperwork reduction Act, 44 U.S.C. 3501 *et seq.* is required. An information collection related to the rule pertaining to permits for endangered and threatened species has OMB approval and is assigned clearance number 1018–0094. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. This rule does not alter that information collection requirement. For additional information concerning permits and associated requirements for threatened species, see 50 CFR 17.32.

References Cited

A complete list of all references cited herein is available, upon request, from the Field Supervisor, Carlsbad Field Office (see **ADDRESSES** section).

Author: This primary author of this final rule is Fred Roberts of the Carlsbad Field Office (see **ADDRESSES** section).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Regulations Promulgation

Accordingly, the Service amends part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—[AMENDED]

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

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500, unless otherwise noted.

2. Section 17.12(h) is amended by adding the following, in alphabetical order under FLOWERING PLANTS, to the List of Endangered and Threatened Plants:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Species		Historic Range	Family	Status	When listed	Critical habitat	Special rules
Scientific Name	Common name						
* * *		*	*		*		*
FLOWERING PLANTS							
* * *		*	*		*		*
Allium munzii (=A. fimbriatum var. *munzii*).	Munz's onion	U.S.A. (CA)	Liliaceae—Lily	E	650	NA	NA
* * *		*	*		*		*
A*triplex coronata* var. *notatior*	San Jacinto Valley Crownscale.	U.S.A. (CA)	Chenopodiaceae—Goosefoot.	E	650	NA	NA
* * *		*	*		*		*
Brodiaea filifolia	Thread-leaved brodiaea.	U.S.A. (CA)	Liliaceae—Lily	T	650	NA	NA
* * *		*	*		*		*
Navarretia fossalis	Spreading navarretia	U.S.A. (CA), Mexico (Baja California).	Polemoniaceae—Phlox.	T	650	NA	NA
* * *		*	*		*		*

Dated: September 29, 1998.

Jamie Rappaport Clark,

Director, Fish and Wildlife Service.

[FR Doc. 98–26861 Filed 10–9–98; 8:45 am]

BILLING CODE 4310–55–U

Federal Register

Monday
October 13, 1998

Part IV

Department of Education

34 CFR Part 200

Title I—Helping Disadvantaged Children Meet High Standards; Final Rule

DEPARTMENT OF EDUCATION

34 CFR Part 200

RIN 1810–AA89

Title I—Helping Disadvantaged Children Meet High Standards

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The U.S. Secretary of Education (Secretary) amends the regulations implementing programs under Title I of the Elementary and Secondary Education Act of 1965. These amendments update the regulations to reflect subsequent statutory changes that affect Title I programs and delete an inapplicable provision.

EFFECTIVE DATE: These regulations take effect on November 12, 1998.

FOR FURTHER INFORMATION CONTACT: Wendy Jo New, Compensatory Education Programs, Office of Elementary and Secondary Education, U.S. Department of Education, 600 Independence Avenue, SW., Portals Building, room 4400, Washington, DC 20202–6140. Telephone: (202) 260–0982. 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.

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SUPPLEMENTARY INFORMATION: On March 31, 1998, the Secretary published in the **Federal Register** (63 FR 34800) a notice of proposed rulemaking (NPRM) under Title I. The preamble to the NPRM included a discussion of the major changes proposed in that document to update the Title I regulations to reflect some recent statutory changes and to increase program flexibility in order to improve services for students. These proposed changes included the following:

- Amending § 200.8 of the Title I regulations to allow funds received by an LEA under Part B of the Individuals with Disabilities Education Act (IDEA) to be combined with other Federal, State, and local funds to carry out any activities in a schoolwide program.
- Amending § 200.28 of the Title I regulations to include a ''no-wide-variance'' provision to allow an LEA to designate as eligible and serve all school attendance areas and schools within a grade span or the entire LEA if the poverty rates of all areas and schools do not vary more than 10 percentage points.
- Allowing the use of Title I funds for construction of real property if such construction is reasonable and necessary to carry out a Title I program.
- Amending § 200.63 of the final regulations to implement a statutory change that allows a State or LEA to exclude supplemental State and local funds that are expended in any school attendance area or school from both supplement, not supplant and comparability determinations under Parts A and C of Title I, as long as the supplemental State and local expenditures are for programs that meet the intent and purposes of Part A.

These final regulations reflect two significant changes from the NPRM. First, the Secretary has decided not to include the ''no-wide-variance'' provision in the final regulations. Second, the Secretary has decided not to include the provision authorizing construction of real property in the final regulations. The reasons for these decisions are fully explained in the appendix to these regulations.

Analysis of Comments and Changes

In response to the Secretary's invitation in the NPRM, 11 parties submitted comments on the proposed regulations. An analysis of the comments and of the changes in the regulations since publication of the NPRM is published as an appendix to these final regulations.

Major issues are grouped according to subject. Technical and other minor changes—and any suggested changes the Secretary is not legally authorized to make under the applicable statutory authority—are not addressed.

Executive Order 12866

These final regulations have been reviewed in accordance with Executive Order 12866. Under the terms of the order the Secretary has assessed the potential costs and benefits of this regulatory action.

The potential costs associated with the final regulations are those resulting from statutory requirements and those determined by the Secretary to be necessary for administering this program effectively and efficiently.

In assessing the potential costs and benefits—both quantitative and qualitative—of these final regulations, the Secretary has determined that the benefits of the regulations justify the costs.

The Secretary has also determined that this regulatory action does not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

Paperwork Reduction Act of 1995

These regulations have been examined under the Paperwork Reduction Act of 1995 and have been found to contain no information collection requirements.

Assessment of Educational Impact

Based on the response to the NPRM and on its own review, the Department has determined that the regulations in this document do not require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

Electronic Access to This Document

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Note: The official version of this document is the document published in the **Federal Register**.

List of Subjects in 34 CFR Part 200

Administrative practice and procedure, Adult education, Children, Coordination, Education, Education of disadvantaged children, Education of individuals with disabilities, Elementary and secondary education, Eligibility, Family, Family-centered education, Grant programs—education, Indians—education, Institutions of higher education, Interstate coordination, Intrastate coordination, Juvenile delinquency, Local educational agencies, Migratory children, Migratory workers, Neglected, Nonprofit private agencies, Private schools, Public agencies, Reporting and recordkeeping requirements, State-administered programs, State educational agencies, Subgrants.

