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Tuesday
April 27, 1999

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WASHINGTON, DC

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

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

RESERVATIONS: 202–523–4538

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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

OFFICE OF PERSONNEL MANAGEMENT

5 CFR PART 870

RIN 3206–AI54

Federal Employees—Group Life Insurance Program: New Premiums

AGENCY: Office of Personnel Management.

ACTION: Interim regulations with request for comments.

SUMMARY: The Office of Personnel Management is issuing interim regulations as a result of the Federal Employees Life Insurance Improvement Act, enacted October 30, 1998, to expand the number of age bands in the Federal Employees' Group Life Insurance (FEGLI) Program, to implement new premium rates for all coverage categories, and to change the current birthday rule effective date for Optional insurance when an employee, annuitant, or compensationer moves from one premium-rated age band to another for Optional insurance. The purpose of these regulations is to publish the new changes within the time frame prescribed by law.

DATES: Interim regulations are effective April 24, 1999. Comments must be received on or before May 27, 1999.

ADDRESSES: Send written comments to Abby L. Block, Chief, Insurance Policy and Information Division, Office of Insurance Programs, Retirement and Insurance Service, Office of Personnel Management, P.O. Box 57, Washington, DC 20044; delivered to OPM, Room 3425, 1900 E Street NW, Washington, DC; or FAX to (202) 606–0633.

FOR FURTHER INFORMATION CONTACT: Sharon Neuner, (202) 606–0004.

SUPPLEMENTARY INFORMATION: The Federal Employees Life Insurance Improvement Act increases the options available under the FEGLI Program to provide greater choice of coverage and to continue coverage that would otherwise terminate. This has necessitated an expansion of the number of age bands and a change in the premium rates for all coverage categories. Additionally, the interim regulations change the current birthday rule effective date for Optional insurance when an employee, annuitant, or compensationer moves from one premium-rated age band to another for Optional insurance.

The standard age band of ''60 and over'' has been divided into three new age bands of 60–64, 65–69, and 70 and over for Option C insurance. Option C (Family) insurance new age bands are necessary to accommodate changes provided under the law, which allow for the election of unreduced Option C at retirement by continuing to pay premiums after age 65. Currently, an individual is considered to have reached age 35, 40, 45, 50, 55, or 60 on the first day of the first pay period beginning on or after the January 1 following his/her corresponding birthday. Effective April 24, 1999, the date for age-banded premium rate changes as a result of a birthday will be the first day of the pay period following the pay period in which the birthday occurs. For enrollees whose birthday occurs between January 1 and April 23, 1999, the effective date of the age-banded change will be the first pay period beginning on or after April 24, 1999. (For retirees, any changes in premium levels will be reflected in their June 1, 1999, annuity payments.)

The last premium change for Basic coverage and for some age categories for Option A (Standard), B, and C insurances was on the first pay period beginning on or after January 1, 1993. Actuarial analyses indicate the Federal Employees' Group Life Insurance Program continues to experience changes relevant to premiums, including improved mortality. This has resulted in a decrease in the Basic premium rate.

The reduction in Option A rates is due to improved morbidity. The reduction in Option B and C premium rates for enrollees in most age-bands under age 60 is primarily due to the change in the birthday rule, which will move enrollees into new age bands sooner.

As prescribed by law, there are increased coverage options under Option C which allow employees to elect coverage up to five times the current amount. The premium for Option C coverage will equal the premium rate for one multiple times the number of multiples selected. The new age bands and premium rates for 65–69 and 70 and over will go into effect on the first day of the pay period beginning on or after April 24, 2000.

Legislative changes eliminated the maximums on Basic and Option B. The elimination of the maximum for Basic and Option B means that the available amount of Option A coverage will be $10,000 for all eligible employees.

As provided by law, an open enrollment period, effective April 24, 1999 through June 30, 1999, will be offered to employees. Employees will be given the chance to review their insurance needs and, if needed, either add to their coverage or enroll in FEGLI if they have previously waived some or all coverage. Proposed regulations will be published in the near future which expand on and clarify other changes in the Federal Employees' Group Life Insurance Program as a result of Pub. L. 105–311.

Finally, OPM is assessing the need for new age bands and increased premiums associated with retirees' new option of continuing unreduced Option B coverage beyond age 65. Since retirees and employees are covered by the same premium rates, this new option has the potential for significantly increasing the premiums that employees age 65 and over now pay. For example, rates could double for employees age 70 and over. Given this potential impact, OPM will not determine new age bands and premium rates until all alternatives have been thoroughly explored and the earliest that any increase would be effective is April 24, 2001. Any increases resulting from these changes would be phased in over a three-year period starting on that date.

Waiver of Notice of Proposed Rulemaking

Pursuant to section 553(b)(3)(B) of title 5 of the U.S. Code, I find that good cause exists for waiving the general notice of proposed rulemaking. This notice is being waived in order to implement required legislation within the time specified by law and in time for open enrollment decision making,

which will be held from April 24 to June 30, 1999. Waiver of the notice of proposed rulemaking will provide agencies with sufficient advanced notice to implement systems modifications required by these interim regulations.

Executive Order 12866, Regulatory Review

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

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they affect Federal employees and annuitants only.

List of Subjects in 5 CFR Part 870

Administrative practice and procedure, Government employees, Hostages, Iraq, Kuwait, Lebanon, Life insurance, Retirement.

Office of Personnel Management.

Janice R. Lachance,

Director.

Accordingly, OPM is amending 5 CFR Part 870 as follows:

PART 870—FEDERAL EMPLOYEES' GROUP LIFE INSURANCE PROGRAM

1. The authority citation for part 870 is revised to read as follows:

Authority: 5 U.S.C. 8716; subpart J also issued under sec. 599C, Pub. L. 101–513, 104 Stat. 1979, § 870.302 also issued under secs. 11202(f), 11232(e), and 11246 (b) and (c) Pub. L. 105–33, 111 Stat. 251 and sec. 7(e), Pub. L. 105–274, 112 Stat. 2419; § 870.401 and 870.402 also issued under Pub. L. 105–311, 112 Stat. 2950.

Subpart D—Cost of Insurance

§ 870.401 Withholdings and contributions for Basic insurance.

2. In § 870.401, paragraphs (b)(1) and (d) are revised to read as follows:

* * * * *

(b)(1) During each pay period in which an insured employee is in pay status for any part of the period, $0.1550 must be withheld from the employee's biweekly pay for each $1,000 of the employee's BIA. The amount withheld from the pay of an employee who is paid on other than a biweekly basis must be prorated and adjusted to the nearest one-tenth of one cent.

* * * * *

(d)(1) For an annuitant who elects to continue Basic insurance and chooses the maximum reduction of 75 percent after age 65, under § 870.702(a)(2), the amount withheld monthly is $0.3358 for each $1,000 of the BIA. For a compensationer who makes this election, the amount withheld weekly is $0.0775 for each $1,000. These withholdings stop the month after the month in which the annuitant reaches age 65. There are no withholdings from individuals who retired or began receiving compensation before January 1, 1990, and who elected the 75 percent reduction. For the purpose of this paragraph, an individual who separates from service after meeting the requirements for an immediate annuity under 5 U.S.C. 8412(g) is considered to retire on the day before the annuity begins.

(2) For an annuitant who elects to continue Basic insurance and chooses the maximum reduction of 50 percent after age 65 under § 870.702(a)(3), the amount withheld monthly is $0.9258 for each $1,000 of the BIA until the month after the month in which the annuitant reaches age 65; the amount is then reduced to $0.59 for each $1,000. For a compensationer who makes this election, the amount withheld weekly is $0.2175 for each $1,000 of the BIA until age 65; the amount is then reduced to $0.14 for each $1,000.

(3) For an annuitant who elects to continue Basic insurance and chooses no reduction after age 65 under § 870.702(a)(4), the amount withheld monthly is $2.3758 for each $1,000 of the BIA until the month after the month in which the annuitant reaches age 65; the amount is then reduced to $2.04 for each $1,000. For a compensationer who makes this election, the amount withheld weekly is $0.5475 for each $1,000 of the BIA until age 65; the amount is then reduced to $0.47 for each $1,000.

§ 870.402 Withholdings for Optional insurance.

3. In § 870.402, the tables in paragraphs (d)(1) and (e)(1) are revised and paragraphs (f)(1) and (g) are revised to read as follows:

(d)(1) * * *

For persons under age 35	$0.30
For persons ages 35 through 39	.40
For persons ages 40 through 44	.60
For persons ages 45 through 49	.90
For persons ages 50 through 54	1.40
For persons ages 55 through 59	2.70
For persons ages 60 and over	6.00

* * * * *

(e)(1) * * *

For persons under age 35	$0.03
For persons ages 35 through 39	.04
For persons ages 40 through 44	.06
For persons ages 45 through 49	.10
For persons ages 50 through 54	.15
For persons ages 55 through 59	.31
For persons ages 60 and over	.70

* * * * *

(f)(1) The biweekly cost of Option C for one multiple of coverage is based on the age of the employee, annuitant, or compensationer. Table 1 shows the age bands and associated cost up through age 59, effective the first day of the pay period beginning on or after April 24, 1999. The age bands 60–64, 65–69 and 70 and over, the applicable premium rates, and effective dates are shown in Table 2.

TABLE 1.

For persons under age 35	$0.27
For persons ages 35 through 39	.34
For persons ages 40 through 44	.46
For persons ages 45 through 49	.60
For persons ages 50 through 54	.90
For persons ages 55 through 59	1.45

TABLE 2.—EFFECTIVE DATE

First pay period on or after	4/24/99	4/24/2000
For persons ages 60 through 64	2.60	2.60
For persons ages 65 through 69	2.60	3.00
For persons ages 70 and over	2.60	3.40

* * * * *

(g) For the purpose of this subpart, effective April 24, 1999, an individual is considered to reach age 35, 40, 45, 50, 55, 60, 65, or 70 on the first day of the pay period following the pay period in which his/her birthday occurs.

* * * * *

[FR Doc. 99–10595 Filed 4–23–99; 12:21 pm]

BILLING CODE 6325–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–87–AD; Amendment 39–11138; AD 99–08–51]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This document published in the **Federal Register** an amendment

adopting airworthiness directive (AD) 99–08–51 that was sent previously to all known U.S. owners and operators of certain McDonnell Douglas Model MD–11 series airplanes by individual notices. This AD requires visual inspections under the floorboards in the lower center cargo compartment at frame 1681 to verify that a certain bracket and a certain open face nylon clamp are installed to a specific support wire bundle and to detect damage of the subject wire bundle; repair of damaged wiring; and installation of certain silicone rubber coated with a glass cloth protective wrap around the wire bundle, if necessary. This action is prompted by an incident in which the insulation blanket between frames 1661 and 1681 in the lower center cargo compartment was found to be burnt due to a missing wiring harness support bracket/clamp on the wire bundle at frame 1681. The actions specified by this AD are intended to ensure that such a wire harness support bracket/clamp is installed; a missing bracket/clamp could cause the wire bundle to chafe against the frame, which could result in sparks, smoke, and possible fire in the lower center cargo compartment.

DATES: Effective May 3, 1999, to all persons except those persons to whom it was made immediately effective by emergency AD 99–08–51, issued on April 9, 1999, which contained the requirements of this amendment.

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

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–87–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Information pertaining to this amendment may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT: Brett Portwood, Aerospace Engineer, ANM–130L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (562) 627–5350; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION: On April 9, 1999, the FAA issued emergency AD 99–08–51, which is applicable to certain McDonnell Douglas Model MD–11 series airplanes.

As part of its practice of re-examining all aspects of the service experience of a particular aircraft whenever an accident occurs, the FAA has become aware of an incident in which the insulation blanket between frames 1661 and 1681 in the lower center cargo compartment was found to be burnt. This incident occurred on a McDonnell Douglas Model MD–11 series airplane.

Investigation revealed that a wiring harness (including wires with a 115 volt alternating current) of the aft cargo loader control unit was contacting the insulation blanket and rubbing against frame 1681 above stringer R46. A wire was cut, and three other wires were missing insulation. In addition, frame 1681 had signs of arcing damage. Furthermore, the exposed moisture barrier material of the insulation blanket was burnt, and a hole was detected on the insulation blanket where the wiring harness was chafing against frame 1681. Further investigation revealed that a wiring harness support bracket/clamp on the wire bundle at frame 1681 may not have been installed during production of the airplane.

This incident is not considered to be related to an accident that occurred off the coast of Nova Scotia involving a McDonnell Douglas Model MD–11 series airplane. The cause of that accident is still under investigation.

A missing wiring harness support bracket/clamp on the wire bundle at frame 1681 could cause the wire bundle to chafe against the frame, which could result in sparks, smoke, and possible fire in the lower center cargo compartment.

Other Related Rulemaking

The FAA, in conjunction with Boeing and operators of Model MD–11 series airplanes, is continuing to review all aspects of the service history of those airplanes to identify potential unsafe conditions and to take appropriate corrective actions. This airworthiness directive is one of a series of actions identified during that process. The process is continuing and the FAA may consider additional rulemaking actions as further results of the review become available.

Explanation of Requirements of the Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of this same type design, this airworthiness directive is issued to require a visual inspection to verify that, under the floorboards in the lower center cargo compartment at frame 1681, a certain bracket and a certain open face nylon clamps are installed to a specific support wire bundle. This AD also requires a visual inspection to detect damage of the subject wire bundle; repair of damaged wiring; and installation of certain silicone rubber coated with a glass cloth protective wrap around the subject wire bundle, if necessary. In addition, this AD requires that operators submit a report of the inspection results to the FAA. The repairs are required to be accomplished in accordance with the procedures specified in Chapter 20–30–01 of the McDonnell Douglas MD–11 Airplane Maintenance Manual, and Chapter 20–10–01 of the McDonnell Douglas MD–11 Wiring Diagram Manual.

Since it was found that immediate corrective action was required, notice and opportunity for prior public comment thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual notices issued on April 9, 1999, to all known U.S. owners and operators of certain McDonnell Douglas Model MD–11 series airplanes. These conditions still exist, and the AD is hereby published in the **Federal Register** as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) to make it effective to all persons.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an 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 Number 99–NM–87–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Impact

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

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

99–08–51 BOEING: Amendment 39–11138. Docket 99–NM–87–AD.

Applicability: Model MD–11 series airplanes, certificated in any category; having the following fuselage/factory serial numbers:

Fuselage No.	Serial No.
532	48532
542	48565
543	48566
544	48533
545	48549
546	48470
547	48406
548	48504
549	48602
551	48603
552	48571
553	48604
554	48439
555	48605
556	48572
558	48471
559	48573
560	48600
562	48601
563	48633
564	48513
566	48574
568	48575
570	48542
572	48543
574	48576
576	48415
579	48631
580	48544
582	48632
583	48577
587	48545
588	48578
589	48546
590	48743
592	48744
594	48747
595	48748
596	48745
597	48746
598	48749
599	48579
600	48766
601	48768
602	48767
603	48769
604	48754
605	48623
607	48770
608	48753
609	48773
610	48774
613	48755
615	48758
616	48775
617	48776
618	48777
619	48778
620	48779
622	48624
623	48756
624	48780

Note 1: This AD only affects MD–11 airplanes equipped with a 72-inch cargo door. MD–11 series airplanes equipped with a 104-inch cargo door are not subject to the unsafe condition addressed by this AD due to the configuration of the wire bundles.

Note 2: 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 ensure that a wire harness support bracket/clamp is installed on the wire bundle at frame 1681, accomplish the following:

(a) Within 15 days after the effective date of this AD: Perform a one-time visual inspection under the floorboards in the lower center cargo compartment at frame 1681 (approximately one inch outboard of longeron R46) to verify that a bracket having part number P/N 9D0062–3–16–24 (or equivalent), and an open face nylon clamp having P/N NMC1001–1 or 383–1 (see Figure 1, Item 14/267), are installed to support wire bundle No. AGS9110.

(1) If the bracket and clamp are installed: Prior to further flight, perform a visual inspection to detect damage of the subject wire bundle. If any damage is detected, prior to further flight, accomplish paragraphs (a)(1)(i) and (a)(1)(ii) of this AD.

(i) Repair in accordance with Chapter 20–30–01 of the McDonnell Douglas MD–11 Airplane Maintenance Manual. And

(ii) Install a silicone rubber coated with a glass cloth protective wrap [Douglas Material Specification (DMS) 2109 or equivalent] around the wire bundle in the area over frame 1681 above stringer R46 in accordance with Chapter 20–10–01 of the McDonnell Douglas MD–11 Wiring Diagram Manual.

(2) If the bracket or clamp is not installed: Prior to further flight, perform a visual inspection to detect damage (i.e., chafing, damage, or missing wire insulation) of the subject wire bundle.

(i) If no damage is detected: Prior to further flight, install a silicone rubber coated with a glass cloth protective wrap (DMS 2109 or equivalent) around the wire bundle in the area over frame 1681 above stringer R46 in accordance with Chapter 20–10–01 of the McDonnell Douglas MD–11 Wiring Diagram Manual.

(ii) If any damage is detected: Prior to further flight, accomplish the actions required by paragraphs (a)(1)(i) and (a)(1)(ii) of this AD.

(b) Within 10 days after accomplishing the inspection required by paragraphs (a) and (a)(1) of this AD, submit a report of the inspection results (both positive and negative

findings) to the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate, 3960 Paramount Boulevard, Lakewood, California 90712–4137; fax (562) 627–5210. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120–0056.

(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, Los Angeles ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

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

(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) This amendment becomes effective on May 3, 1999, to all persons except those persons to whom it was made immediately effective by emergency AD 99–08–51, issued on April 9, 1999, which contained the requirements of this amendment.

BILLING CODE 4910–13–U

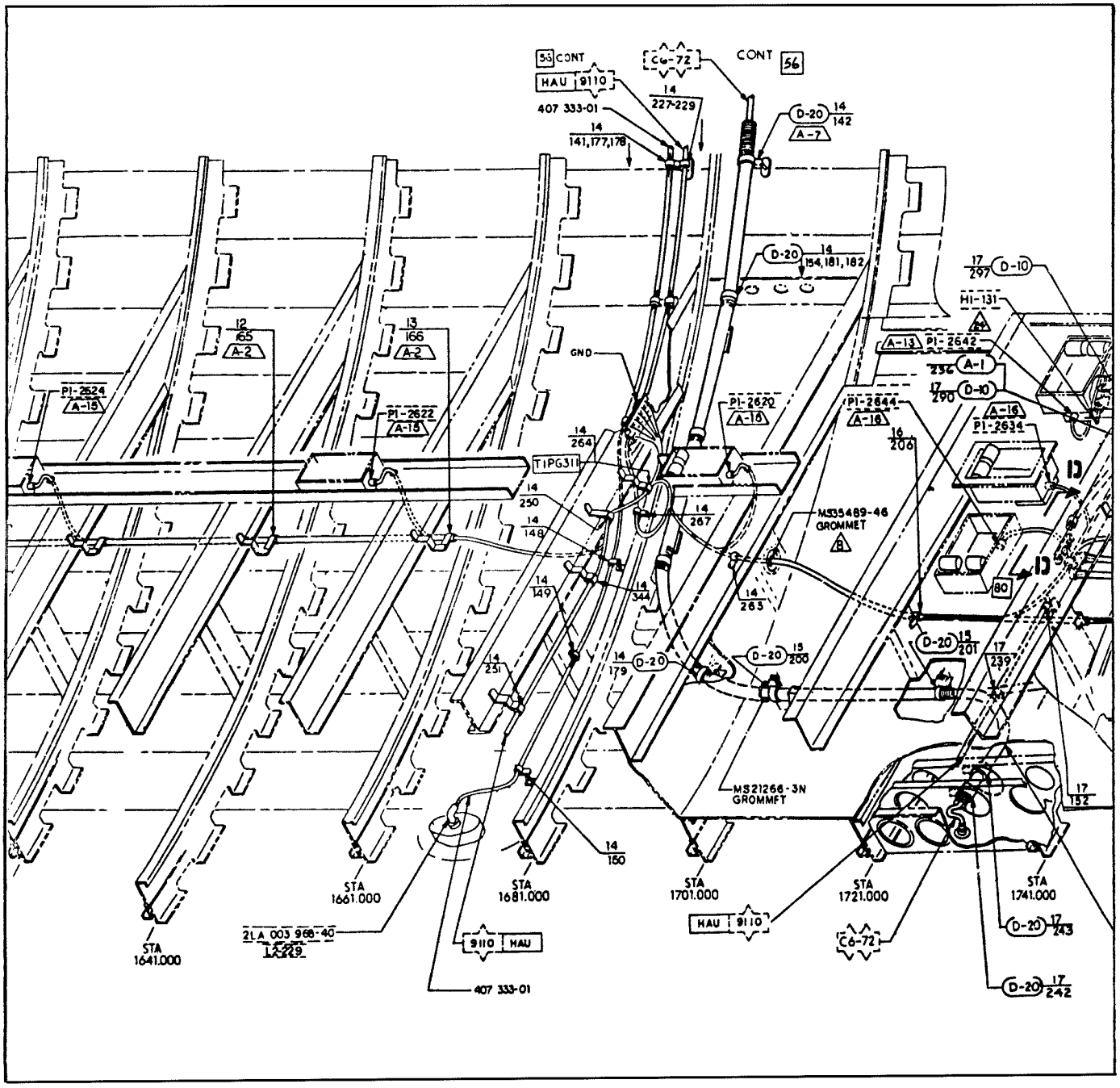

Figure 1

Issued in Renton, Washington, on April 15, 1999.

John J. Hickey,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–10055 Filed 4–26–99; 8:45 am]

BILLING CODE 4910–13–C

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 29543; Amdt. No. 1926]

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: Availablity 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 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 91 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 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.

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 April 16, 1999.

L. Nicholas Lacey,

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:

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 May 20, 1999*

Stuart, FL, Witham Field, GPS RWY 12, Orig
Stuart, FL, Witham Field, GPS RWY 30, Amdt 1
Clinton, NC, Sampson County, LOC RWY 6, Orig

. . . *Effective June 17, 1999*

Chicago/Romeoville, IL, Lewis University, VOR RWY 9, Amdt 2
Mason, TX, Mason County, VOR/DME OR GPS–A, Amdt 3
Wichita Falls, TX, Tom Danaher Airport, VOR/DME RWY 35, Amdt 1, CANCELLED

. . . *Effective July 15, 1999*

Eastman, GA, Heart of Georgia Regional, NDB RWY 2, Orig, CANCELLED
Eastman, GA Heart of Georgia Regional, NDB RWY 2, Orig
Griffin, GA, Griffin-Spalding County, NDB RWY 32, Orig
Carmi, IL, Carmi Muni, NDB RWY 36, Amdt 1
Carmi, IL, Carmi Muni, GPS RWY 36, Orig
Pontiac, IL, Pontiac Municipal,VOR RWY 24, Amdt 1
Pontiac, IL, Pontiac Municipal,GPS RWY 24, Orig
Auburn, IN, De Kalb County, GPS RWY 9, Orig
Auburn, IN, De Kalb County, GPS RWY 27, Orig
Spencer, IA, Spencer Muni, GPS RWY 18, Orig
Spencer, IA, Spencer Muni, GPS RWY 36, Orig
Lakeview, MI, Lakeview Airport-Griffith Field, GPS RWY 9, Orig
Lakeview, MI, Lakeview Airport-Griffith Field, GPS RWY 27, Orig
Ada/Twin Valley, MN, Norman County Ada/Twin Valley, GPS RWY 33, Orig
Grand Marais, MN, Grand Marais/Cook County, GPS RWY 27 Orig
Minneapolis, MN, Anoka County-Blaine Airport (Janes Field), GPS RWY 27 Orig
Rochester, MN, Rochester International, VOR OR GPS RWY 2, Amdt 16
Rochester, MN, Rochester International, NDB OR GPS RWY 31, Amdt 21
Monett, MO, Monett Muni, VOR/DME RNAV RWY 18, Amdt 1
Monett, MO, Monett Muni, GPS RWY 18, Orig
Monett, MO Monett Muni, GPS RWY 36, Amdt 1
Albuquerque, NM, Albuquerque/Double Eagle II, ILS RWY 22, Amdt 2
Roswell, NM, Roswell Industrial Air Center, VOR OR GPS–A, Amdt 8, CANCELLED
Roswell, NM, Roswell Industrial Air Center, VOR–B, Orig
Roswell, NM, Roswell Industrial Air Center, LOC BC RWY 3, Amdt 9
Roswell, NM, Roswell Industrial Air Center, GPS–C, Orig
Plymouth, NC, Plymouth Muni, NDB RWY 3, Amdt 3
Plymouth, NC, Plymouth Muni, GPS RWY 3, Orig
Plymouth, NC, Plymouth Muni, GPS RWY 21, Orig
Oklahoma City, OK, Will Rogers World, NDB RWY 35L, Orig
Gallatin, TN, Sumner County Regional, GPS RWY 35, Orig
Galveston, TX, Scholes Field, GPS RWY 13, Orig
Galveston, TX, Scholes Field, GPS RWY 17, Orig
Houston, TX, George Bush Intercontinental Arpt/Houston, GPS RWY 8, Orig
Houston, TX, George Bush Intercontinental Arpt/Houston, GPS RWY 9, Orig
Houston, TX, George Bush Intercontinental Arpt/Houston, GPS RWY 33R, Orig
Watertown, WI, Watertown Muni, GPS RWY 29, Orig

The FAA published an Amendment in Docket No. 29520, Amdt. No. 1923 to Part 97 of The Federal Aviation Regulations (64 FR 17527, April 12, 1999) under § 97.33 effective 20 May 99, which is hereby amended as follows:

Kissimmee, FL, Kissimmee Muni, VOR/DME RNAV or GPS RWY 15, Amdt 5A, CANCELLED

[FR Doc. 99–10086 Filed 4–26–99; 8:45 am]
BILLING CODE 4910–13–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 903

[Docket No. FR–4420–N–02]

RIN 2577–AB89

Public Housing Agency Plans and Section 8 Certificate and Voucher Merger Announcement of Public Forums; Solicitation of Additional Public Comment on Relationship of PHA Plans to Consolidated Plan

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Interim rule; Public forum.

SUMMARY: This document announces the dates and locations of the public forums to be held on HUD's Public Housing Agency (PHA) Plan interim rule that was published on February 18, 1999, and on HUD's Section 8 certificate and voucher merger interim rule (Section 8 merger) that will be published in the next several weeks. The statute authorizing these two rules requires that before HUD issues final rules on these subjects, HUD will convene at least two public forums for each rule, and specifically seek recommendations from certain organizations and individuals, as specified in the statute. This notice also identifies these organizations and individuals and solicits their recommendations.

DATES: The first public forum will address only the PHA Plan rule and will be held on May 4, 1999. The second public forum will address both the PHA Plan rule and the Section 8 merger rule and will be held on May 19, 1999. The third public forum, which also will address both the PHA Plan rule and the Section 8 merger rule, will be held on June 28, 1999. An additional public forum that will address only the Section 8 merger rule will be scheduled for a date after June 28, 1999, and this date will be announced separately. The exact times of the forums are provided in the Supplementary Information section of this notice.

ADDRESSES: The first public forum will be held at the Strom Auditorium, Lower Plaza, Richard B. Russell Federal Building, 75 Spring Street, SW, Atlanta, Georgia.

The second public forum will be held at Creighton University, Criss Building (east side of campus), Room 452, 2500 California Plaza, Omaha, Nebraska.

The third public forum will be held in Syracuse, New York. The exact location for the third public forum has not yet been determined.

The location for the public forum to be held in Syracuse, New York, and the location for the additional public forum for the Section 8 merger rule will be announced in a separate notice. (Again, please see Supplementary Information for times of the meetings.)

FOR FURTHER INFORMATION CONTACT: As additional information regarding these public forums becomes available (specifically, information about the locations of the third and any subsequent forums), this information will be posted on the QHWRA page of HUD's website (www.hud.gov/pih/legis/titlev.html). Information also may be obtained by contacting your local HUD office, or by contacting the Office of Policy, Program and Legislative Initiatives, in the Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 4116, Washington, DC

20410; telephone (202) 708–0713 (this is not a toll-free number). Persons with hearing or speech impairments may access that number via TTY by calling the Federal Information Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION:

Background

PHA Plan Interim Rule

Section 511 of the Quality Housing and Work Responsibility Act of 1998 (Pub. L. 105–276, 112 Stat. 2461, approved October 21, 1998) (the 1998 Act) added a new section 5A to the United States Housing Act of 1937 (USHA) (42 U.S.C. 1437 *et seq.*). This new section provides for public housing agencies (PHAs) to develop and submit to HUD two plans—a five-year plan and an annual plan on their goals and objectives and current PHA operations. Section 511 also required HUD to publish, within 120 days of enactment of the statute, an interim rule implementing the requirements of the PHA plans and the submission process. HUD published its interim rule on February 18, 1999 (64 FR 8170). The rule provides for a 60-day public comment period which closed on April 19, 1999.

Section 511 also requires that before HUD issues its final rule, HUD will seek recommendations on implementation of the PHA plans from organizations representing:

(1) State or local public housing agencies;

(2) Residents, including resident management corporations;

(3) Other appropriate parties.

Section 511 also requires HUD to convene not less than two public forums at which the person or organization making recommendations may express their views concerning the proposed disposition of their recommendations.

Through its February 18, 1999 interim rule, HUD specifically sought rulemaking recommendations from these three categories of organizations (see 64 FR 8170, middle column), and again seeks their recommendations through this notice.

Section 8 Certificate and Voucher Merger Rule

Section 545 of the 1998 Act amended section 8(o) of the USHA to provide for the merger of the Section 8 certificate and voucher programs. HUD's interim rule implementing the merger of these two sections will be issued within the next several weeks. In accordance with section 559 of the 1998 Act, HUD will also hold two public forums on this rule.

Section 559 provides that the Secretary of HUD shall issue interim regulations as may be necessary to implement the amendments made by the 1998 Act as these amendments relate to section 8(o) of the USHA. Section 559 also provides that before the publication of final regulations, in addition to public comment invited in connection with the publication of the interim rule, the Secretary shall seek recommendations on the implementation of sections 8(o)(6(B), 8(o)(7)(B) and 8(o)(10)(D) of the USHA and on the implementation of the renewals of expiring tenant-based assistance from organizations representing:

(1) State or local public housing agencies;

(2) Owners and managers of tenant-based housing assisted under section 8 of the USA;

(3) Families receiving tenant-based assistance under section 8 of the USHA; and

(4) Legal services organizations.

Section 559 also requires HUD to hold not less than two public forums at which the individuals and organizations described above may express views concerning the proposed disposition of the recommendations.

Through this notice, HUD specifically seeks recommendations on implementation from these categories of organizations and individuals.

Announcement of Public Forums

First Public Forum—PHA Plan Rule Only. HUD will hold its first public forum on the PHA Plan interim rule on May 4, 1999, from 9:30 am to 1:00 pm at the Strom Auditorium, Lower Plaza, Richard B. Russell Federal Building, 75 Spring Street, SW, Atlanta, Georgia.

Second Public Forum—PHA Plan Rule & Merger Rule. HUD will hold its second public forum on the PHA Plan interim rule on May 19, 1999, from 1:30 pm to 4:00 pm.

On this same date, May 19, 1999, HUD will hold its first public forum on the Section 8 Merger rule. The public forum for the merger rule will be held from 9:30 am to 12:30 pm. (** Please note that the merger rule will be the first subject of discussion at this second public forum).

Both public forums will be held at Creighton University, Criss Building (east side of campus), Room 452, 2500 California Plaza, Omaha, Nebraska.

Third Public Forum—PHA Plan Rule & Merger Rule. HUD will hold its third public forum on the PHA Plan interim rule on June 28, 1999, from 9:00 am to 12:00 pm.

On this same date, June 28, 1999, HUD will hold its second public forum on the Section 8 Merger rule. The public forum for the merger rule will be held from 1:00 pm to 4:00 pm.

Both public forums will be held in Syracuse, New York, at the same location. The exact location of the public forums in Syracuse has not yet been determined. HUD will announce the exact location in a separate notice.

Fourth Public Forum—Merger Rule Only. As noted earlier in this notice, HUD will hold an additional public forum on the Merger rule for a date to be scheduled after June 28, 1999. The date of this public forum on the Merger rule will be announced separately.

Discussions at Public Forums. So that the discussions at the public forums can be productive as intended by the statute, comments need to be submitted in as far in advance of the forum dates as possible. The address where comments may be submitted is provided later in this notice.

Solicitation of Additional Comment on Relationship of PHA Annual Plan to Consolidated Plan

In the February 18, 1999 interim rule, HUD stated under the ''Submission Guidance'' for the Housing Needs component of the PHA Annual Plan (64 FR 8173, right hand column) that PHAs may obtain information on housing needs from the Consolidated Plan for their jurisdiction if the Consolidated Plan accurately describes their housing needs. HUD is considering whether a PHA must obtain this information from the Consolidated Plan and provide any additional or supplementary information to the extent that the Consolidated Plan does not contain the required housing needs information. HUD is aware that the intent of the Congress was that reliance on the Consolidated Plan will ensure that the PHA's statement of housing needs is consistent with the needs described in the Consolidated Plan (the statute requires this consistency) and should reduce the administrative burden imposed on PHAs in providing its statement of housing needs. HUD welcomes any comment on this specific issue, and also on the treatment of any situation in which the Consolidated Plan needs or priorities do not match those the PHA would like to identify in its plan, either substantively or because the jurisdictions in question are not identical.

Where To Submit Comments for the Forums

Comments on this issue, and recommendations from the three

categories of organizations may be submitted to the Regulations Division, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410. Communications should include the following reference: ''PHA Plan interim rule (FR–4420); Public Forum.''

Future Notices

Again, HUD will issue additional notices to provide the public with the locations of the third and fourth public forums.

Dated: April 21, 1999.

Harold Lucas,

Assistant Secretary for Public and Indian Housing.

[FR Doc. 99–10462 Filed 4–26–99; 8:45 am]

BILLING CODE 4210–33–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1910, 1915, 1917, 1918, and 1926

RIN 1218–AB33

Powered Industrial Truck Operator Training; Correction to Final Rule

AGENCY: Occupatioal Safety and Health Administration (OSHA), Labor.

ACTION: Final rule; correction.

SUMMARY: The Occupational Safety and Health Administration (OSHA) is clarifying that until employers come into compliance with the new Powered Industrial Truck Training Standard required by December 1, 1999, they must comply with the pre-existing standards for powered industrial truck operator training.

DATES: The effective date of this correction is April 27, 1999.

The effective date for the new Powered Industrial Truck Operator Training Standard published December 1, 1998 (63 FR 66238) is March 1, 1999.

Compliance Dates: The dates by which powered industrial truck operators must be trained and evaluated pursuant to the new standard are shown on the following table.

If the employee was hired	The initial training and evaluation of that employee must be completed
Before December 1, 1999.	By December 1, 1999.
After December 1, 1999.	Before the employee is assigned to operate a powered industrial truck.

Until operators are trained and evaluated pursuant to the new standard, employers must remain in compliance with the prior operator training standards: 29 CFR 1910.178(1) (1998) for general industry and shipyards; 29 CFR 1926.602(c)(1)(vi) (1998) for construction; 29 CFR 1917.27 (1998) for marine terminals; and 29 CFR 1918.98 (1998) for longshoring.

FOR FURTHER INFORMATION CONTACT: Direct press inquiries to: Bonnie Friedman, Director, Office of Information and Consumer Affairs, Rm. N3637, OSHA, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, telephone (202) 693–1999, Fax (202) 693–1634. Direct technical inquiries to: Richard Sauger, Directorate of Safety Standards Programs, Rm. N3621, telephone (202) 693–2062, Fax (202) 693–1663 or Wil Epps, Directorate of Compliance Programs, Rm. N–3603, telephone (202) 693–1850, Fax (202) 693–1628 at the above address.

SUPPLEMENTARY INFORMATION: On December 1, 1998, OSHA published a final standard improving training requirements for powered industrial truck operators at 63 FR 66238–66274. That new standard applies to employees in general industry, shipyards, marine terminals, longshoring and construction. The new standard will replace existing more general training requirements in each of those industrial sectors. The new standard has an effective date of March 1, 1999, and a completion of initial training and evaluation date of December 1, 1999 for operators employed before December 1, 1999. Completion of initial training and evaluation of operators hired on or after December 1, 1999 shall be prior to being assigned to operate a truck.

OSHA's intention was that employers would remain in compliance with the old training standard while they commenced, on March 1, the phasing-in of compliance with the new training standard. That phase-in would be completed by Dec. 1, 1999 (63 FR 66261). An employer meeting the requirements of the new standard would clearly meet the requirements of the old standards.

Need for Correction

Some confusion has been indicated about the phase-in schedule and the employer's obligation between the effective date of the new standard and the completion of training and evaluation dates contained in that standard. To clarify this, OSHA is correcting the **DATES** paragraph of the **Federal Register** preamble.

This clarifies that employers must remain in compliance with the prior training standards through Nov. 30, 1999. They do not have to be in compliance with the new training standard until December 1, 1999 and will not be cited for violating the new standard prior to December 1, 1999.

However, because the new standard is more protective than the requirements of the prior powered industrial truck operator training standards, employers who choose to meet the requirements of the new standard prior to December 1, 1999 will not be cited under the prior standards. Most employers will probably wish to commence the phase-in of the training and evaluation required by the new standard prior to December 1, 1999 for organizational efficiency reasons. Because the new standard was published on December 1, 1998, employers will have had 1 year for the phase-in.

The pre-existing powered industrial truck operator training standard applicable to general industry and shipyards (by cross reference from 29 CFR (1910.5(c)(2)) is 29 CFR 1910.178(1) in the 1998 CFR volume, 29 CFR Part 1900 to § 1910.999 (Revised as of July 1, 1998). The pre-existing standard applicable to construction is 29 CFR 1926.602(c)(1)(vi), cross-referencing ANSI B.56.1–1969 in the CFR volume 29 CFR Part 1926 (Revised as of July 1, 1998), which is identical to the pre-existing general industry standard. The pre-existing training standard applicable to longshoring is 29 CFR 1918.98 and for marine terminals is 29 CFR 1917.27 in the CFR volume 29 CFR Parts 1911 and 1925 (Revised as of July 1, 1998). See the December 1, 1998 **Federal Register** preamble at 63 FR 66239 and the Longshoring and Marine Terminals Final Rule preamble at 62 FR 40142 (July 25, 1997) for a detailed discussion of pre-existing coverage. (The Longshoring Final Rule redesignated § 1918.97 as § 1918.98 and applies it to all longshoring activities.)

Correction of Publication

Accordingly in **Federal Register** Doc. 98–31283 published December 1, 1998 at 63 FR 66238, the ''Compliance Dates'' under the **DATES** section in the preamble

are corrected to read as set forth in the **DATES** section of this document.

Signed at Washington, D.C. this 21 day of April, 1999.

Charles N. Jeffress,

Assistant Secretary of Labor.

[FR Doc. 99–10560 Filed 4–26–99; 8:45 am]

BILLING CODE 4510–26–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD07–99–024]

RIN 2115–AE46

Special Local Regulations; Charleston to Bermuda Sailboat Race, Charleston, SC

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing temporary special local regulations for the Charleston to Bermuda Sailboat Race. The race will start on May 22, 1999, near Waterfront Park on the Charleston Peninsula, and will transit out to sea by the South, Mount pleasant,and Fort Sumter Ranges in Charleston Harbor. The nature of the event and the closure of portions of Charleston Harbor creates an extra or unusual hazard on the navigable waters of Charleston Harbor, Charleston, SC. These regulations are necessary for the safety of life on the navigable waters during the event.

DATES: These regulations become effective at 10:30 a.m. and terminate at 3 p.m. EDT on May 22, 1999.

FOR FURTHER INFORMATION CONTACT: LTJG A.L. Cooper, Project Officer, Coast Guard Group Charleston at (843) 720–7748.

SUPPLEMENTARY INFORMATION:

Background and Purpose

These regulations are needed to provide for safety of life during the start of the Charleston to Bermuda Sailboat Race. The regulations are intended to promote safe navigation on Charleston Harbor immediately before, during, and immediately after the start of the race by controlling the traffic entering, exiting, and traveling within the regulated area. The anticipated concentration of commercial traffic, spectator vessels, and participating vessels associated with the Race poses a safety concern which is addressed in these special local regulations.

The regulations prohibit the entry or movement of spectator vessels and other non-anticipating vessel traffic between the starting area at the southern end of Commercial Anchorage Area D (33 CFR 110.173), and the entrance to the Charleston Harbor jetties on Sunday, May 22, 1999, from 10:30 a.m. to 3 p.m. EDT. These regulations allow for the movement of spectator vessels and other no-participants within the regulated area before the start of the race and after the last participant clears the Charleston Harbor jetties, at the discretion of the Coast Guard Patrol Commander.

In accordance with 5 U.S.C. 553, good cause exists for not publishing a notice of proposed rulemaking for this event, Publishing a NPRM and delaying its effective date would be contrary to national safety interests since immediate action is needed to minimize potential danger to the public as the date of the event was only recently finalized.

Regulatory Evaluation

This rule is not a significant regulatory action under section 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 been exempted from review by the Office of Management and Budget 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). The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. These regulations will last for only 4.5 hours.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), The Coast Guard must consider whether this rule 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 field, and governmental jurisdictions with populations of less than 50,000.

Therefore, the Coast Guard certifies under section 605(b) that this rule will not have a significant effect upon a substantial number of small entities as the harbor will only be affected for 4 hours and the event has been very publicized.

Collection of Information

These regulations contain no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

Federalism

This action has been analyzed in accordance with the principals and criteria contained in Executive Order 12612 and it has been determined that this rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard has considered the environmental impact of this action and has determined pursuant to Figure 2–1, paragraph (34)(h) of Commandant Instruction M16475.1C, that this action is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 100

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

Temporary Regulations:

In consideration of the foregoing, the Coast Guard amends part 100 of Title 33, Code of Federal Regulations, as follows:

PART 100—[AMENDED]

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

Authority: 33 U.S.C. 1233 through 1236; 49 CFR 1.46; 33 CFR 100.35.

2. Temporary section 100.35T–07–024 is added to read as follows:

§ 100.35T–07–024 Charleston to Bermuda Sailboat Race, Charleston Harbor, Charleston, SC.

(a) *Regulated area.* The regulated area includes all waters of Charleston Harbor, Charleston, SC, and the Atlantic Ocean within the following points:

(1) 32°47′06″ N., 079°55′25″ W. thence to

(2) 32°47′06″ N., 079°55′05″ W. thence to

(3) 32°46′00″ N., 079°55′00″ W. thence to

(4) 32°47′17″ N., 079°53′19″ W. thence to

(5) 32°45′51″ N., 079°53′23″ W. thence to

(6) 32°45′44″ N., 079°53′12″ W. thence to

(7) 32°45′41″ N., 079°51′54″ W. thence to

(8) 32°44′30″ N., 079°50′35″ W. thence to

(9) 32°43′24″ N., 079°48′16″ W. thence to

(10) 32°43′02″ N., 079°48′30″ W. thence to

(11) 32°44′14″ N., 079°50′51″ W. thence to

(12) 32°45′25″ N., 079°52′04″ W. thence to

(13) 32°45′25″ N., 079°55′00″ W. thence to

(14) 32°45′41″ N., 079°55′22″ W. thence back to point A. All coordinates referenced use Datum: NAD 83.

(b) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Group, Charleston, SC.

(c) *Regulations.* (1) No person or vessel may enter, transit, or remain in the regulated area unless participating in the event or authorized by the Coast Guard Patrol Commander.

(2) The Coast Guard Patrol Commander may delay, modify, or cancel the race as conditions or circumstances require. The Coast Guard Patrol Commander shall monitor the start of the race with the race committee to allow for a window of opportunity for the race participants to depart the harbor with minimal interference with inbound or outbaound commercial traffic.

(3) Spectator and other non-participating vessels may follow the participants out to sea while maintaining a minimum distance of 500 yards behind the last participant, at the discretion of the Patrol Commander. Upon the transit of the last race participant past the outermost boundary of the Charleston jetties, all vessels may resume normal operations.

(d) *Dates:* This section is effective at 10:30 a.m. and terminates at 3 p.m. EDT on May 22,1999.

Norman T. Saunders,

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

[FR Doc. 99–10551 Filed 4–26–99; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 110

[CGD07–99–002]

RIN 2115–AA98

Anchorage Grounds; Atlantic Ocean off Miami and Miami Beach, FL

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is amending the Anchorage Regulations for the Atlantic Ocean off Miami and Miami Beach, FL. The amendment is needed to strengthen existing anchoring requirements and guidelines in order to provide a higher degree of protection to the coastal area during periods of adverse weather which could cause anchored vessels to drag anchor and strike other vessels, or become grounded.

DATES: This rule becomes effective May 27, 1999.

FOR FURTHER INFORMATION CONTACT: CWO Marcos DeJesus, Coast Guard Marine Safety Office Miami, at (305) 535–8762.

SUPPLEMENTARY INFORMATION:

Regulatory History

The Coast Guard published a Notice of Proposed Rulemaking in the **Federal Register** on January 26, 1999 (64 FR 3888) proposing to amend the Anchorage Regulations for Miami and Miami Beach. No comments were received during the comment period.

Background and Purpose

The east coast of Florida is susceptible to many erratic weather changes, and mariners who are not vigilant to the seas often discover themselves in dangerous situations. In recent years, a number of vessel groundings have resulted from vessels dragging anchor and drifting into the beach or into reefs during bad weather. These amendments are intended to reduce these incidents by modifying the existing anchoring requirements and guidelines to account for possible adverse weather situations. The amended regulations will require vessels to notify the Captain of the Port when entering the anchorage areas and when any casualty or work affects the main propulsion or steering equipment. All vessels will also be required to have an English speaking watchstander monitor Channel 16 VHF at all times.

Regulatory Evaluation

This rule is not a significant regulatory action under section 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 been exempted from review by the Office of Management and Budget 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). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et. seq.*), the Coast Guard must consider whether this rule will have a significant economic effect upon 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.

Therefore, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this rule will not have a significant economic impact on a substantial number of entities as it will only effect anchored vessels in the waters off Miami and Miami Beach and the changes are minor in nature.

Collection of Information

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

Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard considered the environmental impact of this rule and concluded under Figure 2–1, paragraph 34(f) of Commandant Instruction M16475.1C, that this rule is categorically excluded from further environmental documentation. A Categorical Exclusion Determination has been prepared and is available in the docket for inspection or copying.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

In consideration of the foregoing, the Coast Guard amends Part 110 of Title 33, Code of Federal Regulations as follows:

PART 110—[AMENDED]

1. The authority citation for Part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 2030, 2035, and 2071; 49 CFR 1.46 and 33 CFR 1.05–1(g). Section 110.1a and each section listed in 110.1a is also issued under 33 U.S.C. 1223 and 1231.

2. In § 110.188, add new paragraphs (b)(9) through (b)(12) to read as follows:

§ 110.188 Atlantic Ocean off Miami and Miami Beach, Florida.

* * * * *

(b) *The regulations.*

* * * * *

(9) All vessels desiring to use the Anchorage must notify the Coast Guard

Captain of the Port, via the Biscayne Bay Pilots on VHF–FM Channel 12 or 16.

(10) All vessels anchored within the anchorage area shall maintain a 24-hour bridge watch by an English speaking licensed deck officer monitoring VHF–FM Channel 16. This individual shall perform frequent checks of the vessel's position to ensure the vessel is not dragging anchor.

(11) Vessels experiencing casualties such as a main propulsion, main steering or anchoring equipment malfunction or which are planning to perform main propulsion engine repairs or maintenance, shall immediately notify the Coast Guard Captain of the Port via the Coast Guard Group Miami on VHF–FM Channel 16.

(12) The Coast Guard Captain of the Port may close the anchorage area and direct vessels to depart the anchorage during periods of adverse weather or at other times as deemed necessary in the interest of port safety.

Dated: April 13, 1999.

G.W. Sutton,

Captain, U.S. Coast Guard, Acting Commander, Seventh Coast Guard District.

[FR Doc. 99–10431 Filed 4–26–99; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 16

[USCG–1998–4469]

RIN 2115–AF67

Management Information System (MIS) Requirements

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is changing the Management Information System (MIS) annual reporting requirements for chemical drug testing. The Office of Management and Budget (OMB) had requested that the Coast Guard reduce its collection of information effort. This final rule will exempt certain marine employers from submitting the annual MIS report and will eliminate the requirement for all marine employers to notify the Coast Guard when a consortium or other party submits the employer's annual report.

DATES: This final rule is effective May 27, 1999.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at the Docket Management Facility, (USCG–1998–4469), U.S. Department of Transportation, room PL–401, 400 Seventh Street SW., Washington DC 20590–0001. You may also access docket materials over the Internet at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: For questions on this rule, contact Lieutenant Jennifer Ledbetter, Coast Guard, telephone 202–267–0684. For questions on viewing, or submitting material to the docket, contact Dorothy Walker, Chief, Dockets, Department of Transportation, telephone 202–366–9329.

SUPPLEMENTARY INFORMATION:

Regulatory History

The Coast Guard published a notice of proposed rulemaking entitled ''Management Information System (MIS) Requirements'' in the **Federal Register** on December 24, 1998 [63 FR 71257]. The Coast Guard received five letters commenting on the proposed rulemaking. No public hearing was requested, and none was held.

At the close of the comment period for the NPRM, we mailed a letter to all 82 marine employers who, based on our records, would be exempt from filing the MIS report this year if the proposal were made final. The letter extended the MIS report-filing deadline for these employers by 90 days, to give the Coast Guard time to publish its final rule before these employers would be required to file their annual report.

Background and Purpose

The Office of Management and Budget (OMB) requested that the Coast Guard reduce the amount of information collected under the Management Information System (MIS) annual reporting requirements for chemical testing data. The required reports provide drug and alcohol testing information from marine employer chemical testing programs. The Coast Guard and OMB discussed how to reduce the annual reporting requirements for chemical drug testing information. The reductions discussed with OMB are set out in this final rule.

Discussion of Comments

The Coast Guard received five written comments in response to the notice of proposed rulemaking. All comments were considered in developing the final rule.

One of the comments made suggestions concerning aspects of chemical testing not addressed in this rulemaking. Those suggestions have been forwarded to the program manager for consideration.

Written Notification Requirement

Four of the comments supported (the fifth comment did not address) the proposal to eliminate the requirement for marine employers in a drug-testing consortium to notify the Coast Guard in writing that the consortium will submit the employer's annual MIS report.

Annual MIS Report Submission Requirement

Two of the comments supported the proposal to exempt marine employers with 10 or fewer employees who have submitted the MIS report for 3 consecutive years from further submissions of the report.

Three of the comments objected to the proposal to exempt these marine employers from submitting the MIS report. The comments expressed concern that the exemption would negatively affect the Coast Guard's yearly calculations for determination of the random testing rate for the next year.

The Coast Guard used three years of actual data (1995–1997) to calculate what the random testing rate would have been if eligible employers had not submitted reports starting with 1995. We found that the difference in data attributable to exemption of employers with 10 or fewer employees would not have resulted in a different annual random rate determination for any of those years. A copy of these calculations is available in the docket for review.

We are, therefore, adopting the proposed exemption without change in this final rule.

Discussion of Rule

Part 16 of Title 46 of the Code of Federal Regulations requires all marine employers to collect chemical drug and alcohol testing data from their programs. It also requires marine employers to submit this data to the Coast Guard in an annual MIS report. Specific requirements for collecting and submitting this data are listed in § 16.500. Marine employers must submit all chemical drug and alcohol testing data on Form CG–5573 found in Appendix B of 46 CFR part 16. Section 16.500 allows a consortium or other employer representative to submit the chemical drug and alcohol testing data for a marine employer. Unless submitting their own report, marine employers must notify us in writing each year naming the consortium or other employer representative submitting the report.

We are incorporating the following changes to our MIS reporting requirements:

- Removing the requirement for marine employers to notify the Coast

Guard in writing each year that a consortium or other employer representative will submit the annual MIS report.

- Removing the annual MIS report submission requirement for marine employers with 10 or fewer employees subject to testing by Part 16 (covered employees) after submission of the third consecutive annual MIS report.
- Reorganizing § 16.500, incorporating these changes and revising the language for clarity.

Written Notification Requirement

We are removing the written notification requirement in § 16.500(c) for marine employers included in a consolidated annual MIS report to inform the Coast Guard of the name of the consortium or other representative submitting the annual MIS report. Since consortiums must submit a list of employers included in their annual MIS report, the individual written notifications are no longer needed. We can use the consortium lists to determine employer compliance with the reporting requirements. This change will apply to all marine employers.

Annual MIS Report Submission Requirement

We are also removing the annual MIS report submission requirement for marine employers with 10 or fewer covered employees after they have submitted the annual MIS report (Form CG–5573) for three consecutive years since January 1, 1996. Marine employers who have already met the submission requirement for the three preceding years can use the new exemption this year and each following year during which they have no more than 10 covered employees.

This final rule will not change the recordkeeping requirement for marine employers. All marine employers must continue collecting and keeping the required drug testing data, making it available to the Coast Guard if requested.

Editorial Changes

We have also made several editorial changes and clarified the language in § 16.500. We have reorganized and shortened the paragraphs and simplified the regulatory language. None of these editorial changes substantively change existing requirements.

The two substantive changes to the MIS reporting requirements will reduce the reporting burden on marine employers but will still ensure that we receive adequate chemical testing data for analysis and program management.

Regulatory Evaluation

This final rule is not a significant regulatory action under section 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 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).

Written Notification Requirement

This rule removes the written notification requirement for marine employers using a consortium or other party to submit their annual MIS reports. Marine employers using a consortium or other representative to file annual MIS reports will no longer need to submit written notification to the Coast Guard.

According to current MIS data, 7,150 marine employers are members of consortiums. The cost of each written notification is approximately $12 (15 minutes of administrative time at $45 per hour to draft the written notification). This change will reduce the employer reporting burden by a total of 5,361 hours and $241,313 for 3 years.

Annual MIS Report Submission Requirement

This rule removes the annual MIS report (Form CG–5573) submission requirement for marine employers with 10 or fewer covered employees who submit an individual annual MIS report, and who have submitted the required MIS reports for three consecutive years since January 1, 1996. The estimated response burden for each MIS form submitted is calculated at $45 per hour, with each form averaging about one hour to complete. The MIS data from 1994 through 1997 indicated an average of 885 forms submitted annually to the Coast Guard. The forms represent 860 individual employer submissions and 25 consortium submissions consolidating data for 7,150 employers.

The 1997 MIS data indicated that 354 of the 885 forms received were submitted by employers with 10 or fewer covered employees. We are removing the annual MIS report submission requirement for marine employers with 10 or fewer covered employees who have filed the report for three consecutive years since January 1, 1996. Of the 354 employers, 82 have filed three consecutive annual MIS reports since January 1, 1996, and will not need to submit an annual MIS report in 1999. These marine employers will also be exempt from submitting the annual MIS report each following year during which they have no more than 10 covered employees. An additional 92 marine employers will be qualified for the exemption in 2000 and the remaining 180 will be qualified for exemption in 2001.

This exemption will result in the following costs during the first three years for the MIS form submission for employers with 10 or fewer covered employees: Initial year, 272 forms $(354 - 82) \times \$45 = \$12{,}240$, the second reporting year, 180 forms $(272 - 92) \times \$45 = \$8{,}100$, and the final reporting year will have no costs.

The total reporting burden for the remaining 531 forms from consortiums (25 forms) and employers (506 forms) with 11 or more covered employees will cost $23,895 annually. The three-year cost will be $71,685 ($23,895 × 3 years). Combined with the costs for 10 or fewer covered employees of $20,340, results in a cost of $92,025 ($20,340 + $71,685).

The total recordkeeping costs for MIS requirements will not change and will remain at $39,825 annually. The three-year cost will be $119,475 ($39,825 × 3 years). The total costs to the marine industry for the three year period will be $211,500 [$92,025 (reporting) + $119,475 (recordkeeping)].

The following table summarizes the reporting and recordkeeping burden for Subcategory III by the end of 3 years.

MIS BURDEN SUMMARY

Year	Employer category	Annual MIS report	Notification letter	Recordkeeping	Total burden hours and costs
		Hours: 803 hrs Costs: $36,135		Hours: 885 hrs Costs: $39,825	Burden Hours: 1,688 hrs. Costs: $75,960.
1	≤10 employees	272 forms × $45/hour	Letters: 0 Requirement Removed		
	≥11 employees ..... Consortiums	506 forms × $45/hour 25 forms × $45/hour			

MIS BURDEN SUMMARY—Continued

Year	Employer category	Annual MIS report	Notification letter	Recordkeeping	Total burden hours and costs
		Hours: 711 hrs Costs: $31,995		Hours: 885 hrs Costs: $39,825	Burden Hours: 1,596 hrs. Costs: $71,820.
2	≤10 employees	180 forms × $45/hour	Letters: 0 Requirement Removed	No Change	
	≥11 employees	506 forms × $45/hour			
	Consortiums	25 forms × $45/hour			
		Hours: 531 hrs Costs: $23,895		Hours: 885 hrs Costs: $39,825	Burden Hours: 1,416 hrs. Costs: $63,720.
3	≤10 employees	0 forms × $45/hour	Letters: 0 Requirement Removed	No Change	
	≥11 employees	506 forms × $45/hour			
	Consortiums	25 forms × $45/hour			
					3–Year Total: Burden Hours: 4,700 hrs. Costs: $211,500.

The cost to the Coast Guard for each MIS report submitted is calculated at approximately $15 per report. Each report averages about $15 to review, collate, and file this information with the responsible research center. This costs the Coast Guard about $30,675 (2,045 reports submitted x $15) for the 3-year period.

Summary of Benefits

This final rule removes the written notification requirement in § 16.500 for marine employers who do not submit their own annual MIS report to inform the Coast Guard in writing the name of the consortium or other representative submitting their annual MIS report. Marine employers using a consortium or other representative to file annual MIS reports will no longer need to submit written notification to the Coast Guard. According to current MIS data, 7,150 marine employers are members of consortiums. This final rule will reduce the employer reporting burden by a total of 5,361 hours (1,787 hours per year) and $241,313 ($80,438 per year). This final rule removes the annual notice requirement for all marine employers who report through their respective consortium. The rule will also reduce the reporting requirement for all marine employers of 10 or fewer covered employees to submit the annual MIS form for chemical and drug testing data.

This final rule will reduce the employer reporting burden hours by a total of 5,715 hours (5,361 Notification Letter 43 354 MIS Report) at $257,243 ($241,313 Notification Letter 43 $15,930 MIS Report) by the end of 3 years.

This final rule will also benefit the marine industry by reducing the reporting requirements for certain marine employers by 40%. By exempting those employers with 10 or fewer covered employees who have provided the required MIS reports for three consecutive years since January 1, 1996, industry will save $15,930 in reporting costs for the three-year period.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this rule 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.

This rule will only affect small entities by reducing their annual reporting burden. The MIS data indicates how many employees are subject to chemical drug testing, not the total number of employees. However, those marine employers with 10 or fewer employees are most likely considered small entities. This rule will reduce the reporting burden and will not create an additional burden for this group or any other marine employers. This final rule will reduce the employer reporting burden hours by a total of 5,715 hours (5,361 Notification Letter 43 354 MIS Report) at $257,243 ($241,313 Notification Letter 43 $15,930 MIS Report) by the end of 3 years.

This rule will result in a maximum savings, each year, for small entities of one hour and 15 minutes of administrative time valued at $57.

Therefore, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this final rule will not have a significant economic impact on a substantial number of small entities.

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 offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. We received no comments raising small entity issues.

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 final 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 collections, 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 the data needed, and completing and reviewing the collection.

Title: Collection of Commercial Vessel and Personnel Accident (Marine Casualty) Information and Programs for Chemical Drug & Alcohol Testing of Commercial Vessel Personnel, including Required Drug and Alcohol Testing following a Serious Marine Accident

Summary of the Collection of Information: 46 U.S.C. 6101 authorizes the Coast Guard to prescribe regulations for the annual MIS reporting requirements for chemical drug testing. Section 16.500 contains the requirement for all marine employers to collect chemical drug and alcohol testing data for their employees. All marine employers must submit this data to the Coast Guard in an annual MIS report. Marine employers must submit all chemical drug and alcohol testing data on Form CG–5573 found in Appendix B of 46 CFR Part 16. This final rule will eliminate the annual MIS report submission requirement for employers with 10 or fewer covered employees who have provided the required MIS reports for three consecutive years since January 1, 1996.

The annual burden of the MIS reporting requirements to industry was developed from employer size, employer reports, and type of submitter. The annual burden estimates are based on data from 1994 through 1997. In 1997 the Coast Guard received 354 individual reports from employers with 10 or fewer covered employees. This rule will exempt these marine employers (following their third consecutive submission) from submitting the annual MIS report each following year during which they have no more than 10 covered employees. This will result in a total annual reporting burden reduction of 354 hours with a 40% reduction in the number of forms submitted to the Coast Guard with only a 4% reduction in data.

After employers with 10 or fewer covered employees are exempted, the annual average reporting burden is 531 reports representing 7,656 employers. This consists of 506 reports from employers with 11 or more employees and 25 reports from consortiums representing approximately 7,150 employers.

Need for Information: The requirement to submit MIS information will help meet the goal of knowing the location of all marine employers and ensuring complete compliance with drug testing regulations.

Proposed Use of Information: The Coast Guard will utilize this information to identify significant trends of drug abuse in the marine industry through program implementation.

Description of the Respondents: Consortia and independent marine employers who collect and submit chemical and drug testing data for their employees.

Number of Respondents: 7,656 marine employers who collect and submit chemical and drug testing data for their employees.

Frequency of Response: Affected marine employers are required to submit anti-drug program reports on an annual basis.

Burden of Response: All marine employers must submit data from their chemical testing program to the Coast Guard in the annual MIS report (Form CG–5573). A consortium or other employer representative may submit the data for a marine employer. After submission of the third annual MIS report, this rulemaking will reduce the reporting requirement for all marine employers with 10 or fewer covered employees by not requiring them to submit the annual MIS form for chemical drug and alcohol testing data for succeeding years during which they had no more than 10 covered employees.

Estimated Total Annual Burden: 7,656 marine employers.

As required by 5 U.S.C. 3507(d), the Coast Guard submitted a copy of this rule to the Office of Management and Budget (OMB) for its review of the collection of information. OMB has approved the collection. The section number is 16.500, and the corresponding approval number from OMB is OMB Control Number 2115–0003, which expires on January 31, 2002.

Persons are not required to respond to a collection of information unless it displays a currently valid OMB control number.

Federalism

The Coast Guard has analyzed this final rule under the principles and criteria contained in Executive Order 12612 and has determined that this final rule does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this final rule and concluded that, under figure 2–1, paragraph (34)(a) of Commandant Instruction M16475.1C, this final rule is categorically excluded from further environmental documentation. The final rule will exempt certain marine employers from submitting the annual MIS report for chemical drug testing and will eliminate the requirement for written notification. The final rule makes only administrative changes to a currently approved information collection for the annual MIS report. A ''Categorical Exclusion Determination'' is available in the docket for inspection or copying where indicated under **ADDRESSES**.

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 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 rule does not impose Federal mandates on any State, local, or tribal governments, or the private sector.

Other Executive Orders on the Regulatory Process

In addition to the statutes and Executive Orders already addressed in this preamble, the Coast Guard considered the following executive orders in developing this rule and reached the following conclusions:

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

E.O. 12875, Enhancing the Intergovernmental Partnership. This rule will not impose, on any State, local, or tribal government, a mandate that is not required by statute and that is not funded by the Federal government.

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

E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to safety disproportionately affecting children.

List of Subjects in 46 CFR Part 16

Chemical testing, Data collection, Data reporting.

For the reasons discussed in the preamble, the Coast Guard amends 46 CFR part 16 as follows:

PART 16—CHEMICAL TESTING

1. The authority citation for part 16 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306, 7101, 7301, and 7701; 49 CFR 1.46.

2. Revise § 16.500 to read as follows:

§ 16.500 Management Information System requirements.

(a) *Data collection.* All marine employers must collect the following drug and alcohol testing program data for each calendar year:

(1) Total number of employees during the calendar year that were subject to the drug testing rules in this part.

(2) Number of employees subject to testing under the anti-drug rules of both the Coast Guard and another DOT agency based on the nature of their assigned duties as identified by each agency.

(3) Number of drug and alcohol tests conducted identified by test type. Drug test types are pre-employment, periodic, random, post-accident, and reasonable cause. Alcohol test types are post-accident and reasonable cause.

(4) Number of positive drug test results verified by a Medical Review Officer (MRO) by test type and types of drug(s). Number of alcohol tests resulting in a blood alcohol concentration weight of .04 percent or more by test type.

(5) Number of negative drug and alcohol test results reported by MRO by test type.

(6) Number of applicants denied employment based on a positive drug test result verified by an MRO.

(7) Number of marine employees with a MRO-verified positive test result who returned to duty in a safety-sensitive position subject to required chemical testing, after meeting the requirements of § 16.370(d) and part 5 of this chapter.

(8) Number of marine employees with positive drug test results verified by a MRO as positive for one drug or a combination of drugs.

(9) Number of employees required under this part to be tested who refused to submit to a drug test.

(10) Number of covered employees and supervisory personnel who received the required initial training.

(b) *Data reporting.* (1) By March 15 of the year following the collection of the data in paragraph (a) of this section, marine employers must submit the data on Form CG–5573 to Commandant (G–MOA), 2100 Second Street, SW, Washington, DC, 20593–0001. Marine employers must complete all data fields on the form.

(2) Form CG–5573 is reproduced in Appendix B of this part and you may obtain the form from any Marine Inspection Office. You may also download a copy of Form CG–5573 from the U.S. Coast Guard Marine Safety and Environmental Protection web site at http://www.uscg.mil/hq/g-m.html.

(3) A consortium or other employer representative may submit data for a marine employer. Reports may contain data for more than one marine employer. Each report, however, must list the marine employers included in the report.

(4) Marine employers must ensure that data submitted by a consortium or other employer representative under paragraph (b)(3) of this section is correct.

(c) After filing 3 consecutive annual MIS reports since January 1, 1996, required by paragraph (b) of this section, marine employers with 10 or fewer covered employees may stop filing the annual report each succeeding year during which they have no more than 10 covered employees.

(d) Marine employers who conduct operations regulated by another Department of Transportation Operating Administration must submit appropriate data to that Operating Administration for employees subject to that Operating Administration's regulations.

Dated: April 18, 1999.

R. C. North,

Assistant Commandant for Marine Safety and Environmental Protection.

[FR Doc. 99–10553 Filed 4–26–99; 8:45 am]

BILLING CODE 4910–15–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0, 2 and 15

[ET Docket No. 98–76; FCC 99–58]

Rules To Further Ensure That Scanning Receivers Do Not Receive Cellular Radio Signals

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The *Report and Order* amends the Commission rules to further prevent scanning receivers from receiving cellular radio telephone signals. It also codifies the provisions of section 705(e)(4) of the Communications Act of 1934 into our rules and requires a label on scanning receivers to indicate that modification of the receiver to receive Cellular Service transmissions is a violation of FCC rules and Federal Law. These requirements will ensure the privacy of communications in the Cellular Service.

DATES: This final rule is effective October 25, 1999.

Compliance Dates: The manufacture or importation of scanning receivers, and frequency converters designed or marketed for use with scanning receivers, that do not comply with the provisions of § 15.121 shall cease on or before October 25, 1999. After July 26, 1999 the Commission will not grant equipment authorization for receivers that do not comply with the provisions of § 15.121. These rules do not prohibit the sale or use of authorized receivers manufactured in the United States, or imported into the United States, prior to October 25, 1999.

FOR FURTHER INFORMATION CONTACT: Rodney P. Conway (202) 418–2904 or via electronic mail: rconway@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order*, ET Docket 98–76, FCC 99–58, adopted March 25, 1999 and released March 31, 1999. A full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room TW–A306), 445 12th Street, SW Washington, DC 20554, and also may be purchased from the Commission's duplication contractor, International Transcription Service, phone (202) 857–3800, facsimile (202) 857–3805, 1231 20th Street, NW Washington DC 20036.

Summary of the Report and Order

1. The *Report and Order* (R&O) amends the rules to modify the definition of a scanning receiver to include scanning receivers that switch among two or more frequencies to deter the manufacture of scanning receivers that automatically scan less than four frequencies to circumvent the Commission's rules.

2. The *R&O* also amends the rules to define test equipment as equipment that is intended primarily for purposes of performing measurements or scientific investigations. The definition is sufficiently clear to prevent individuals from marketing scanning receivers that receive Cellular Service transmissions as test equipment.

3. The *R&O* also amends the rules to require that scanning receivers provide at least 38 dB rejection of Cellular Service signals for any frequency to which the scanning receiver can be tuned. In addition, the *R&O* amends the rules to require that scanning receivers

be designed so that tuning, control and filtering circuitry is inaccessible and the design must be such that any attempt to modify the scanning receivercircuitry to receive Cellular Service transmissions will likely render the scanning receiver inoperable.

4. The *R&O* also amends the rules to clearly prohibit the modification of scanning receivers to receive Cellular Service transmissions, regardless of the date of manufacture of number of units modified. The Commission finds that modifying scanning receivers to receive Cellular Service signals changes its operating characteristics, invalidates the equipment certification, and results in equipment that does not comply with Commission rules.

5. The *R&O* also amends the rules to require a labelling requirement for scanning receivers. The label will contain the following warning: Modification of this device to receive Cellular Service signals is prohibited under FCC Rules and Federal law. The Commission finds that the labelling requirement is an effective deterrent and is an expedient way to distribute information regarding Commission rules and Federal laws.

6. The *R&O* also amends the rules to require that information must be submitted with any application for certification of a scanning receiver to ensure that the proposed rule changes are satisfied. As a result, any application for certification of a scanning receiver must include a detailed showing which: describes the testing method used to determine compliance with the 38 dB rejection ration, contains a statement assessing the vulnerability of the scanning receiver to possible modification, describes the design features that prevent modification of the scanning receiver to receive Cellular Service transmissions, and describes the design steps taken to make tuning, control, and filtering circuitry inaccessible.

7. The *Report and Order* also amends the rules to keep certain portions of applications for equipment authorization for scanning receivers confidential. The Commission finds that any information that would be useful for modification of a scanning receiver to receive Cellular Service transmissions. This information includes schematic diagrams, technical narratives describing equipment operation, and design details taken to prevent modification of scanning receivers to receive Cellular Service frequencies. This will assist in preventing sensitive information regarding the design of scanning receivers from being distributed to the public via Commission filings.

Final Regulatory Flexibility Analysis

8. As required by Section 603 of the Regulatory Flexibility Act, 5 U.S.C. 603 (''RFA''), an Initial Regulatory Flexibility Analysis (''IRFA'') was incorporated into the Notice of Proposed Rule Making (Notice), 63 FR 31684, June 10, 1998, in ET Docket No. 98–76. The Commission sought written public comments on the proposals in the *Notice* including the IRFA. The Commission's Final Regulatory Flexibility Analysis (''FRFA'') in this Report and Order conforms to the RFA, as amended by the Contract with America Advancement Act of 1996 (CWAAA), Public Law 104–121, 110 Stat. 847 (1996). *See* Subtitle II of the CWAAA is ''The Small Business Regulatory Enforcement Fairness Act of 1996'' (SBREFA), codified at 5 U.S.C. 601 *et seq.*

9. Need for and Objective of the Rules. Our objectives are to adopt rules to ensure that scanning receivers do not receive signals from the cellular radiotelephone service frequency bands.

10. Summary of Significant Issues Raised by Public Comments in Response to the IRFAs. No comments were submitted in direct response to the IRFA.

11. Description and Estimates of the Number of Small Entities to Which the Rules Will Apply. For the purposes of this Report and Order, the RFA defines a ''small business'' to be the same as a ''small business concern'' under the Small Business Act, 15 U.S.C. 632, unless the Commission has developed one or more definitions that are appropriate to its activities. *See* 5 U.S.C. 601(3) (incorporating by reference the definition of ''small business concern'' in 5 U.S.C. 632). Under the Small Business Act, a ''small business concern'' is one that: 1) is independently owned and operated; 2) is not dominant in its field of operation; and 3) meets any additional criteria established by the Small Business Administration (SBA). *See* 15 U.S.C. 632.

12. The Commission has not developed a definition of small entities applicable to unlicensed communications devices. Therefore, we will utilize the SBA definition applicable to manufacturers of Radio and Television Broadcasting and Communications Equipment. According to the SBA regulations, unlicensed transmitter manufacturers must have 750 or fewer employees in order to qualify as a small business concern. *See* 13 CFR 121.201, (SIC) Code 3663. Census Bureau data indicates that there are 858 U.S. companies that manufacture radio and television broadcasting and communications equipment, and that 778 of these firms have fewer than 750 employees and would be classified as small entities. *See* U.S. Dept. of Commerce, *1992 Census of Transportation, Communications and Utilities* (issued May 1995), SIC category 3663. The Census Bureau category is very broad, and specific figures are not available as to how many of these firms will manufacture unlicensed communications devices. However, we believe that many of them may qualify as small entities.

13. Description of Projected Reporting, Recordkeeping and Other Compliance Requirements. The Commission has adopted rules that require scanning receivers to be manufactured to reduce the possibility of receiving signals from the cellular radiotelephone service frequency bands. The rules will require design details and test measurements to be reported to the Commission as part of the normal equipment authorization process under our certification procedure.

14. Significant Alternatives and Steps Taken to Minimize Significant Economic Impact on a Substantial Number of Small Entities Consistent with Stated Objectives. The Commission considered and rejected additional rules that would have significantly increased the costs of manufacturing scanning receivers. The rules adopted in the Report and Order represent the most efficient and least restrictive method to accomplish the Commission's policies and objectives.

15. Report to Congress. The Commission will send a copy of the Final Regulatory Flexibility Analysis, along with this Report and Order, in a report to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 801(a)(1)(A) and the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects

47 CFR Part 0

Freedom of information.

47 CFR Part 2

Communications equipment, Radio, Reporting and recordkeeping requirements.

47 CFR Part 15

Communications equipment, Labeling, Radio, Reporting and recordkeeping requirements.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

Rule Changes

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR parts 0, 2, and 15 as follows:

PART 0—COMMISSION ORGANIZATION

1. The authority citation for part 0 continues to read as follows:

Authority: Sec. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155.

2. Section 0.457 is amended by revising paragraph (d)(1)(ii) to read as follows:

§ 0.457 Records not routinely available for public inspection.

(d) * * *

(1) * * *

(ii) Applications for equipment authorizations (type acceptance, type approval, certification, or advance approval of subscription television systems), and materials relating to such applications, are not routinely available for public inspection prior to the effective date of the authorization. The effective date of the authorization will, upon request, be deferred to a date no earlier than that specified by the applicant. Following the effective date of the authorization, the application and related materials (including technical specifications and test measurements) will be made available for inspection upon request (See § 0.460). Portions of applications for equipment certification of scanning receivers and related materials will not be made available for inspection. This information includes that necessary to prevent modification of scanning receivers to receive Cellular Service frequencies, such as schematic diagrams, technical narratives describing equipment operation, and relevant design details.