Dated: October 6, 1998.

Richard W. Riley,

Secretary of Education.

(Catalog of Federal Domestic Assistance Numbers: 84:010, Improving Programs Operated by Local Educational Agencies; 84.011, Migrant Education Basic State Formula Grant Program; 84.013, Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk of Dropping Out; 84.144, Migrant Education Coordination Program; 84.213, Even Start Family Literacy Program)

The Secretary amends Title 34 of the Code of Federal Regulations by revising Part 200 as follows:

PART 200—TITLE I—HELPING DISADVANTAGED CHILDREN MEET HIGH STANDARDS

1. The authority citation for Part 200 continues to read as follows:

Authority: 20 U.S.C. 6301–6514, unless otherwise noted.

2. In § 200.8, paragraph (c)(1) is revised and paragraph (c)(3)(ii)(B)(3) is added to read as follows:

§ 200.8 Schoolwide program requirements.

* * * * *

(c) *Availability of other Federal funds.* (1) In addition to funds under this subpart, a school may use in its schoolwide program Federal funds under any program administered by the Secretary that is included in the most recent notice published by the Secretary in the **Federal Register** or is addressed in paragraph (c)(3)(ii)(B)(*3*) of this section.

* * * * *

(3) * * *

(ii) * * *

(B) * * *

(*3*) *Special Education.* (i) A school may combine funds received under Part B of the Individuals with Disabilities Education Act (IDEA) in a schoolwide program, except that the amount so used in any schoolwide program may not exceed the amount received by the LEA under Part B of IDEA for that fiscal year; divided by the number of children with disabilities in the jurisdiction of the LEA; and multiplied by the number of children with disabilities participating in the schoolwide program.

(*ii*) A school may also combine funds received under section 8003(d) of the Act (Impact Aid funds for children with disabilities) in a schoolwide program.

(*iii*) A school that combines funds under Part B of IDEA or section 8003(d) of the Act in its schoolwide program may use those funds for any activities under its schoolwide program plan but shall comply with all other requirements of Part B of IDEA, to the same extent it would if it did not combine funds under Part B of IDEA or section 8003(d) of the Act in schoolwide program.

* * * * *

(**Authority:** 20 U.S.C. 6314, 1413(a)(2)(D), 6396(b)(3), 7703(d), 7815(c))

3. Section 200.28 is amended by removing paragraph (a)(2)(iii).

4. Section 200.63 is revised to read as follows:

§ 200.63 Exclusion of supplemental State and local funds from supplement, not supplant and comparability determinations.

(a) For purposes of determining compliance with the comparability requirement in section 1120A(c) and the supplement, not supplant requirement in section 1120A(b) of the Act, a grantee or subgrantee under Parts A or C of Title I may exclude supplemental State and local funds spent in any school attendance area or school for programs that meet the intent and purposes of Title I.

(b) A program meets the intent and purposes of Title I if the program either—

(1)(i) Is implemented in a school in which the percentage of children from low-income families is at least 50 percent;

(ii) Is designed to promote schoolwide reform and upgrade the entire educational operation of the school to support students in their achievement toward meeting the State's challenging student performance standards that all children are expected to meet;

(iii) Is designed to meet the educational needs of all children in the school, particularly the needs of children who are failing, or most at risk of failing, to meet the State's challenging student performance standards; and

(iv) Uses the State's system of assessment, if final, or the transitional assessment system to review the effectiveness of the program; or

(2)(i) Serves only children who are failing, or most at risk of failing, to meet the State's challenging student performance standards;

(ii) Provides supplementary services designed to meet the special educational needs of the children who are participating in the program to support their achievement toward meeting the State's student performance standards that all children are expected to meet; and

(iii) Uses the State's system of assessment, if final, or the transitional assessment system to review the effectiveness of the program.

(c) The conditions in paragraph (b) of this section also apply to supplemental State and local funds expended under sections 1113(b)(1)(C) and 1113(c)(2)(B) of the Act.

(Authority: 20 U.S.C. 6322(d))

Appendix—Analysis of Comments and Changes

(**Note:** This appendix will not appear in the Code of Federal Regulations)

Subpart A—Improving Basic Programs Operated by Local Educational Agencies

Procedures for the Within-District Allocation of LEA Program Funds

Section 200.28 Allocation of Funds to School Attendance Areas and Schools

Comment: Several commenters objected to the proposed regulation to reinstitute the previously statutorily authorized no-wide-variance provision. They argued that the Secretary does not have the legal authority to regulate on this issue because Congress omitted this discretionary option from the legislation. The commenters noted, however, that the Secretary can achieve essentially the same result because he has the authority to grant waivers on a case-by-case basis to districts that can demonstrate that exercising the no-wide variance option would overcome a barrier to improving school performance. A few commenters opposed the proposed no-wide-variance provision because they erroneously believed it would divert resources from higher-poverty schools outside the 10 percent band of poverty. In fact, however, this provision would only have applied to those districts with schools that all fall within a 10 percent band of poverty. One commenter supported the proposed regulation that would reinstitute the no-wide-variance option.

Discussion: The no-wide-variance provision, authorized first by regulation and then under prior legislation, recognized that, in LEAs with a uniform distribution of children from low-income families, selecting only those areas or schools above the districtwide poverty average draws insignificant distinctions without furthering the goal of targeting Title I funds in the highest poverty schools. Nonetheless, in its 1994 reauthorization of Title I, Congress did not include the no-wide-variance provision in its efforts to improve targeting of Title I funds. As a result, a number of LEAs have requested waivers of the school selection provisions in section 1113 of Title I to allow them to serve all their schools if those schools have a low variation in their poverty percentages. Because all of these waiver requests have been granted, the Secretary had proposed to regulate on this issue to make it universally applicable. However, as a result of the negative comments we received, the Secretary reconsidered and has decided not to regulate on this issue. Rather, the Secretary will continue to consider no-wide-variance questions on a case-by-case basis through the waiver process and may reconsider this issue during the reauthorization of ESEA.