* * * * *

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS: GENERAL RULES AND REGULATIONS

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

Authority: 47 U.S.C. 154, 302, 303, 307 and 336, unless otherwise noted.

4. Section 2.1033 is amended by revising paragraph (b)(11) to read as follows:

§ 2.1033 Application for certification.

(b) * * *

(11) Applications for the certification of scanning receivers shall include a statement describing the methods used to comply with the design requirements of all parts of § 15.121 of this chapter. The application must specifically include a statement assessing the vulnerability of the equipment to possible modification and describing the design features that prevent the modification of the equipment by the user to receive transmissions from the Cellular Radiotelephone Service. The application must also demonstrate compliance with the signal rejection requirement of § 15.121 of this chapter, including details on the measurement procedures used to demonstrate compliance.

* * * * *

PART 15—RADIO FREQUENCY DEVICES

5. The authority citation for part 15 continues to read as follows:

Authority: 47 U.S.C. 154, 302, 303, 304, 307 and 544A.

6. Section 15.3 is amended by revising paragraph (v) and adding paragraph (dd) to read as follows:

§ 15.3 Definitions

* * * * *

(v) *Scanning receiver.* For the purpose of this part, this is a receiver that automatically switches among two or more frequencies in the range of 30 to 960 MHz and that is capable of stopping at and receiving a radio signal detected on a frequency. Receivers designed solely for the reception of the broadcast signals under part 73 of this chapter or for operation as part of a licensed station are not included in this definition.

* * * * *

(dd) *Test equipment* is defined as equipment that is intended primarily for purposes of performing measurements or scientific investigations. Such equipment includes, but is not limited to, field strength meters, spectrum analyzers, and modulation monitors.

7. Section 15.37 is amended by revising paragraph (f) and adding a new paragraph (h) to read as follows:

§ 15.37 Transition provisions for compliance with the rules.

* * * * *

(f) The manufacture or importation of scanning receivers, and frequency converters designed or marketed for use with scanning receivers, that do not comply with the provisions of § 15.121(a)(1) shall cease on or before April 26, 1994. Effective April 26, 1993, the Commission will not grant equipment authorization for receivers that do not comply with the provisions of § 15.121(a)(1). These rules do not prohibit the sale or use of authorized receivers manufactured in the United States, or imported into the United States, prior to April 26, 1994.

* * * * *

(h) The manufacture or importation of scanning receivers, and frequency converters designed or marketed for use with scanning receivers, that do not comply with the provisions of § 15.121 shall cease on or before October 25, 1999. Effective July 26, 1999 the Commission will not grant equipment authorization for receivers that do not comply with the provisions of § 15.121. This paragraph does not prohibit the sale or use of authorized receivers manufactured in the United States, or imported into the United States, prior to October 25, 1999.

8. Section 15.121 is revised to read as follows:

§ 15.121 Scanning receivers and frequency converters used with scanning receivers.

(a) Except as provided in paragraph (c) of this section, scanning receivers and frequency converters designed or marketed for use with scanning receivers, shall:

(1) Be incapable of operating (tuning), or readily being altered by the user to operate, within the frequency bands allocated to the Cellular Radiotelephone Service in part 22 of this chapter (cellular telephone bands). Scanning receivers capable of ''readily being altered by the user'' include, but are not limited to, those for which the ability to receive transmissions in the cellular telephone bands can be added by clipping the leads of, or installing, a simple component such as a diode, resistor or jumper wire; replacing a plug-in semiconductor chip; or programming a semiconductor chip using special access codes or an external device, such as a personal computer. Scanning receivers, and frequency converters designed for use with scanning receivers, also shall be incapable of converting digital cellular communication transmissions to analog voice audio.

(2) Be designed so that the tuning, control and filtering circuitry is inaccessible. The design must be such that any attempts to modify the equipment to receive transmissions from the Cellular Radiotelephone Service likely will render the receiver inoperable.

(b) Except as provided in paragraph (c) of this section, scanning receivers shall reject any signals from the Cellular

Radiotelephone Service frequency bands that are 38 dB or higher based upon a 12 dB SINAD measurement, which is considered the threshold where a signal can be clearly discerned from any interference that may be present.

(c) Scanning receivers and frequency converters designed or marketed for use with scanning receivers, are not subject to the requirements of paragraphs (a) and (b) of this section provided that they are manufactured exclusively for, and marketed exclusively to, entities described in 18 U.S.C. 2512(2), or are marketed exclusively as test equipment pursuant to § 15.3(dd).

(d) Modification of a scanning receiver to receive transmissions from Cellular Radiotelephone Service frequency bands will be considered to constitute manufacture of such equipment. This includes any individual, individuals, entity or organization that modifies one or more scanners. Any modification to a scanning receiver to receive transmissions from the Cellular Radiotelephone Service frequency bands voids the certification of the scanning receiver, regardless of the date of manufacture of the original unit. In addition, the provisions of § 15.23 shall not be interpreted as permitting modification of a scanning receiver to receiver Cellular Radiotelephone Service transmissions.

(e) Scanning receivers and frequency converters designed for use with scanning receivers shall not be assembled from kits or marketed in kit form unless they comply with the requirements in paragraph (a) through (c) of this section.

(f)(1) Scanning receivers shall have a label permanently affixed to the product, and this label shall be readily visible to the purchaser at the time of purchase. The label shall read as follows:

WARNING: MODIFICATION OF THIS DEVICE TO RECEIVE CELLULAR RADIOTELEPHONE SERVICE SIGNALS IS PROHIBITED UNDER FCC RULES AND FEDERAL LAW.

(2) ''Permanently affixed'' means that the label is etched, engraved, stamped, silkscreened, indelibly printed or otherwise permanently marked on a permanently attached part of the equipment or on a nameplate of metal plastic or other material fastened to the equipment by welding, riveting, or permanent adhesive. The label shall be designed to last the expected lifetime of the equipment in the environment in which the equipment may be operated and must not be readily detachable. The label shall not be a stick-on, paper label.

[FR Doc. 99–10118 Filed 4–26–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 52

[WT Docket No. 98–229, CC Docket No. 95–116; FCC 99–19]

Cellular Telecommunications Industry Association's Petition for Forbearance From Commercial Mobile Radio Services Number Portability Obligations and Telephone Number Portability

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this *Memorandum Opinion and Order,* the Commission grants a petition filed by the Cellular Telecommunications Industry Association (CTIA) requesting that the Commission forbear from imposing service provider local number portability (LNP) requirements on broadband commercial mobile radio service (CMRS) providers until the expiration of the five-year buildout period for broadband personal communications service (PCS) carriers. Accordingly, the *Memorandum Opinion and Order* extends the deadline for CMRS providers to support service provider LNP in the top 100 Metropolitan Statistical Areas (MSAs) until November 24, 2002. The *Memorandum Opinion and Order* finds that extension of the deadline will provide the industry with the flexibility to allocate its immediate resources toward network construction, a goal proven to promote a competitive marketplace.

DATES: Effective May 27, 1999.

FOR FURTHER INFORMATION CONTACT: David Furth at (202) 418–0632 or Joel Taubenblatt at (202) 418–1513 (Wireless Telecommunications Bureau).

SUPPLEMENTARY INFORMATION: This is a summary of the *Memorandum Opinion and Order,* FCC 99–19, adopted February 8, 1999 and released February 9, 1999. The complete text of the *Memorandum Opinion and Order* is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, S.W., Washington, D.C. and also may be purchased from the Commission's copy contractor, International Transcription Services, (202) 857–3800, 1231 20th St., N.W., Washington, D.C. 20036. The document is also available via the internet at http://www.fcc.gov/Bureaus/Wireless/Orders/1999/index.html.

Introduction

1. In this *Memorandum Opinion and Order,* the Commission grants a petition filed by CTIA seeking forbearance from LNP requirements for CMRS carriers until the completion of the five-year buildout period for broadband PCS carriers. In granting the petition, the Commission extends the deadline for CMRS carriers to implement service provider LNP until November 24, 2002.

Background

2. Under the Commission's prior LNP decisions, broadband CMRS carriers (cellular, broadband PCS, and some specialized mobile radio (SMR) providers) were required to implement LNP in the top 100 MSAs, and to support nationwide roaming, by March 31, 2000. Implementation of LNP by CMRS providers would enable wireless customers to ''port'' their telephone numbers in the event that they switch from one wireless carrier to another, or from a wireless to a wireline carrier.

Findings

3. In this *Memorandum Opinion and Order,* the Commission finds that extending the deadline is consistent with the statutory standard for granting forbearance under section 10 of the Communications Act of 1934, as amended, 47 U.S.C. 160. The Commission notes that the wireless industry requires additional time to implement LNP in part because, unlike wireline carriers (who are already required to provide LNP in the top 100 MSAs), wireless carriers face certain unique technical issues regarding implementation of LNP in their networks and in supporting roaming by customers with ported numbers. The Commission also states that extending the deadline until November 2002 is consistent with the public interest for competitive reasons because it will give CMRS carriers greater flexibility in that time-frame to complete network buildout, technical upgrades, and other improvements that are likely to have a more immediate impact on enhancing service to the public and promoting competition in the telecommunications marketplace.

4. The Commission emphasizes that its decision in the *Memorandum Opinion and Order* does not relieve CMRS carriers of their underlying obligation to implement LNP. As wireless service rates continue their downward trend and the use of wireless

service increases, there is a greater likelihood that customers will view their wireless phones as a potential substitute for their wireline phones, making LNP more important to consumers.

5. Because LNP provides a platform for certain number conservation techniques, including number pooling, the Commission also stresses the importance of efficient utilization of numbering resources. The Commission states that the decision to grant forbearance in this instance is not intended to limit Commission ability to require, through a rulemaking proceeding on number utilization, CMRS participation in pooling at an earlier date, if doing so were deemed necessary to address specific number exhaust problems. The Commission states that, as an initial step, it intends to initiate a Notice of Proposed Rulemaking in the next few months that will propose both LNP and non-LNP based numbering optimization techniques applicable to all telecommunications carriers, and that it will move forward with additional proceedings on other number conservation methods possibly including one or more pooling methods.

6. Appendix A of the *Memorandum Opinion and Order* contains the full text of section 52.31 of the Commission's rules, as revised to reflect the service provider LNP implementation deadline established in the *Memorandum Opinion and Order* and corrections made in an erratum to the *Memorandum Opinion and Order.* Cellular Telecommunications Industry Association's Petition for Forbearance From Commercial Mobile Radio Services Number Portability Obligations and Telephone Number Portability, WT Docket No. 98–229 and CC Docket No. 95–116, Erratum (released April 20, 1999). The erratum corrected the following items: the amended date in section 52.31(a)(1)(ii) of the Commission's rules by which carriers must submit requests for LNP deployment to CMRS carriers in the top 100 MSAs; several inadvertent deletions of certain amendments to section 52.31 of the Commission's rules that occurred in past proceedings in CC Docket No. 95–116; and certain typographical errors.

List of Subjects in 47 CFR Part 52

Telecommunications.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

Rule Changes

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 52 as follows:

PART 52—NUMBERING

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

Authority: Sec. 1, 2, 4, 5, 48 Stat. 1066, as amended; 47 U.S.C. § 151, 152, 154, 155 unless otherwise noted. Interpret or apply secs. 3, 4, 201–05, 207–09, 218, 225–7, 251–2, 271 and 332, 48 Stat. 1070, as amended, 1077; 47 U.S.C. 153, 154, 201–05, 207–09, 218, 225–7, 251–2, 271 and 332 unless otherwise noted.

2. Section 52.31 is amended by revising paragraph (a) to read as follows:

§ 52.31 Deployment of long-term database methods for number portability by CMRS providers

(a) By November 24, 2002, all covered CMRS providers must provide a long-term database method for number portability, including the ability to support roaming, in the MSAs identified in the Appendix to this part in compliance with the performance criteria set forth in section 52.23(a) of this part, in switches for which another carrier has made a specific request for the provision of number portability, subject to paragraph (a)(1) of this section. A licensee may have more than one CMRS system, but only the systems that satisfy the definition of covered CMRS are required to provide number portability.

(1) Any procedure to identify and request switches for development of number portability must comply with the following criteria:

(i) Any wireline carrier that is certified (or has applied for certification) to provide local exchange service in a state, or any licensed CMRS provider, must be permitted to make a request for deployment of number portability in that state;

(ii) For the MSAs identified in the appendix to this part, carriers must submit requests for deployment by February 24, 2002;

(iii) A covered CMRS provider must make available upon request to any interested parties a list of its switches for which number portability has been requested and a list of its switches for which number portability has not been requested;

(iv) After November 24, 2002, a covered CMRS provider must deploy additional switches serving the MSAs identified in the Appendix to this part upon request within the following time frames:

(A) For remote switches supported by a host switch equipped for portability (''Equipped Remote Switches''), within 30 days;

(B) For switches that require software but not hardware changes to provide portability (''Hardware Capable Switches''), within 60 days;

(C) For switches that require hardware changes to provide portability (''Capable Switches Requiring Hardware''), within 180 days; and

(D) For switches not capable of portability that must be replaced (''Non-Capable Switches''), within 180 days.

(v) Carriers must be able to request deployment in any wireless switch that serves any area within the MSA, even if the wireless switch is outside that MSA, or outside any of the MSAs identified in the Appendix to this part.

(2) By November 24, 2002, all covered CMRS providers must be able to support roaming nationwide.

* * * * *

[FR Doc. 99–10443 Filed 4–26–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97–174; RM–9146, RM–9262]

Radio Broadcasting Services; Hamilton, Marble Falls, and Meridian, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 285A, at Meridian, Texas, substitutes Channel 285C2 for Channel 285C3 at Marble Falls, Texas, and modifies the authorization of Maxagrid Broadcasting Corporation to specifiy operation on the higher class channel at request of counterproponent Maxagrid Broadcasting, Corp., filed in response to the Notice of Proposed Rule Making, 62 FR 43301 (8/13/97). Channel 285A can be allotted at Meridian with a site restriction of 7.6 kilometers northwest at 31–59–07 and 97–41–22. The coordinates at Marble Falls are 30–36–33 and 98–22–10. This action also denies the petition for rule making filed by North Texas Broadcasting , Inc., proposing the allotment of Channel 285C3 at Hamilton, Texas. With this action, this proceeding is terminated.

EFFECTIVE DATE: June 1, 1999.

FOR FURTHER INFORMATION CONTACT: Victoria M. McCauley, Mass Media Bureau, (202) 418–2130.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 97–174 adopted , April 7, 1999, and released April 16, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room CY–A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC. 20036, (202) 857–3800, facsimile (202) 857–3805.

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:

47 CFR PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding Meridian, Channel 285A and by removing Channel 285C3 and adding 285C2 at Marble Falls.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 99–10507 Filed 4–26–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 98–71–; RM–9266]

Radio Broadcasting Services; Newell, IA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Robert J. Maines, Jr., allots Channel 265A at Newell, Iowa, as the community's first local aural transmission service. *See* 63 FR 30173, June 3, 1998. Channel 265A can be allotted to Newell in compliance with the Commission's minimum distance separation requirements with a site restriction of 5.7 kilometers (3.5 miles) west to avoid a short-spacing to the licensed site of Channel KJYL(FM), Channel 264C3, Eagle Grove, Iowa. The coordinates for Channel 265A at Newell are 42–36–04 North Latitude and 95–04–21 West Longitude. With this action, this proceeding is terminated.

EFFECTIVE DATE: June 1, 1999. The window period for filing applications for Channel 265A at Newell, Iowa, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 98–71, adopted April 7, 1999, and released April 16, 1999. 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 contractors, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

47 CFR 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 Iowa, is amended by adding Newell, Channel 265A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 99–10506 Filed 4–26–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 98–33; RM–9224]

Radio Broadcasting Services; Richwood, WV

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of J&K Broadcasting, Inc., allots channel 288A at Richwood, West Virginia, as the community's first local aural transmission service. *See* 63 FR 13612, March 20, 1998. Channel 288A can be allotted to Richwood in compliance with the Commission's minimum distance separation requirements at city reference coordinates. The coordinates for Channel 288A at Richwood are 38–13–42 North Latitude and 80–31–48 West Longitude. With this action, this proceeding is terminated.

EFFECTIVE DATE: June 1, 1999. The window period for filing applications for Channel 288A at Richwood, West Virginia, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 98–33, adopted April 7, 1999, and released April 16, 1999. 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 contractors, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

47 CFR 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 West Virginia, is amended by adding Richwood, Channel 288A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 99–10505 Filed 4–26–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 98–28; RM–9234]

Radio Broadcasting Services; Meyersdale, PA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Douglas M. Dasdorf, allots Channel 253A at Meyersdale, Pennsylvania, as the community's second local FM transmission service. *See* 63 FR 12426 March 13, 1998. Channel 253A can be allotted to Meyersdale in compliance with the Commission's minimum distance separation requirements at city reference coordinates. The coordinates for Channel 253A at Meyersdale are 39–48–42 North Latitude and 79–01–36 West Longitude. Since Meyersdale located within 320 kilometers (200 miles) of the U.S.-Canadian border, concurrence by the Canadian government has been obtained. With this action, this proceeding is terminated.

EFFECTIVE DATE: June 1, 1999. The window period for filing applications for Channel 253A at Meyersdale, Pennsylvania, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 98–28, adopted April 7, 1999 and released April 16, 1999. 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 contractors, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

47 CFR 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 Pennsylvania, is amended by adding Channel 253A at Meyersdale.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 99–10504 Filed 4–26–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 98–154; RM–9174; RM–9394]

Radio Broadcasting Services; Kosciusko and Decatur, MS

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In response to a proposal filed on behalf of Rainey Broadcasting, Inc., the Commission reallots Channel 277C3 from Kosciusko to Decatur, Mississippi (RM–9394), in lieu of previously proposed Goodman, Mississippi (RM–9174), as that community's first local aural transmission service, and modifies the construction permit for Station WZKR (FM) to specify Decatur as its community of license. See 63 FR 46978, September 3, 1998. Coordinates used for Channel 277C3 at Decatur, Mississippi, are 32–23–42 NL and 89–05–42 WL.

Additionally, this document dismisses as moot a petition for reconsideration of an earlier staff letter ruling returning Rainey Broadcasting, Inc.'s request for rule making seeking the reallotment of Channel 277C3 from Kosciusko to Goodman, Mississippi. With this action, the proceeding is terminated.

EFFECTIVE DATE: June 1, 1999.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 98–154, adopted April 7, 1999, and released April 16, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY–A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

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:

47 CFR PART 73—[AMENDED]

1. The authority citation for part 73 reads 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 Mississippi, is amended by adding Decatur, Channel 277C3.

3. Section 73.202(b), the Table of FM Allotments under Mississippi, is amended by removing Channel 277C3 at Kosciusko.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 99–10503 Filed 4–26–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 98–150; RM–9302]

Radio Broadcasting Services; Royal City, WA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Royal Communications, allots Channel 228A at Royal City, Washington, as the community's second local FM transmission service. See 63 FR 38786, July 20, 1998. Channel 228A can be allotted to Royal City in compliance with the Commission's minimum distance separation requirements with a site restriction of 12 kilometers (7.4 miles) southeast of the community at petitioner's requested site. The coordinates for Channel 228A at Royal City are 46–48–25 North Lattitude and 119–33–12 West Longitude. Since Royal City is located within 320 kilometer (200 miles) of the U.S.-Canadian border, concurrence of

the Canadian govement has been obtained. With this action, this proceeding is terminated.

EFFECTIVE DATE: June 1, 1999. The window period for filing applications for Channel 228A at Royal City, Washington, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 98–150, adopted April 7, 1999, and released April 16, 1999. 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 contractors, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

47 CFR 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 Washington, is amended by adding Channel 228A at Royal City.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 99–10502 Filed 4–26–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 98–116; RM–9281]

Radio Broadcasting Services; Lovell, WY

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Royal Communications, allots Channel 296C at Lovell, Wyoming, as the community's first local aural transmission service. *See* 63 FR 38787, July 20, 1998. Channel 296C can be allotted to Lovell in compliance with the Commission's minimum distance separation requirements with a site restriction of 25.4 kilometers (15.8 miles) south of the community at petitioner's requested site. The coordinates for Channel 296C at Lovell are 44–36–23 North Latitude and 108–23–30 West Longitude. With this action, this proceeding is terminated.

EFFECTIVE DATE: June 1, 1999. The window period for filing applications for Channel 296C at Lovell, Wyoming, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 98–116, adopted April 7, 1999, and released April 16, 1999. 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 contractors, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

47 CFR 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 Wyoming, is amended by adding Lovell, Channel 296C.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 99–10501 Filed 4–26–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 98–114; RM–9298]

Radio Broadcasting Services; La Center, KY

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Billy R. Evans, allots Channel 282A at La Center, Kentucky, as the community's first local aural transmission service. *See* 63 FR 38786, July 20, 1998. Channel 282A can be allotted to La Center in compliance with the Commission's minimum distance separation requirements with a site restriction of 8.8 kilometers (5.5 miles) east to avoid as short-spacing to the licensed site of Station WFGE(FM), Channel 279C1, Murray, Kentucky. The coordinates for Channel 282A at La Center are 37–04–22 North Latitude and 88–52–25 West Longitude. With this action, this proceeding is terminated.

EFFECTIVE DATE: June 1, 1999. The window period for filing applications for Channel 282A at La Center, Kentucky will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 98–114, adopted April 7, 1999, and released April 16, 1999. 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 contractors, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

47 CFR 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 Kentucky, is amended by adding La Center, Channel 282A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 99–10500 Filed 4–26–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 98–109; RM–9282]

Radio Broadcasting Services; Superior, WY

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Windy Valley Broadcasting, allots Channel 293C at Superior, Wyoming, as the community's first local aural transmission service. See 63 FR 38784, July 20, 1998. Channel 2293C can be allotted to Superior in compliance with the Commission's minimum distance separation requirements with at city reference coordinates. The coordinates for Channel 293C at Superior are 41–46–12 North Latitude and 108–58–12 West Longitude. With this action, this proceeding is terminated.

EFFECTIVE DATE: June 1, 1999. The window period for filing applications for Channel 293C at Superior, Wyoming, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 98–109, adopted April 7, 1999, and released April 16, 1999. 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 contractors, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

47 CFR 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 Wyoming, is amended by adding Superior, Channel 293C.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 99–10499 Filed 4–26–99; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA–99–5572; Notice 3]

RIN 2127–AF40

Federal Motor Vehicle Safety Standards; Roof Crush Resistance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Final rule.

SUMMARY: This document revises the test procedure in Standard No. 216, *Roof Crush Resistance,* to make it more suitable to testing vehicles with rounded roofs or vehicles with raised roofs. The test procedure is intended to test the strength of the roof over the front seat occupants by forcing a large flat steel test plate down onto the roof, simulating contact with the ground in rollover crashes. However, when the procedure is followed in testing certain vehicles with rounded roofs (e.g., the Ford Taurus), the test plate is positioned too far back and does not test the roof over the front occupants. In addition, that positioning creates the potential for contact between the front edge of the test plate and the roof. Such contact is undesirable because the front edge can penetrate the roof structure in a way that the ground cannot during rollover crashes. Similarly, for vehicles with raised, irregularly shaped roofs (such as some vans with roof conversions), the initial contact point on the roof may not be above the front occupants, but on the raised rear portion of the roof, behind those occupants. In both of these cases, the positioning of the plate relative to the initial contact point on the roof, instead of a fixed location on the roof, results in too much variability in the plate positioning and reduces test repeatability.

This final rule addresses the problem of rounded roofs by specifying that, for all vehicles except those with certain modified roof configurations, the test plate is to be positioned so that the front edge of the plate is 254 mm (10 inches) in front of the forwardmost point of the roof. Positioned in this way, the front edge of the plate will always project slightly forward of the roof instead of contacting it. Further, the plate will always be positioned over the front occupants. The rule addresses the problem for vehicles with raised or modified roofs by specifying that if following the normal test procedure results in an initial point of contact that is rearward of the front seats, the rear edge of the plate is positioned just to the rear of those seats. The rule also makes minor clarifications and non-substantive changes to the regulatory text.

DATES: The amendments made by this rule are effective on October 25, 1999. The mandatory compliance date is also October 25, 1999, however, voluntary compliance with this rule is allowed as of April 27, 1999. Petitions for reconsideration of this rule must be received no later than June 11, 1999.

ADDRESSES: Petitions for reconsideration should mention the docket number at the top of this final rule, and be submitted in writing to: Administrator, National Highway Traffic Safety Administration, Room 5220, 400 Seventh Street, SW, Washington DC, 20590.

FOR FURTHER INFORMATION CONTACT: For non-legal issues, you may call Maurice Hicks of the Office of Crashworthiness Standards, at telephone (202) 366–6345, facsimile (202) 366–4329, electronic mail mhicks@nhtsa.dot.gov.

For legal issues, you may call Paul Atelsek of the Office of the Chief Counsel, at (202–366–2992), facsimile (202) 366–3820, e-mail: patelsek@nhtsa.dot.gov

You may send mail to both of these officials at National Highway Traffic Safety Administration, 400 Seventh St., S.W., Washington, D.C. 20590.

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I. Background

Federal Motor Vehicle Safety Standard No. 216, *Roof Crush Resistance*, is intended to assure that passenger cars, multipurpose passenger vehicles, and trucks with gross vehicle weight ratings of less than 10,000 pounds have sufficient structural strength in the roof over the front seat occupants to resist crushing during rollover crashes. The test procedure is designed to test the A-pillar and the roof over the front occupants.

Under the test procedure, the vehicle is secured on a rigid horizontal surface and placing a 762 mm (30 inches) wide by 1,829 mm (72 inches) long test plate over the roof. The test plate is oriented with its 1,829 mm dimension parallel to the longitudinal vertical plane through the longitudinal centerline of the vehicle, and tilted forward at a five degree angle. Its 762 mm dimension is tilted outward on its longitudinal axis at a 25 degree angle so that its outboard side is lower than its inboard side. So oriented, the test plate is lowered until it initially contacts the roof. After the initial contact point on the roof is determined, the test plate is moved, maintaining its angles and its orientation parallel to the vehicle's longitudinal centerline, so that the initial contact point touches the underside of the test plate along the test plate's longitudinal centerline, 254 mm (10 inches) rearward of the centerline's forwardmost point. The test plate is then pushed downward in the direction perpendicular to its lower surface until a load of 1.5 times the unloaded vehicle weight (up to a maximum of 22,240 N, or 5,000 pounds, for a passenger car) has been applied. The vehicle complies if its roof prevents the test plate from moving downward more than 127 mm (5 inches).

Although, as noted above, the intent underlying this test procedure is to load the area at the top of the A-pillar and the roof over the front seat area, positioning the test plate according to the procedures on certain roof configurations may result in testing areas of the roof to the rear of the front seat area. Ford and the Recreation Vehicle Industry Association petitioned the agency to modify the test procedure to solve this problem.

II. Petitions for Rulemaking To Amend Standard No. 216

A. Recreation Vehicle Industry Association (RVIA) Petition

RVIA, a national trade association that reportedly represents more than 95 percent of the conversion vehicle manufacturers who modify vans, pickup trucks, and sport utility vehicles, is concerned that contoured or raised roof structures on certain second stage van conversions cannot be tested using the current test procedure. The initial contact point, which for conventional roof structures is generally near the front edge of the roof at the top of the A-pillar, is supposed to result in the forward edge of the test plate being positioned approximately 254 mm (10 inches) in front of the roof. However, with only a five degree incline of the test plate, the plate initially contacts some vehicles with raised roofs on the portion of the raised roof well behind the A-pillar and the front seat area. This results in testing the raised roof structure instead of the A-pillar over the front seats.

To address this situation, RVIA petitioned NHTSA to allow vans, motor homes and other multipurpose passenger vehicles, trucks, and buses that have raised roofs, to be tested in accordance with the test procedures in Standard No. 220, *School Bus Rollover Protection*. Standard No. 220 specifies the use of a test plate that is larger and horizontal, and thus distributes the same load evenly over the entire surface of the roof and all its supporting pillars, rather than concentrating the load on either side of the roof over the front seats.

In making this request, RVIA reasoned first that, since the raised roof vehicles would have met Standard No. 216 requirements prior to modification of their roofs, the A-Pillar strength has already been demonstrated. Second, RVIA claimed that the modifications usually do not affect the roof strength near the A-pillar. RVIA believes that the Standard No. 220 test procedure could be used to test the strength of the entire modified vehicle roof, without repeating the Standard No. 216 certification test.

B. Ford Petition

Ford is concerned that following the current test procedures in testing certain vehicles with rounded roof designs (e.g., Ford Taurus, Dodge Neon) results in initial plate contact so far back on the roof that the front edge of the test plate is several inches behind the A-pillar when it is positioned as specified in the Standard. This occurs because the roofs slope longitudinally at an angle greater than 5 degrees at their front edge. Consequently, the roofs are loaded somewhere far behind the A-pillar, and roof penetration by the front edge of the plate can occur.

In addition, Ford states that the current test procedure makes repeatable testing difficult on these vehicles. The initial contact point is highly variable and dependent on the specific roof design. The initial contact point can move several inches forward or rearward if the plate angle or the level of the floor on which the test vehicle is placed are off by as little as one degree. This could lead to substantial differences in test results.

Ford believes that the test procedures as applied to some vehicles are contradictory. S6.2 of the standard says to ''[o]rient the test device as shown in Figure 1 * * *'', which shows the test plate in contact with the front corner of the roof, inclined longitudinally at an angle of 5 degrees. At the same time, S6.2(d) of the rule specifies that the initial contact point be 254 mm (10 inches) from the front edge of the test plate. Since the initial contact point will not be located at the front corner of the roof for certain vehicles with rounded roofs, there is a conflict between the specifications in S6.2(d) and Figure 1 in the regulatory text.

Ford petitioned NHTSA to amend Standard No. 216 to specify that the front edge of the test plate should always be one inch forward of the front edge of the roof, measured from the rearmost point of the windshield. To accomplish this, Ford suggested the following language to replace S6.2(d):

The initial contact point, or center of the initial contact area, is on the longitudinal

centerline of the device. A plane perpendicular to the lower surface of the test device and 25 mm rearward of the front edge of the lower surface passes through the rearmost point of the opening in the body structure for the windshield.

Ford also petitioned NHTSA to amend the test procedure to specify that all vehicles be tested with the body sills, rather than the chassis, mounted on the rigid surface, and that all roof rack components that could interfere with initial contact between the test plate and the roof be removed prior to testing.

NHTSA granted the two petitions and published a Request for Comments on December 27, 1994. The responses to the requests for comments are not discussed here, because they were summarized and addressed in the subsequent Notice of Proposed Rulemaking (NPRM). This NPRM is discussed below.

III. Notice of Proposed Rulemaking (NPRM)

On February 27, 1997, NHTSA published an NPRM to amend Standard No. 216 in response to the petitions from Ford and RVIA (62 FR 8906). In the NPRM, NHTSA proposed to modify the test plate size and placement to ensure that vehicles with raised and sloped roofs could be tested in accordance with the intent of the standard.

In response to Ford's petition, the agency proposed modifying the test plate location to resolve test complications for those vehicles with highly rounded roofs (e.g., Ford Taurus). It proposed to modify S6.2(d) to position the forwardmost edge of the test plate flush with the forwardmost point of the roof structure including the windshield trim. This, it was thought, would provide for the consistent placement of the plate and in most cases would properly stress the roof over the A-pillar junction, while providing a technique that could be used to test all vehicles. This position was thought to be preferable to Ford's alternative (25 mm in front of the rearmost point of the windshield opening), because a vehicle whose window openings are more than 25 mm farther forward in the center than they are near the A-pillars could have resulted in the front edge of the plate penetrating the sheet metal of the roof. In addition, a vehicle whose window openings are more than 25 mm farther rearward in the center than they are near the A-pillars can result in a plate forward edge penetration of the sheet metal behind the A-pillar. This condition, known as ''edge loading,'' is undesirable because it concentrates the load in a very small area and does not simulate contact with the ground in most rollover crashes.

For vehicles with raised or altered roofs, such as van conversions, NHTSA denied the portion of RVIA's petition that requested using the requirements of Standard No. 220 instead of the requirements of Standard No. 216. Agency testing using both procedures on vehicles with similar modified/raised roofs showed that the Standard No. 220 test procedure was less stringent in testing the roof over the front occupants. Also, since Standard No. 216 specifies that the load is applied over a smaller contact area (one side of the roof), it would likely result in roof designs that could withstand a higher load on that portion of the roof structure.

NHTSA also rejected RVIA's contention that, since roofs of the original vehicles prior to conversion had already been certified to Standard No. 216 requirements, the front of the converted roof structure would have met the requirements of that standard. While the roofs of original pre-conversion vans are certified, it is unknown how much the roof strength would have changed when a portion of the roof is cut out for roof conversions. Therefore, the agency proposed to continue applying requirements of Standard No. 216.

The NPRM proposed to address RVIA's concerns by decreasing the size of the test plate in certain situations, depending upon the position of the initial contact point relative to the front seat area. The size of the plate would have been determined by positioning the current large test plate with its lower surface on the roof structure. If the initial contact point were on any portion of the raised/altered roof section rearward of the front seat area, then NHTSA proposed to substitute a small test plate (610 mm by 610 mm, or 24 inches by 24 inches) to be used for testing instead. The rear of the front seat area was defined as ''the transverse vertical plane passing through a point 162 mm rearward of the SgRP of the designated left front outboard seating position.'' (SgRP stands for seating reference point, as defined in 49 CFR 571.3). The transverse vertical plane 162 mm behind the seating reference point is where the head of a 50th percentile male Hybrid III dummy is closest to the roof when the dummy is positioned as specified in the test procedures for Standard No. 201, *Occupant Protection in Interior Impact.* The performance requirements when using the small plate would be the same as when tested with large plate, i.e., a roof crush deformation of 127 mm (or 5 inches) at a load of 1.5 times the unloaded weight of the vehicle.

NHTSA also proposed to make certain minor changes to the regulatory text, renumbering paragraphs and making minor clarifying changes. In particular, the NPRM proposed to add to the regulatory language of the standard the substance of an already issued interpretation, explicitly stating that the agency would test vehicles with their roof racks and non-structural components removed. In addition, NHTSA posed a number of questions to commenters regarding the appropriateness of the standard, as modified by the proposal.

IV. Comments in Response to the NPRM

In response to the NPRM the agency received a total of 10 comments, 6 comments from manufacturers (GM, RVIA, Volkswagen, BMW and 2 submissions from Ford), one from a safety group (Advocates for Highway and Auto Safety, or Advocates), one from a state organization (Minnesota Department of Transportation), one from a research group (Liability Research Group, or LRG), and one from a law firm (Ricci, Hubbard, Leopold and Franklin, or RHLF).

A. Change in the Location of the Test Plate To Accommodate Rounded Roofs (e.g., Ford Taurus)

In response to the proposal to align the front edge of the test plate with the front edge of the roof, the agency received comments from GM, Volkswagen, BMW, Ford, and Advocates. GM, Volkswagen, and Ford supported adopting a fixed location for the test plate near the front edge of the roof, while BMW supported allowing the position of the test plate to vary by up to 254 mm relative to a fixed location on the roof. There was no clear agreement on plate positioning, but most of the commenters shared concerns about edge loading of the roof or the A-pillar when testing according to the proposed procedure.

The manufacturers each favored a different position for the front edge of the plate. GM recommended that the test plate be located 50 mm (2 inches) forward from the forwardmost point on the ''top edge of the windshield.'' Volkswagen suggested the front edge of the plate be placed 25 mm (1 inch) forward of the forwardmost point on the ''leading edge of the roof.'' Volkswagen also recommended setting a tolerance on the 25 mm forward placement of the plate, to avoid problems of test procedure implementation and interpretation. Ford recommended that the NPRM's plate placement be adopted

as proposed, even though this represented a change from its petition request. BMW suggested that the agency vary the position of the front edge of the test plate within a range ''tangent to or up to a maximum of 254 mm forward of the transverse vertical plane passing through the forwardmost point on the exterior surface of the roof,'' depending upon the distance that will ensure that the test plate avoids contacting the length of the A-pillar during the test. GM, Volkswagen and BMW supported their approaches by suggesting that the proposed test plate location could possibly create complications in testing or possibly produce unrealistic edge loading on the A-pillar.

GM commented that both the current and proposed positions of the test plate will result in the front edge of the plate penetrating the roof and the A-pillar for vehicles with a sharp transition between the slope of the windshield and the roof structure, such as some pickup trucks, based upon observations made on agency compliance testing for Standard No. 216. It supported the 50 mm distance recommended by the American Automobile Manufacturers Association (AAMA) because it believed that will provide the necessary, consistent orientation of the test plate over the front part of the roof and avoid plate edge contact with the A-pillar.

GM suggested that the agency needs further data. It stated that it knows of no data or analysis which would allow a determination of whether the agency's proposed longitudinal positioning of the test plate would be an improved test for all vehicles with uncommon roof shapes or whether it would reduce the stringency of the current test procedure. GM also recommended that if the agency's intent is to load vehicle roof structures in a manner which simulates loading commonly noted in rollover crashes, the agency should initiate a study to determine the appropriateness of modifying the current test plate angles to accommodate the range of vehicle designs and to determine the appropriateness of changing the test plate application angles as well as the test plate dimensions. It suggested such a study might involve an analysis of real world crashes and roof geometry, followed by a determination of the most representative orientation of vehicle to impact surface for each vehicle type.

Volkswagen also stated that the placement proposed in the NPRM may result in the edge of the plate contacting the roof and windshield during the test and producing results which the proposal was intended to avoid. Volkswagen commented that placing the plate one inch forward of the front edge of the roof more positively assures loading to the A-pillar and supporting roof structures.

BMW experienced complications during developmental testing, using the current Standard No. 216, of future production vehicles with A-pillar designs that slope at less than 31.5 degrees from the horizontal. It believed that similar problems would also occur when testing as proposed in the NPRM. BMW indicated that both procedures resulted in the plate being positioned directly over the A-pillar, so it expected the proposed placement to result also in contact between the plate edge and the pillar during the test, producing variable and unrealistic load-deflections and a lack of test repeatability.

To avoid edge loading of the A-pillar, BMW recommended that the agency allow manufacturers to variably align the test device to achieve the desired location. BMW suggested that the front edge be placed ''tangent to or up to a maximum of 10 inches in front of the transverse vertical plane passing through the forwardmost point on the exterior surface of the roof * * *.''

Ford stated ''the procedure proposed in the NPRM provides for a repeatable method of test platen positioning for current vehicles being manufactured with aerodynamic roof lines.'' Ford, however, stated that it does not believe that the tests which were conducted by the agency, using the current and NPRM's proposed roof crush test procedures, on the Ford Taurus and the Dodge Neon provide a valid comparison between the roof crush results obtained with both procedures because the agency tested the vehicles twice, one side with the current procedure and the other side with the proposed procedure.

Ford also stated that NHTSA should not assume that the forwardmost point on the roof will always be at the vehicle's longitudinal centerline. This assumption is implied because the agency's objective of avoiding front plate edge penetration is only served using the proposed language if the forwardmost point on the roof is in the center. If the forwardmost point is along the sides near the A-pillars then plate edge penetration could occur. Although Ford believed this is a valid assumption for current production vehicles, to account for possible future aerodynamic styling themes on which the forwardmost point might be located outboard of the vehicle's longitudinal centerline, Ford recommended that NHTSA revise the platen positioning procedure to state ''[t]he midpoint of the forward edge of the lower surface of the test device is tangent to the transverse vertical plane passing through the forwardmost point on the exterior surface of the roof, including trim, that lies in the longitudinal vertical plane taken at any lateral position between a point 25 mm inboard of the left and right A-pillar surface.''

Advocates took no position on the NPRM's proposed test plate positioning, stating that the agency should first address the differences in the real world load conditions for vehicles with increasingly common highly sloped A-pillar or aerodynamic roof structures, typified by ''cab forward'' occupant compartment designs. Advocates stated that the roof structure of these vehicles make it probable that B-pillars and the adjacent portions of the roof would experience proportionally greater crash forces than in designs with A-pillar/roof interfaces more closely approaching 90 degrees. Advocates believes that the agency should explore this potential difference in real world force loading for these vehicles so that it can make substantial changes in rollover safety.

B. Altered or Raised Roofs (e.g., Van Conversions)

GM, Ford, RVIA, and the Minnesota DOT provided comments on the agency's proposal to use a small test plate when the large plate would result in initial contact rearward of the front seat area. Most opposed the use of the small test plate, due to the belief that it would result in *rear* edge loading.

GM and Ford were the only vehicle manufacturers that commented on the agency's proposal to modify the size of the test plate for vehicles with raised roofs. Both manufacturers disagreed with the proposed change in certain circumstances of the test plate size from 30″ x 72″ to 24″ x 24″. However, each manufacturer had slightly different reasons for opposing the small plate.

GM was concerned that the smaller test plate may not properly load the B-pillar, which is also a significant roof structural member. GM was also concerned that the smaller plate may still possibly make rear edge contact with the modified roof section even when testing with the proposed procedure and that if the agency were to accept the smaller plate, additional cost would be incurred by manufacturers in either revising or making new test fixtures to accommodate the different plate sizes.

Ford concluded that the small plate is too small to be used and can result in rear plate edge contact in some instances. Ford based this contention on NHTSA's 1985 Buick Riviera roof crush data showing the area crushed exceeded the surface area of the small plate by 12 percent. In addition, Ford calculated

that on a vehicle with a flat roof, the rear edge of the test plate would contact the original roof surface after only 54 mm of displacement, or 43 percent of the allowable travel. Ford stated that testing with a smaller plate will increase the burden of demonstrating compliance by final stage manufacturers of raised roof vehicles.

GM and Ford both recommended that the large plate be retained as the only test device. GM suggested solving the testing problem posed by raised roof vehicles by allowing the larger test plate to be located ''as far forward as necessary to achieve the desired loading condition.''

RVIA stated that the smaller test plate will not resolve the testing difficulties with raised roofs, but rather it will result in edge contact between the modified roof and the edge of the test plate. RVIA enclosed four photographs which it believed show a ''simulated smaller test device roughly positioned at the test angle and position'' in minivan and sport utility vehicles with raised roofs. It suggested the photos demonstrate that the rear edge of the proposed smaller test plate contacts the raised section of the vehicle either before loading, or would contact it following a small amount of displacement after loading. It also commented that, even when using the larger test plate (i.e., when the initial contact point of the test device is located at the front portion of the roof over the front seat area) the rear edge of the plate can contact the raised roof during the test if the roof contour is raised behind the B-pillar. RVIA supported, however, NHTSA's proposed definition of the rearward plane of the front seat area.

Minnesota DOT supported RVIA's recommendation to replace Standard No. 216 with Standard No. 220 for modified roofs. To support its recommendations, Minnesota DOT referenced two agency tests. The first test was performed on a 1994 GM Safari according to the Standard No. 220 test procedure and the second test was on a 1992 Chevy Astro Van according to the Standard No. 216 test procedure, modified as proposed in the NPRM. Minnesota DOT concluded that the two procedures were comparable due to equal amounts of roof deformation (or travel of the test plates), and due to the fact that the Astro's modified roof structure passed Standard No. 216 without loading the A-pillar directly. Minnesota DOT further concluded that common alterations made for modified roofs will not diminish the strength of the original front roof structure. Therefore, Minnesota DOT disagreed with the agency's determination that the Standard No. 220 test procedure is a less stringent test, concluding instead that the two tests are comparable.

In addition, Minnesota DOT stated that it believes NHTSA is too focused on A-pillar strength. It contends that the initial point of contact with the roof in rollover crashes may not always be at the A-pillar for vehicles with modified roofs forward of the driver's seat back. It speculated that it is more likely that initial contact would be with the raised roof area behind the driver that first contacts the ground. The Standard No. 220 procedure is more likely to test the raised roof portion. In any case, Minnesota DOT suggests that the real issue should not be which components contribute to roof crush resistance, but whether occupants are being protected. Crush resistance provided by the A-pillar alone or by the A-pillar in combination with other support structures should be irrelevant as long as the crush requirements of the standard are met. Based upon these assumptions, Minnesota DOT concluded that ensuring the integrity of the front roof structure should not be of importance for vehicles with raised roofs, especially for raised or modified roofs located behind the front seat backs.

Advocates commented that the agency's proposed modification to Standard No. 216 would not improve the extent to which the standard addresses real world rollover crashes. Advocates stated that the agency has no correlating data which shows relationships between the real world roof crush, roof crush deformation for Standard No. 216 testing, and the severity of injuries in rollover crashes. As a result, Advocates offered no comments on the matter of revising the size of the test plate.

C. Other Issues

1. Real World Rollover Crashes Versus Standard No. 216

Three commenters did not address their comments directly to the NPRM proposal to clarify the test procedure of Standard No. 216 and to remove complications in testing vehicles with modified or aerodynamically sloped roofs. Instead, these commenters questioned the appropriateness of the test procedure, in either its current or modified form, as a proxy for real world rollover performance. In each of the responses, commenters raised objections to the NPRM proposals, as well as the current standard, as having no real relationship to the causation of injuries and fatalities in rollover crashes.

Advocates and Liability Research Group (LRG), an independent engineering research company, stated that the Standard No. 216 procedure was not sufficiently closely related to the real world rollover environment. Advocates stated it could not support the NPRM proposals due to the lack of a demonstrated relationship between compliance with the current Standard No. 216 and the dynamic loads and risk exposure of vehicle occupants during full rollover crashes. LRG included a report titled, ''Rollover Crash Study—Vehicle Design and Occupant Injuries,'' and concluded that the changes proposed in the NPRM would not bring the standard any closer to its intent of reducing deaths and injuries due to roof crush over the front seat area in rollover crashes, but only refine the standard's test procedures.

Ricci, Hubbard, Leopold and Frankel (RHLF) responded to the NPRM by stating that the agency should address more important crashworthiness issues relevant to raised roofs instead of focusing solely on roof crush resistance. It stated that it believes that raised fiberglass roof conversions have a lack of ductility and are inadequately attached to the frame of the vehicle by sheet metal screws. As a result, RHLF contended that the raised roof section almost always fractures and/or becomes detached during rollover crashes, creating a means for the occurrence of ejection injuries and fatalities. Therefore, RHLF believed that NHTSA's attention should be re-focused on this problem and on the development of an adequate performance criteria for raised roofs in the dynamic setting of the crash characteristics they experience.

2. Variability in Standard No. 216 Testing

Ford initially petitioned the agency to clarify ambiguous test procedures for vehicles with modified and sloped roofs. In its petition, Ford also stated that it knew of other problems with the test procedure that it would address with the agency at a later date. Following the petition, Ford initiated a study to observe common test practices by different test facilities and to assess the repeatability of the load plate positioning during Standard No. 216 testing. Partial results were submitted to the agency in response to the Request for Comments. Ford submitted the rest of the information in a supplemental report in response to the NPRM (Docket 94–097–N02–010). Ford's analysis identified several issues related to test variability in roof crush testing, test plate positioning, vehicle tie-down procedures, and component definitions.

The supplemental report contained the test results of a reproducibility study of three NHTSA contracted test facilities and the Ford (Dearborn) test facility to observe the various laboratories' test procedures and to assess the repeatability of load plate positioning during Roof Crush Resistance testing. The non-Ford test facilities included: MGA Research Corp. (MGA), General Testing Laboratories Inc. (GTL), and Mobility Systems and Equipment Co. (MSE). Testing was performed on 16 identical Ford Taurus vehicles, generally in accordance with the Laboratory Test Procedure used for Standard No. 216 (TP–216–04). The only notable differences from the test procedure were that the vehicle windows were in the open/down position during the test, and the test device continued to load the roof until 140 mm (5.5 in) of travel was achieved rather than stopping if the minimum roof crush resistance was met before the test device had traveled 127 mm (5 inches). Summaries of the findings noted in each part of the testing are provided below:

Roof Crush. In comparisons to Ford's testing, the average peak roof crush loads from each of the non-Ford test labs were considerably higher, except for MSE which had similar results. Based upon its engineering judgment, Ford attributed the difference in the average peak loads to differences in the design and operation of lab equipment, differences in the accuracy and verification methods of each of the labs, and variations in test vehicle-set up and procedural differences including vehicle tie-down methods.

Plate Positioning. Based upon the results of the Ford analysis, positioning the plate in accordance to Standard No. 216 produced a range of 456 mm for the longitudinal plate placement measurements for all the test labs surveyed. Independently, each lab also had large test variations in longitudinal plate placement. A maximum range of 98 mm was measured for one of the test sites. However, Ford expressed confidence that the NPRM proposal regarding the test plate position will serve to improve the longitudinal plate positioning repeatability among all test facilities.

Vehicle Tie-Down Procedure. Ford stated that inconsistent use of jackstands and the accompanying vehicle distortion may be a partial source of the total roof crush variability found between the test sites. Ford suggested that elimination of vehicle distortion as a source of contact point movement and potential roof crush load variability could be achieved by requiring consistent use of jackstands to support the test vehicle's front and rear overhangs. Ford recommended that the Laboratory Test Procedure be revised to state:

> Jackstands *must* be located under the front and rear overhangs to prevent distortion of the structure'' in order to support the vehicle overhangs and minimize contact point movement as a potential source of test variability.

Windshield Trim Definition. Ford recommended that the section S7.2(e) proposed in the NPRM, which defines the proposed test plate positioning procedure, be revised to clarify that the term ''trim'' pertains to the ''windshield trim.'' Ford also recommended that the definition for windshield trim be included in Section S4. Ford recommended that the definition for windshield trim should be consistent with the definition recently established in the final rule amending Standard No. 201, *Occupant Protection in Interior Impact,* final rule (See, 62 FR 16718, at 16725):

> *Windshield Trim* means molding of any material between the windshield glazing and the exterior roof surface, including material that covers a part of either the windshield glazing or exterior roof surface.

3. Responses to Agency Questions in the NPRM

In response to questions asked or statements made by the agency in the preamble of the NPRM, the following comments were provided.

Is the integrity of a roof structure on one side of a vehicle altered by a test on the other side? GM and Ford both offered comments on this issue. GM stated that, depending upon the level of damage incurred in the first test, there may be an overlapping of structural damage which could affect the test results of the test on the opposite side, reducing the load bearing capacity considerably. Ford also stated that it believes the roof structure integrity on the opposite side can be compromised during the first test. Ford cited the agency testing on the Dodge Neon and the Ford Taurus as an example of an invalid comparison due to testing both sides of the roof structure.

The proposed positioning of the test load plate resulted in 17% additional ''crush'' to a Dodge Neon during the test. NHTSA deems this to be insignificant because it represents a displacement of only 8 mm. GM agreed that the proposed modification to the procedure for positioning the load plate could be adopted without an appreciable, if any, reduction in test stringency. However, it did not agree with the agency's dismissal of the differences in test results between the current and modified procedures as insignificant. GM considers a l7 percent increase in crush to be a significant increase.

Is NHTSA's definition of ''roof over the front occupant compartment'' appropriate? Ford agreed with the intent of defining the rear boundary of the roof over the front seat area, but questioned how NHTSA derived a distance of 162 mm rearward of the SgRP. Ford did not agree with the definition because of the lack of supporting information, and suggested that NHTSA perform further analysis of the appropriate boundary.

GM and RVIA both stated that NHTSA's definition is satisfactory in defining a rearward limit of the location of the front seat area. However, GM stated that the location of the SgRP should not be based upon the left front outboard seating position. GM recommended that the SgRP be referenced from either the driver's seating position or the rearmost of the front outboard seating positions, to ensure the proper location for certain classes of vehicles where the driver's side can be on the right side of the vehicle (e.g., postal and international vehicles) or which have asymmetric design configurations where one outboard SgRP may be different from the other.

If NHTSA increased the amount of allowable ''crush'' for vehicles with raised roofs, what method should be used to take into account the increased headroom resulting from such roofs? GM did not know of a single method which could be applied to all raised roof vehicles. Some raised roof conversions offer no increase in headroom (and in some designs headroom is reduced) because they retain the original overhead roof structure and then add interior roof consoles, trim, moldings, etc. in the raised section. In some instances, the raised portion of the roof over the front occupants is used for storage rather than providing additional headroom.

RVIA also stated that it does not know of a method for determining the differences between the raised roof surfaces and the original roof surfaces of raised roof vehicles. However, it noted that in some raised roof applications, the differences are such that roof crush of 127 millimeters or more would not approach the contour of the original roof surface.

Advocates objected to the NHTSA's amenability to increasing the amount of allowable roof crush for vehicle with raised roofs to compensate for the increased headroom, if a suitable

method for measuring the additional headroom could be determined. Although NHTSA agreed in principle with this manufacturer request, the agency did not propose to adopt the requested action. Advocates also asserted that not every vehicle modified with a raised roof actually increases the amount of headroom in the front seat area due to the installation of leisure equipment in these areas.

Should the proposed test procedure address glass panels or sunroofs located over the front occupant compartment, and if so, how? The test procedure currently requires that, prior to testing, windows and doors are closed and removable or movable roof panels are in their closed and latched positions. GM stated that it knows of no reason to change this practice. RVIA commented that this glazing should be considered to be part of the roof structure but that NHTSA's procedures should allow testing ''with the glazing installed and any moveable glazing tested in either the open or closed position as determined by the vehicle manufacturer or converter.''

While this proposal does not involve changes to test load plate angles, the NHTSA requests any available data on the subject. GM stated that it has no applicable data but, as noted above, it suggested NHTSA needs to further study the matter. Although they did not address themselves specifically to the question, the comments of RHLF, Advocates, and LRG indicate these organizations also believed that more testing is needed.

Should the load plate be reduced in size from the current 30″ x 72″ to 24″ x 24″ for testing of vehicles with a raised or altered roof structure located rearward of the front occupant compartment? GM stated that if the agency's stated purpose for Standard No. 216 is ''to reduce the likelihood of roof collapse over the front occupant compartment in a rollover crash,'' it should abandon the small test plate. GM stated that the smaller (24″ x 24″) test plate is inappropriate because it is too small to produce crush loading representative of the actual loading experienced by a vehicle during a crash event.

V. Agency Discussion of Issues

A. Summary of Changes From the NPRM

In response to the comments, the agency is modifying the approach it proposed in the NPRM. In particular, the agency was persuaded, for the reasons explained below, that there were technical difficulties associated with the use of a smaller test plate. Instead, it is addressing the problems raised in the petitions by changing only the test plate position. The major changes to the standard (or deviations from the proposal) are summarized below.

(1) The size of the test plate for all testing will not change. It will remain 762 mm (30 inches) x 1829 (72 inches) because the proposed small test plate did not have enough surface area to crush a minimally compliant vehicle without edge contact.

(2) The front edge of the test plate will be positioned tangent to a vertical plane 254 mm (10 inches) horizontally in front of the forwardmost point of the roof for all vehicles, except vehicles with raised or modified roofs for which the initial point of contact with the plate is rearward of the front seat area. This will consistently position the plate over the front seat area. The amendments specify that the roof includes the windshield trim. Further, the amendments define windshield trim. In addition, the longitudinal placement of the plate includes a tolerance of ± 10 mm. This increases the enforceability of the standard.

(3) If a vehicle has a raised or modified roof structure and if the initial point of contact is rearward of the front seat area, the rearward edge of the plate will be positioned tangent to a vertical plane passing through the rearmost point of the front seat area. This will avoid testing the modified roof to the rear of the front seat area. The longitudinal placement of the plate includes a tolerance of ± 10 mm.

(4) The definition for the roof over the front seat area has been revised to account for vehicles with asymmetrical roofs and non-aligned driver and passenger seating positions.

(5) To address the problem raised by Ford of mounting a vehicle's sills or chassis frame, the agency notes that the problem of interference between a vehicle's underbody and a single horizontal surface can be solved by using two separate surfaces (e.g., I-beams) located at the same height. Those two surfaces are the equivalent of a single surface. The use of two separate surfaces allows the underbody components to hang down without interference. As to Ford's concerns about pre-stressing and rocking, the agency will address those matters outside this rulemaking.

B. Plate Position for Sloped and Contoured Roofs

All commenters who addressed the issue, except Ford, opposed positioning the front edge of the test plate tangent to the forwardmost point on the roof, based mostly on concerns about the possibility that the plate's front edge might penetrate the roof.

The agency based its proposal on the results of its compliance testing and on the Vehicle Research and Testing Center's testing of current production vehicles for research purposes. In the testing, current production vehicles typically experienced between 1–3 inches of maximum roof crush, occurring several inches rearward of the A-pillar. Testing using the current and modified roof crush tests produced comparable amounts of crush at exactly the same location on the roof. Consequently, use of the modified procedure on conventional roof structures should very rarely result in the front edge of the plate contacting the A-pillar during testing.

Nevertheless, the arguments of these commenters have merit. Especially for vehicles with a sharp transition between the slope of the windshield and a relatively flat roof structure, such as light trucks and vans, the agency agrees that front edge loading could occur if the initial point of contact were close to the A-pillar or exactly at the A-pillar joint. Front edge loading could also occur on future production vehicles such as those mentioned by BMW with A-pillar angles less than 31.5 degrees.

More important, front edge loading could also occur if the proposed procedure were used in testing those vehicles which allow more than the 1–3 inches of crush experienced by most vehicles during compliance testing. As noted above, the standard allows up to 5 inches of roof crush. The test procedures must not be based on an assumption that there will not be any vehicles who performance approaches that limit. If five inches of roof crush were to occur when the plate had been positioned according to the proposal, the front edge of the plate would likely penetrate the roof or the A-pillar, even in the case of vehicles with conventionally sloped roof structures.

Some of the recommendations by the manufacturers for pre-test positioning of the front edge of the plate would also be unacceptable for the same reason. A test plate positioned according to GM and VW's recommendations (i.e., with the plate's front edge positioned 2 inches and 1 inch, respectively, forward of the forward most point on the roof) would also result in front edge contact with the A-pillar for a minimally compliant vehicle with a current roof design.

NHTSA disagrees with part of BMW's comment that the test procedure should allow the position of the front edge of the test plate to vary at the discretion of

the manufacturer or final stage manufacturer. Although, theoretically, varying the plate's front edge position by up to a range of 254 mm (10 inches) forward of the forwardmost point of the roof should make little difference in the force application, the agency remains concerned that variable test placement may increase the variability of the test results. By not ensuring a fixed location point for the test plate, variations in the test results as a result of test setup variability, such as those noted by Ford in its variability study, might occur. It is also rare for NHTSA to allow manufacturers to specify test conditions during the agency's compliance testing. Such an allowance would give the manufacturers some influence over the stringency of the requirements and could result in differences in the stringency of the requirements for different manufacturers. Further, the allowance seems unwarranted when the problem (potential front edge loading) could be addressed without introducing such a variable. In addition, NHTSA notes that manufacturers already have this flexibility with respect to their own testing. The test procedures in the Federal Motor Vehicle Safety Standards specify how the agency will conduct compliance testing. Manufacturers and converters may, at their risk, deviate from these procedures so long as they are confident that the modified test still provides an adequate basis for certification that their vehicles will comply when tested by the agency in accordance with the standard.

The agency thinks there is merit in the portion of BMW's recommendation to specify that the front edge of the test plate is to be placed 254 mm (10 inches) forward of the forwardmost point on the roof. NHTSA believes that if the plate were so positioned, its front edge would not contact the roof or A-pillar of any current or future vehicles. The agency is not aware of any vehicles, even minimally compliant ones, with A-pillars so inclined that the plate's front edge could contact the roof or the A-pillar. The agency does not foresee any complications in the test procedure or change in the stringency of the requirements as a result of shifting the plate 254 mm (10 inches) forward, since the plate is so long that rear edge contact is highly unlikely.

By moving the test plate sufficiently forward of the forwardmost point of the roof, edge loading associated with the current procedure will be eliminated for present and future production vehicles. Locating the plate edge relative to a fixed point on the roof instead of the initial contact point also addresses BMW's concern that future vehicles with very inclined A-pillars might have roofs on which the initial contact point is hard to determine. It is also suitable for vehicles whose forwardmost point of the roof does not lie on the vehicle's longitudinal centerline, because the roof at the top of the A-pillar will not be more than 254 mm (10 inches) longitudinally forward of the roof on the vehicle's centerline. Therefore, the agency is modifying the rule to specify placement of the plate's front edge 254 mm ± 10 mm (10 inches ± .39 inches) forward of the forwardmost point on the roof. This will limit the test variability, while ensuring enforceability of the crush resistance requirement.

NHTSA agrees with Advocates that the low angle of inclination of the A-pillar for vehicles with aerodynamic roof structures will likely cause the B-pillar and the adjacent portions of the roof to bear proportionally greater crash forces in rollover crashes, compared with vehicles with more upright A-pillars. However, ensuring the structural integrity of the A-pillar is of even greater importance in vehicles with aerodynamic roof structures because the low slope of the A-pillar may result in a shorter minimum distance from the A-pillar to the front seat occupant's head. Therefore, this rule's emphasis on the A-pillar is appropriate.

NHTSA agrees with those commenters that the agency should not limit its efforts to refining the current test procedure, but should also explore other, arguably more realistic, methods of testing for roof crush strength that might lead to the possibility of greater improvements in rollover safety. The purpose of this rulemaking is to address only the issues of difficulty of testing raised in the petitions. Other issues, such as the possibility of using a dynamic test procedure or research into exploring differences between the rollover crash forces in the roof structures of various roof/pillar designs will be considered separately. The successful resolution of those issues may enable the agency to consider rulemaking for upgrading Standard No. 216.

C. Use of a Small Test Plate for Vehicles With Raised or Modified Roofs

All commenters that addressed the issue opposed the small test plate and recommended continued use of only a large plate, mostly due to concerns over the likelihood of rear edge loading. Other reasons cited for opposing the small plate included failure to load the B-pillar, additional cost of making new test fixtures and higher test costs, and the possibility that the area crushed by the large test plate would exceed the surface area of the small plate, resulting in edge loading.

NHTSA agrees that the smaller test plate could result in rear edge contacts with certain raised roof vehicles, especially if the roof were minimally compliant. This would be particularly undesirable since the rear edge loading would likely occur on the roof over the front seat area. GM is correct in its statement that the small test plate would ineffectively stress the B-pillar, but, as explained above, loading the A-pillar and the roof section over the front seat area is the primary concern of the agency. In addition, the Standard No. 216 test procedure with the large plate in compliance testing results in little or no roof crush at the B-pillar.

Primarily because of the likelihood of rear edge contact over the front seat area of some vehicles, NHTSA agrees with these commenters that a small test plate should not be adopted. This addresses manufacturer concerns about additional costs of making new test fixtures and higher test costs, and about the current plate crushing an area greater than the surface area of the smaller plate. However, retaining the large plate means that the problem with testing raised or modified roofs needs to be addressed in another way.

The question becomes how to conduct testing with the large test plate in a manner that addresses the concerns raised by RVIA in its petition. The agency believes GM's recommendation to move the large test plate forward far enough to ''achieve the desired loading condition'' is not feasible. Allowing the position of the test plate to vary by an amount thought to be necessary to avoid contacting the raised section introduces a variable that would add to the test variability cited by Ford in its study. It would make the standard less objective, thus making compliance testing more difficult and reducing the standard's enforceability. In addition, with certain modified roof structures, the shape of the raised section might dictate moving the plate so far forward that the rear edge is near the front of the front seat area, resulting in very little of the plate contacting the roof. Rear edge loading is especially likely in this situation.

Defining ''the desired loading condition'' may involve trade-offs. For certain roof shapes, the agency sees no way to avoid both loading the rear edge of the plate in the area over the front seat area and loading the raised roof to the rear of the front seat area. If the plate is far forward enough so that it misses the modified roof to the rear of the front seat area, rear edge loading even with the larger test plate can occur. This is because raised or modified roofs may

step up or slope up toward the rear of the front seat area, and the shorter length of plate over the roof (i.e., the distance between the front of the roof and the rear of the front seat area instead of the full length of the plate) provides less distance for even the large plate inclined toward the rear at a shallow angle to ramp up above the roof surface. If the large plate is allowed to extend past the rear of the front seat area, then portions of such a roof that are not over the front seat area may support load, and may experience rear edge loading anyway.

The agency concludes that the best way to test vehicles with raised and modified roofs in accordance with the intent of the standard is to align the rear edge of the test plate so that it is tangent to the vertical plane passing through the rearmost point of the front seat area. This essentially constitutes the agency's adoption of GM's recommendation, specifying a fixed longitudinal position instead of a variable position. Allowing the large test plate to be moved forward will avoid rear edge contact with the majority of raised roofs with the rear edge positioned as specified. It should not matter how far the front of the plate projects in front of the roof.

This solution minimizes problems. Rear edge loading might occur in testing a small number of vehicles with modified or raised roof structures that slope or step upward at more than a five degree angle between the front of the roof and the rear of the front seat area. However, this is unavoidable without varying the plate angles and position according to the roof geometry. The plate might never contact the A-pillar if the raised or modified roof is more than five inches above that structure, but this may be unavoidable regardless of the plate size and angle. The agency's primary concern is that the test plate loads the roof of the front seat area using a procedure that is more objective and repeatable. This solution accomplishes that goal.

Retention of the larger plate also largely addresses GM's concern regarding the potential increase in cost for designing test fixtures. However, the requirement that the rearward edge of the long plate be aligned with the rear of the front seat area when testing certain raised roof vehicles, could necessitate some retooling for the fixtures. There should not be any additional cost for those test facilities which use two hydraulic cylinders to apply the loads to the test plate. Test facilities that use a single hydraulic cylinder may or may not be able to produce uniform loading upon the roof structure, because of the torsion that would be applied to the connection between the plate and the cylinder if only the rear half of the plate is in contact with the vehicle. If upgrading single cylinder equipment is necessary to compensate for this effect, the agency anticipates only a minor, one time only, fixture cost.

The initial point of plate contact determines whether the rear edge of the plate needs to be aligned with the rear of the front seat area. If the initial contact point is above the front seat area, then the normal plate positioning procedure is used. If the initial contact point is to the rear of the front seat area, then the plate is realigned.

NHTSA realizes that, after the plate has been realigned, if the initial point of contact is only slightly forward of the rear of the front seat area, then a small amount of the roof to the rear of the front seat area might be crushed by the rear edge of the plate as it moves downward and slightly rearward, perpendicular to its 5 degree rearward inclination. This is only likely to happen if the roof is minimally compliant. NHTSA's past compliance testing indicates this would be a very rare occurrence. In any case, crushing a small amount of roof to the rear of the front seat area is preferable to the rear edge loading that would occur otherwise. If the initial point of contact is to the rear of the front seat area, then rear edge loading at the rear of the front seat area is preferable to the possibility that the roof over the front seat area would never be tested by the plate at all.

NHTSA disagrees with Minnesota DOT's analysis that ensuring the integrity of the front roof structure should not be of primary importance for vehicles with raised or modified roofs. Standard No. 216 stresses the area of the roof most likely to have occupants under it. Standard No. 220 was adopted for vehicles which typically carry more occupants in the rearward seating positions (i.e., school buses), which is why the integrity over the entire roof structure is the primary concern. Conversely, Standard No. 216 was adopted for vehicles which typically carry front seat occupants (i.e., most light duty vehicles). Thus, it is more important to ensure the integrity of the roof structure over the front seat area. In addition, failure of the A-pillar in these vehicles is more likely to cause harm than other parts of the roof. Light duty vehicles, particularly mini-vans, are commonly the type of vehicle whose roof structures are modified. Since 1990, these vehicles have commonly been designed with more aerodynamic roof structures. The design of aerodynamic roof structures effectively places the A-pillar/roof joints in closer proximity to the heads of the front seat occupants. Therefore, regardless of the initial point of contact, it is more important to ensure roof integrity at the A-pillar and adjoining roof structure.

The agency also disagrees with the portion of RVIA's analysis that concludes Standard No. 220 is comparable to Standard No. 216 and is preferable for testing vehicles with raised or modified roofs. NHTSA stands by its tentative conclusion stated in the NPRM that the Standard No. 220 test is less stringent than Standard No. 216 for testing the appropriate roof area. Agency tests on a raised roof van using the Standard No. 220 procedure resulted in the initial point of contact and the maximum amount of deformation near the *rear* of the roof structure. The proposed Standard No. 216 procedure, as well as the procedure adopted in this final rule, has an initial point of contact and maximum roof crush over the front seat area and near the A-pillar for conventionally flat roof structures. Even though the maximum amounts of roof crush in the two tests were comparable, the deformation at the A-pillar junction was far less in the Standard No. 220 test. There are no hard data on the issue of where initial contact with the ground typically occurs in real world rollover crashes, so RVIA's conclusion that the initial point of contact would be farther to the rear is speculative. However, NHTSA's engineering judgement, based on an analysis of NASS data conducted in the 1980s, is that real world rollovers typically involve a component of forward velocity along with the roll, which should generally result in the front occupant area (e.g., the A-pillar and front edge of the roof) contacting the ground first. Therefore, Standard No. 216 is a more appropriate test.

D. Other Issues and Concerns

1. Real World Rollover Crashes Versus Standard No. 216

Advocates and other commenters stated that agency's proposed modification to Standard No. 216 would not improve the extent to which the standard addresses real world rollover crashes. As stated earlier, the purpose of this rulemaking is to address conflicts and ambiguities in the existing test procedure. Major changes, such as changing from a quasi-static to a dynamic roof crush test, are outside the scope of this rulemaking and therefore must be considered separately.

The agency is taking steps to address the issue of substantive changes to Standard No. 216. As part of NHTSA's Strategic Plan, which details goals for

improving occupant protection in rollover crashes, the agency is conducting research to explore the potential for reducing injuries and fatalities resulting from harmful contact due to roof crush. The agency is focusing on developing alternative test procedures for improving roof crush resistance. A cumulative report that details the results of NHTSA's research and compares quasi-static testing to dynamic testing is currently available on NHTSA's Research and Development web page at www.-nrd.nhtsa.dot.gov/vrtc/cw/roofcrsh.pdf. The report is also available through the DOT docket, under docket number NHTSA–1996–1742. NHTSA is also exploring a possible correlation between real world rollover roof crush/injury data and the headroom reduction resulting from the roof crush in these crashes. Following the completion of this research, NHTSA will determine the next steps in upgrading rollover occupant protection crashworthiness. Depending on the results of its research, NHTSA may initiate a rulemaking to address whether Standard No. 216 should be upgraded as a modified quasi-static test or whether the adoption of a dynamic test should be considered.

RHLF commented that the raised roof section of some van conversions detaches in rollover crashes due to the fiberglass material's reduction in the ductility or energy absorption and inadequate attachment with sheet metal screws by final stage manufacturers. NHTSA is not aware of any industry-wide problem. Any problem found that is not common to a substantial portion of the second/final stage manufacturers would be addressed by NHTSA's defects program. NHTSA's Office of Defects Investigation will continue to monitor this situation through its complaint files and, if an apparent safety problem arises, the appropriate action will be taken.

2. Test Variability in Standard No. 216 Testing

Ford expressed concerns regarding the variability in roof crush testing and attributed that variability to differences in the design of each test facility's lab equipment, the operation of the equipment, the accuracy and verification methods of each test lab, and the test vehicle setup including the tie-down procedures. The agency plans to address these issues separately.

NHTSA agrees with Ford that the term ''trim'' in S7.2(e) describing the proposed orientation of the test device, should be revised to say ''windshield trim'' because it is more specific. NHTSA also agrees that the term ''windshield trim'' should be defined consistently with the definition in Standard No. 201. Therefore, the same definition used in Standard No. 201 has been incorporated in this final rule.

3. Analysis of Responses to Agency Questions in the NPRM

Is the integrity of a roof structure on one side of a vehicle altered by a test on the other side? The agency agrees with GM and Ford that if deformation as a result of a test on one side of a vehicle were sufficiently extensive, it *could* cause overlapping damage that would affect a second test. NHTSA asked the question in the NPRM mainly to evaluate the effect of dual testing in previous research. The agency conducts only one Standard No. 216 compliance test per vehicle.

The proposed positioning of the test load plate resulted in 17% additional ''crush'' to a Dodge Neon during the test. NHTSA deems this to be insignificant because it represents a displacement of only 8 mm. NHTSA disagrees that the 17 percent increase in crush when using the proposed procedure in the comparison test was a significant increase. The test of the 1995 Dodge Neon was conducted first using the proposed test plate position on one side of the vehicle, and then using Standard No. 216's requirement on the other. The testing resulted in the proposed test procedure producing 53.5 mm of crush and 45.8 mm for the current procedure. The absolute difference in roof crush between the two procedures was only 7.7 mm (0.3 inches). This amount of variation in the test results between similar Standard No. 216 compliance tests should be expected when using the current Standard No. 216 procedure. Compliance testing (conducted at MGA Research Corporation) on two similar 1985 Buick Rivieras and two 1984 Ford Crown Victorias (agency compliance tests 624784, 624786, 627293, and 627488, respectively) resulted in a difference of 0.2 inches in roof crush for the Ford models and 1.09 inches for the GM models. Therefore, it is not reasonable to assume that the revised procedure will always result in significantly more crush.

In Ford's supplemental response to the NPRM, it stated that the setup procedure for Standard No. 216 can cause considerable variations in repeatability. Ford stated that, based upon its engineering judgement, potential differences in the loading could result from the unique design or operational characteristics of the lab equipment, the equipment accuracy, the verification methods, and the test vehicle set-up (i.e., vehicle tie-down methods). Theoretically, the revised procedure would make no difference at all in the amount of crush, since the plate orientation and size, and its initial point of contact with the roof structure have not changed. The agency will consider setup procedure issues.

Is NHTSA's definition of ''roof over the front occupant compartment'' appropriate? In response to Ford's questioning how NHTSA derived a distance of 162 mm rearward of the SgRP, the agency derived that number from S8.11(a)(1) of Standard No. 201, *Occupant Protection in Interior Impact.* It represents the distance from the SgRP to the center of gravity of the 50th percentile male Hybrid III dummy.

NHTSA agrees with GM's recommendation that the definition of the rear of the front seat area be revised to account for certain classes of vehicles where the driver's side can be on the right side of the vehicle (e.g., postal and international vehicles) or which have asymmetric design configurations in which one outboard SgRP may be different from the other. Therefore, the agency has revised the definition of ''roof over the occupant compartment'' to reference ''a transverse vertical plane passing through a point 162 mm rearward of the SgRP of the rearmost front outboard seating position * * *''

If NHTSA increased the amount of allowable ''crush'' for vehicles with raised roofs, what method should be used to take into account the increased headroom resulting from such roofs? NHTSA shares Advocates' concerns about the idea of allowing increased amounts of roof crush for vehicles with modified/raised roofs. The agency agrees that there are no existing data that will justify relaxing roof crush limits. The agency is also aware that not all vehicles with a modified or raised roof will have increased head room. Storage space added above the occupants' heads may eliminate the headroom added by raising the roof. In addition, the agency's concern expressed in the NPRM with practicability of testing was not addressed by any commenter. Due to these valid concerns, NHTSA is not increasing the allowable amount of crush for these vehicles, but will maintain uniform requirements with all types of roof structures.