Changes: The final regulations do not include the no-wide-variance provision.

General Provisions

Section 200.62 Use of Funds for Construction of Real Property

Comment: Several commenters supported the proposed regulation authorizing the use of Title I funds for construction of real property if reasonable and necessary to carry out a Title I activity. They suggested, however, restricting the cost of any such construction to no more than 5 percent of an LEA's Title I allocation and suggested that specific criteria be included to ensure construction would be linked to a needs assessment and school improvement plan. Others suggested limiting construction and alterations to preschool activities and parent involvement centers. One commenter suggested that a Title I program that uses Title I funds for renovation would need to operate for a given number of years or Title I would have to be paid back the cost of the renovation. Several commenters, however, objected to using Title I funds for construction at the expense of reducing direct academic services to children. Some commenters argued that the Secretary does not have the authority to regulate on construction absent specific statutory authority.

Discussion: The statute included express authority to use Chapter 1 (now Title I) funds for construction prior to 1994. However, the reauthorization of Title I did not include such authority. Section 76.533 of the Education Department General Administrative Regulations (EDGAR) prohibits a State or subgrantee from using Federal education funds for construction or acquisition of real property unless specifically permitted by the authorizing statute or implementing regulations for the program. Based on actual instances in which the prohibition of construction with Title I funds was an obstacle to LEAs who could have offered enhanced Title I services, the Secretary had proposed to allow, through regulations, the use of Title I funds for construction and renovation of real property if reasonable and necessary to carry out Title I purposes. Authorizing construction by regulation is clearly permitted under § 76.533 of EDGAR. However, the number of comments opposing the use of Title I funds for construction were compelling, and the Secretary has reconsidered regulating on this issue at this time. The Secretary may reconsider this issue during the upcoming reauthorization of the ESEA.

Changes: The final regulations do not include a provision authorizing construction of real property with Title I funds.

Section 200.63 Exclusion from Supplement, not Supplant and Comparability Determinations

Comment: One commenter suggested modifying the regulation to clarify that it applies to programs using either a State's assessment system, if final, or its transitional assessment system.

Discussion: The Secretary agrees that this clarification would be helpful.

Changes: The Secretary has revised § 200.63(b)(1)(iv) and(2)(iii) to include the recommended language.

Comment: One commenter suggested that the regulations clarify what is meant by meeting the intent and purposes of Title I. The commenter further recommended that the provisions under Chapter 1, which required the Secretary or a State, respectively, to approve the exclusion of State and local compensatory funds, be included in these regulations.

Discussion: The Omnibus Consolidated Rescissions and Appropriations Act of 1996 permits the exclusion of supplemental State and local funds from supplement, not supplant and comparability determinations if those funds are expended in any school for programs that meet the ''intent and purposes of Title I.'' Section 200.63(b) of the final regulations specifies those characteristics a program must have to meet the intent and purposes of Title I. The Secretary believes that these provisions are sufficient to ensure that programs subject to the exclusion meet the intent and purposes of Title I. Neither the ESEA nor the amendment made by the Omnibus Consolidated Rescissions and Appropriations Act of 1996 requires approval by the Secretary or a State, respectively, and, therefore, the Secretary does not believe it is appropriate to add the suggested provisions to these regulations.

Changes: None.

Comment: One commenter recommended that the regulations permit State and local supplemental funds to be excluded from the supplement, not supplant and comparability determinations in a schoolwide-like program even if the school does not have at least 50% poverty.

Discussion: The law permits the exclusion of State and local supplemental funds from supplement, not supplant and comparability determinations if those funds are used for programs that meet the intent and purposes of Title I. Given that the authority in Title I permits only those schools with at least 50% poverty to use Title I funds to conduct schoolwide programs, the Secretary believes that poverty threshold should also govern schools conducting programs subject to the exclusions in § 200.63.

Changes: None.

[FR Doc. 98–27290 Filed 10–9–98; 8:45 am]

BILLING CODE 4000–01–P

federal register

Tuesday
October 13, 1998

Part V

The President

Presidential Determination No. 98–39—Presidential Determination on FY 1999 Refugee Admissions Numbers and Authorizations of In-Country Refugee Status Pursuant to Sections 207 and 101(a)(42), Respectively, of the Immigration and Nationality Act, and Determination Pursuant to Section 2(b)(2) of the Migration and Refugee Assistance Act, as Amended

Presidential Determination No. 98–40—Transfer of Funds To Support Court To Try Accused Perpetrators of Pan Am 103 Bombing

Federal Register
Vol. 63, No. 197
Tuesday, October 13, 1998

Presidential Documents

Title 3—

The President

Presidential Determination No. 98–39 of September 30, 1998

Presidential Determination on FY 1999 Refugee Admissions Numbers and Authorizations of In-Country Refugee Status Pursuant to Sections 207 and 101(a)(42), Respectively, of the Immigration and Nationality Act, and Determination Pursuant to Section 2(b)(2) of the Migration and Refugee Assistance Act, as Amended

Memorandum for the Secretary of State

In accordance with section 207 of the Immigration and Nationality Act (the ''Act'') (8 U.S.C. 1157), as amended, and after appropriate consultation with the Congress, I hereby make the following determinations and authorize the following actions:

The admission of up to 78,000 refugees to the United States during FY 1999 is justified by humanitarian concerns or is otherwise in the national interest; provided, however, that this number shall be understood as including persons admitted to the United States during FY 1999 with Federal refugee resettlement assistance under the Amerasian immigrant admissions program, as provided below.

The 78,000 admissions numbers shall be allocated among refugees of special humanitarian concern to the United States in accordance with the following regional allocations; provided, however, that the number allocated to the East Asia region shall include persons admitted to the United States during FY 1999 with Federal refugee resettlement assistance under section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988, as contained in section 101(e) of Public Law 100–202 (Amerasian immigrants and their family members); provided further that the number allocated to the former Soviet Union shall include persons admitted who were nationals of the former Soviet Union, or in the case of persons having no nationality, who were habitual residents of the former Soviet Union, prior to September 2, 1991:

Africa	12,000
East Asia	9,000
Europe (includes 3,000 unfunded)	48,000
Latin America/Caribbean	3,000
Near East/South Asia	4,000
Unallocated	2,000

Within the Europe ceiling are 3,000 unfunded numbers allocated to the former Soviet Union for use as needed provided that resources within existing appropriations are available to fund the cost of their admission. The 2,000 unallocated numbers shall be allocated as needed to regional ceilings where shortfalls develop. Unused admissions numbers allocated to a particular region may be transferred to one or more other regions if there is an overriding need for greater numbers for the region or regions to which the numbers are being transferred. You are hereby authorized and directed to consult with the Judiciary Committees of the Congress prior to any such use of the unallocated numbers or reallocation of numbers from one region to another.

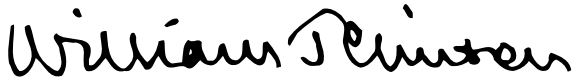
Pursuant to section 2(b)(2) of the Migration and Refugee Assistance Act of 1962, as amended, 22 U.S.C. 2601(b)(2), I hereby determine that assistance to or on behalf of persons applying for admission to the United States as part of the overseas refugee admissions program will contribute to the foreign policy interests of the United States and designate such persons for this purpose.

An additional 10,000 refugee admissions numbers shall be made available during FY 1999 for the adjustment to permanent resident status under section 209(b) of the Immigration and Nationality Act (8 U.S.C. 1159(b)) of aliens who have been granted asuylum in the United States under section 208 of the Act (8 U.S.C. 1158), as this is justified by humanitarian concerns or is otherwise in the national interest.

In accordance with section 101(a)(42) of the Act (8 U.S.C. 1101(a)(42)) and after appropriate consultation with the Congress, I also specify that, for FY 1999, the following persons may, if otherwise qualified, be considered refugees for the purpose of admission to the United States within their countries of nationality or habitual residence:

a. Persons in Vietnam
b. Persons in Cuba
c. Persons in the former Soviet Union

You are authorized and directed to report this determination to the Congress immediately and to publish it in the **Federal Register**.



THE WHITE HOUSE,
Washington, September 30, 1998.

[FR Doc. 98–27599
Filed 10–9–98; 9:47 am]
Billing code 4710–10–M

Presidential Documents

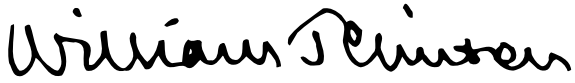
Presidential Determination No. 98–40 of September 30, 1998

Transfer of Funds To Support Court To Try Accused Perpetrators of Pan Am 103 Bombing

Memorandum for the Secretary of State

Pursuant to the authority vested in me by the laws of the United States, including section 610(a) of the Foreign Assistance Act of 1961, as amended (the ''Act''), I hereby determine that, to provide support for the establishment and functioning of the court proposed to be established in The Netherlands for the trial of suspects in the Pan Am 103 bombing case, it is necessary for the purposes of the Act that $3 million of funds made available for section 23 of the Arms Export Control Act for fiscal year 1998 for the costs of direct loans, and $4,945,800 of funds made available for section 551 of the Act for fiscal year 1998, be transferred to, and consolidated with, funds made available for Chapter 4 of Part II of the Act, and such funds are hereby so transferred and consolidated.

You are hereby authorized and directed to report this determination to the Congress and to arrange for its publication in the **Federal Register.**



THE WHITE HOUSE,
Washington, September 30, 1998.

[FR Doc. 98–27600
Filed 10–9–98; 9:47 am]
Billing code 4710–10–M

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Federal Register

Vol. 63, No. 197

Tuesday, October 13, 1998

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CFR PARTS AFFECTED DURING OCTOBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

153.....53853
157.....53853
375.....53853

19 CFR

4.....52967

20 CFR

Proposed Rules:
404.....54417
416.....54417
654.....53244
655.....53244

21 CFR

520.....52968
522.....53577, 53578
556.....53578, 54352
558 .....52968, 52969, 54352
573.....53579
814.....54042
Proposed Rules:
216.....54082
872.....53859

22 CFR

41.....52969

23 CFR

1270.....53580
1335.....54044
1345.....52592

24 CFR

598.....53262
888.....52858
1710.....54332
Proposed Rules:
35.....54422
36.....54422
37.....54422
3282.....54528

26 CFR

1.....52600, 52971
602.....52971
Proposed Rules:
1.....52660
53.....53862

27 CFR

53.....52601

29 CFR

1952.....53280

30 CFR

48.....53750
75.....53750
77.....53750
917.....53252
Proposed Rules:
935.....53618
943.....53003

31 CFR

586.....54575
Proposed Rules:
212.....54426

32 CFR

655.....53809

33 CFR

100.....53586
117.....53281, 54353
120.....53587
128.....53587
165.....52603, 53593
Proposed Rules:
165.....54639

34 CFR

200.....54996
675.....52854

36 CFR

200.....53811
811.....54354

37 CFR

1.....52609
Proposed Rules:
1.....53498

38 CFR

3.....53593
Proposed Rules:
17.....54756

39 CFR

501.....53812

40 CFR

9.....53980
52 .....52983, 53282, 53596, 54050, 54053, 54358, 54585
60.....53288
62.....54055, 54058
63.....53980
80.....54753
81.....53282
82.....53290
148.....54356
180 .....53291, 53294, 53813, 53815, 53818, 53820, 53826, 53829, 53835, 53837, 54058, 54066, 54357, 54360, 54362, 54587, 54594
261.....54356
264.....53844
265.....53844
266.....54356
268.....54356
271.....54356
300.....53847, 53848
302.....54356
Proposed Rules:
52 .....53350, 54089, 54645
62.....54090
63.....54646
799.....54646, 54649
81.....53350
300.....53005
745.....52662