Should the proposed test procedure address glass panels or sunroofs located over the front occupant compartment, and if so, how? The test procedure currently requires that, prior to testing, windows and doors are closed and removable or movable roof panels are in their closed and latched positions. GM

stated that it knows of no reason to change this practice. Neither does the agency. NHTSA rejects RVIA's suggestion that the roof should be tested in either the open or closed position, at the discretion of the manufacturer, because that would make the standard less objective.

While this proposal does not involve changes to test load plate angles, the NHTSA requests any available data on the subject. No data were known to the commenters. However, NHTSA's Vehicle Research and Testing Center has generated a limited amount of data on this subject. These results are incorporated in the agency's report on static versus dynamic testing which is available in the docket and on the agency's web site (*www.nhtsa.dot.gov*).

Should the load plate be reduced in size from the current 30'' x 72'' to 24'' x 24'' for testing of vehicles with a raised or altered roof structure located rearward of the front occupant compartment? As discussed above, due to concerns about rear edge plate loading over the front seat area, the agency will retain the larger test plate for all Standard No. 216 testing.

VI. Changes to the Regulatory Text

Substantial changes to the regulatory text are being adopted, although the substance of the regulation remains largely the same. To accommodate the insertion of a definitions paragraph (customarily located at the beginning of NHTSA's standards), all subsequent paragraphs, i.e., those beginning with S4, are being renumbered. Essentially the same requirements were repeated three times in the NPRM and twice in the existing standard, with the only difference being an absolute limit on the amount of force for passenger cars and, in the NPRM, the location of the initial contact point of the test plate on raised roof vehicles. To eliminate that redundancy, these paragraphs of the requirements section have been consolidated, with the differences in the requirements clearly described.

Paragraph S7.2 has been rewritten to clarify, but not change, the process of orienting the test plate and lowering so that it makes initial contact with the vehicle being tested. In addition, the agency is making a number of clarifying minor changes to the regulatory text. In particular, a sentence was added to the test procedures to explicitly specify that non-structural components such as roof racks are removed prior to testing. This was already the agency's interpretation of the current test procedure. The word ''accidents'' in S2 is replaced with the word ''crashes.'' Figure 1 is revised to reflect the new plate positioning procedure.

VII. Lead Time

The agency proposed a lead time of 180 days and requested comments on that issue. In its two comments in response to the NPRM, Ford did not renew its earlier request for a five year lead time, but instead stated that 180 days was reasonable. VW commented that 180 days was reasonable, and no other commenter addressed the issue. This action is being taken at the manufacturers' request. To the extent that test plate placement differs from the current procedures, it should make compliance with the standard easier for all vehicles, since engagement of the A-pillars is assured. No changes in vehicle design will be necessary. Likewise, no changes in equipment will be necessary, except for the possibility that some test facilities might have to add an additional hydraulic cylinder to the existing large plate. In NHTSA's judgement, this can be accomplished within 180 days. Consequently, the changes to Standard No. 216 will become effective, and compliance will be required, 180 days following the publication of the final rule. However, manufacturers may voluntarily comply with this rule earlier.

VIII. Rulemaking Analyses and Notices

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

This rulemaking document was not reviewed under E.O. 12866, ''Regulatory Planning and Review.'' This action has been determined to be ''non-significant'' under the Department of Transportation's regulatory policies and procedures. The changes made by this rule will not impose any new requirements, but simply clarify existing test procedures and allow them to be applied consistently to the intended area of the roof on all vehicles. Thus, this rule will not require any design changes and will not cause any increase in compliance costs, except as noted below in the discussion of test equipment under the Regulatory Flexibility Act. The impacts of the rule are so minor that a full regulatory evaluation is not required.

B. Regulatory Flexibility Act

NHTSA has also considered the impacts of this rule under the Regulatory Flexibility Act (beginning at 5 U.S.C. 601). I certify that this rule will not have a significant economic impact on 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 final rule primarily affects passenger car, light truck, and multipurpose passenger vehicle manufacturers. It also affects a substantial number of van conversion shops and a small number of independent test facilities that perform Standard No. 216 testing. The Small Business Administration's size standards (13 CFR part 121) are organized according to the Standard Industrial Classification Codes (SIC). SIC Code 3711 ''Motor Vehicles and Passenger Car Bodies'' has a small business size standard of 1,000 employees or fewer. Virtually none of the vehicle manufacturers are small entities under that standard. NHTSA does not know the number of employees at a typical test facility, but there are not a substantial number of these businesses. NHTSA also does not know the number of employees typically employed by the van conversion shops (i.e., the final stage manufacturers and alterers), but it assumes that they are few in number, and that a substantial number of these businesses would qualify as small entities.

However, there will be no significant economic impact on any entity. As explained above, the rule does not impose any new requirements but instead clarifies the test procedures and allows them to be applied to the areas of the roof to which they were originally intended. There is a possibility that some vehicles with raised roofs to the rear of the front seat area will now have to be tested with much of the test plate projecting forward from the roof, such that a single hydraulic cylinder centered on the plate may not be sufficient to stabilize the plate during testing. In this case, a few test facilities might have to modify their test equipment by adding a second hydraulic cylinder, but NHTSA does not consider the changes to be a significant economic impact. The conversion shops are already responsible under the current test procedures for recertifying compliance with Standard No. 216 if they affect the roof structure. This rule will not have any effect on the price of new vehicles purchased by small entities.

C. Paperwork Reduction Act

NHTSA has analyzed this rule in accordance with the Paperwork Reduction Act of 1980 (Public Law 96–511). There are no requirements for information collection associated with this rule.

D. Executive Order 12612 (Federalism)

NHTSA has analyzed this rule in accordance with the principles and criteria contained in E.O. 12612, and has determined that this rule will not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

E. Civil Justice Reform

This rule will not have any retroactive effect. Under 49 U.S.C. 30103, 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, except to the extent that the state requirement imposes a higher level of performance and applies only to vehicles procured for the State's use. 49 U.S.C. 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.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Reporting and recordkeeping requirements.

In consideration of the foregoing, 49 CFR part 571 is amended as follows:

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

1. The authority citation for part 571 continues to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

2. Section 571.216 is amended as follows:

a. S2 is revised.

b. S4 is revised.

c. S5 is revised.

d. S6 is revised, and S6.1, S6.2, 6.3 and S6.4 are removed.

e. S7, S7.1, S7.2, S7.3, S7.4, S7.5, and S7.6 are added.

f. A heading is added preceding Figure 1 at the end of the section and Figure 1 is revised.

The additions and revisions read as follows:

§ 571.216 Standard No. 216; Roof crush resistance.

* * * * *

S2. *Purpose.* The purpose of this standard is to reduce deaths and injuries due to the crushing of the roof into the occupant compartment in rollover crashes.

* * * * *

S4. *Definitions.*

Altered roof means the replacement roof on a motor vehicle whose original roof has been removed, in part or in total, and replaced by a roof that is higher than the original roof. The replacement roof on a motor vehicle whose original roof has been replaced, in whole or in part, by a roof that consists of glazing materials, such as those in T-tops and sunroofs, and is located at the level of the original roof, is not considered to be an altered roof.

Raised roof means, with respect to a roof which includes an area that protrudes above the surrounding exterior roof structure, that protruding area of the roof.

Roof over the front seat area means the portion of the roof, including windshield trim, forward of a transverse vertical plane passing through a point 162 mm rearward of the SgRP of the rearmost front outboard seating position.

Windshield trim means any molding, other than rubber molding and bonding adhesive, that is located over either the windshield glazing, the exterior roof surface or both.

S5. *Requirements.* When the test device described in S6 is used to apply a force to either side of the forward edge of a vehicle's roof in accordance with the procedures of S7, the lower surface of the test device must not move more than 127 millimeters. The applied force in Newtons is equal to 1.5 times the unloaded vehicle weight of the vehicle, measured in kilograms and multiplied by 9.8, but does not exceed 22,240 Newtons for passenger cars. Both the left and right front portions of the vehicle's roof structure must be capable of meeting the requirements. A particular vehicle need not meet further requirements after being tested at one location.

S6. *Test device.* The test device is a rigid unyielding block whose lower surface is a flat rectangle measuring 762 millimeters by 1,829 millimeters.

S7. *Test procedure.* Each vehicle must be capable of meeting the requirements of S5 when tested in accordance with the procedure in S7.1 through 7.6.

S7.1 Place the sills or the chassis frame of the vehicle on a rigid horizontal surface, fix the vehicle rigidly in position, close all windows, close and lock all doors, and secure any convertible top or removable roof structure in place over the occupant compartment. Remove roof racks or other non-structural components.

S7.2 Orient the test device as shown in Figure 1 of this section, so that—

(a) Its longitudinal axis is at a forward angle (in side view) of 5 degrees below the horizontal, and is parallel to the vertical plane through the vehicle's longitudinal centerline;

(b) Its transverse axis is at an outboard angle, in the front view projection, of 25 degrees below the horizontal.

S7.3 Maintaining the orientation specified in S7.2—

(a) Lower the test device until it initially makes contact with the roof of the vehicle.

(b) Position the test device so that—

(1) The longitudinal centerline on its lower surface is on the initial point of contact, or on the center of the initial contact area, with the roof; and

(2) Except as specified in S7.4, the midpoint of the forward edge of the lower surface of the test device is within 10 mm of the transverse vertical plane 254 mm forward of the forwardmost point on the exterior surface of the roof, including windshield trim, that lies in the longitudinal vertical plane passing through the vehicle's longitudinal centerline.

S7.4 If the vehicle being tested is a multipurpose passenger vehicle, truck, or bus that has a raised roof or altered roof, and the initial contact point of the test device is on the raised roof or altered roof to the rear of the roof over the front seat area, the plate is positioned so that the midpoint of the rearward edge of the lower surface of the test device is within 10 mm of the transverse vertical plane located at the rear of the roof over the front seat area.

S7.5 Apply force so that the test device moves in a downward direction perpendicular to the lower surface of the test device at a rate of not more than 13 millimeters per second until reaching the force level specified in S5. Guide the test device so that throughout the test it moves, without rotation, in a straight line with its lower surface oriented as specified in S7.2(a) and S7.2(b). Complete the test within 120 seconds.

S7.6 Measure the distance that the test device moved, i.e., the distance between the original location of the lower surface of the test device and its location as the force level specified in S5 is reached.

BILLING CODE 4910–59–P

Figure 1 to § 571.216

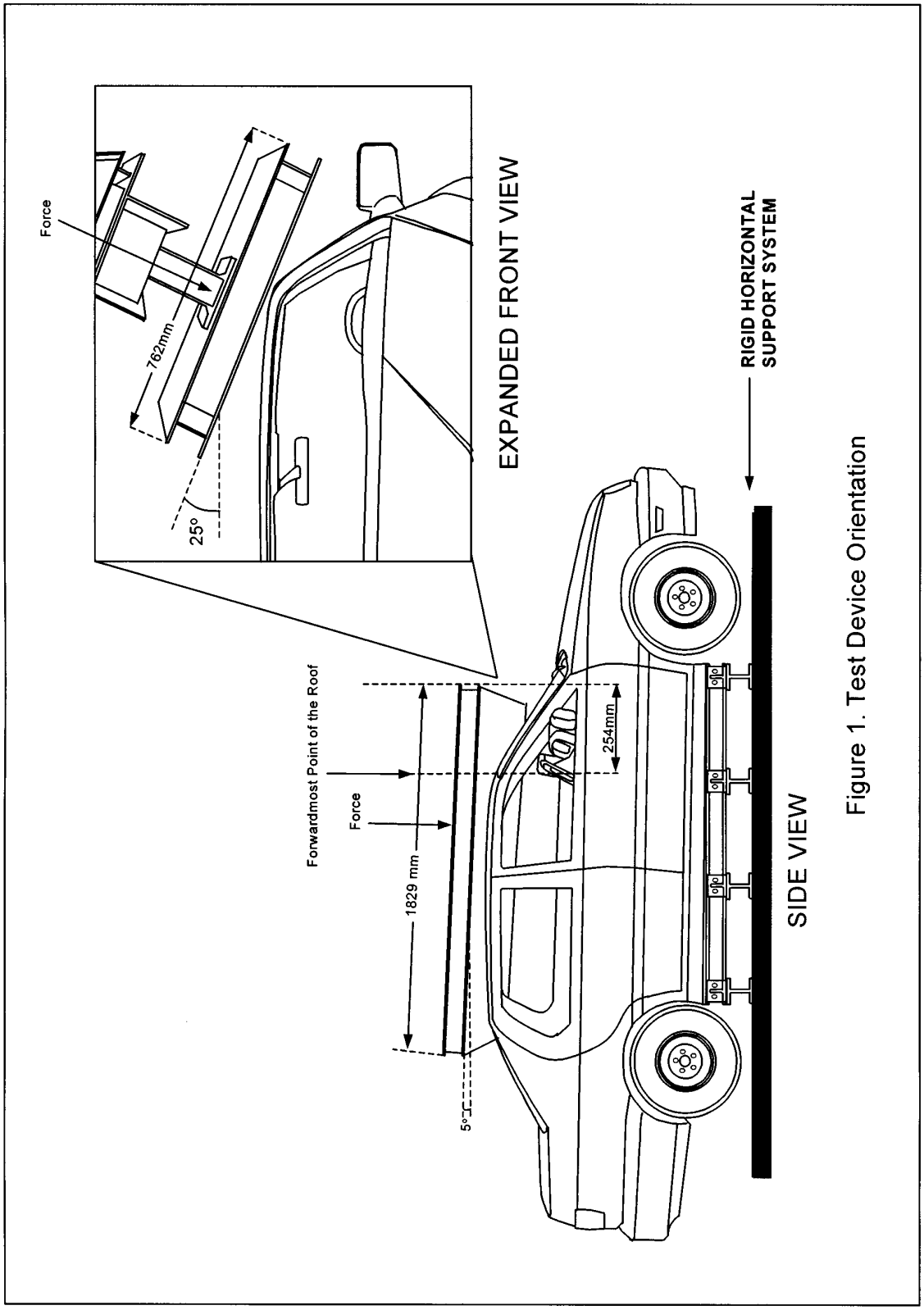

Figure 1. Test Device Orientation

Proposed Rules

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

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

RIN 3150–AE26

Industry Codes and Standards; Amended Requirements

AGENCY: Nuclear Regulatory Commission.

ACTION: Supplemental proposed rule.

SUMMARY: The Nuclear Regulatory Commission is publishing a supplement to the proposed rule published on December 3, 1997 (62 FR 63892) that would eliminate the requirement for licensees to update their inservice inspection (ISI) and inservice testing (IST) programs beyond a baseline edition and addenda of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code (BPV Code). The proposed rule would establish the 1989 Edition of the ASME BPV Code, Section XI, as the baseline Code for IST requirements (except for design and access provisions and preservice examination requirements) for pumps and valves that are classified as ASME Code Class 1, 2, or 3 components in currently operating nuclear power plants. The proposed rule would establish the baseline Code for ISI requirements for components (including supports) classified as ASME Code Class 1, 2, or 3 as the 1989 Edition of the ASME BPV Code, Section XI. The proposed rule would establish the baseline Code for ISI requirements for Class MC and Class CC components and their integral attachments as the 1992 Edition with the 1992 Addenda of Subsections IWE and IWL of the ASME BPV Code, Section XI. Finally, the proposed rule would require that, as discussed in 62 FR 63892, ASME Code Class 1, 2, or 3 components conform to the requirements in Appendix VIII of Section XI of the ASME BPV Code, 1995 Edition with the 1996 Addenda. Licensees would be allowed to update their ISI and IST programs to more recent editions and addenda of the ASME Code incorporated by reference in the regulations. In this supplementary notice, the NRC is requesting comments only with respect to the proposed elimination of the 120-month update requirement for ISI and IST programs.

DATES: Submit comments on this supplement to the proposed rule by June 28, 1999. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: Submit comments to: The Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff. Deliver comments to: 11555 Rockville Pike, Rockville, Maryland, between 7:30 a.m. and 4:15 p.m. on Federal workdays.

You may also provide comments via the NRC's interactive rulemaking website through the NRC home page (http://www.nrc.gov). From the home page, select ''Rulemaking'' from the tool bar. The interactive rulemaking website can then be accessed by selecting ''New Rulemaking Website.'' This site provides the ability to upload comments as files (any format), if your web browser supports that function. For information about the interactive rulemaking website, contact Ms. Carol Gallagher, 301–415–5905; e-mail: cag@nrc.gov.

Certain documents related to this rulemaking, including comments received, and the draft regulatory analysis, may be examined at the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, D.C. Single copies of the regulatory analysis may be obtained from Thomas G. Scarbrough, Division of Engineering, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C., telephone (301) 415–2794; e-mail: tgs@nrc.gov.

The NRC has scheduled a public workshop to discuss this supplement to the proposed rule on eliminating the requirement for licensees to update their ISI and IST programs every 120 months. This workshop will also include discussion of an appropriate baseline Code edition for ISI and IST requirements. The workshop will be held on Thursday, May 27, 1999, from 9:00 a.m. to 4:00 p.m. in the Two White Flint North Auditorium at the NRC headquarters office located at 11545 Rockville Pike, Rockville, Maryland 20852–2738.

FOR FURTHER INFORMATION CONTACT: Thomas G. Scarbrough, Division of Engineering, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–2794, e-mail: tgs@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Background
II. Proposed Elimination of 120-Month Update Requirement
III. Analysis of Proposed Revision to 10 CFR 50.55a
IV. Plain Language
V. Finding of No Significant Environmental Impact: Environmental Assessment
VI. Paperwork Reduction Act Statement
VII. Regulatory Analysis
VIII. Regulatory Flexibility Certification
IX. Backfit Analysis
X. National Technology Transfer and Advancement Act of 1995

I. Background

The NRC's regulations in 10 CFR 50.55a require that nuclear power plant owners: (1) construct Class 1, Class 2, and Class 3 components in accordance with the rules stated in the 1989 Edition of Section III, Division 1, ''Requirements for Construction of Nuclear Power Plant Components,'' of the ASME Boiler and Pressure Vessel Code (BPV Code); (2) inspect Class 1, Class 2, and Class 3 components in accordance with the rules stated in the 1989 Edition of Section XI, Division 1, ''Requirements for Inservice Inspection of Nuclear Power Plant Components,'' of the ASME BPV Code with certain limitations and modifications; (3) inspect Class MC (metal containment) and Class CC (concrete containment) components in accordance with the rules stated in the 1992 Edition with the 1992 Addenda of Section XI, Division 1, of the ASME BPV Code with certain modifications; and (4) test Class 1, Class 2, and Class 3 pumps and valves in accordance with the rules stated in the 1989 Edition of Section XI, Division 1, of the ASME BPV Code with certain limitations and modifications. The NRC regulations also require licensees to update their ISI and IST programs every 120 months to comply with the version of Section XI of the ASME BPV Code incorporated by reference into 10 CFR 50.55a and in

effect 12 months preceding the start of a new 120-month interval.

On December 3, 1997 (62 FR 63892), the NRC proposed amending 10 CFR 50.55a to revise the requirements for construction, ISI, and IST of nuclear power plant components to incorporate by reference recent editions and addenda of the ASME BPV Code and the ASME Code for Operation and Maintenance of Nuclear Power Plants (OM Code). The proposed rule contained a discussion of specific items under active consideration relative to NRC endorsement of ASME Codes. One item involved Direction Setting Issue (DSI) 13, ''Role of Industry,'' of the NRC's Strategic Assessment and Rebaselining Initiative, which includes an evaluation of NRC endorsement of industry codes and standards. The proposed rule retained the requirement that licensees update their ISI and IST programs every 120 months. However, the proposed rule indicated that this position might be modified before publication of the final rule. Based on further consideration, the NRC is re-evaluating the need for licensees to update their ISI and IST programs every 120 months. Upon request, the NRC plans to allow licensees scheduled to update their ISI and IST programs in the near term to delay submittal of their updates pursuant to 10 CFR 50.55a(a)(3)(i) while the NRC considers the elimination of the 120-month update requirement.

II. Proposed Elimination of 120-Month Update Requirement

The ASME BPV Code has been revised on a continuing basis over the years to provide improved requirements for inspecting pressure boundary components and testing pumps and valves in nuclear power plants. Certain IST provisions for pumps and valves originally contained in Section XI of the ASME BPV Code are now replaced in Section XI by references to ASME OM standards on which the ASME OM Code is based. Although some Code revisions have strengthened requirements and others have relaxed requirements, the NRC has generally considered the evolution of the ASME Code to result in a net improvement in the measures for inspecting piping and components and testing pumps and valves. However, neither the NRC nor ASME has performed a detailed quantified cost/benefit analysis of the general evolutionary changes to the ASME Code. As the ASME Code matures, the NRC finds that the overall safety increase associated with periodic revisions to the ASME Code is becoming smaller. The NRC believes that the overall level of safety achieved by adherence to a baseline edition or addenda of the ASME Code incorporated by reference in the regulations would be sufficient and adequate, and that unnecessary burden might be placed upon licensees by the required updating of their ISI and IST programs. The NRC also believes that the establishment of a baseline edition and addenda of the ASME Code for ISI and IST requirements would ensure adequate protection of public health and safety without periodic updating of ISI and IST programs at nuclear power plants. The NRC plans to continue to review the periodic revisions to the ASME Code to determine whether any new ISI or IST provisions meet the backfit requirements of 10 CFR 50.109 to mandate their implementation by nuclear power plant licensees.

In this supplement to the proposed rule published on December 3, 1997 (62 FR 63892), the NRC proposes to establish the 1989 Edition of the ASME BPV Code, Section XI, as the baseline Code for IST requirements, except for design and access provisions and preservice examination requirements, for pumps and valves that are classified as ASME Code Class 1, 2, or 3 components in currently operating nuclear power plants. As required by 10 CFR 50.55a(b)(viii), references in the ASME BPV Code, Section XI, to OM standards, Parts 4, 6, and 10 will mean the OMa–1988 Addenda to the OM–1987 Edition. The NRC proposes that the baseline Code for ISI requirements for components (including supports) classified as ASME Code Class 1, 2, or 3 be established as the 1989 Edition of the ASME BPV Code, Section XI. The NRC proposes that the baseline Code for ISI requirements for metal and concrete containment (Classes MC and CC) components and their integral attachments be the 1992 Edition with the 1992 Addenda of Subsections IWE and IWL of Section XI of the ASME BPV Code. The NRC proposes that, as discussed in 62 FR 63892, ASME Code Class 1, 2, or 3 components comply with the requirements in Appendix VIII of Section XI of the ASME BPV Code, 1995 Edition with the 1996 Addenda. The NRC proposes that licensees of currently operating nuclear power plants comply with these ISI and IST requirements, according to the limitations and modifications specified in the regulations, to the extent practical within the design, geometry, and materials of construction of the components. The NRC is continuing its evaluation and may determine as part of the review of public comments that a later edition or addenda, or portions thereof, constitute an appropriate baseline for ISI and IST requirements for currently operating nuclear plants. As discussed below, licensees may implement more recent editions or addenda of the ASME Code incorporated by reference in the regulations.

In this supplement, the NRC proposes to allow licensees that are currently applying earlier editions of the ASME BPV Code up to 5 years to implement the baseline or later editions and addenda of the ASME Code incorporated by reference in the regulations. However, the proposed rule would establish a separate implementation schedule for the ISI provisions of Appendix VIII of the ASME BPV Code, Section XI. The NRC proposes to eliminate the requirement to update ISI and IST programs every 120 months for licensees applying the baseline or later editions and addenda of the ASME Code incorporated by reference in the regulations. As proposed, licensees may update their ISI and IST programs to subsequent Code editions or addenda that have been incorporated by reference in the regulations without prior NRC approval when implemented in accordance with the limitations and modifications specified in 10 CFR 50.55a(b), (f), and (g), as applicable. In particular, they need to be implemented in total. Should a licensee intend to implement only a portion of a subsequent Code edition or addenda incorporated by reference in the regulations, the NRC proposes to require that the licensee obtain prior NRC approval by demonstrating that the specific portion of the edition or addenda presents an acceptable level of quality and safety, and that all related requirements are satisfied. The NRC intends to review future Code editions and addenda and approve them for voluntary use (in their entirety) by licensees through future rulemakings. However, should the NRC determine that a Code requirement is necessary for reasonable assurance of adequate protection, the NRC would by rulemaking (or order) require licensees to implement the relevant Code requirement. In addition, the NRC retains authority to require by rule or order implementation of ASME Code requirements if the appropriate backfit standard of 10 CFR 50.109(a) is met, e.g., that the ASME Code requirement to be imposed represents a substantial increase in the protection of the public health and safety whose cost is justified in light of this increased protection, or

is considered necessary for continued compliance with the regulations.

For future nuclear power plants, the NRC intends to continue the regulatory requirement that components conform to ISI and IST requirements stated in the latest edition and addenda of the ASME Code incorporated by reference in the regulations 1 year before issuance of the operating license. Future licensees would meet these ISI and IST requirements, according to the limitations and modifications specified in the regulations, to the extent practical within the design, geometry, and materials of construction of the components. Similar to existing licensees, the NRC proposes to eliminate the requirement for future licensees to update their ISI and IST programs periodically.

The NRC does not propose to alter the regulatory requirements for implementation of Section III of the ASME BPV Code for the design and construction of nuclear power plant components. The NRC regulations would continue to require future applicants for a construction permit to implement the latest edition and addenda of Section III of the ASME BPV Code incorporated by reference in the regulations when the construction permit is issued.

The NRC has determined that the regulatory requirement for licensees to update their ISI and IST programs every 120 months could be eliminated without requesting public comment on this issue. This position is based on the indication in the statement of considerations of the proposed rule published on December 3, 1997, that elimination of the update requirement was under consideration. However, in light of the significance and complexity of this issue, the NRC considers it prudent to obtain specific public comment on the proposal to eliminate the 120-month update requirement before reaching a final decision on this issue.

Some of the major considerations to be addressed regarding the potential benefits and impact of the proposal to eliminate the 120-month update requirement for ISI and IST programs are summarized in the following paragraphs.

One important consideration in the elimination of the 120-month update requirement for ISI and IST programs involves the proposed use by licensees of editions and addenda of the ASME Code incorporated by reference in the regulations subsequent to the baseline edition and addenda of the ASME Code. The NRC's current view is that licensees should be allowed to implement without NRC review and approval subsequent editions and addenda of the ASME Code incorporated by reference in the regulations, when implemented in accordance with the limitations and modifications in the regulations. This view is conditional upon the assumption that licensees will implement later editions of the ASME Code in total. It is also the NRC's view that licensees be required to request NRC approval for use of portions of subsequent editions and addenda of the ASME Code, unless use of those portions is pre-approved in the rule. In requesting NRC approval, licensees must demonstrate that the proposed portion of the ASME Code presents an acceptable level of quality and safety, and that all related requirements are satisfied.

The cost savings to nuclear power plant licensees resulting from eliminating the 120-month update requirement for ISI and IST programs are difficult to quantify. A typical ISI or IST program update may cost a licensee $200,000 to $300,000 every 10 years. Because more recent editions of the ASME Code tend to relax certain requirements of previous editions, some licensees may conclude that implementing a newer edition of the ASME Code would result in cost savings that outweigh the implementation costs and, thus, will update their programs to implement more recent ASME Code editions and addenda. The NRC requests specific comment from licensees on the burden associated with updating their ISI and IST programs and related procedures.

The NRC may or may not achieve a resource savings if the requirement for licensees to update their ISI and IST programs every 120 months is eliminated. On the one hand, the NRC would not receive for review those relief requests that would have been submitted by licensees as part of their 120-month program updates. On the other hand, the NRC currently plans to continue to review future Code revisions and Code cases for incorporation by reference in the regulations. The NRC would determine whether any specific safety-related Code provisions warrant mandatory implementation in accordance with 10 CFR 50.109 backfit provisions. The NRC would continue to review requests submitted by licensees for relief from the requirements of the specific Code editions and addenda to which they are committed in accordance with regulatory requirements.

In addition to resource expenditures, eliminating the requirement for licensees to update their ISI and IST programs every 120 months might affect license amendments, inspections, enforcement actions, and Code effectiveness related to ISI and IST programs. For example, the current requirements of 10 CFR 50.55a determine the ASME Code edition and addenda in effect during each 120-month interval for a given plant. When a licensee implements a subsequent edition or addenda of the ASME Code, the licensee's commitment may be documented in a periodic update of the licensee's Final Safety Analysis Report. However, if a licensee seeks to adopt something less than the entire Code, as approved by the NRC, a relief request to use the proposed alternative would be necessary. With respect to inspection activity, elimination of the 120-month update requirement could result in NRC inspectors having to evaluate a wider range of Code editions and addenda, and portions thereof. Also, eliminating the 120-month update requirement might affect the staff's process for preparing regulatory guides that endorse ASME Code cases, or current initiatives by the NRC staff and industry on risk-informed ISI and IST programs. Over the long term, the elimination of the periodic update requirement might affect the technical quality of the ASME Code as a result of reduced interest in future editions of the Code by the NRC and industry organizations with the establishment of a baseline Code edition.

The National Technology Transfer and Advancement Act of 1995, Pub. L. 104–113, requires all Federal agencies and departments to use technical standards that are developed or adopted by voluntary consensus standards bodies, using these technical standards as a means to carry out policy objectives or activities determined by the agencies and departments. This requirement only applies when the participation of voluntary consensus standards bodies is in the public interest and is compatible with agency and departmental missions, authorities, priorities, and budget resources. The NRC will evaluate the relationship of Pub. L. 104–113 to the proposal to eliminate the regulatory requirement for licensees to update their ISI and IST programs every 120 months to the most recent ASME Code incorporated by reference in the regulations. The NRC's evaluation will determine whether a report (or periodic reports) must be provided to the Office of Management and Budget if the 120-month update requirement is eliminated.

This supplement is based on the proposed rule published on December 3, 1997, and does not reflect NRC

reconciliation of public comments received on the proposed rule. The NRC will discuss the resolution of comments on the proposed rule, including this supplement, when the final rule is issued. In this supplement to the proposed rule, the NRC is requesting comments only with respect to the proposed elimination of the 120-month update requirement for ISI and IST programs. To assist in the consideration of this issue, the NRC requests comments on the proposal to eliminate the 120-month update requirement in the following areas:

- Potential effect on safety;
- Potential reductions in the effectiveness of the ASME Code;
- Selection of the proper baseline edition and addenda of the ASME Code in terms of safety, resources, and efficiency;
- Regulatory benefits and burdens to licensees, industry suppliers (including vendors), nuclear insurers, states, and standards organizations;
- Burden on licensees to update their ISI and IST programs and related procedures;
- Potential effect on the number and detail of licensee submittals associated with ISI and IST programs;
- Changes to the range of ASME Code editions and addenda applied by licensees;
- Potential effect on processing of licensing actions and evaluations related to changes to ISI and IST programs, preparation of regulatory guides endorsing ASME Code editions and Code cases, and risk-informed ISI and IST initiatives;
- Potential effect on state and other organizations that rely on the ASME Code in their interactions with nuclear power plant owners;
- Application of portions of the ASME Code incorporated by reference in the regulations subsequent to the baseline edition; and
- Clarity of the supplement to the proposed rule.

III. Analysis of Proposed Revision to 10 CFR 50.55a

In preparing this supplement to the proposed revision to 10 CFR 50.55a, the NRC has focused on the substantive changes to the regulations that would result from eliminating the specific requirement in Section 50.55a for licensees of nuclear power plants to update their ISI and IST programs every 120 months.

A. Section 50.55a(b)(4)

A new § 50.55a(b)(4) would be added to group several ASME Code cases and specified portions of later ASME Codes (i.e., editions and addenda issued subsequent to the 1989 Edition of the ASME BPV Code) that are not required to be used, but that are acceptable to the NRC and may be used on a voluntary basis without prior NRC approval. The identified portions of later ASME Codes are Appendix II of the ASME OM Code, 1995 Edition with the 1996 Addenda; Subsection ISTD of the ASME OM Code, 1995 Edition with the 1996 Addenda, for inservice testing; and Table ISTD 6.5.2–1, ''Refueling Outage-Based Visual Examination Table,'' of the 1996 Addenda of the ASME OM Code. The NRC will be considering the appropriate mechanism for endorsing Code Cases, i.e., through the regulations or regulatory guides.

B. Section 50.55a(f)(4)(i)

Section 50.55a(f)(4)(i) would be revised to establish the 1989 Edition of the ASME BPV Code, Section XI, as the baseline Code for IST requirements, except for design and access provisions and preservice examination requirements addressed in §§ 50.55a(f)(1) through (3), for pumps and valves that are classified as ASME Code Class 1, 2, or 3 components in currently operating nuclear power plants. This supplement would require licensees to meet these IST requirements, according to the limitations and modifications specified in the regulations, to the extent practical within the design, geometry, and materials of construction of the pumps and valves. Under the periodic update requirement currently specified in § 50.55a, the IST programs at all operating nuclear power plants would have been required to implement the 1989 Edition of Section XI of the ASME BPV Code within 3 years. This supplement would allow licensees that are currently applying earlier editions of the ASME BPV Code up to 5 years to implement the baseline or later editions or addenda of the ASME Code incorporated by reference in the regulations. This supplement would eliminate the requirement to update IST programs every 120 months for licensees currently applying the 1989 Edition or a later edition of the ASME Code incorporated by reference in the regulations.

C. Section 50.55a(f)(4)(ii)

Section 50.55a(f)(4)(ii) would be revised to specify that, for future nuclear power plants, pumps and valves that are classified as ASME Code Class 1, 2, or 3 components must conform to the IST requirements (except for design and access provisions and preservice examination requirements) stated in the latest edition and addenda of the ASME OM Code incorporated by reference in the regulations 1 year before issuance of the operating license. This supplement would require future licensees to meet these IST requirements, according to the limitations and modifications specified in the regulations, to the extent practical within the design, geometry, and materials of construction of the pumps and valves. This supplement would eliminate the requirement for future licensees to update their IST programs periodically.

D. Section 50.55a(f)(4)(iii)

Section 50.55a(f)(4)(iii) would be revised to allow licensees to apply IST requirements specified in more recent editions and addenda of the ASME BPV Code or ASME OM Code. [Section 50.55a(f)(3)(iv) allows pumps and valves to be designed to meet test requirements in subsequent editions and addenda of the ASME Code.] In particular, this supplement would state that licensees may apply the full requirements of subsequent editions or addenda of the ASME Code incorporated by reference in the regulations, subject to the specified limitations and modifications, without requesting specific NRC approval. However, should a licensee intend to apply only a portion of a Code edition or addenda that is not pre-approved in § 50.55a(b)(4), this supplement would require the licensee to obtain prior NRC approval under § 50.55a(a)(3), and in addition demonstrate that all related requirements are satisfied. This provision is proposed in anticipation of possible modification of IST requirements in subsequent editions or addenda of the ASME Code to improve test methods or to present more significant performance information. As a result of modifying those IST requirements, some aspects of the ASME Code might become more difficult to implement and other aspects might be relaxed. This supplement would ensure that the licensee satisfies the intent of the IST requirements when applying only a portion of subsequent editions or addenda of the ASME Code. Whether a licensee applies all or a portion of a subsequent edition or addenda of the ASME Code, the subsequent edition or addenda would become the effective Code of record for the facility.

E. Section 50.55a(f)(5)

Section 50.55a(f)(5) would be revised to require licensees to update their IST programs when a later Code edition or addenda (or portions thereof) that has

been incorporated by reference in the regulations is used on a voluntary basis. Accordingly, the NRC is retaining the provision for licensees to request relief from those Code requirements that are impractical. This supplement would require that, if a pump or valve test is found to be impractical, the licensee notify and submit to the NRC information to support its determination within 1 year from the date on which the test was determined to be impractical. The NRC considers this 1-year period to be ample time for licensees to submit a relief request to the NRC staff relating to the impracticality of a specific test. In addition, when a licensee voluntarily chooses to update its IST program to a later Code edition or addenda, the licensee is required to submit to the NRC the basis for those test requirements determined to be impractical before the start of the revised IST program. This supplement would eliminate the requirement that licensees justify the impracticality of performing the tests every 120 months. In granting requests for relief from specific IST requirements, the NRC may apply a time limit on the acceptability of the relief to ensure that the licensee considers future plant conditions or equipment that might enable the test to be conducted.

F. Section 50.55a(g)(4)(i)

Section 50.55a(g)(4)(i) would be revised to establish a baseline for ISI requirements (except for design and access provisions and preservice examination requirements) of specific components for currently operating nuclear power plants, subject to the limitations and modifications identified in the regulations. In particular, this supplement would require components (including supports) classified as ASME Code Class 1, 2, or 3 to meet the ISI requirements in the 1989 Edition or a later edition of the ASME BPV Code, Section XI. As discussed for IST requirements, this supplement would allow licensees 5 years to implement this provision. This supplement would require Class MC and Class CC components and their integral attachments to meet the ISI requirements in the 1992 Edition with the 1992 Addenda of Subsections IWE and IWL of the ASME BPV Code, Section XI, according to the implementation schedule in § 50.55a(g)(6)(ii)(B). Finally, this supplement would require ASME Code Class 1, 2, or 3 components to comply with the provisions in Appendix VIII to Section XI of the ASME BPV Code, 1995 Edition with the 1996 Addenda, according to the implementation schedule in § 50.55a(g)(6)(ii)(C).

G. Section 50.55a(g)(4)(ii)

Section 50.55a(g)(4)(ii) would be revised to require components in future nuclear power plants to meet the ISI requirements (except for design and access provisions and preservice examination requirements) stated in the latest edition and addenda of the ASME BPV Code, Section XI, incorporated by reference in the regulations 1 year before issuance of the operating license. This supplement would require components to conform to these ISI requirements, according to the limitations and modifications specified in the regulations, to the extent practical within the design, geometry, and materials of construction of the components. This supplement would eliminate the regulatory requirement for licensees of future plants to update their ISI programs periodically.