42 CFR

400.....52610
403.....52610
405.....52614
409.....53301
410.....52610, 53301
411.....52610, 53301
412.....52614
413.....52614, 53301
417.....52610
422.....52610, 54526
424.....53301
483.....53301
489.....53301
Proposed Rules:
416.....52663
488.....52663

43 CFR

2200.....52615
2210.....52615
2240.....52615
2250.....52615
2270.....52615
3100.....52946
3150.....52946
3160.....52946
3180.....52946
3200.....52946
3500.....52946
3510.....52946
3520.....52946
3530.....52946
3540.....52946
3550.....52946
3580.....52946
3590.....52946
3600.....52946
3800.....52946
3860.....52946

44 CFR

64 (2 documents) 54369, 54371
65.....54373, 54376
67.....54378
Proposed Rules:
67.....54427

46 CFR

28.....52802
107.....52802
108.....52802
109.....52802
133.....52802
168.....52802
199.....52802
503.....53308

47 CFR

0.....52617
1.....52983, 54073
2.....54073
20.....54073
64.....54379
73 .....52983, 54380, 54599, 54600
80.....53312
95.....54073
97.....54073
Proposed Rules:
0.....53619
1.....53350, 54090
20.....52665
22.....53350
25.....54100
43.....54090
52.....54090
54.....54090
61.....54430
64.....54090
69.....54430
73.....54431
73.....53008, 53009
101.....53350

48 CFR

237.....54078
Proposed Rules:
1201.....52666
1205.....52666
1206.....52666
1211.....52666
1213.....52666
1215.....52666
1237.....52666
1252.....52666
1253.....52666

49 CFR

107.....52844
171.....52844
172.....52844
173.....52844
175.....52844
176.....52844
177.....52844
178.....52844
179.....52844
180.....52844
213.....54078
268.....54600
Proposed Rules:
229.....54104
231.....54104
232.....54104
395.....54432
396.....54432
571 .....52626, 53848, 54652
572.....53848
580.....52630

50 CFR

2.....52632
10.....52632
13.....52632
14.....52632
15.....52632
16.....52632
17 .....52632, 52824, 53596, 54938, 54956, 54972, 54975
20.....54016, 54022
21.....52632
22.....52632
23.....52632
216.....52984
227.....52984
285.....54078
600.....52984, 53313
648.....52639
660.....53313, 53317
679 .....52642, 52658, 52659, 52985, 52986, 53318, 54381, 54610, 54753
Proposed Rules:
17 .....53010, 53620, 53623, 53631, 54660
20.....53635, 54753
222.....53635
227.....53635
600.....52676
630.....54661
644.....54433
648.....52676
660.....53636

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT OCTOBER 13, 1998

AGRICULTURE DEPARTMENT
Agricultural Marketing Service
Dates (domestic) produced or packed in California; published 10-9-98

DEFENSE DEPARTMENT
Civilian health and medical program of uniformed services (CHAMPUS):
TRICARE program—
Reimbursement; published 9-10-98

ENVIRONMENTAL PROTECTION AGENCY
Air pollutants, hazardous; national emission standards:
Secondary lead smelters, new and existing; published 8-24-98
Air programs:
Stratospheric ozone protection—
Halon recycling and recovery equipment certification; published 8-11-98
Air programs; approval and promulgation; State plans for designated facilities and pollutants:
Minnesota; published 8-12-98
Air quality implementation plans; approval and promulgation; various States:
California; published 8-11-98
Maine; published 8-11-98
Utah; published 8-14-98
Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:
Dimethomorph; published 10-13-98
Hexythiazox; published 10-13-98

HEALTH AND HUMAN SERVICES DEPARTMENT
Food and Drug Administration
Medical devices:
Obstetrical and gynecological devices—
In vitro fertilization devices and related assisted reproduction procedures; reclassification and classification; published 9-10-98

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
Low income housing:
Housing assistance payments (Section 8)—
Multifamily housing mortgage and housing assistance restructuring program (mark-to-market program), etc.; published 9-11-98
Public and Indian housing:
Indian housing loan guarantees; direct guarantee processing; published 9-11-98
Rental voucher and certificate programs (Section 8)—
Management assessment program; establishment; published 9-10-98

INTERIOR DEPARTMENT
Fish and Wildlife Service
Endangered and threatened species:
Captive-bred wildlife; published 9-11-98

INTERIOR DEPARTMENT
Minerals Management Service
Oil Pollution Act of 1990; implementation:
Offshore facilities; oil spill financial responsibility; published 8-11-98
Correction; published 9-11-98

JUSTICE DEPARTMENT
Immigration and Naturalization Service
Immigration:
Immigration examinations fee account; adjustment; published 8-14-98

TRANSPORTATION DEPARTMENT
Federal Aviation Administration
Airworthiness directives:
Airbus; published 9-8-98
AlliedSignal, Inc.; published 8-11-98

TRANSPORTATION DEPARTMENT
Federal Railroad Administration
Magnetic levitation transportation technology deployment program; published 10-13-98

TREASURY DEPARTMENT
Foreign Assets Control Office
Federal Republic of Yugoslavia (Serbia and Montenegro) Kosovo sanctions regulations; published 10-13-98

COMMENTS DUE NEXT WEEK

AGRICULTURE DEPARTMENT
Agricultural Marketing Service
Kiwifruit grown in—
California; comments due by 10-19-98; published 8-20-98
Onions (sweet) grown in—
Washington and Oregon; comments due by 10-23-98; published 9-23-98

AGRICULTURE DEPARTMENT
Animal and Plant Health Inspection Service
Interstate transportation of animals and animal products (quarantine):
Brucellosis in cattle and bison—
State and area classifications; comments due by 10-19-98; published 8-20-98
Brucellosis in swine—
State and area classifications; comments due by 10-20-98; published 8-21-98
Plant-related quarantine, domestic:
Mediterranean fruit fly; comments due by 10-20-98; published 8-21-98
Mexican fruit fly; comments due by 10-19-98; published 8-20-98

AGRICULTURE DEPARTMENT
Federal Crop Insurance Corporation
Administrative regulations:
Federal crop insurance program—
Nonstandard underwriting classification system; comments due by 10-19-98; published 9-2-98

AGRICULTURE DEPARTMENT
Forest Service
Alaska National Interest Lands Conservation Act; Title VIII implementation (subsistence priority):
Fish and wildlife; subsistence taking; comments due by 10-23-98; published 8-17-98

COMMODITY FUTURES TRADING COMMISSION
Rulemaking petitions:
Federal speculative position limits; increase; comments due by 10-19-98; published 9-18-98

DEFENSE DEPARTMENT
Federal Acquisition Regulation (FAR):
Professional services; proposal evaluations; comments due by 10-23-98; published 8-24-98

EDUCATION DEPARTMENT
Postsecondary education:
Federal Perkins and Federal family education loan programs; comments due by 10-19-98; published 9-17-98

ENVIRONMENTAL PROTECTION AGENCY
Air quality implementation plans; approval and promulgation; various States:
Alaska; comments due by 10-23-98; published 9-23-98
California; comments due by 10-23-98; published 9-23-98
Louisiana; comments due by 10-19-98; published 8-18-98
New Hampshire; comments due by 10-21-98; published 9-21-98
Drinking water:
Safe Drinking Water Act—
Public water system program; citizen suits; complaint notice requirements; comments due by 10-23-98; published 9-8-98
Hazardous waste program authorizations:
Georgia; comments due by 10-19-98; published 9-18-98
Oklahoma; comments due by 10-22-98; published 9-22-98
Water pollution; effluent guidelines for point source categories:
Transportation equipment cleaning operations; comments due by 10-23-98; published 9-22-98

FEDERAL COMMUNICATIONS COMMISSION
Common carrier services:
Wireline services offering advanced telecommunications services; deployment; comments due by 10-23-98; published 8-24-98
Public information and inspection of records;

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/su_docs/. Some laws may not yet be available.

H.R. 6/P.L. 105–244

Higher Education Amendments of 1998 (Oct. 7, 1998; 112 Stat. 1581)

H.R. 4060/P.L. 105–245

Energy and Water Development Appropriations Act, 1999 (Oct. 7, 1998; 112 Stat. 1838)

S. 1379/P.L. 105–246

Nazi War Crimes Disclosure Act (Oct. 8, 1998; 112 Stat. 1859)