H. Section 50.55a(g)(4)(iii)

Section 50.55a(g)(4)(iii) would be revised to allow licensees to apply the full ISI requirements of more recent editions or addenda of the ASME Code incorporated by reference in the regulations, subject to the specified limitations and modifications, without requesting prior NRC approval. [Under § 50.55a(g)(3)(ii), components may be designed to conform to ISI requirements in subsequent editions and addenda of the ASME Code.] Similar to IST requirements in § 50.55a(f)(4) which permits a licensee to request approval under § 50.55a(a)(3) to use a portion of a Code edition or addenda that is not pre-approved in § 50.55a(b)(4), the licensee must demonstrate compliance with the criteria in § 50.55a(a)(3) as well as demonstrate that all related requirements in the Code are satisfied. In that the ISI requirements for Class MC and Class CC components and their integral attachments would be baselined to the 1992 Edition with the 1992 Addenda of Subsections IWE and IWL of Section XI of the ASME BPV Code, a licensee would be allowed to update the ISI requirements for Class 1, 2, and 3 components (including supports) to editions or addenda of the ASME Code incorporated by reference in the regulations, subject to the specified limitations and modifications, without requesting prior NRC approval while maintaining the requirements for Class MC and Class CC components to the 1992 baseline edition of the ASME Code. Also, similar to IST, the applied edition or addenda of the ASME Code would become the Code of record.

I. Section 50.55a(g)(5)

Section 50.55a(g)(5) would be revised to require licensees to update their ISI programs when a later Code edition or addenda (or portions thereof) that has been incorporated by reference in the regulations is used on a voluntary basis. Similar to IST requirements, this supplement would require that, if an examination is found to be impractical, the licensee notify and submit to the NRC (for review to grant relief) information to support its determination within 1 year from the date on which the examination was determined to be impractical. In addition, when a licensee voluntarily chooses to update its ISI program to a later Code edition or addenda, the licensee is required to submit to the NRC the basis for those examinations determined to be impractical before the start of the revised ISI program. This supplement would eliminate the requirement that licensees justify the impracticality of performing the examinations every 120 months. However, the NRC could apply a time limit on the acceptability of an ISI relief request to ensure that the licensee considers future plant conditions or equipment that might enable the examination to be conducted.

IV. Plain Language

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

V. Finding of No Significant Environmental Impact: Environmental Assessment

As discussed in the proposed rule (December 3, 1997; 62 FR 63892), based on an environmental assessment, the Commission determined, under the National Environmental Policy Act of 1969, as amended, and the Commission's regulations in Subpart A of 10 CFR Part 51, that the proposed amendment to § 50.55a, if adopted, would not have a significant effect on the quality of the human environment and, therefore, an environmental impact statement is not required. The environmental assessment of the proposed rule is available for public inspection, and copying for a fee, at the NRC Public Document Room, 2120 L Street NW (Lower Level), Washington, DC.

This supplement to the proposed rule focuses on the NRC's consideration of the elimination of the regulatory requirement for nuclear power plant licensees to update their ISI and IST programs every 120 months to the latest edition or addenda of the ASME Code incorporated by reference in the NRC regulations. The ASME Code is revised on a continuing basis to provide improved requirements for inspecting pressure boundary components and testing pumps and valves in nuclear power plants. In reviewing those periodic Code revisions, the NRC has generally considered the evolution of the ASME Code to result in a net improvement in the measures for inspecting piping and components and testing pumps and valves. However, the NRC is finding that the safety significance of the periodic revisions to the ASME Code is declining as the Code matures. As a result, the NRC considers that the establishment of a baseline edition and addenda of the ASME Code with the limitations and modifications specified in the NRC regulations would provide acceptable ISI and IST requirements to ensure the capability of nuclear power plant components to perform their safety functions. Further, the NRC plans to continue to review the periodic revisions to the ASME Code to determine whether any new ISI or IST provisions meet the backfit requirements of 10 CFR 50.109 to mandate their implementation by nuclear power plant licensees. The NRC believes that the establishment of an acceptable baseline of ISI and IST requirements including the limitations and modifications specified in the NRC regulations, and the continued review of new Code provisions for appropriate application in accordance with 10 CFR 50.109, would ensure the adequate protection of public health and safety without the need for licensees to update their ISI and IST programs periodically to the latest edition or addenda of the ASME Code incorporated by reference in the regulations. Therefore, the NRC finds that the proposed action to eliminate the periodic updating of ISI and IST programs should not increase the potential for a negative environmental impact. This discussion constitutes the environmental assessment for the elimination of the 120-month update requirement.

VI. Paperwork Reduction Act Statement

The proposed rule published for public comment on December 3, 1997, amended information collection requirements that are subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). These requirements were approved by the Office of Management and Budget approval number 3150–0011.

This supplement would reduce the proposed rule burden by eliminating the requirement to update the ISI and IST programs every 120 months. The burden reduction attributable to information collections, including revising affected reports, records, and procedures is estimated to be 7500 hours per plant every 10 years for an average of 750 hours annually. This burden reduction includes the time required for reviewing instructions, searching existing data sources, gathering and maintaining the data needed and completing and reviewing the information collection. The burden reduction will be included in the revised OMB clearance package prepared for the final rule. The U.S. Nuclear Regulatory Commission is seeking public comment on the potential impact of the information collections contained in the proposed rule supplement and on the following issues:

1. Is the proposed information collection necessary for the proper performance of the functions of the NRC, including whether the information will have practical utility?
2. Is the estimate of paperwork burden accurate?
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the paperwork burden of the information collection be minimized, including the use of automated collection techniques?

Send comments on any aspect of this proposed information collection, including suggestions for further reducing the paperwork burden, to the Records Management Branch (T–6 F33), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, or by Internet electronic mail at BJS1@NRC.GOV; and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB–10202, (3150–0011), Office of Management and Budget, Washington, DC 20503.

Comments to OMB on the information collections or on the above issues should be submitted by May 27, 1999. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date.

Public Protection Notification

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

VII. Regulatory Analysis

The Commission has prepared a draft regulatory analysis for this supplement to the proposed amendment to 10 CFR 50.55a published for public comment on December 3, 1997. The analysis examines the costs and benefits of the alternatives considered by the Commission with respect to the proposed elimination of the requirement for licensees to update their ISI and IST programs at nuclear power plants every 120 months.

The Commission requests public comment on the draft analysis for this supplement to the proposed amendment to 10 CFR 50.55a. Comments on the draft analysis may be submitted to the NRC as indicated under the Addresses heading.

VIII. Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission certifies that this rule will not, if adopted, have a significant economic impact on a substantial number of small entities. This proposed rule affects only the licensing and operation of nuclear power plants. The companies that own these plants do not fall within the scope of the definition of ''small entities'' stated in the Regulatory Flexibility Act or the Small Business Size Standards stated in regulations issued by the Small Business Administration at 13 CFR Part 121.

IX. Backfit Analysis

The NRC regulations in 10 CFR 50.55a require that nuclear power plant owners (1) construct Class 1, Class 2, and Class 3 components in accordance with the rules stated in the 1989 Edition of Section III, Division 1, ''Requirements for Construction of Nuclear Power Plant Components,'' of the ASME BPV Code; (2) inspect Class 1, Class 2, and Class 3 components in accordance with the rules stated in the 1989 Edition of Section XI, Division 1, ''Requirements for Inservice Inspection of Nuclear Power Plant Components,'' of the ASME BPV Code with certain limitations and modifications; (3) inspect Class MC (metal containment) and Class CC (concrete containment) components in accordance with the rules stated in the 1992 Edition with the 1992 Addenda of Section XI, Division 1, of the ASME BPV Code with certain modifications; and (4) test Class 1, Class 2, and Class 3 pumps and valves in accordance with the rules stated in the 1989 Edition of

Section XI, Division 1, of the ASME BPV Code with certain limitations and modifications. The NRC regulations also require licensees to update their ISI and IST programs every 120 months to comply with the version of Section XI of the ASME BPV Code incorporated by reference into 10 CFR 50.55a and in effect 12 months before the start of a new 120-month interval.

The NRC position on the routine 120-month update of ISI and IST programs is that 10 CFR 50.109 does not require a backfit analysis. In their comments on the proposed rule, the Nuclear Utility Backfitting and Reform Group (NUBARG) and the Nuclear Energy Institute (NEI) asserted that the routine updating to incorporate by reference new ASME Code provisions for ISI and IST constitutes a backfit for which a backfit analysis is required. The NRC has reviewed those comments and has concluded that neither NUBARG nor NEI raises legal concerns that would alter the previous legal conclusion that the Backfit Rule does not require a backfit analysis of routine updates to incorporate new ASME Code ISI and IST requirements.

Notwithstanding the NRC backfit position on the 120-month update requirement, the NRC has determined that the overall level of safety achieved by adherence to the currently applicable ASME Code, and the potentially unnecessary burden on licensees caused by updating ISI and IST programs every 120 months, warrant reconsideration of the 120-month update requirement. The ASME Code has been revised on a continuing basis over the years to provide updated requirements for inspecting pressure boundary components and testing pumps and valves in nuclear power plants. The NRC has generally considered the evolution of the ASME Code to result in a net improvement in the measures for inspecting piping and components and testing pumps and valves. As the Code has matured, the NRC considers the safety significance of periodic revisions to the ASME Code to be declining.

On the basis of the maturity of the ASME Code, the NRC is proposing to modify 10 CFR 50.55a to eliminate the requirement for licensees to update their ISI and IST programs beyond a baseline edition and addenda of the ASME Code. For future nuclear power plants, the NRC intends to continue the requirement that components conform to the ISI and IST requirements stated in the latest edition and addenda of the ASME Code incorporated by reference in the regulations 1 year preceding issuance of the operating license. The NRC also proposes to eliminate the requirement for future licensees to update their ISI and IST programs periodically. The NRC has concluded that establishment of a baseline edition of the ASME Code for ISI and IST requirements does not constitute a backfit, since it represents a relaxation when compared with the current 120-month update requirement.

X. National Technology Transfer and Advancement Act of 1995

The National Technology Transfer and Advancement Act of 1995 (Pub. L. 104–113) requires all Federal agencies and departments to use technical standards that are developed or adopted by voluntary consensus standards bodies, using these technical standards as a means to carry out policy objectives or activities determined by the agencies and departments. This requirement only applies when the participation of voluntary consensus standards bodies is in the public interest and is compatible with agency and departmental missions, authorities, priorities, and budget resources. The NRC will evaluate the relationship of Pub. L. 104–113 to the proposal to eliminate the regulatory requirement for licensees to update their ISI and IST programs every 120 months to the most recent ASME Code incorporated by reference in the regulations. The NRC's evaluation will determine whether a report (or periodic reports) must be provided to the Office of Management and Budget if the 120-month update requirement is eliminated.

List of Subjects in 10 CFR Part 50

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

For the reasons stated 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 proposed rule published on December 3, 1997 (62 FR 63892), is proposed to be further amended as follows.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

1. The authority citation for Part 50 continues to read as follows:

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

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

2. Section 50.55a is amended by adding paragraph (b)(4), removing paragraph (f)(4)(iv), removing and reserving paragraph (g)(4)(iv), and revising paragraphs (f)(4)(i), (ii), (iii), and (f)(5), and (g)(4)(i), (ii), (iii), and (g)(5) to read as follows:

§ 50.55a Codes and standards.

* * * * *

(b) * * *

(4) The following ASME Code cases or specified portions of the ASME Codes may be used with the indicated limitations and modifications without prior NRC approval.

(i) [Reserved]

(ii) [Reserved]

(iii) Check valves. Licensees may use Appendix II, OM Code, 1995 Edition with the 1996 Addenda, provided that all portions of the OM Code, 1995 Edition with the 1996 Addenda, that apply to check valves and the modifications specified in § 50.55a(b)(3)(iv) are also implemented.

(iv) Snubber inservice testing. Licensees may use Subsection ISTD, OM Code, 1995 Edition with the 1996 Addenda, for inservice testing (but not Section XI inservice inspection) of snubbers by making a change to their Technical Specifications in accordance with applicable NRC requirements. Licensees choosing to apply the subsection shall apply all of its provisions.

(v) Snubber visual examinations. When using versions of Section XI of the ASME Boiler and Pressure Vessel

Code up to and including the 1995 Edition, Table ISTD 6.5.2–1, ''Refueling Outage-Based Visual Examination Table,'' of the 1996 Addenda of the ASME OM Code may be used for scheduling snubber examinations in lieu of the table in OM–1987 Part 4.

* * * * *

(f) * * *

(4)(i) Throughout the service life of a boiling or pressurized water-cooled nuclear power facility whose construction permit was issued before {the effective date of the final rule}, pumps and valves that are classified as ASME Code Class 1, Class 2, or Class 3 must comply with the requirements, except for design and access provisions and preservice examination requirements, as stated in Section XI of the 1989 Edition of the ASME Boiler and Pressure Vessel Code subject to the limitations and modifications listed in § 50.55a(b) to the extent practical within the limitations of design, geometry, and materials of construction of the pumps and valves. Licensees shall implement these requirements within 60 months following {the effective date of the final rule}.

(ii) Throughout the service life of a boiling or pressurized water-cooled nuclear power facility whose construction permit was issued on or after {the effective date of the final rule}, pumps and valves that are classified as ASME Code Class 1, Class 2, or Class 3 must comply with the requirements, except design and access provisions and preservice examination requirements, as stated in the latest edition and addenda of the ASME Code for Operation and Maintenance of Nuclear Power Plants that are incorporated by reference in § 50.55a(b) on the date 12 months preceding the date of issuance of the operating license subject to the limitations and modifications listed in § 50.55a(b) to the extent practical within the limitations of design, geometry, and materials of construction of the pumps and valves.

(iii)(A) Inservice tests of pumps and valves may comply with the requirements stated in subsequent editions and addenda of the ASME Codes that are incorporated by reference in § 50.55a(b), subject to the limitations and modifications listed in § 50.55a(b), to the extent practical within the limitations of design, geometry, and materials of construction of the pumps and valves.

(B) Portions of those editions or addenda may be used subject to Commission approval. The licensee shall demonstrate compliance with the criteria in § 50.55a(a)(3), and in addition demonstrate that all related requirements are satisfied.

(5)(i) The inservice test program for a boiling or pressurized water-cooled nuclear power facility must be revised by the licensee to comply with the requirements of § 55.55a(f)(4)(iii) when used in lieu of meeting the requirements of either §§ 55.55a(f)(4)(i) or (f)(4)(ii), as applicable.

(ii) If a revised inservice test program for a facility conflicts with the technical specification for the facility, the licensee shall apply to the Commission for amendment of the Technical Specifications to conform the technical specification to the revised program. The licensee shall submit this application, as specified in § 50.4, at least 6 months before the start of the period during which the provisions become applicable.

(iii) If the licensee has determined that conformance with certain Code requirements is impractical for its facility, the licensee shall notify the Commission and submit, as specified in § 50.4, information to support the determination within one year from the date on which the test was determined to be impractical.

(iv) Where a pump or valve test requirement by the Code edition or addenda is determined to be impractical by the licensee and is not included in the revised inservice testing program as permitted by § 50.55a(f)(4)(iii), the basis for this determination must be submitted to the Commission before the start of the revised inservice testing program.

* * * * *

(g) * * *

(4)(i) Throughout the service life of a boiling or pressurized water-cooled nuclear power facility whose construction permit was issued before {the effective date of the final rule}, and subject to the limitations and modifications listed in § 50.55a(b) to the extent practical within the limitations of design, geometry, and materials of construction of the components:

(A) Components (including supports) that are classified as ASME Code Class 1, Class 2, or Class 3 must meet the requirements, except for design and access provisions and preservice examination requirements, stated in Section XI of the 1989 Edition of the ASME Boiler and Pressure Vessel Code, within 60 months following {the effective date of the final rule};

(B) Components that are classified as Class MC pressure-retaining components and their integral attachments, and components that are classified as Class CC pressure-retaining components and their integral attachments, must comply with the requirements, except for design and access provisions and preservice examination requirements, stated in the 1992 Edition with the 1992 Addenda of Subsection IWE and Subsection IWL of the ASME Boiler and Pressure Vessel Code, Section XI; and

(C) Components that are classified as ASME Code Class 1, Class 2, or Class 3 must comply with the requirements stated in Appendix VIII of the ASME Boiler and Pressure Vessel Code, Section XI, 1995 Edition with the 1996 Addenda.

(ii) Throughout the service life of a boiling or pressurized water-cooled nuclear power facility whose construction permit was issued on or after {the effective date of the final rule}, components (including supports) that are classified as ASME Code Class 1, Class 2, or Class 3; Class MC pressure-retaining components and their integral attachments; and components that are classified as Class CC pressure-retaining components and their integral attachments, must comply with the requirements, except for design and access provisions and preservice examination requirements, stated in the latest edition and addenda of Section XI of the ASME Boiler and Pressure Vessel Code that are incorporated by reference in § 50.55a(b) on the date 12 months preceding the date of issuance of the operating license subject to the limitations and modifications listed in § 50.55a(b) to the extent practical within the limitations of design, geometry, and materials of construction of the components.

(iii)(A) Inservice examination of components and system pressure tests may comply with the inspection requirements stated in subsequent editions and addenda of the ASME Boiler and Pressure Vessel Code that are incorporated by reference in § 50.55a(b), subject to the limitations and modifications listed in § 50.55a(b), to the extent practical within the limitations of design, geometry, and materials of construction of the components.

(B) Portions of those editions or addenda may be used subject to Commission approval. The licensee shall demonstrate compliance with the criteria in § 50.55a(a)(3), and in addition demonstrate that all related requirements are satisfied.

(iv) [Reserved]

* * * * *

(5)(i) The inservice inspection program for a boiling or pressurized water-cooled nuclear power facility

must be revised by the licensee to meet the requirements of § 50.55a(g)(4)(iii) when used in lieu of compliance with the requirements of §§ 50.55a(g)(4)(i) or (g)(4)(ii).

(ii) If a revised inservice inspection program for a facility conflicts with the technical specification for the facility, the licensee shall apply to the Commission for amendment of the Technical Specifications to conform the technical specification to the revised program. The licensee shall submit this application, as specified in § 50.4, at least 6 months before the start of the period during which the provisions become applicable.

(iii) If the licensee has determined that conformance with certain Code requirements is impractical for its facility, the licensee shall notify the Commission and submit, as specified in § 50.4, information to support the determinations within one year from the date on which the examination was determined to be impractical.

(iv) Where an examination requirement by the Code edition or addenda is determined to be impractical by the licensee and is not included in the revised inservice inspection program as permitted by § 50.55a(g)(4)(iii), the basis for this determination must be submitted to the Commission before the start of the revised inservice inspection program.

* * * * *

Dated at Rockville, MD this 15th day of April 1999.

For the Nuclear Regulatory Commission.

William D. Travers,

Executive Director for Operations.

[FR Doc. 99–10491 Filed 4–26–99; 8:45 am]

BILLING CODE 7590–01–P

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 1 and 30

Access to Automated Boards of Trade

AGENCY: Commodity Futures Trading Commission.

ACTION: Extension of comment period.

SUMMARY: The Commodity Futures Trading Commission (''Commission'') published proposed rules concerning access to automated boards of trade on March 24, 1999 (64 FR 14159). Comments on the proposed rules were originally due on April 23, 1999. By letter dated April 11, 1999, David P. Brennan, Chairman of the Chicago Board of Trade, M. Scott Gordon, Chairman of the Chicago Mercantile Exchange, Daniel Rappaport, Chairman of the New York Mercantile Exchange, and John M. Damgard, President of the Futures Industry Association, jointly have requested (collectively the ''Brennan Request'') that the Commission extend the comment period on the proposed rules concerning Access to Automated Boards of Trade (''proposed rules'') for an additional seven days. Each of these organizations had earlier requested sixty-day extensions of the comment period, but the Brennan Request withdrew these requests. In addition, the Commission has received three written requests for an extension of the comment period on the proposed rules for an additional sixty days.[1] The commenters generally cited the complexity of the proposed rules in support of their requests for additional time to finalize their views. In light of the fact that the Commission issued a concept release on this matter and provided a comment period of seventy-five days thereon, as well as the fact that the Commission held a Roundtable discussion on April 20, 1999, on the proposed rules, the Commission believes that a sixty-day extension of the comment period is unwarranted. However, the Commission has determined to grant a seven-day extension of the deadline for comments on the proposed rules, so that comments must now be submitted by April 30, 1999.

DATES: Comments must be received on or before April 30, 1999.

ADDRESSES: Any person interested in submitting comments on the proposed rules should submit them by the specified date to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, N.W., Washington, D.C. 20581. In addition, comments may be sent by facsimile transmission to facsimile number (202) 418–5521 or by electronic mail to *secretary@cftc.gov*. Reference should be made to ''Access to Automated Boards of Trade.''

FOR FURTHER INFORMATION CONTACT: Please contact David M. Battan, Chief Counsel, Lawrence B. Patent, Associate Chief Counsel, or Charles T. O'Brien, Attorney Advisor, Division of Trading and Markets, Commodity Futures Trading Commission, Three Lafayette Centre, 21st Street, N.W., Washington, D.C. 20581. Telephone number (202) 418–5450.

[1] Written requests for an extension of the comment period were received from the Singapore International Monetary Exchange Limited, ABN–AMRO Incorporated and the Committee on Derivatives and Futures Law of the New York State Bar Association.

Issued in Washington, D.C., on this 22nd day of April, 1999, by the Commodity Futures Trading Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 99–10580 Filed 4–26–99; 8:45 am]

BILLING CODE 6351–01–M

NATIONAL INDIAN GAMING COMMISSION

25 CFR Chapter III

Standards for Constructing and Maintaining Gaming Facilities Operated on Indian Lands

AGENCY: National Indian Gaming Commission.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: This notice announces the initiation of the rulemaking process and requests information relevant to implementing regulations governing standards for constructing and maintaining gaming facilities operated on Indian lands in a manner which protects the environment and the public health and safety.

DATES: Comments in response to this advance notice must be submitted by June 28, 1999.

ADDRESSES: Commenters may submit their comments by mail, facsimile, or delivery to: Environment and Public Health and Safety Rule Comments, National Indian Gaming Commission, Suite 9100, 1441 L Street N.W., Washington, DC 20005. Fax number : 202–632–7066 (not a toll-free number). Public comments may be delivered or inspected from 9 a.m. until noon and from 2 p.m. to 5 p.m. Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Todd J. Araujo at 202–632–7003, or by facsimile at 202–632–7066 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

1. Introduction

The Indian Gaming Regulatory Act (IGRA or the Act), 25 U.S.C. 2701 *et seq.*, was signed into law on October 17, 1988. The Act established the National Indian Gaming Commission (the Commission). The IGRA required that an approved tribal gaming ordinance contain a provision requiring each tribal gaming facility to be constructed and maintained in a manner which adequately protects the environment and the public health and safety. 25 U.S.C. § 2710(2)(E). The Commission has determined that standards are

needed to ensure adequate compliance with this statutory requirement.

The IGRA expressly authorizes the Commission to ''promulgate such regulations and guidelines as it deems appropriate to implement the provisions of this [Act].'' 25 U.S.C. § 2706(b)(10).

2. Advance Notice of Proposed Rulemaking

After consideration of this issue, the NIGC has determined that the appropriate course of action is to publish an Advance Notice of Proposed Rulemaking to collect further information.

Before the NIGC proceeds in this area, it intends to have the benefit of a full airing of the issues through the public comment process.

3. Request for Comments

Public comment is requested to assist the NIGC in the drafting of regulations which ensure that Indian gaming facilities are constructed and maintained in a manner which protects the environment and the public health and safety. Comment is requested on the following issues:

(a) Is it necessary for the Commission to promulgate regulations which ensure that tribal gaming facilities are constructed and maintained in a manner which protect the environment and the public health and safety? What alternative steps may exist to accomplish this objective?

(b) What other steps are currently being taken to ensure that tribal gaming facilities are constructed and maintained in a manner that adequately protects the environment and public health and safety? What is the best method of incorporating these steps into a regulatory structure implemented by the NIGC?

(c) What are the major threats to the environment and the public health and safety posed by the operation of gaming facilities on Indian lands?

(d) In promulgating regulations to ensure that tribal gaming facilities are maintained in a manner which protects the environment and the public health and safety, is it necessary to differentiate between large, mid-size and small gaming facilities?

(e) If yes, how should the Commission determine what are large, mid-size and small operations?

(f) What type of standards should apply to all gaming facilities regardless of size?

(g) How long should the Commission allow for the tribes to comply with the proposed regulations?

The Commission solicits any additional suggestions and/or interpretations regarding the issues raised in this Advance Notice of Proposed Rulemaking.

4. Public Participation

Interested parties are invited to submit comments on any or all of these and other pertinent issues related to issuing environmental, and public health and safety regulations by June 28, 1999, in triplicate to Environment, and Public Health and Safety Rule Comments, National Indian Gaming Commission, Suite 9100, 1441 L Street N.W., Washington, D.C. 20005. Fax number: 202–632–7066 (not a toll-free number). All written comments submitted in response to this notice will be available for inspection and copying in the NIGC office from 9 a.m. until noon and from 2 p.m. to 5 p.m. Monday through Friday. All timely written submissions will be considered in determining the nature of any proposal.

Authority and Signature

This Advance Notice of Proposed Rulemaking was prepared under the direction of Barry W. Brandon, General Counsel, National Indian Gaming Commission, 1441 L St. N.W., Suite 9100, Washington, D.C. 20005.

Signed at Washington, D.C. this 29th day of March, 1999.

Montie R. Deer,

Chairman, National Indian Gaming Commission.

[FR Doc. 99–10450 Filed 4–26–99; 8:45 am]

BILLING CODE 7565–01–P

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 4007

RIN 1212–AA82

Payment of Premiums

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Proposed rule.

SUMMARY: The PBGC is proposing to amend its regulation on Payment of Premiums to encourage self-correction of premium underpayments. The amendments make it easier to qualify for ''safe-harbor'' relief from late payment penalty charges and codify the PBGC's current premium penalty policy (under which the penalty charge is lowered from 5% per month to 1% per month if a premium payor corrects an underpayment before PBGC notification).

DATES: Comments must be received on or before June 28, 1999.

ADDRESSES: Comments may be mailed to the Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026, or delivered to Suite 340 at the above address. Comments also may be sent by Internet e-mail to reg.comments@pbgc.gov. Comments will be available for public inspection at the PBGC's Communications and Public Affairs Department, Suite 240.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, or Catherine B. Klion, Attorney, Office of the General Counsel, PBGC, 1200 K Street, NW., Washington, DC 20005–4026; 202–326–4024. (For TTY/TDD users, call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION:

Background

Late Payment Penalties

Section 4007 of ERISA authorizes the PBGC to assess a late payment penalty charge for failure to pay premiums on time. Under the PBGC's regulation on Payment of Premiums (29 CFR part 4007), the penalty accrues at the rate of 5% of the unpaid amount each month, subject to a floor of $25 on the total penalty amount. The total penalty amount may not exceed 100% of the premium that is not timely paid. The PBGC may grant a waiver of all or a portion of the penalty (*e.g.*, upon a demonstration of good cause). The regulation also requires the payment of interest on premium underpayments.

On December 2, 1996 (at 61 FR 63874), the PBGC published a policy statement in which it adopted a two-tiered policy on penalties for late payment of premiums due for 1996 and later plan years. This policy, which lowers penalties from 5% per month to 1% per month if a premium payor corrects an underpayment before PBGC notification, is designed to encourage self-correction.

Premium Due Dates

A plan's premium due dates depend upon whether the plan is ''small'' or ''large.'' Under the current regulation, the determination of whether a plan is ''small'' or ''large'' is based on the *actual* number of participants for whom premiums were payable for the prior year. This number is not necessarily the number of participants that was *reported* on the PBGC Form 1 for the prior year.

Small Plans

A small plan is a plan with fewer than 500 participants for the prior year. For

1999 and later plan years, the premium filing due date for small plans for both the flat-rate premium (for single-employer and multiemployer plans) and the variable-rate premium (for single-employer plans) is the fifteenth day of the tenth full calendar month in the premium payment year (see 63 FR 68684, Dec. 14, 1998). For calendar year plans, this date is October 15. (For convenience, the discussion in this preamble assumes that all plans are calendar year plans.)

Large Plans

For large single-employer and multiemployer plans (those with 500 or more participants for the prior year), the due date for the flat-rate premium is the last day of the second full calendar month in the premium payment year (February 28). If the number of participants for whom premiums are payable for the premium payment year is not known by February 28, the plan administrator must make an ''estimated'' payment by February 28 and a ''reconciliation'' payment by October 15. The due date for the variable-rate premium for large single-employer plans is also October 15.

Premium Forms

The plan administrator ordinarily makes the February 28 filing on PBGC Form 1–ES and must make the October 15 filing (for both large and small plans) on PBGC Form 1.

Safe-harbor Rules

The participant count for the premium payment year is generally determined as of the last day of the plan year preceding the premium payment year. Because plan administrators often do not know the exact participant count for the premium payment year by February 28 of the premium payment year, the regulation provides a safe harbor from late payment penalty charges, provided certain requirements are met. (There is no safe harbor from late payment interest charges.)

A plan administrator must do two things to qualify for the safe harbor and therefore avoid late payment penalty charges:

- By February 28 of the premium payment year, the plan administrator must pay the lesser of: (1) 90% of the flat-rate premium due for the premium payment year; or (2) 100% of the flat-rate premium that would be due for the premium payment year, if that amount were determined by multiplying the actual participant count for the prior year by the flat premium rate for the premium payment year.
- By October 15 of the premium payment year, the plan administrator must pay any remaining portion of the flat-rate premium for the premium payment year.

For example, assume that a single-employer plan has 600 participants for 2000 and 700 participants for 2001. In order to meet the safe-harbor requirements for 2001, the plan administrator must make an estimated payment by February 28, 2001, of at least $11,400. This amount is the lesser of 90% of the flat-rate premium due for 2001 ($700 \times \$19 \times 90\% = \$11,970$) or 100% of the flat-rate premium for 2000 ($600 \times \$19 \times 100\% = \$11,400$). (The examples in this preamble use the current single-employer plan flat-rate premium of $19 per participant for all plan years.) The plan administrator also must make a reconciliation payment by October 15, 2001, equal to the difference between the February 28, 2001, payment and the full flat-rate premium of $13,300 ($700 \times \$19$) due for 2001. Assuming that, by February 28, 2001, the plan administrator had paid the $11,400—the minimum amount to qualify for safe-harbor relief—the plan administrator must pay the difference of $1,900 ($13,300–$11,400) by October 15, 2001.

Proposed Amendment—Safe-Harbor Rules

The PBGC is proposing to expand its current safe-harbor rules to encourage self-correction in three situations. The relief applies only to penalty charges. It does not affect the interest that would accrue on any underpayment of the flat-rate premium.

500-participant Threshold for PBGC Form 1–ES

Current Regulation.

Whether an estimated payment is due by February 28 depends on the *actual* participant count for the prior year, not the participant count that was reported on the prior year's Form 1.

For example, assume that a plan administrator of a plan that had always had fewer than 500 participants reports 490 participants on the plan's 2000 PBGC Form 1, which is filed on October 16, 2000 (because October 15, 2000, is a Sunday). Based on the reported participant count of 490 for 2000, the plan administrator does not make an estimated payment for 2001 by February 28, 2001, but pays the plan's full flat-rate premium for 2001 on October 15, 2001. Subsequently, the plan administrator discovers that the participant count that should have been reported for 2000 is 510. On November 15, 2001, the plan administrator files an amended PBGC Form 1 for 2000 with the additional flat-rate premium due for the 20 participants ($(510–490) \times \$19 = \$380$). The PBGC would assess penalty and interest charges on the $380 payment for the period October 16, 2000, through November 15, 2001. In addition, because the actual participant count for 2000 is 500 or more, the PBGC also would assess penalty and interest charges for the period March 1 through October 15, 2001 on the full flat-rate premium for 2001 (reflecting the fact that the plan's full flat-rate premium for 2001 was due February 28, 2001).

Amendment

Under the amendment, whether the PBGC would assess a late payment penalty charge for failure to make an estimated payment for the premium payment year by February 28 of the premium payment year would be determined based on the lesser of (1) the number of participants *reported* for the prior year, or (2) the *actual* number of participants for the prior year. Thus, PBGC would not assess a penalty charge for failing to make an estimated payment for the premium payment year by February 28 of the premium payment year if the number of participants *reported* for the prior year is fewer than 500. For this purpose, the number of participants reported for the prior year would be the number of participants last reported for the prior year (on the PBGC Form 1 or an amended PBGC Form 1) by February 28 of the premium payment year. The relief would apply only to penalty charges. The PBGC would continue to assess interest on any underpayment of the flat-rate premium for the period March 1 of the premium payment year through the date of payment.

Because the plan administrator in the example *reported* fewer than 500 participants on the plan's 2000 Form 1, the PBGC would not assess a penalty charge (for the period March 1 through October 15, 2001) for failing to make an estimated payment for 2001 by February 28, 2001. The PBGC still would assess interest on the flat-rate premium for 2001 for the period March 1 through October 15, 2001. (The change would not affect the penalty and interest charges assessed for the period October 16, 2000, through November 15, 2001, on the $380 late payment for the 20 participants for 2000.)

Estimate Based on Prior Year's Form 1 Participant Count

Current Regulation

A plan can lose safe-harbor relief if the plan administrator, in computing the estimated flat-rate premium payment due on February 28 of the

premium payment year, relies on a participant count reported on the prior year's PBGC Form 1 that is later determined to be too low. For example, assume that the plan administrator of a single-employer plan reports 600 participants on the plan's 2000 PBGC Form 1, which is filed on October 16, 2000. On February 28, 2001, the plan administrator makes an estimated payment for 2001 equal to 100% of the flat-rate premium for 2000 (600 × $19 × 100% = $11,400). On October 15, 2001, the plan administrator reports 800 participants on the plan's 2001 Form 1 and makes a reconciliation payment of $3,800 (800 × $19 − $11,400). The PBGC would assess interest on the $3,800 reconciliation payment for the period March 1 through October 15, 2001.

Subsequently, the plan administrator discovers that 700 participants should have been reported for 2000 and, on November 15, 2001, files an amended PBGC Form 1 for 2000 with the additional flat-rate premium of $1,900 due for the 100 participants (100 × $19). The PBGC would assess penalty and interest charges on the $1,900 payment for the period October 16, 2000, through November 15, 2001. Under the current regulation, the plan would lose safe-harbor relief for 2001 because the payment of $11,400 made on February 28, 2001, is neither at least 100% of the flat-rate premium for 2000 (700 × $19 × 100% = $13,300) nor at least 90% of the flat-rate premium for 2001 (800 × $19 × 90% = $13,680). Thus, under the current regulation, in addition to interest, the PBGC would assess a penalty charge on the $3,800 reconciliation payment for the period March 1 through October 15, 2001.

Amendment

Under the amendment, the PBGC would determine whether the estimated payment reflected at least 100% of the prior year's participant count by using the lesser of: (1) the number of participants *reported* on the prior year's PBGC Form 1 or amended PBGC Form 1 (filed by February 28 of the premium payment year); or (2) the *actual* number of participants for the prior year. Thus, in the example, the plan would not lose safe-harbor relief for 2001 even though the plan administrator later files an amended 2000 PBGC Form 1 reporting 700 participants. The amendment would affect only penalty charges. It would not affect the interest assessed on the $3,800 reconciliation payment for the period March 1 through October 15, 2001.

PBGC Form 1 Reconciliation Payment Underpaid or Late

Current Regulation

A plan also loses safe-harbor relief when the plan administrator timely pays the appropriate estimated payment with the PBGC Form 1–ES but fails to make the full PBGC Form 1 reconciliation payment on time. This can occur, *e.g.*, if the plan administrator bases the reconciliation payment on a participant count that is too low or makes the reconciliation payment late.

For example, assume that the plan administrator of a single-employer plan reports 800 participants on the plan's 2000 PBGC Form 1, which is filed on October 16, 2000. On February 28, 2001, the plan administrator makes an estimated payment for 2001 of 100% of the flat-rate premium for 2000 (800 × $19 × $100% = $15,200). On October 15, 2001, the plan administrator reports a participant count of 900 for 2001 and makes a reconciliation payment of $1,900 (900 × $19 − $15,200). The PBGC would assess interest on the $1,900 payment for the period March 1 through October 15, 2001.

Subsequently, the plan administrator discovers that the participant count that should have been reported for 2001 is 910 and, on November 15, 2001, files an amended PBGC Form 1 for 2001 with an additional flat-rate premium of $190 (10 × $19 = $190) for the 10 participants. The PBGC would assess penalty and interest charges on the $190 payment for the period October 16 through November 15, 2001. Under the current regulation, the plan would lose safe-harbor relief because it did not make a timely PBGC Form 1 reconciliation payment in full. Thus, the PBGC would also assess a penalty charge on $2,090 (910 × $19 − $15,200)—the amount by which the flat-rate premium for 2001 of $17,290 (based on the amended November 15, 2001, PBGC Form 1) exceeds the February 28, 2001, payment of $15,200—for the period March 1 through October 15, 2001 .

Amendment

Under the amendment, payment of any balance of the flat-rate premium due for the premium payment year by October 15 of the premium payment year would no longer be a prerequisite for qualifying for safe-harbor relief. Thus, in the example, the PBGC still would assess penalty and interest charges on the $190 payment (due for the additional 10 participants) for the period October 16 through November 15, 2001. But the plan would not lose safe-harbor relief and therefore would not be assessed a penalty charge for the period March 1 through October 15, 2001, on $2,090—the amount by which the flat-rate premium for 2001 (based on the amended November 15, 2001, PBGC Form 1) exceeds the February 28, 2001, payment. The amendment would not affect the interest assessed on that amount for the period March 1 through October 15, 2001.