Last List October 8, 1998

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Title	Stock Number	Price	Revision Date
1, 2 (2 Reserved)	(869–034–00001–1)	5.00	[5] Jan. 1, 1998
3 (1997 Compilation and Parts 100 and 101)	(869–034–00002–9)	19.00	[1] Jan. 1, 1998
4	(869–034–00003–7)	7.00	[5] Jan. 1, 1998
5 Parts:			
1–699	(869–034–00004–5)	35.00	Jan. 1, 1998
700–1199	(869–034–00005–3)	26.00	Jan. 1, 1998
1200–End, 6 (6 Reserved)	(869–034–00006–1)	39.00	Jan. 1, 1998
7 Parts:			
1–26	(869–034–00007–0)	24.00	Jan. 1, 1998
27–52	(869–034–00008–8)	30.00	Jan. 1, 1998
53–209	(869–034–00009–6)	20.00	Jan. 1, 1998
210–299	(869–034–00010–0)	44.00	Jan. 1, 1998
300–399	(869–034–00011–8)	24.00	Jan. 1, 1998
400–699	(869–034–00012–6)	33.00	Jan. 1, 1998
700–899	(869–034–00013–4)	30.00	Jan. 1, 1998
900–999	(869–034–00014–2)	39.00	Jan. 1, 1998
1000–1199	(869–034–00015–1)	44.00	Jan. 1, 1998
1200–1599	(869–034–00016–9)	34.00	Jan. 1, 1998
1600–1899	(869–034–00017–7)	58.00	Jan. 1, 1998
1900–1939	(869–034–00018–5)	18.00	Jan. 1, 1998
1940–1949	(869–034–00019–3)	33.00	Jan. 1, 1998
1950–1999	(869–034–00020–7)	40.00	Jan. 1, 1998
2000–End	(869–034–00021–5)	24.00	Jan. 1, 1998
8	(869–034–00022–3)	33.00	Jan. 1, 1998
9 Parts:			
1–199	(869–034–00023–1)	40.00	Jan. 1, 1998
200–End	(869–034–00024–0)	33.00	Jan. 1, 1998
10 Parts:			
0–50	(869–034–00025–8)	39.00	Jan. 1, 1998
51–199	(869–034–00026–6)	32.00	Jan. 1, 1998
200–499	(869–034–00027–4)	31.00	Jan. 1, 1998
500–End	(869–034–00028–2)	43.00	Jan. 1, 1998
11	(869–034–00029–1)	19.00	Jan. 1, 1998
12 Parts:			
1–199	(869–034–00030–4)	17.00	Jan. 1, 1998
200–219	(869–034–00031–2)	21.00	Jan. 1, 1998
220–299	(869–034–00032–1)	39.00	Jan. 1, 1998
300–499	(869–034–00033–9)	23.00	Jan. 1, 1998
500–599	(869–034–00034–7)	24.00	Jan. 1, 1998
600–End	(869–034–00035–5)	44.00	Jan. 1, 1998
13	(869–034–00036–3)	23.00	Jan. 1, 1998
14 Parts:			
1–59	(869–034–00037–1)	47.00	Jan. 1, 1998
60–139	(869–034–00038–0)	40.00	Jan. 1, 1998
140–199	(869–034–00039–8)	16.00	Jan. 1, 1998
200–1199	(869–034–00040–1)	29.00	Jan. 1, 1998
1200–End	(869–034–00041–0)	23.00	Jan. 1, 1998
15 Parts:			
0–299	(869–034–00042–8)	22.00	Jan. 1, 1998
300–799	(869–034–00043–6)	33.00	Jan. 1, 1998
800–End	(869–034–00044–4)	23.00	Jan. 1, 1998
16 Parts:			
0–999	(869–034–00045–2)	30.00	Jan. 1, 1998
1000–End	(869–034–00046–1)	33.00	Jan. 1, 1998
17 Parts:			
1–199	(869–034–00048–7)	27.00	Apr. 1, 1998
200–239	(869–034–00049–5)	32.00	Apr. 1, 1998
240–End	(869–034–00050–9)	40.00	Apr. 1, 1998
18 Parts:			
1–399	(869–034–00051–7)	45.00	Apr. 1, 1998
400–End	(869–034–00052–5)	13.00	Apr. 1, 1998
19 Parts:			
1–140	(869–034–00053–3)	34.00	Apr. 1, 1998
141–199	(869–034–00054–1)	33.00	Apr. 1, 1998
200–End	(869–034–00055–0)	15.00	Apr. 1, 1998
20 Parts:			
1–399	(869–034–00056–8)	29.00	Apr. 1, 1998
400–499	(869–034–00057–6)	28.00	Apr. 1, 1998
500–End	(869–034–00058–4)	44.00	Apr. 1, 1998
21 Parts:			
1–99	(869–034–00059–2)	21.00	Apr. 1, 1998
100–169	(869–034–00060–6)	27.00	Apr. 1, 1998
170–199	(869–034–00061–4)	28.00	Apr. 1, 1998
200–299	(869–034–00062–2)	9.00	Apr. 1, 1998
300–499	(869–034–00063–1)	50.00	Apr. 1, 1998
500–599	(869–034–00064–9)	28.00	Apr. 1, 1998
600–799	(869–034–00065–7)	9.00	Apr. 1, 1998
800–1299	(869–034–00066–5)	32.00	Apr. 1, 1998
1300–End	(869–034–00067–3)	12.00	Apr. 1, 1998
22 Parts:			
1–299	(869–034–00068–1)	41.00	Apr. 1, 1998
300–End	(869–034–00069–0)	31.00	Apr. 1, 1998
23	(869–034–00070–3)	25.00	Apr. 1, 1998
24 Parts:			
0–199	(869–034–00071–1)	32.00	Apr. 1, 1998
200–499	(869–034–00072–0)	28.00	Apr. 1, 1998
500–699	(869–034–00073–8)	17.00	Apr. 1, 1998
700–1699	(869–034–00074–6)	45.00	Apr. 1, 1998
1700–End	(869–034–00075–4)	17.00	Apr. 1, 1998
25	(869–034–00076–2)	42.00	Apr. 1, 1998
26 Parts:			
§§ 1.0-1–1.60	(869–034–00077–1)	26.00	Apr. 1, 1998
§§ 1.61–1.169	(869–034–00078–9)	48.00	Apr. 1, 1998
§§ 1.170–1.300	(869–034–00079–7)	31.00	Apr. 1, 1998
§§ 1.301–1.400	(869–034–00080–1)	23.00	Apr. 1, 1998
§§ 1.401–1.440	(869–034–00081–9)	39.00	Apr. 1, 1998
§§ 1.441-1.500	(869-034-00082-7)	29.00	Apr. 1, 1998
§§ 1.501–1.640	(869–034–00083–5)	27.00	Apr. 1, 1998
§§ 1.641–1.850	(869–034–00084–3)	32.00	Apr. 1, 1998
§§ 1.851–1.907	(869–034–00085–1)	36.00	Apr. 1, 1998
§§ 1.908–1.1000	(869–034–00086–0)	35.00	Apr. 1, 1998
§§ 1.1001–1.1400	(869–034–00087–8)	38.00	Apr. 1, 1998
§§ 1.1401–End	(869–034–00088–6)	51.00	Apr. 1, 1998
2–29	(869–034–00089–4)	36.00	Apr. 1, 1998
30–39	(869–034–00090–8)	25.00	Apr. 1, 1998
40–49	(869–034–00091–6)	16.00	Apr. 1, 1998
50–299	(869–034–00092–4)	19.00	Apr. 1, 1998
300–499	(869–034–00093–2)	34.00	Apr. 1, 1998
500–599	(869–034–00094–1)	10.00	Apr. 1, 1998
600–End	(869–034–00095–9)	9.00	Apr. 1, 1998
27 Parts:			
1–199	(869–034–00096–7)	49.00	Apr. 1, 1998