Proposed Amendment—Late Payment Penalty Rate

Based on its experience, the PBGC proposes to codify its December 2, 1996, policy statement, in which it announced its current two-tiered penalty rate policy for 1996 and later plan years. Under this policy, which is designed to encourage self-correction, the PBGC assesses a penalty of 1% per month if the premium is paid on or before the date the PBGC issues a written notice that there is or may be a premium delinquency. If the premium is paid after the PBGC notification date, the penalty rate is 5% per month for all months. The minimum total penalty continues to be $25, and the penalty continues to be limited to 100% of the unpaid premium. PBGC notification may take various forms, including a premium bill, a letter initiating a premium compliance review (*i.e.*, an audit), or a letter questioning a failure to make a premium filing. The amendment clarifies that the 5% rate applies (for all months) to all persons liable for premiums for the plan (*i.e.*, the plan administrator and, for a single-employer plan, each contributing sponsor and each member of any contributing sponsor's controlled group) once this notice is issued to any of those persons.

Miscellaneous

The proposed regulation clarifies that the penalty waiver for premium underpayments paid within 30 days after the date of a PBGC bill applies only to penalty charges accruing after the date of the bill.

The current regulation provides that the PBGC may waive all or part of a late payment penalty charge upon a demonstration of ''good cause.'' The PBGC is proposing to change the standard to ''reasonable cause'' to be consistent with the standard in the PBGC's policy statements on penalties under section 4071 of ERISA (relating to penalties for failure to provide required information on time). This is only a change in terminology that is not intended to alter the substantive requirements for this waiver.

Applicability

The amendment to the safe-harbor rules would apply to PBGC

determinations issued on or after the effective date of the final rule with respect to premiums for 1999 and later plan years. The amendment to the late payment penalty rate would apply to PBGC determinations issued on or after the effective date of the final rule with respect to premiums for 1996 and later plan years.

Compliance With Rulemaking Guidelines

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

This rule would provide relief from premium penalties. The relief would be limited to a percentage—generally small—of a plan's premium. While this rule would result in a positive economic impact for some small entities, the number of small entities for which the impact would be significant would not be substantial. The PBGC therefore certifies under section 605(b) of the Regulatory Flexibility Act that this rule would not have a significant economic impact on a substantial number of small entities. Accordingly, sections 603 and 604 of the Regulatory Flexibility Act do not apply.

List of Subjects in 29 CFR Part 4007

Penalties, Pension insurance, Pensions, Reporting and recordkeeping requirements.

For the reasons set forth above, the PBGC proposes to amend 29 CFR part 4007 as follows.

PART 4007—PAYMENT OF PREMIUMS

1. The authority citation for part 4007 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1301(a), 1306, 1307.

2. Section 4007.8 is revised to read as follows:

§ 4007.8 Late payment penalty charges.

(a) *Penalty charge.* If any premium payment due under this part is not paid by the due date under § 4007.11, the PBGC will assess a late payment penalty charge as determined under this paragraph (a), except to the extent the charge is waived under paragraphs (b) through (g) of this section. The charge will be no more than 100% of the unpaid premium. The charge will be based on the number of months (counting any portion of a month as a whole month) from the due date to the date of payment and is subject to a floor of $25 (or, if less, the amount of the unpaid premium).

(1) *Penalty rate for post-1995 premium payment years.* This paragraph (a)(1) applies to the premium for any premium payment year beginning after 1995. The penalty rate is—

(i) 1% per month (for all months) on any amount of unpaid premium that is paid on or before the date the PBGC issues a written notice to any person liable for the plan's premium that there is or may be a premium delinquency (*e.g.*, a premium bill, a letter initiating a premium compliance review, or a letter questioning a failure to make a premium filing); or

(ii) 5% per month (for all months) on any amount of unpaid premium that is paid after that date.

(2) *Penalty rate for pre-1996 premium payment years.* This paragraph (a)(2) applies to the premium for any premium payment year beginning before 1996. The penalty rate is 5% per month (for all months) on any amount of unpaid premium.

(b) *Hardship waiver.* The PBGC may grant a waiver based upon a showing of substantial hardship as provided in section 4007(b) of ERISA.

(c) *Reasonable cause waiver.* The PBGC may, upon any demonstration of reasonable cause, waive all or part of a late payment penalty charge.

(d) *Waiver on PBGC's own initiative.* The PBGC may, on its own initiative, waive all or part of a late payment penalty charge.

(e) *Grace period.* With respect to any PBGC bill for a premium underpayment, the PBGC will waive any late payment penalty charge accruing after the date of the bill, provided the premium underpayment is paid within 30 days after the date of the bill.

(f) *Safe-harbor relief for certain large plans.* This waiver applies to the premium for any premium payment year beginning after 1998 in the case of a plan for which a reconciliation filing is required under § 4007.11(a)(2)(iii). The PBGC will waive the penalty on any underpayment of the flat-rate premium for the period that ends on the date the reconciliation filing is due if fewer than 500 participants are reported for the plan year preceding the premium payment year (determined in accordance with paragraph (h) of this section).

(g) *Safe-harbor relief for plans that make minimum estimated payment.* This waiver applies in the case of a plan for which a reconciliation filing is required under § 4007.11(a)(2)(iii). The PBGC will waive the penalty on any underpayment of the flat-rate premium for the period that ends on the date the reconciliation filing is due if, by the date the flat-rate premium for the premium payment year is due under § 4007.11(a)(2)(i), the plan administrator pays at least the lesser of—

(1) 90% of the flat-rate premium due for the premium payment year; or

(2) 100% of the flat-rate premium that would be due for the premium payment year if the number of participants for that year were the lesser of—

(i) The number of participants for whom premiums were required to be paid for the plan year preceding the premium payment year; or

(ii) In the case of a premium payment year beginning after 1998, the number of participants reported for the plan year preceding the premium payment year (determined in accordance with paragraph (h) of this section).

(h) *Reported participant count.* For purposes of paragraphs (f) and (g)(2)(ii) of this section, the number of participants reported for the plan year preceding the premium payment year is the number of participants last reported under this part to the PBGC (for the plan year preceding the premium payment year) by the date the flat-rate premium for the premium payment year is due under § 4007.11(a)(2)(i).

Issued in Washington, DC, this 21st day of April, 1999.

David M. Strauss,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 99–10451 Filed 4–26–99; 8:45 am]

BILLING CODE 7708–01–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 72 and 75

RIN 1219–AA74

Diesel Particulate Matter Exposure of Underground Coal Miners

AGENCY: Mine Safety and Health Administration (MSHA), Labor.

ACTION: Proposed rule; extension of comment period and close of record.

SUMMARY: We are extending the period for public comment on the Agency's proposed rule addressing diesel particulate matter exposure of underground coal miners. This proposed rule was published in the **Federal Register** on April 9, 1998.

DATES: We must receive your comments by July 26, 1999.

ADDRESSES: You may use mail, facsimile (fax), or electronic mail to send your comments to MSHA. Clearly identify comments as such and send them—

(1) By mail to Carol J. Jones, Acting Director, Office of Standards,

Regulations, and Variances, MSHA, 4015 Wilson Boulevard, Room 631, Arlington, VA 22203;

(2) By fax to MSHA, Office of Standards, Regulations, and Variances, 703–235–5551; or

(3) By electronic mail to *comments@msha.gov*.

FOR FURTHER INFORMATION CONTACT: Carol J. Jones, 703–235–1910.

SUPPLEMENTARY INFORMATION: On April 9, 1998 (63 FR 17492) MSHA published a proposed rule to reduce the risks to underground coal miners of serious health hazards that are associated with exposure to high concentrations of diesel particulate matter (dpm). DPM is a very small particle in diesel exhaust. Underground miners are exposed to far higher concentrations of this fine particulate than any other group of workers.

The post-hearing comment period for the proposed rule addressing diesel particulate matter exposure of underground coal miners was scheduled to close April 30, 1999 (64 FR 7144).

However, in response to requests from the public for additional time to prepare their comments, the record for the proposed rule will remain open until July 26, 1999. This provides a total of 15 months from the date of publication for the public to comment on the proposed rule.

Dated: April 21, 1999.

Marvin W. Nichols, Jr.,

Deputy Assistant Secretary for Mine Safety and Health.

[FR Doc. 99–10567 Filed 4–26–99; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD13–99–005]

RIN 2115 AE47

Drawbridge Operations Regulations; Duwamish Waterway and Lake Washington Ship Canal, WA

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to amend the operating regulations for the city drawbridges across the Lake Washington Ship Canal and the state drawbridge across the Duwamish Waterway in Seattle, Washington, by deleting Columbus Day from federal holidays on which the operating schedule does not accommodate the peak hours of roadway traffic with scheduled closed periods of the drawspans. This amendment would apply the same operating regulations that are specified for Monday through Friday to Columbus Day. Roadway traffic does not decrease significantly on Columbus Day as it does on other federal holidays. This amendment would apply to Columbus Day the same draw closed periods that are provided for non-holidays Monday through Friday.

DATES: Comments must reach the Coast Guard on or before June 28, 1999.

ADDRESSES: You may mail comments to Commander (oan), Thirteenth Coast Guard District, 915 Second Avenue, Seattle, Washington 98174–1067 or deliver them to room 3510 between 7:45 a.m. and 4:15 p.m., Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT: John E. Mikesell, Chief, Plans and Programs Section, Aids to Navigation and Waterways Management Branch, Telephone (206) 220–7272.

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 identify this rulemaking (CGD 13–99–005) and the specific section of this document to which each comment applies, and give the reason for each comment. Please submit copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment 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 the proposed rule in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Coast Guard including the reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

The purpose of the proposed changes to 33 CFR 117.1041 and 117.1051 is to alleviate commuter traffic congestion by removing Columbus Day from the existing federal holiday exemption for the dual First Avenue South Drawbridges across the Duwamish Waterway, mile 2.5, and the drawbridges across the Lake Washington Ship Canal east of the Chittenden Locks. These bridges are the Ballard Bridge at mile 1.1, the Fremont Bridge at mile 2.6, the University Bridge at mile 4.3, and the Montlake Bridge at mile 5.2. The regulations which are currently in effect authorize various weekday closed periods during the hours of heavy commuting so that openings for vessels will not worsen traffic congestion. These closed periods do not apply on weekends or federal holidays because the affected streets are not as heavily traveled on those holidays. Columbus Day does not warrant this exemption. Many employers in the Seattle area do not honor this holiday and, as a result, the volume of commuter traffic does not appreciably diminish on that day. Openings for the passage of vessels on this day at times of peak traffic can cause significant delay to street traffic. The proposed amendment will enable Columbus Day to be treated as any other weekday with regard to opening the subject drawspans. The proposed amendment also would delete reference to notification of the Seattle City Engineer for emergency openings of the Lake Washington Ship Canal bridges. Emergency openings shall be provided in accordance with 33 CFR 117.31. This part of the proposed amendment reflects the Coast Guard's policy that notification made to the bridge tender is sufficient for declaration of emergency requiring immediate opening of the draw.

Discussion of Proposed Rule

By specifically removing Columbus Day from the exempt category for federal holiday in § 117.1041 (a)(1) and § 117.1051 (d)(2), traffic congestion will be alleviated by preventing openings for vessels of less than 5000 gross tons during the normal Monday through Friday periods when the First Avenue South drawbridges need not be opened for the passage of vessels and similarly for vessels of less than 1000 gross tons in the case of the city drawbridges across the Lake Washington Ship Canal. In contrast to other federal holidays. Columbus Day does not present a significant reduction in commuter traffic. Traffic remains high as on any other weekday peak period. Under the proposed amendment, the subject drawbridges would not have to open on signal at any time during the day as is currently required on Columbus Day. Also requests for emergency openings of the Lake Washington Ship Canal drawspans would be obtained by simply

notifying the drawtender on duty as provided by § 117.31. The requirement to make such a request with additional notification of the city engineer would be removed from the above-cited paragraph.

Regulatory Evaluation

This proposed rule 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 under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR11040; February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a full regulatory evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. The proposed rule would improve commuter traffic flow and enhance navigational safety by simplifying the procedure for requesting an emergency opening of drawspans.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Coast Guard considers whether this proceed 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 jurisdictional with populations less than 50,000. Therefore, for the reasons discussed in the Regulatory Evaluation section above, the Coast Guard certifies under 5 U.S.C. 605(b) of the Regulatory Flexibility Act that this proposed rule, if adopted, will not have a significant 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 impact on your business or organization, please submit a comment (see Addresses) explaining why you think it qualifies and in what way and to what degree this proposed rule will economically affect it.

Collection of Information

This proposed rule does not provide for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

Federalism

The Coast Guard has analyzed this proposed rule in accordance with the principles and criteria contained in Executive Order 12612, and has determined that this proposed rule does not have sufficient federalism implications for federalism to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this proposed rule and concluded that, under Figure 2–1, paragraph 32(e) of Commandant Instruction M16475.1C, this proposed rule is categorically excluded from further environmental documentation because promulgation of changes to drawbridge regulations have been found not to have a significant effect on the environment. A written ''Categorical Exclusion Determination'' is not required for this proposed rule.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

For the reasons set out in the preamble, the Coast Guard proposes to amend part 117 of title 33, Code of Federal Regulations, as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. Revise § 117.1041(a)(1) to read as follows:

§ 117.1041 Duwamish Waterway.

(a) * * *

(1) From Monday through Friday, except all federal holidays but Columbus Day, the draws of the First Avenue South Bridges, mile 2.5, need not be opened for the passage of vessels from 6 a.m. to 9 a.m. and from 3 p.m. to 6 p.m., except: The draws shall open at any time for a vessel of 5000 gross tons and over, a vessel towing a vessel of 5000 gross tons and over, and a vessel proceeding to pick up for towing a vessel of 5000 gross tons and over.

* * * * *

3. Revise § 117.1051(d)(2) to read as follows:

§ 117.1051 Lake Washington Ship Canal.

* * * * *

(d) * * *

(2) The draws need not open from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m. Monday through Friday, except all federal holidays but Columbus Day, for any vessel of less than 1000 gross tons, unless the vessel has in tow a vessel of 1000 gross tons or over.

* * * * *

Dated: April 19, 1999.

Paul M. Blayney,

Rear Admiral, U.S. Coast Guard Commander, 13th Coast Guard District.

[FR Doc. 99–10552 Filed 4–26–99; 8:45 am]

BILLING CODE 4910–15–M

Notices

Federal Register
Vol. 64, No. 80
Tuesday, April 27, 1999

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 98–126–2]

AgrEvo USA Co.; Availability of Determination of Nonregulated Status for Rice Genetically Engineered for Glufosinate Herbicide Tolerance

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public of our determination that certain rice transformation events developed by AgrEvo USA Company, which have been genetically engineered for tolerance to the herbicide glufosinate, are no longer considered regulated articles under our regulations governing the introduction of certain genetically engineered organisms. Our determination is based on our evaluation of data submitted by AgrEvo USA Company in its petition for a determination of nonregulated status, our analysis of other scientific data, and our review of comments received from the public in response to a previous notice announcing our receipt of the AgrEvo USA Company's petition. This notice also announces the availability of our written determination document and its associated environmental assessment and finding of no significant impact.

EFFECTIVE DATE: April 15, 1999.

ADDRESSES: The determination, an environmental assessment and finding of no significant impact, the petition, and all written comments received regarding the petition may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect those documents are asked to call in advance of visiting at (202) 690–2817 to facilitate entry into the reading room.

FOR FURTHER INFORMATION CONTACT: Dr. David Heron, Biotechnology and Biological Analysis, PPQ, APHIS, 4700 River Road Unit 147, Riverdale, MD 20737–1236; (301) 734–5141. To obtain a copy of the determination or the environmental assessment and finding of no significant impact, contact Ms. Kay Peterson at (301) 734–4885; e-mail: kay.peterson@usda.gov.

SUPPLEMENTARY INFORMATION:

Background

On November 25, 1998, the Animal and Plant Health Inspection Service (APHIS) received a petition (APHIS Petition No. 98–329–01p) from AgrEvo USA Company (AgrEvo) of Wilmington, DE, seeking a determination that rice (*Oryza sativa* L.) designated as Liberty Link® Rice Transformation Events LLRICE06 and LLRICE62 (rice transformation events LLRICE06 and LLRICE62), which have been genetically engineered for tolerance to the herbicide glufosinate, do not present a plant pest risk and, therefore, are not regulated articles under APHIS' regulations in 7 CFR part 340.

On January 26, 1999, APHIS published a notice in the **Federal Register** (64 FR 3924-3925, Docket No. 98–126–1) announcing that the AgrEvo petition had been received and was available for public review. The notice also discussed the role of APHIS, the Environmental Protection Agency, and the Food and Drug Administration in regulating the subject rice transformation events and food products derived from them. In the notice, APHIS solicited written comments from the public as to whether rice transformation events LLRICE06 and LLRICE62 posed a plant pest risk. The comments were to have been received by APHIS on or before March 29, 1999. APHIS received four comments on the subject petition during the designated 60-day comment period from the following: a farmers rice cooperative; a State rice growers association; a State rice research board; and a State university rice research station. All of the comments were in support of the subject petition.

Analysis

Rice transformation events LLRICE06 and LLRICE62 have been genetically engineered to contain a *bar* gene derived from *Streptomyces hygroscopicus* strain HP632. The *bar* gene encodes the enzyme phosphinothricin-N-acetyltransferase (PAT), which confers tolerance to the herbicide glufosinate. Expression of the *bar* gene is controlled by 35S promoter and terminator sequences derived from the plant pathogen cauliflower mosaic virus. The direct gene transfer method was used to transfer the added genes into the parental rice varieties M202 (LLRICE06) and Bengal (LLRICE62).

The subject rice transformation events have been considered regulated articles under APHIS' regulations in 7 CFR part 340 because they contain gene sequences derived from a plant pathogen. However, evaluation of field data reports from field tests of these rice transformation events conducted under APHIS notifications since 1997 indicates that there were no deleterious effects on plants, nontarget organisms, or the environment as a result of the environmental release of rice transformation events LLRICE06 and LLRICE62.

Determination

Based on its analysis of the data submitted by AgrEvo, and a review of other scientific data and field tests of the subject rice transformation events, APHIS has determined that rice transformation events LLRICE06 and LLRICE62: (1) Exhibit no plant pathogenic properties; (2) are no more likely to become weeds than rice varieties developed by traditional plant breeding; (3) are unlikely to increase the weediness potential for any other cultivated or wild species with which they can interbreed; (4) will not harm threatened or endangered species or organisms that are recognized as beneficial to agriculture; and (5) will not cause damage to raw or processed agricultural commodities. Therefore, APHIS has concluded that the subject rice transformation events and any progeny derived from hybrid crosses with other rice varieties will be as safe to grow as rice in traditional breeding programs that are not subject to regulation under 7 CFR part 340.

The effect of this determination is that AgrEvo's rice transformation events LLRICE06 and LLRICE62 are no longer considered regulated articles under APHIS' regulations in 7 CFR part 340.

Therefore, the requirements pertaining to regulated articles under those regulations no longer apply to the subject rice transformation events or their progeny. However, importation of the subject rice transformation events or seeds capable of propagation are still subject to the restrictions found in APHIS' foreign quarantine notices in 7 CFR part 319.

National Environmental Policy Act

An environmental assessment (EA) has been prepared to examine the potential environmental impacts associated with this determination. The EA was prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372). Based on that EA, APHIS has reached a finding of no significant impact (FONSI) with regard to its determination that AgrEvo's rice transformation events LLRICE06 and LLRICE62 and lines developed from them are no longer regulated articles under its regulations in 7 CFR part 340. Copies of the EA and the FONSI are available upon request from the individual listed under **FOR FURTHER INFORMATION CONTACT.**

Done in Washington, DC, this 20th day of April 1999.

Craig A. Reed,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 99–10510 Filed 4–26–99; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Official Moisture Meter for Barley, Oats, Long and Medium Grain Rough Rice, Sorghum, and All Classes of Wheat

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Notice.

SUMMARY: The Grain Inspection, Packers and Stockyards Administration (GIPSA) is announcing that as of May 1, 1999, and thereafter, all official moisture content measurements of barley, oats, long and medium grain rough rice, sorghum, and all classes of wheat inspected under the United States Grain Standards Act will be made with the Grain Analysis Computer Model 2100 (GAC 2100).

Official moisture content measurements of other grains and agricultural commodities that have not yet been given an official transition date will continue to be made with the Motomco Model 919 Moisture Meter until the changeover date for those grains is announced.

EFFECTIVE DATE: May 1,1999.

FOR FURTHER INFORMATION CONTACT: Steven N. Tanner, Director, Technical Services Division, GIPSA, USDA, 10383 N. Executive Hills Boulevard, Kansas City, Missouri 64153; telephone (816) 891–0401; fax (816) 891–0478.

SUPPLEMENTARY INFORMATION: The Grain Inspection, Packers and Stockyards Administration (GIPSA) announced the selection of the Grain Analysis Computer Model 2100 (GAC 2100), manufactured by Dickey-john Corporation, Auburn, Illinois, to replace the Motomco Model 919 Moisture Meter for official moisture content measurements in the **Federal Register** (63 FR 17356) on April 9, 1998. Implementation of the new instruments for official measurements of grains, oilseeds, and processed commodities will continue to be phased in, product by product. For any given product, all official moisture measurements will be performed using the Motomco Model 919 until the transition date for that product; the GAC 2100 will be used exclusively thereafter. Transition dates for each product are being selected to minimize the impact of the changes on the value of carry-over stocks and will be announced by GIPSA through a Notice in the **Federal Register** prior to the transition.

The transition date for barley, oats, long and medium grain rough rice, sorghum, and all classes of wheat is May 1, 1999. The GAC 2100 will be used for all official moisture determinations on these grains after April 30, 1999. Official calibrations for the GAC 2100 to be used with these grains are provided in GIPSA Directive 9180.61, dated May 1, 1999.

The transition date for corn, soybeans, and oil-type sunflower seeds was August 1, 1998. Transition dates for other grains and commodities will be announced in the future.

GIPSA's decision to use the GAC 2100 for official moisture measurements does not mean that the Agency endorses or recommends this instrument for unofficial purposes over other similar instruments that are not approved for the official system. The Agency's selection of this instrument was based on GIPSA's unique operational needs. Other instrument models may be as suitable or more suitable for a commercial entity's needs.

Authority: Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*); and Secs. 202–208, 60 Stat. 1087, as amended (7 U.S.C. 1621 *et seq.*).

Dated: April 20, 1999.

David R. Shipman,

Acting Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 99–10393 Filed 4–26–99; 8:45 am]

BILLING CODE 3410–EN–P

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Meeting

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Notice of meeting.

SUMMARY: The Architectural and Transportation Barriers Compliance Board (Access Board) has scheduled its regular business meetings to take place in Washington, DC on Tuesday and Wednesday, May 11–12, 1999, at the times and location noted below.

DATES: The schedule of events is as follows:

Tuesday, May 11, 1999

1:30 p.m.–3:30 p.m.—Technical Programs Committee
3:30 p.m.–5:00 p.m.—Planning and Budget Committee

Wednesday, May 12, 1999

9:00 a.m.–Noon—Committee of the Whole Meeting on Rulemaking Plan (Closed Meeting)
2:00 p.m.–4:00 p.m.—Board Meeting

ADDRESSES: The Technical Programs Committee, Planning and Budget Committee, and Committee of the Whole Meeting on Rulemaking Plan will be held at the Marriott at Metro Center, 775 12th Street, NW, Washington, DC. The Board meeting will be held at the Grand Hyatt Washington, 1000 H Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: For further information regarding the meetings, please contact Lawrence W. Roffee, Executive Director, (202) 272–5434, ext. 14 (voice) and (202) 272–5449 (TTY).

SUPPLEMENTARY INFORMATION: At the Board meeting, the Access Board will consider the following agenda items.

Open Meeting

- Executive Director's Report

- Approval of the Minutes of the March 10, 1999, Board Meeting
- Planning and Budget Committee Report—Fiscal Year 1999 Status and Spending Plan
- Technical Programs Committee Report—Status Report on Projects
- Committee of the Whole Report—Rulemaking Plan
- Advisory Committee Report—Electronic and Information Technology

All meetings are accessible to persons with disabilities. Sign language interpreters and an assistive listening system are available at all meetings.

Lawrence W. Roffee,

Executive Director.

[FR Doc. 99–10550 Filed 4–26–99; 8:45 am]

BILLING CODE 8150–01–P

COMMISSION ON CIVIL RIGHTS

Hearing on Police Practices and Civil Rights in New York City

AGENCY: Commission on Civil Rights.

ACTION: Notice of hearing.

SUMMARY: Notice is hereby given pursuant to the provisions of the Civil Rights Commission Amendments Act of 1944, section 3, Pub. L. 103–419, 108 Stat. 4338, as amended, and 45 CFR 702.3, that a public hearing before the U.S. Commission on Civil Rights will commence on Wednesday, May 26, 1999, beginning at 8:30 a.m., in the Ballroom on the Sixth Floor, at the Doubletree Guest Suites, 1568 Broadway (47th at 7th Avenue), New York City, NY 10036. The purpose of the hearing is to collect information within the jurisdiction of the Commission, under 45 CFR 702.2, related particularly to the administration of justice, police practices and civil rights.

The Commission is authorized to hold hearings and to issue subpoenas for the production of documents and the attendance of witnesses pursuant to 45 CFR 701.2(c). The Commission is an independent bipartisan, factfinding agency authorized to study, collect, and disseminate information, and to appraise the laws and policies and policies of the Federal Government, and to study and collect information with respect to discrimination or denials of equal protection of the laws under the Constitution because of race, color, religion, sex, age, disability, or national origin, or in the administration of justice.

Hearing impaired persons who will attend the hearing and require the services of a sign language interpreter, should contact Betty Edmiston, Administration Services and Clearinghouse Division at (202) 376–8105 (TDD (202) 376–8116), at least five (5) working days before the scheduled date of the hearing.

FOR FURTHER INFORMATION CONTACT: David Aronson, Press and Communications (202) 376–8312.

Dated: April 22, 1999.

Stephanie Y. Moore,

General Counsel.

[FR Doc. 99–10548 Filed 4–26–99; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

Economic Development Administration

Notice of Petitions by Producing Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance

AGENCY: Economic Development Administration, Commerce.

ACTION: To give firms an opportunity to comment.

Petitions have been accepted for filing on the dates indicated from the firms listed below.

LIST OF PETITION ACTION BY TRADE ADJUSTMENT ASSISTANCE FOR PERIOD 3/15/99–4/15/99

Firm name	Address	Date petition accepted	Product
Pikes Peak Greenhouses, Inc.	804 E. Nichols Boulevard, Colorado Springs, CO 80909.	03/22/99	Cut flowers and potted plants.
Glass Dynamics, Inc.	8901 Highway 220, Orange, VA 22960.	03/23/99	Glass tabletops.
Planto Furniture Mfg. Co., Inc.	307 Indiana Street, San Antonio, TX 78210.	03/23/99	Wood upholstered office chairs.
Cast-Fab Technologies, Inc.	3040 Forrer Street, Cincinnati, OH 45209.	03/24/99	Metal machine bases and cabinets.
Boden Company, (The) dba Adjust-A-Brush.	10455 49th Street North, Clearwater, FL 33772.	03/25/99	Injection molded brushes made of polypropylene.
East End Motors, Inc., dba Zaclift.	1102 East 1st Street, Cle Elum, WA 98922.	03/25/99	Wheel and frame lifts.
Laser Plot, Inc.	48 Sword Street, Auburn, MA 01501.	03/29/99	Electronic marine plotting and positioning navigation machines, and computer disks.
Wrought Washer Mfg., Inc.	2100 South Bay Street, Milwaukee, WI 53207.	03/29/99	Non-locking washers.
American Sewn Products, Inc.	5880 State Highway 303 NE, Bremerton, WA 98311.	03/29/99	Man-made and cotton fabric bags.
Ranchland Packing Co., Inc.	3125 Nettie Street, Butte, MT 59701.	03/29/99	Beef, veal, lamb and pork processing.
ASI Design & Manufacturing, Inc..	1070 Hardee Road, Aberdeen, MD 21001.	04/01/99	Parts for data processing and canning machines.
Signs & Shapes International, Inc..	9988 F Street, Omaha, NE 68172.	04/01/99	Inflatable costumes and signs.
Quick Turn Circuits, Inc.	2750 Scott Boulevard, Santa Clara, CA 95050.	04/02/99	Printed circuit boards.
Laddonia Manufacturing Co., Inc. dba Avery Floor Mats.	709 North Pine Street, Laddonia, MO 63352.	04/02/99	Automotive floor mats.
Kent, Inc.	P. O. Box 161, Fort Kent, ME 04743.	04/02/99	Boys knitted or crocheted shirts of man-made fiber.

LIST OF PETITION ACTION BY TRADE ADJUSTMENT ASSISTANCE FOR PERIOD 3/15/99–4/15/99—Continued

Firm name	Address	Date petition accepted	Product
Douglas Magnus dba Heartline	905 Early Street, Sante Fe, NM 87501.	04/06/99	Silver jewelry.
Ursula of Switzerland, Inc.	31 Mohawk Avenue, Waterford, NY 12188.	04/08/99	Women's dress ensembles of woven synthetic fibers.
Atkins Technical, Inc.	3401 SW 40th Boulevard, Gainesville, FL 32608.	04/08/99	Electronic digital thermometers.
T. D. Bambino, Inc.	380 Leadville Avenue North, Ketchum, ID 83340.	04/09/99	Shirts, vests, leggings, and sweats.
Hausmann Industries, Inc.	130 Union Street, Northvale, NJ 07647.	04/09/99	Medical furniture and cabinetry, and physical and occupational therapy/rehab equipment.
Askew Fabrications, Inc.	201 Arlington Drive, Yukon, OK 73085.	04/09/99	Metal cabinets for computers.
Kern Ridge Growers, LLC	P. O. Box 445, Arvin, CA 93203.	04/13/99	Carrots, bell and chilli peppers.
PolyConversions, Inc.	505 Condit Drive, Rantoul, IL 61866.	04/13/99	Gowns, sleeves, boots and aprons aprons of polyethylene and plastic film.
Scola Enterprises, Inc.	750 Narragansett Park Drive, East Providence, RI 02916.	04/14/99	Costume rings, earrings & pendants.

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (19 U.S.C. 2341). Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by Trade Adjustment Assistance, Room 7315, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

The Catalog of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance.

Dated: April 21, 1999.

Anthony J. Meyer,

Coordinator, Trade Adjustment and Technical Assistance.

[FR Doc. 99–10466 Filed 4–26–99; 8:45 am]

BILLING CODE 3510–24–P

DEPARTMENT OF COMMERCE

Bureau of Export Administration

President's Export Council Subcommittee on Encryption; Notice of Open Meeting

The President's Export Council Subcommittee on Encryption (PECSENC) will meet on May 14, 1999, at the U.S. Department of Commerce, Herbert C. Hoover Building, Room 4832, 14th Street between Pennsylvania and Constitution Avenues, N.W., Washington, D.C. the meeting will begin in open session at 10:00 a.m. and is scheduled to adjourn at 5:00 p.m. The Subcommittee provides advice on matters pertinent to policies regarding commercial encryption products.

Open Session: 10:00 a.m.–5:00 p.m.

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Update on Bureau of Export Administration initiatives.
4. Issue briefings.
5. Open discussion.

The meeting is open to the public and a limited number of seats will be available. Reservations are not required. To the extent time permits, members of the public may present oral statements to the PECSENC. The public may submit written statements at any time before or after the meeting. However, to facilitate distribution of public presentation materials to PECSENC members, the PECSENC suggests that public presentation materials or comments be forwarded before the meeting to the address listed below:

Ms. Lee Ann Carpenter, Advisory Committees MS: 3876, U.S. Department of Commerce, 15th St. & Pennsylvania Ave, N.W., Washington, D.C. 20230.

For more information, contact Ms. Carpenter on (202) 482–2583.

Dated: April 22, 1999.

Lee Ann Carpenter,

Committee Liaison Officer.

[FR Doc. 99–10529 Filed 4–26–99; 8:45 am]

BILLING CODE 3510–33–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Wool and Man-Made Fiber Textiles and Textile Products and Silk Blend and Other Vegetable Fiber Apparel Produced or Manufactured in the Philippines

April 21, 1999

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: April 27, 1999

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, 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 current limits for certain categories are being adjusted, variously, for swing, special shift, special swing and carryforward.

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 Uni ted States (see **Federal Register** notice 63 FR 71096, published on December 23, 1998). Also see 63 FR 67050, published on December 4, 1998.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

April 21, 1999

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 30, 1998, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man–made fiber textiles and textile products and silk blend and other vegetable fiber apparel, produced or manufactured in the Philippines and exported during the twelve-month period which began on January 1, 1999 and extends through December 31, 1999.

Effective on April 27, 1999, you are directed to adjust the limits for the fol lowing categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit [1]
Levels in Group I	
237	1,882,428 dozen.
338/339	3,041,110 dozen.
347/348	2,988,856 dozen.
361	2,221,011 numbers.
369–S [2]	379,917 kilograms.
633	55,902 dozen.
638/639	2,272,564 dozen.
643	764,045 numbers.
647/648	1,405,192 dozen.
649	7,624,535 dozen.
847	320,545 dozen.
Group II	
200–227, 300–326, 332, 359–O [3], 360, 362, 363, 369–O [4], 400–414, 434–438, 440, 442, 444, 448, 459pt. [5], 464, 469pt. [6], 600–607, 613–629, 644, 659–O [7], 666, 669–O [8], 670–O [9], 831, 833–838, 840–846, 850–858 and 859pt. [10], as a group.	188,376,261 square meters equivalent.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1998.

[2] Category 369–S: only HTS number 6307.10.2005.

[3] Category 359–O: all HTS numbers except 6103.42.2025, 6103.49.8034, 6104.62.1020, 6104.69.8010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025, 6211.42.0010 (Category 359–C); and 6406.99.1550 (Category 359pt.).

[4] Category 369–O: all HTS numbers except 6307.10.2005 (Category 369–S); 5601.10.1000, 5601.21.0090, 5701.90.1020, 5701.90.2020, 5702.10.9020, 5702.39.2010, 5702.49.1020, 5702.49.1080, 5702.59.1000, 5702.99.1010, 5702.99.1090, 5705.00.2020 and 6406.10.7700 (Category 369pt.).

[5] Category 459pt.: all HTS numbers except 6405.20.6030, 6405.20.6060, 6405.20.6090, 6406.99.1505 and 6406.99.1560.

[6] Category 469pt.: all HTS numbers except 5601.29.0020, 5603.94.1010 and 6406.10.9020.

[7] Category 659–O: all HTS numbers except 6103.23.0055, 6103.43.2020, 6103.43.2025, 6103.49.2000, 6103.49.8038, 6104.63.1020, 6104.63.1030, 6104.69.1000, 6104.69.8014, 6114.30.3044, 6114.30.3054, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.9010, 6211.33.0010, 6211.33.0017, 6211.43.0010 (Category 659–C); 6502.00.9030, 6504.00.9015, 6504.00.9060, 6505.90.5090, 6505.90.6090, 6505.90.7090, 6505.90.8090 (Category 659–H); 6406.99.1510 and 6406.99.1540 (Category 659pt.).

[8] Category 669–O: all HTS numbers except 6305.32.0010, 6305.32.0020, 6305.33.0010, 6305.33.0020, 6305.39.0000 (Category 669–P); 5601.10.2000, 5601.22.0090, 5607.49.3000, 5607.50.4000 and 6406.10.9040 (Category 669pt.).

[9] Category 670–O: all HTS numbers except 4202.12.8030, 4202.12.8070, 4202.92.3020, 4202.92.3031, 4202.92.9026 and 6307.90.9907 (Category 670–L).

[10] Category 859pt.: only HTS numbers 6115.19.8040, 6117.10.6020, 6212.10.5030, 6212.10.9040, 6212.20.0030, 6212.30.0030, 6212.90.0090, 6214.10.2000 and 6214.90.0090.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to 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.99–10452 Filed 4–26–99; 8:45 am]

BILLING CODE 3510–DR–F

COMMODITY FUTURES TRADING COMMISSION

Global Markets Advisory Committee Meeting

This is to give notice, pursuant to Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. 2. § 10(a), that the Commodity Futures Trading Commission's Global Markets Advisory Committee will conduct a public meeting on May 12, 1999, in the first floor hearing room (Room 1000) of the Commission's Washington, D.C. headquarters, Three Lafayette Centre, 1155 21st Street, N.W., Washington, D.C. 20581. The meeting will begin at 1:00 p.m. and last until 5:00 p.m. The agenda will consist of the following:

Agenda

1. Introductory Remarks by Commission Barbara Pedersen Holum, Chairman, Global Markets Advisory Committee.
2. Discussion of the Future Industry Association's proposed rules governing access to automated boards of trade.
3. Discussion of a proposal for regulatory parity for trading on domestic and foreign electronic terminals.
4. Discussion of a proposal to withdraw the Commission's proposed rules governing access to automated boards of trade and to lift the moratorium on consideration of no-action requests for placement of foreign terminals in the United States.

The Advisory Committee was created by the Commodity Futures Trading Commission for the purpose of receiving advice and recommendations on the myriad of complex and novel issues raised by the ever-increasing globalization of futures markets. The purposes and objectives of the Global Markets Advisory Committee are more fully set forth in the Charter of the Advisory Committee.