Title	Stock Number	Price	Revision Date
200–End	(869–034–00097–5)	17.00	[6] Apr. 1, 1997
28 Parts:			
0-42	(869–034–00098–3)	36.00	July 1, 1998
43-end	(869-032-00099-9)	30.00	July 1, 1997
29 Parts:			
0–99	(869–034–00100–9)	26.00	July 1, 1998
100–499	(869–034–00101–7)	12.00	July 1, 1998
500–899	(869–034–00102–5)	40.00	July 1, 1998
900–1899	(869–034–00103–3)	20.00	July 1, 1998
*1900–1910 (§§ 1900 to 1910.999)	(869–034–00104–1)	44.00	July 1, 1998
1910 (§§ 1910.1000 to end)	(869–032–00105–7)	29.00	July 1, 1997
1911–1925	(869–034–00106–8)	17.00	July 1, 1998
1926	(869–034–00107–6)	30.00	July 1, 1998
1927–End	(869–034–00108–4)	41.00	July 1, 1998
30 Parts:			
1–199	(869–034–00109–2)	33.00	July 1, 1998
200–699	(869–034–00110–6)	29.00	July 1, 1998
700–End	(869–034–00111–4)	33.00	July 1, 1998
31 Parts:			
0–199	(869–034–00112–2)	20.00	July 1, 1998
200–End	(869–032–00113–8)	42.00	July 1, 1997
32 Parts:			
1–39, Vol. I		15.00	[2] July 1, 1984
1–39, Vol. II		19.00	[2] July 1, 1984
1–39, Vol. III		18.00	[2] July 1, 1984
1–190	(869–034–00114–9)	47.00	July 1, 1998
191–399	(869–032–00115–4)	51.00	July 1, 1997
400–629	(869–034–00116–5)	33.00	July 1, 1998
630–699	(869–032–00117–1)	22.00	July 1, 1997
700–799	(869–032–00118–9)	28.00	July 1, 1997
800–End	(869–032–00119–7)	27.00	July 1, 1997
33 Parts:			
1–124	(869–032–00120–1)	27.00	July 1, 1997
125–199	(869–032–00121–9)	36.00	July 1, 1997
200–End	(869–034–00122–0)	30.00	July 1, 1998
34 Parts:			
1–299	(869–034–00123–8)	27.00	July 1, 1998
300–399	(869–032–00124–3)	27.00	July 1, 1997
400–End	(869–032–00125–1)	44.00	July 1, 1997
35	(869–032–00126–0)	15.00	July 1, 1997
36 Parts			
1–199	(869–034–00127–1)	20.00	July 1, 1998
200–299	(869–034–00128–9)	21.00	July 1, 1998
300–End	(869–034–00129–7)	35.00	July 1, 1998
37	(869–032–00130–8)	27.00	July 1, 1997
38 Parts:			
0–17	(869–034–00131–9)	34.00	July 1, 1998
18–End	(869–032–00132–4)	38.00	July 1, 1997
39	(869–034–00133–5)	23.00	July 1, 1998
40 Parts:			
1–49	(869–034–00134–3)	31.00	July 1, 1998
50–51	(869–034–00135–1)	24.00	July 1, 1998
52 (52.01–52.1018)	(869–032–00136–7)	27.00	July 1, 1997
52 (52.1019–End)	(869–034–00137–8)	33.00	July 1, 1998
53–59	(869–034–00138–6)	17.00	July 1, 1998
60	(869–032–00139–1)	52.00	July 1, 1997
61–62	(869–032–00140–5)	19.00	July 1, 1997
63–71	(869–032–00141–3)	57.00	July 1, 1997
64–71	(869–034–00142–4)	11.00	July 1, 1998
72–80	(869–032–00142–1)	35.00	July 1, 1997
81–85	(869–032–00143–0)	32.00	July 1, 1997
86	(869–032–00144–8)	50.00	July 1, 1997
87-135	(869–032–00145–6)	40.00	July 1, 1997
136–149	(869–032–00146–4)	35.00	July 1, 1997
150–189	(869–032–00147–2)	32.00	July 1, 1997
190–259	(869–032–00148–1)	22.00	July 1, 1997
260–265	(869–032–00149–9)	29.00	July 1, 1997
266–299	(869–032–00150–2)	24.00	July 1, 1997
300–399	(869–032–00151–1)	27.00	July 1, 1997
400–424	(869–032–00152–9)	33.00	[5] July 1, 1996
425–699	(869–032–00153–7)	40.00	July 1, 1997
700–789	(869–032–00154–5)	38.00	July 1, 1997
790–End	(869–034–00156–4)	22.00	July 1, 1998
41 Chapters:			
1, 1–1 to 1–10		13.00	[3] July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)		13.00	[3] July 1, 1984
3–6		14.00	[3] July 1, 1984
7		6.00	[3] July 1, 1984
8		4.50	[3] July 1, 1984
9		13.00	[3] July 1, 1984
10–17		9.50	[3] July 1, 1984
18, Vol. I, Parts 1–5		13.00	[3] July 1, 1984
18, Vol. II, Parts 6–19		13.00	[3] July 1, 1984
18, Vol. III, Parts 20–52		13.00	[3] July 1, 1984
19–100		13.00	[3] July 1, 1984
1–100	(869–034–00157–2)	13.00	July 1, 1998
101	(869–032–00157–0)	36.00	July 1, 1997
102–200	(869–034–00158–9)	15.00	July 1, 1998
201–End	(869–032–00159–6)	15.00	July 1, 1997
42 Parts:			
1–399	(869–032–00160–0)	32.00	Oct. 1, 1997
400–429	(869–032–00161–8)	35.00	Oct. 1, 1997
430–End	(869–032–00162–6)	50.00	Oct. 1, 1997
43 Parts:			
1–999	(869–032–00163–4)	31.00	Oct. 1, 1997
1000–end	(869–032–00164–2)	50.00	Oct. 1, 1997
44	(869–032–00165–1)	31.00	Oct. 1, 1997
45 Parts:			
1–199	(869–032–00166–9)	30.00	Oct. 1, 1997
200–499	(869–032–00167–7)	18.00	Oct. 1, 1997
500–1199	(869–032–00168–5)	29.00	Oct. 1, 1997
1200–End	(869–032–00169–3)	39.00	Oct. 1, 1997
46 Parts:			
1–40	(869–032–00170–7)	26.00	Oct. 1, 1997
41–69	(869–032–00171–5)	22.00	Oct. 1, 1997
70–89	(869–032–00172–3)	11.00	Oct. 1, 1997
90–139	(869–032–00173–1)	27.00	Oct. 1, 1997
140–155	(869–032–00174–0)	15.00	Oct. 1, 1997
156–165	(869–032–00175–8)	20.00	Oct. 1, 1997
166–199	(869–032–00176–6)	26.00	Oct. 1, 1997
200–499	(869–032–00177–4)	21.00	Oct. 1, 1997
500–End	(869–032–00178–2)	17.00	Oct. 1, 1997
47 Parts:			
0–19	(869–032–00179–1)	34.00	Oct. 1, 1997
20–39	(869–032–00180–4)	27.00	Oct. 1, 1997
40–69	(869–032–00181–2)	23.00	Oct. 1, 1997
70–79	(869–032–00182–1)	33.00	Oct. 1, 1997
80–End	(869–032–00183–9)	43.00	Oct. 1, 1997
48 Chapters:			
1 (Parts 1–51)	(869–032–00184–7)	53.00	Oct. 1, 1997
1 (Parts 52–99)	(869–032–00185–5)	29.00	Oct. 1, 1997
2 (Parts 201–299)	(869–032–00186–3)	35.00	Oct. 1, 1997
3–6	(869–032–00187–1)	29.00	Oct. 1, 1997
7–14	(869–032–00188–0)	32.00	Oct. 1, 1997
15–28	(869–032–00189–8)	33.00	Oct. 1, 1997
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[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period July 1, 1996 to June 30, 1997. The volume issued July 1, 1996, should be retained.

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