The meeting is open to the public. The Chairman of the Advisory Committee, Commissioner Barbara Pedersen Holum, is empowered to conduct the meeting in a fashion that will, in her judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Advisory

Committee should mail a copy of the statement to the attention of: The Global Markets Advisory Commission, c/o Commissioner Barbara Pedersen Holum, Washingon, D.C. 20581, before the meeting. Members of the public who wish to make oral statements should also inform Commissioner Holum in writing at the foregoing address at least three business days before the meeting. Reasonable provision will be made, if time permits, for an oral presentation of no more than five minutes each in duration.

Issued by the Commission in Washington, D.C. on April 22, 1999.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 99–10549 Filed 4–26–99; 8:45 am]

BILLING CODE 6351–01–M

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Submission for OMB Review; Comment Request

The Corporation for National and Community Service (hereinafter the ''Corporation'') has submitted the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Public Law 104–13, (44 U.S.C. Chapter 35). Copies of these individual ICRs, with applicable supporting documentation, may be obtained by calling the Corporation for National and Community Service, Janice Forney Fisher, (202) 606–5000, extension 275. Individuals who use a telecommunications device for the deaf (TTY–TDD) may call (202) 565–2799 between 8:30 a.m. and 5:00 p.m. Eastern time, Monday through Friday.

Comments should be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Corporation for National and Community Service, Office of Management and Budget, Room 10235, Washington, DC 20503, (202) 395–7316, within 30 days from the date of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the 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;
- Enhance the quality, utility and clarity of the information to be collected; and
- Minimize the burden of the collection of information to 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.

Type of Review: Renewal.

Agency: Corporation for National and Community Service.

Title: Project Profile and Volunteer Activity Surveys—FGP, RSVP, and SCP.

OMB Number: 3045–0029.

Agency Number: 1021–FGP, 1021–RSVP, and 1021–SCP.

Affected Public: Sponsors for National Senior Service Corps Grants.

Total Respondents: Estimated at 1,300.

Frequency: Every Two Years.

Estimated Time Per Respondent: 8.1 hours for the Retired and Senior Volunteer Program (RSVP), 5.1 hours for the Foster Grandparent Program (FGP), and 3.7 hours for the Senior Companion Program (SCP).

Estimated Annual Reporting or Disclosure Burden: 4,338 hours

Total Annualized Capital/Startup Costs: $11,100.

Total Annualized Burden Costs: $650.

Description

The Project Profile and Volunteer Activity Survey (PPVA) has served for almost two decades as the principal instrument for collecting project, volunteer and client demographic, and volunteer assignment information from projects funded under three federal programs—RSVP, FGP, and SCP, collectively known as the Senior Corps. These data are essential to the agency's oversight and management of the programs; presentation of specific and aggregate program information to Congress and OMB; promulgation of general information on the programs for the public, project sponsors, and prospective volunteers; and development of technical assistance and training for projects to maximize their impact on local community needs.

In January 1999, the National Senior Service Corps (Senior Corps) announced a 60-day review and comment period, ending March 22, 1999, during which project sponsors and the public were encouraged to submit comments on the proposed PPVA data collection instruments. Existing sponsors were provided copies of the draft, concurrent with **Federal Register** publication. The only major proposed revision was to reduce the frequency of collection from annually to every two years. Minor modifications were proposed to all three instruments as follows: allow sponsors to check more than one sponsor type category, add ''Indian Tribes'' and ''Volunteer Management Organizations'' to the sponsor type listing, add a question on availability of access to the Internet, and delete the question on budgeted volunteers/VSYs which can be derived elsewhere. Minor modifications to the RSVP instrument were as follows: Move Senior Center group programs not providing adult day care to category 213, move programs for dropouts to category 334, incorporate child literacy programs in category 312, incorporate adult literacy programs in category 338, delete category 336 split between categories 312 and 338 by age. Minor modifications to the FGP and SCP instruments were as follows: add a question on how many potential volunteers were inelgible due to over-income status; and revise age groupings for the stipended programs for better consistency with Census groups, i.e. 60–64, 65–74, 75–84, 85 and over. For the SCP instrument, ''Nutrition Sites'' has been deleted and ''Public Health Agencies'' added as station types.

Fifteen (15) comments were received from almost 1,300 existing Senior Corps projects and the public. Nine of the comment (9) were pertinent to RSVP only, two (2) to SCP only, one (1) to FGP only, one (1) to FGP and SCP, and two (2) to all three programs. Most of the comments were favorable, asked questions, or supported retention of categories as proposed. Based on the comments received, no changes to the proposed instruments were deemed necessary.

Once approved by OMB, the data collection instruments will be completed every two years by all public and private, non-profit organizations that receive National Senior Service Corps funds. First administration of the instruments is scheduled for 1999.

Dated: April 21, 1999.

Thomas L. Bryant,

Acting General Counsel.

[FR Doc. 99–10514 Filed 4–26–99; 8:45 am]

BILLING CODE 6050–28–U

DEPARTMENT OF DEFENSE

Department of the Navy

Availability of Government-Owned Inventions for Licensing

AGENCY: Department of the Navy, DOD.

ACTION: Notice.

SUMMARY: The inventions listed below are assigned to the United States Government as represented by the Secretary of the Navy and are made available for licensing by the Department of the Navy.

Copies of patents cited are available from the Commissioner of Patents and Trademarks, Washington, DC 20231, for $3.00 each. Requests for copies of patents must include the patent number.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, VA 22161 for $6.95 each ($10.95 outside North American Continent). Requests for copies of patent applications must include the patent application serial number. Claims are deleted from the copies of patent applications sold to avoid premature disclosure.

The following patents and patent applications are available for licensing:

Patent 5,745,284: SOLID-STATE LASER SOURCE OF TUNABLE NARROW-BANDWIDTH ULTRAVIOLET RADIATION; filed 1 May 1996; patented 28 April 1998.// Patent 5,757,358: METHOD AND APPARATUS FOR ENHANCING COMPUTER-USER SELECTION OF COMPUTER-DISPLAYED OBJECTS THROUGH DYNAMIC SELECTION AREA AND CONSTANT VISUAL FEEDBACK; filed 5 June 1995; patented 26 May 1998.//Patent 5,757,867: DIGITAL MIXING TO BASEBAND DECIMATION FILTER; filed 30 March 1995; patented 26 May 1998.//Patent 5,760,722: DISTRIBUTED QUANTIZATION NOISE TRANSMISSION ZEROS IN CASCADED SIGMA-DELTA MODULATORS; filed 31 January 1995; patented 2 June 1998.//Patent 5,762,611: EVALUATION OF A SUBJECT'S INTEREST IN EDUCATION, TRAINING AND OTHER MATERIALS USING BRAIN ACTIVITY PATTERNS; filed 12 November 1996; patented 9 June 1998.// /Patent 5,764,677: LASER DIODE POWER COMBINER; filed 14 December 1995; patented 9 June 1998.//Patent 5,770,815: AMMUNITION CARTRIDGE WITH REDUCED PROPELLANT CHARGE; filed 14 August 1995; patented 23 June 1998.//Patent 5,774,690: METHOD FOR OPTIMIZATION OF ELEMENT PLACEMENT IN A THINNED ARRAY; filed 14 September 1995; patented 30 June 1998.//Patent 5,776,861: HIGH TEMPERATURE MERCURY-CONTAINING SUPERCONDUCTORS AND METHOD OF MAKING THE SAME; filed 28 April 1995; patented 7 July 1998.//Patent 5,777,400: SHIELDED COMPUTER NETWORK SWITCH; filed 22 July 1996; patented 7 July 1998.// Patent 5,777,456: NICAD DEEP CYCLE CHARGING/DISCHARGING SYSTEM; filed 30 September 1996; patented 7 July 1998.//Patent 5,777,477: METHOD OF MAGNETIC SOURCE LOCALIZATION USING GRADIENT TENSOR COMPONENTS AND RATE TENSOR COMPONENTS; filed 3 June 1996; patented 7 July 1998.//Patent 5,777,897: METHOD FOR OPTIMIZING THE ROTATIONAL SPEED OF COOLING FANS; filed 26 November 1996; patented 7 July 1998.//Patent 5,777,948: METHOD AND APPARATUS FOR PREFORMING MUTATIONS IN A GENETIC ALGORITHM-BASED UNDERWATER TARGET TRACKING SYSTEM; filed 12 November 1996; patented 7 July 1998.//Patent 5,777,949: TRAJECTORY MATCHED PASSIVE DETECTION SYSTEM; filed 23 January 1997; patented 7 July 1998.//Patent 5,778,002: MULTIPLEXING/ DEMULTIPLEXING SYSTEM FOR ASYNCHRONOUS HIGH AND LOW-SPEED DATA; filed 13 August 1997; patented 7 July 1998.//Patent 5,778,125: OPTICAL FIBER TERMINATIONS; filed 30 October 1996; patented 7 July 1998./ /Patent 5,778,725: ASSEMBLY AND METHOD FOR TESTING AN UNDERWATER GUN; filed 7 November 1996; patented 14 July 1998.//Patent 5,778,876: SELF-CONTAINED OXYGEN REBREATHER WITH SEMI-PERMEABLE MEMBRANE TO VENT EXCESS HELIUM; filed 11 February 1997; patented 14 July 1998.//Patent 5,779,757: PROCESS FOR REMOVING HYDROGEN AND CARBON IMPURITIES FROM GLASSES BY ADDING A TELLURIUM HALIDE; filed 26 June 1996; patented 14 July 1998.// Patent 5,780,178: SCANDIA, YTTRIA-STABILIZED ZIRCONIA FOR ULTRA-HIGH TEMPERATURE THERMAL BARRIER COATINGS; filed 31 October 1996; patented 14 July 1998.//Patent 5,780,729: FUEL DELIVERY SYSTEM; filed 24 July 1996; patented 14 July 1998.//Patent 5,780,769: THERMAL STABILIZATION OF N.N-DINITRAMIDE SALTS; filed 26 August 1996; patented 14 July 1998.//Patent 5,781,298: LIGHT MIXING TECHNIQUE FOR ISOLATION AND AMPLIFICATION OF LASER SIGNAL FROM BACKGROUND NOISE DUE TO SCATTERING IN TURBID MEDIA; filed 26 November 1996; patented 14 July 1998.//Patent 5,781,460: SYSTEM AND METHOD OF CHAOTIC SIGNAL IDENTIFICATION; filed 28 June 1996; patented 14 July 1998.//Patent 5,781,504: SHALLOW WATER BEAMFORMING METHODOLOGY FOR TOROIDAL VOLUME SEARCH SONAR; filed 5 June 1997; patented 14 July 1998.//Patent 5,781,505: SYSTEM AND METHOD FOR LOCATING A TRAJECTORY AND A SOURCE OF A PROJECTILE; filed 14 October 1997; patented 14 July 1998.//Patent 5,781,506: METHOD AND APPARATUS FOR FREQUENCY FILTERING USING AN ELASTIC FLUID-FILLED CYLINDER; filed 29 May 1997; patented 14 July 1998.//Patent 5,781,508: OPTIMIZING THE COMPRESSIONAL WAVE ENERGY RESPONSE OF AN ELASTIC FLUID-FILLED CYLINDER; filed 29 May 1997; patented 14 July 1998.//Patent 5,781,509: WIDE BEAM ARRAY WITH SHARP CUTOFF; filed 28 May 1996; patented 14 July 1998.// Patent 5,783,441: GENE AND PROTEIN APPLICABLE TO THE PREPARATION OF VACCINES FOR RICKETTSIA PROWAZEKII AND RICKETTSIA TYPHI AND THE DETECTION OF BOTH; filed 20 December 1993; patented 21 July 1998.//Patent 5,783,732: 2:2 MIXED FLUORO-, AND FLUORONITROALKYL ORTHOCARBONATES; filed 30 March 1981; patented 21 July 1998.//Patent 5,784,067: SOFTWARE OBJECT FOR PROVIDING A DISPLAY OF A SCROLLING REAL-TIME GRAPH AND WHICH PROVIDES FOR INSERTION AND UP-DATING OF PLOTS OF REAL TIME DATA INTO THE DISPLAY; filed 22 July 1996; patented 21 July 1998.// Patent 5,784,297: MODEL IDENTIFICATION AND CHARACTERIZATION OF ERROR STRUCTURES IN SIGNAL PROCESSING; filed 13 January 1997; patented 21 July 1998.//Patent 5,784,337: TOWED ARRAY WITH NON-ACOUSTIC SENSOR MODULE; filed 21 January 1997; patented 21 July 1998.// Patent 5,785,591: MOBILE SAFETY STRUCTURE WITH SEPARATE COMPARTMENTS FOR CONTAINMENT AND HANDLING OF HAZARDOUS MATERIALS; filed 7 January 1997; patented 28 July 1998.// Patent 5,786,287: IR TRANSMITTING RARE EARTH GALLOGERMANATE GLASS-CERAMICS; filed 15 November 1996; patented 28 July 1998.//Patent 5,786,545: UNMANNED UNDERSEA VEHICLE WITH KEEL-MOUNTED PAYLOAD DEPLOYMENT SYSTEM; filed 11 October 1995; patented 28 July 1998.//Patent 5,786,750: PILOT VEHICLE WHICH IS USEFUL FOR MONITORING HAZARDOUS CONDITIONS ON RAILROAD TRACKS; filed 21 February 1997; patented 28 July 1998.//Patent 5,786,919: DATA MULTIPLEXING NODE FOR LINE ARRAY; filed 5 September 1996;

patented 28 July 1998.//Patent 5,787,048: SHIP WAKE SIGNATURE SUPPRESSION; filed 6 May 1997; patented 28 July 1998.//Patent 5,787,053: CONTINUOUS FIBER PULSE REFLECTING MEANS; filed 7 July 1989; patented 28 July 1998.//Patent 5,787,201: HIGH ORDER FRACTAL FEATURE EXTRACTION FOR CLASSIFICATION OF OBJECTS IN IMAGES; filed 9 April 1996; patented 28 July 1998.//Patent 5,787,408: SYSTEM AND METHOD FOR DETERMINING NODE FUNCTIONALITY IN ARTIFICIAL NEURAL NETWORKS; filed 23 August 1996; patented 28 July 1998.//Patent 5,788,222: DEVICE FOR INSERTING A LINEAR ARRAY MODULE INTO LONG SMALL DIAMETER PRESSURE VESSELS; filed 24 July 1996; patented 4 August 1998.//Patent 5,789,696: METHOD FOR LAUNCHING PROJECTILES WITH HYDROGEN GAS; filed 14 August 1997; patented 4 August 1998.//Patent 5,789,931: QUANTITATIVE MOBILITY SPECTRUM ANALYSIS FOR MAGNETIC FIELD DEPENDENT HALL AND RESISTIVITY DATA; filed 4 October 1995; patented 4 August 1998.// Patent 5,790,758: NEURAL NETWORK ARCHITECTURE FOR GAUSSIAN COMPONENTS OF A MIXTURE DENSITY FUNCTION; filed 7 July 1995; patented 4 August 1998.//Patent 5,790,896: APPARATUS FOR A TESTING SYSTEM WITH A PLURALITY OF FIRST CONNECTION HAVING A STRUCTURAL CHARACTERISTIC AND A PLURALITY OF SECOND CONNECTION HAVING A DIFFERENT STRUCTURAL CHARACTERISTIC THAN THE FIRST CONNECTION; filed 24 June 1996; patented 4 August 1998.//Patent 5,791,275: SURFACE LAYER COMPRISING MICROFABRICATED TILES FOR ELECTROMAGNETIC CONTROL OF FLUID TURBULENCE IN SEA WATER; filed 14 June 1996; patented 11 August 1998.//Patent 5,791,591: TARGET SEEKING FREE GYRO; filed 28 April 1997; patented 11 August 1998.//Patent 5,792,351: SPINNING FILTER SEPARATION SYSTEM FOR OIL SPILL CLEAN-UP OPERATION; filed 26 September 1996; patented 11 August 1998.//Patent 5,792,950: SUBMARINE DEPLOYED SEA-STATE SENSOR; filed 16 January 1996; patented 11 August 1998.//Patent 5,792,978: BARGE STRIKE EXPLOSIVE CLEARANCE SYSTEM; filed 27 May 1997; patented 11 August 1998.//Patent 5,793,667: SENSE AMPLIFIER CONTROL SYSTEM FOR FERROELECTRIC MEMORIES; 18 October 1996; patented 11 August 1998.//Patent 5,795,159: MERCURY REMOVAL METHOD AND APPARATUS; filed 2 February 1996; patented 18 August 1998.//Patent 5,795,813: RADIATION-HARDENING OF SOI BY ION IMPLANTATION INTO THE BURIED OXIDE LAYER; filed 31 May 1996; patented 18 August 1998.// Patent 5,797,342: SUBMERSIBLE DEVICE LAUNCHER; filed 10 July 1997; patented 25 August 1998.// Patent 5,797,965: SUPPRESSION OF EPILEPTIFORM ACTIVITY; filed 26 March 1997; patented 25 August 1998.// /Patent 5,798,540: ELECTRONIC DEVICES WITH INALASSB/ ALSB BARRIER; filed 29 April 1997; patented 25 August 1998.//Patent 5,799,026: INTERBAND QUANTUM WELL CASCADE LASER, WITH A BLOCKING QUANTUM WELL FOR IMPROVED QUANTUM EFFICIENCY; filed 1 November 1996; patented 25 August 1998.//Patent 5,800,459: ELECTRIC FIELD CONTROL OF EPILEPTIFORM ACTIVITY; filed 24 December 1996; patented 1 September 1998.//Patent 5,800,536: PASSIVE PIEZOELECTRIC PROSTHESIS FOR THE INNER EAR; filed 9 May 1997.//Patent 5,800,720: SPINNING FILTER SEPARATION SYSTEM FOR OIL SPILL CLEAN-UP OPERATION; filed 10 October 1997; patented 1 September 1998.//Patent 5,800,879: DEPOSITION OF HIGH QUALITY DIAMOND FILM ON REFRACTORY NITRIDE; filed 16 May 1991; patented 1 September 1998.// Patent 5,800,934: ZINC OXIDE STABILIZED ZIRCONIA; filed 27 February 1997; patented 1 September 1998.//Patent 5,801,321: LOW COST ENVIRONMENTALLY FRIENDLY FLARE; filed 24 June 1997; patented 1 September 1998.//Patent 5,804,321: DIAMOND BRAZED TO A METAL; filed 30 July 1993; patented 8 September 1998.// Patent 5,804,475: METHOD OF FORMING AN INTERBAND LATERAL RESONANT TUNNELING TRANSISTOR; filed 19 June 1996; patented 8 September 1998.//Patent 5,804,715: HYDRODYNAMIC DAMPENING SYSTEM FOR THE PRECISE MEASUREMENT OF DYNAMIC SEDIMENT PORE WATER PRESSURE; filed 24 December 1996; patented 8 September 1998.//Patent 5,804,967: APPARATUS AND METHOD FOR GENERATING SHORT PULSES FOR NMR AND NQR PROCESSING; filed 15 November 1996; patented 8 September 1998.//Patent 5,805,326: OPTICAL LIMITER STRUCTURE AND METHOD; filed 6 May 1994; patented 8 September 1998.//Patent 5,805,526: ECHO DETECTION DOPPLER GATE; filed 6 August 1970; patented 8 September 1998.//Patent 5,805,753: OPTICAL FIBERS WITH HIGH ACCELERATION SENSITIVITY AND LOW PRESSURE SENSITIVITY; filed 25 September 1996; patented 8 September 1998.//Patent 5,806,457: SUBMERSIBLE VEHICLE HULL PORTION HAVING INTEGRALLY FORMED FLUID TANK; filed 17 January 1997; patented 15 September 1998.//Patent 5,807,758: CHEMICAL AND BIOLOGICAL SENSOR USING AN ULTRA-SENSITIVE FORCE TRANSDUCER; filed 21 July 1995; patented 15 September 1998.//Patent 5,807,953: THERMOSTET POLYMERS FROM INORGANIC ARYLACETYLENIC MONOMERS; filed 26 July 1996; patented 15 September 1998.//Patent 5,807,967: FLUOROALIPHATIC CYANATE RESINS FOR LOW DIELECTRIC APPLICATIONS; filed 21 March 1996; patented 15 September 1998.//Patent 5,808,965: LABORATORY TEST METHOD TO MEASURE TOWED ARRAY HYDROPHONE RESPONSE; filed 23 May 1997; patented 15 September 1998.//Patent 5,808,970: MULTI-LAYER ACOUSTICALLY TRANSPARENT SONAR ARRAY; filed 5 June 1997; patented 15 September 1998.//Patent 5,809,998: INSULATION JACKET FOR BREATHING GAS DEVICE; filed 8 August 1996; patented 22 September 1998.//Patent 5,811,726: EXPLOSIVE COMPOSITIONS; filed 28 February 1996; patented 22 September 1998.//Patent 5,811,822: OPTICALLY TRANSPARENT, OPTICALLY STIMULABLE GLASS COMPOSITES FOR RADIATION DOSIMETRY; filed 29 April 1997; patented 22 September 1998.//Patent 5,812,292: OPTICAL CORRELATOR USING OPTICAL DELAY LOOPS; filed 27 November 1995; patented 22 September 1998.// Patent 5,812,494: WIDE-ANGLE, FORWARD-LOOKING BATHYMETRIC MAPPING; filed 2 June 1997; patented 22 September 1998.//Patent 5,812,758: SYSTEM LEVEL AID FOR TROUBLESHOOTING (SLAT); filed 9 November 1995; patented 22 September 1998.//Patent 5,813,279: SYSTEM FOR POSITIONING BORESIGHT CALIBRATION TOOLS; filed 29 July 1997; patented 29 September 1998.// Patent 5,814,250: METHOD OF PROTECTING A STRUCTURE; filed 18 September 1996; patented 29 September 1998.//Patent 5,814,816: SYSTEM FOR MONITORING SURFACE STRESS AND OTHER CONDITIONS IN STRUCTURES; filed 27 August 1996; patented 29 September 1998.//Patent 5,814,942: METHOD AND APPARATUS FOR GENERATING HIGH-DENSITY SHEET PLASMA MIRRORS USING A

SLOTTED-TUBE CATHODE CONFIGURATION; filed 28 March 1997; patented 29 September 1998.// Patent 5,815,465: METHOD AND APPARATUS OF CLASSIFYING MARINE SEDIMENT; filed 11 April 1997; patented 29 September 1998.// Patent 5,824,910: MINIATURE HYDROSTAT FABRICATED USING MULTIPLE MICROELECTROMECHANICAL PROCESSES; filed 16 April 1997; patented 20 October 1998.//Patent 5,831,724: IMAGING LIDAR-BASED AIM VERIFICATION METHOD AND SYSTEM; filed 22 July 1997; patented 3 November 1998.// Patent application 08/591,188: BUBBLE PRESSURE GENERATING SYSTEM; filed 21 December 1995.//Patent application 08/774,063: BRIGHT BEAM METHOD FOR SUPER-RESOLUTION IN E-BEAM LITHOGRAPHY; filed 23 December 1996.//Patent application 08/798,683: SYSTEM FOR DETERMINING SIZE AND LOCATION OF DEFECTS IN MATERIAL BY USE OF MICROWAVE RADIATION; filed 12 February 1997.// Patent application 08/816,337: PATTERNING ANTIBODIES ON A SURFACE; filed 13 March 1997.//Patent application 08/885,132: ADJUSTABLE BEARING SYSTEM WITH SELECTIVELY OPTIMIZED INSTALLATIONAL CLEARANCES; filed 30 June 1997.//Patent application 08/976,126: PLASMA ANTENNA; filed 29 September 1997.//Patent application 09/061,256: CHELATORS EXHIBITING TRIPLE FLUORESCENCE; filed 31 August 1998.//Patent application 09/090,162: METAL OXIDE DISCHARGE LAMP; filed 4 June 1998.//Patent application 09/090,223: FLUID PUMP AND EXPANDABLE ENERGY STORAGE DEVICE; filed 22 May 1998.//Patent application 09/090,326: CAPTIVE SOFT FOAM SHOCK BASE MOUNT; filed 22 May 1998.//Patent application 09/090,327: ELASTOMERIC SURFACE ACTUATION SYSTEM; filed 22 May 1998.//Patent application 09/113,010: RADIO FREQUENCY COMMUNICATIONS FOR UNDERWATER VEHICLE; filed 26 June 1998.//Patent application 09/113,011: AUTOMATED METHOD OF FREQUENCY DETERMINATION IN SOFTWARE METRIC DATA THROUGH THE USE OF THE MULTIPLE SIGNAL CLASSIFICATION (MUSIC) ALGORITHM; filed 26 June 1998.// Patent application 09/114,248: SYSTEM AND METHOD FOR ALIGNMENT OF STOWAGE DRUM AND CAPSTAN IN A SEAGOING VESSEL; filed 6 July 1998.//Patent application 09/120,874: BALLAST SYSTEM FOR UNDERWATER VEHICLE; filed 14 July 1998.//Patent application 09/124,010: INTEGRAL SHIP-WEAPON MODULE; filed 29 July 1998.//Patent application 09/126,386: MOVING MAP COMPOSER (MMC); filed 30 July 1998.//Patent application 09/126,711: SYNCHRONIZING AUTONOMOUS CHAOTIC SYSTEMS USING FILTERS; filed 31 July 1998.//Patent application 09/131,844: SPINNING FOCAL PLANE ARRAY CAMERA PARTICULARLY SUITED FOR REAL TIME PATTERN RECOGNITION; filed 30 July 1998.// Patent application 09/136,975: ENERGETIC TRANSMISSION LINE COMPLETION/INTERRUPTION MECHANISM; filed 20 August 1998.// Patent application 09/137,083: ELECTRONIC DEVICES WITH BARRIER FILM AND PROCESS FOR MAKING SAME; filed 20 August 1998.//Patent application 09/137,084: ELECTRONIC DEVICES WITH BARIUM BARRIER FILM AND PROCESS FOR MAKING SAME; filed 20 August 1998.//Patent application 09/137/085: ELECTRONIC DEVICES WITH STRONTIUM BARRIER FILM AND PROCESS FOR MAKING SAME; filed 20 August 1998.//Patent application 09/137,086: ELECTRONIC DEVICES WITH CESIUM BARRIER FILM AND PROCESS FOR MAKING SAME; filed 20 August 1998.//Patent application 09/137,087: ELECTRONIC DEVICES WITH RUBIDIUM BARRIER FILM AND PROCESS FOR MAKING SAME; filed 20 August 1998.//Patent application 09/137,088: ELECTRONIC DEVICES WITH COMPOSITE ATOMIC BARRIER FILM AND PROCESS FOR MAKING SAME; filed 10 August 1998.//Patent application 09/137,089: PROCESS FOR MAKING A SEMICONDUCTOR DEVICE WITH BARRIER FILM FORMATION USING A METAL HALIDE AND PRODUCTS THEREOF; filed 20 August 1998.// Patent application 09/137,419: PROCESS FOR PREPARING COMPOSITE WARHEAD CASINGS AND PROJECT; filed 20 August 1998.//Patent application 09/140,738: BOOSTER CIRCUIT FOR FOLDBACK CURRENT LIMITED POWER SUPPLIES; filed 27 August 1998.//Patent application 09/140,740: LEAK TEST ADAPTER SYSTEM; filed 27 August 1998.//Patent application 09/144,105: COATED CATHODOLUMINESCENT PHOSPHORS; filed 31 August 1998.// Patent application 09/153,416: DEPLOYED EQUIPMENT MODULES FOR SATELLITE ARCHITECTURE IMPROVEMENT; filed 24 August 1998.//Patent application 09/156,382: AIR-SAFED MECHANICAL WATER ACTUATOR; filed 18 September 1998.//Patent application 09/156,383: PASSIVE RANGING USING INFERIOR MIRAGES; filed 18 September 1998.// Patent application 09/159,566: QUASI-STATIC FIBER PRESSURE SENSOR; filed 24 September 1998.//

FOR FURTHER INFORMATION CONTACT: Mr. John G. Wynn, Staff Patent Attorney, Office of Naval Research (Code 00CC), Arlington, VA 22217–5660, telephone (703) 696–4004.

(Authority: 35 U.S.C. 207; 37 CFR Part 404)

Dated: April 19, 1999.

Pamela A. Holden,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 99–10532 Filed 4–26–99; 8:45 am]

BILLING CODE 3810–FF–U

DEPARTMENT OF ENERGY

Draft Site-Wide Environmental Impact Statement for Sandia National Laboratories/New Mexico

AGENCY: Department of Energy.

ACTION: Notice of availability and public hearings.

SUMMARY: The Department of Energy (DOE) announces the availability of the Draft Site-Wide Environmental Impact Statement (SWEIS) for Sandia National Laboratories/New Mexico (SNL/NM), DOE/EIS–0281, for public review and comment. DOE proposes to continue operating SNL/NM, located in central New Mexico. DOE has identified and assessed three alternatives for the operation of SNL/NM: (1) No Action, (2) Expanded Operations, and (3) Reduced Operations.

DATES: Written comments on the Draft SWEIS are invited from the public during the comment period, which ends June 15, 1999 (see **ADDRESSES** section for more details). Comments must be postmarked by June 15, 1999, to ensure consideration; late comments will be considered to the extent practicable. The DOE will use the comments received to help prepare the Final SWEIS. Public hearings on the Draft SWEIS are scheduled in Albuquerque, New Mexico, for:

Wednesday, May 19, 1999, at the University of New Mexico Continuing Education Center, 1634 University Blvd., NE. The Education Center is located just north of the intersection of University and Indian School Road. There will be two sessions from 1–5 p.m. and from 6–9 p.m.

Thursday, May 20, 1999, at Manzano High School, 12200 Lomas Blvd., NE. The school is located on the south side

of Lomas Blvd. between Juan Tabo and Tramway. There will be two sessions from 3–5 p.m. and from 6–9 p.m.

Saturday, May 22, 1999, at the South Broadway Cultural Center, 1025 Broadway, SE. The Cultural Center is located on Broadway, 3 blocks north of the intersection with Avenida Cesar Chavez. There will be only one session from 1–4:30 p.m.

The hearings will provide opportunities for information exchange and discussion among DOE, SNL/NM, and the public, as well as for submitting prepared statements. Public hearing locations and times will also be announced in local media closer to the meeting dates. For more information call (888) 635–7305.

ADDRESSES: Comments may be submitted in writing to DOE by contacting: Julianne Levings, SNL/NM SWEIS Project Manager, U.S. DOE, Albuquerque Operations Office, EISPO, PO Box 5400, Albuquerque, NM 87185–5400.

Ms. Levings may also be contacted by telephone (888) 635–7305, fax (505) 845–6392, or via e-mail at inforequest@nepanet.com. Oral and written comments may also be provided at the public hearings listed in the **DATES** section. Requests for copies of the Draft SWEIS or other matters regarding this environmental review should be addressed to Ms. Levings at the address above. Summaries of the Draft SWEIS are available in Spanish. The Draft SWEIS is also available in full under the NEPA Analyses Module of the DOE NEPA Web Site at http://tis.eh.doe.gov/nepa/.

FOR FURTHER INFORMATION CONTACT: For general information on the DOE NEPA process, please contact: Ms. Carol M. Borgstrom, EH–42, Director, Office of NEPA Policy and Assistance, Department of Energy, 1000 Independence Ave., SW, Washington, DC 20585.

Ms. Borgstrom may be contacted by calling (202) 586–4600 or by leaving a message at (800) 472–2756.

SUPPLEMENTARY INFORMATION: The Draft SWEIS was prepared pursuant to the National Environmental Policy Act of 1969 (NEPA) [42 U.S.C. 4321 *et seq.*], the Council on Environmental Quality NEPA regulations [40 CFR part 1500], and the DOE NEPA regulations [10 CFR part 1021].

The Department proposes to continue operating the SNL/NM, which is located in central New Mexico. DOE has identified and assessed three alternatives for the operation of SNL/NM: (1) No Action, (2) Expanded Operations, and (3) Reduced Operations. In the No Action Alternative, DOE would continue the status quo; that is, operating at planned levels as reflected in current DOE management plans. In the Expanded Operations Alternative, DOE would increase activity at SNL/NM to the highest reasonable level that could be supported by current facilities and the potential expansion/construction of new facilities specifically addressed in the SWEIS. Under the Reduced Operations Alternative, activities would be reduced to the minimum level of operations needed to maintain SNL/NM facilities and equipment in an operational readiness mode. DOE does not currently have a preferred alternative, but will identify in the Final SWEIS a preferred alternative, which could be a combination of the alternatives analyzed.

The Draft SWEIS identifies the expected environmental impacts from facility operations for each alternative, and presents comparisons of these impacts among the three alternatives. For each alternative, impacts are presented for resource areas (e.g., land use, geology and soils, and water) and topic areas (e.g., waste generation, transportation, and environmental justice).

The Notice of Intent for the preparation of the Draft SWEIS (62 FR 29332, May 30, 1997) announced that the United States Air Force (USAF) would act as a cooperating agency because of the interdependence between Kirtland Air Force Base (KAFB) and the DOE when planning for SNL/NM. The USAF has participated in planning meetings; provided data projections for KAFB facilities; and reviewed analytical methodologies, analyses, and preliminary drafts of the SWEIS.

DOE has distributed copies of the summary of the Draft SWEIS to appropriate Congressional members and committees, and copies of the Draft SWEIS to the State of New Mexico, American Indian Tribal governments, local county governments, other Federal agencies, and interested parties who have requested copies. The Draft EIS is also available for public review and copying at the following four locations:

University of New Mexico Zimmerman Library, Government Document Collection, Albuquerque, NM.

Albuquerque Technical Vocational Institute (TVI), Joseph Montoya Campus Library, 4700 Morris, NE, Albuquerque, NM.

TVI Main Campus Library, 525 Buena Vista Dr., SE, Albuquerque, NM.

U.S. Department of Energy, Freedom of Information Reading Room, Room 1E–190, 1000 Independence Ave, SW, Washington, DC.

After the 60-day public comment period, which ends June 15, 1999, the Department will consider and respond to the comments received, revise the Draft SWEIS as appropriate, and issue a Final SWEIS. The Department will consider the analyses in the Final SWEIS, along with other information, in making a decision on the appropriate level of operations for SNL/NM.

Signed in Washington, DC, this 20th of April 1999, for the United States Department of Energy.

Victor H. Reis,

Assistant Secretary for Defense Programs.

[FR Doc. 99–10515 Filed 4–26–99; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Idaho National Engineering and Environmental Laboratory

AGENCY: Department of Energy.

ACTION: Notice of Open Meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Idaho National Engineering and Environmental Laboratory. The Federal Advisory Committee Act (Pub. L. No. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Tuesday, May 18, 1999, Wednesday, May 19, 1999.

TIMES: 8:00 a.m.–6:00 p.m. 8:00 a.m.–5:00 p.m.

ADDRESSES: The Red Lion Inn, 621 21st Street, Lewiston, Idaho 83501, 1–800–232–6730.

FOR FURTHER INFORMATION CONTACT: Ms. Wendy Lowe, INEEL CAB Facilitator, Jason Associates Corporation, 477 Shoup Avenue, Suite 205, Idaho Falls, ID 83402, (208)-522-1662 or visit the Board's Internet homepage at *http://www.ida.net/users/cab.*

Public Comment sessions will be held: Tuesday, May 18, 1999 throughout the day following board presentations and at the scheduled time of 4:30–5:00 p.m.; Wednesday, May 19, 1999, only between 4:00–4:15 p.m.

These times are subject to change as the meeting progresses, depending on the extent of comment offered. Please check with the meeting facilitator to confirm these times.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations

to DOE and its regulators in the areas of future use, cleanup levels, waste disposition and cleanup priorities at the INEEL.

Tentative Agenda

Provide presentations on the following topics:

- Waste Management Programmatic Environmental Impact Statement Settlement Agreement;
- Modeling of Plutonium Contamination Mitigation at the Idaho National Environmental Engineering Laboratory (INEEL);
- INEEL High Level Waste and Facilities Disosition Environmental Impact Statement alternatives;
- New centers for excellence at the University of Idaho; and the
- Environmental Protection Agency's Standards for Radionuclides in the Drinking Water

Discuss

- Introduction to future SSAB Stewardship Seminar
- Agenda Priority Setting
- Committee Reorganization
- Followup from Self-Evaluation Retreat held in March 1999

Finalize the Proposed Plan for Waste Area Group 5 (Power Burst Facility & Auxiliary Reactor Area)

A final agenda will be available at the meeting or visit the Citizen's Advisory Board's Internet Site at *www.ida.net/users/cab/*

Public Participation: The meeting is open to the public. Written statements may be filed with the Board facilitator either before or after the meeting. Individuals who wish to make oral presentations pertaining to agenda items should contact the Board Chair 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 Deputy Designated Federal Officer, Jerry Bowman, Assistant Manager for Laboratory Development, Idaho Operations Office, U.S. Department of Energy, is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Every individual wishing to make public comment will be provided equal time to present their comments.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9:00 a.m. and 4:00 p.m., Monday-Friday, except Federal holidays. Minutes will also be available by writing to Charles M. Rice, INEEL CAB Chair, 477 Shoup Ave., Suite 205, Idaho Falls, Idaho 83402 or by calling the Board's facilitator at (208) 522–1662.

Issued at Washington, DC on April 22, 1999.

Rachel Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 99–10516 Filed 4–26–99; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC99–64–000, et al.]

The Cleveland Electric Illuminating Company, et al.; Electric Rate and Corporate Regulation Filings

April 20, 1999.

Take notice that the following filings have been made with the Commission:

1. The Cleveland Electric Illuminating Company

[Docket No. EC99–64–000]

Take notice that on April 16, 1999, The Cleveland Electric Illuminating Company (CEI) filed an application pursuant to section 203 of the Federal Power Act, 16 U.S.C. § 824b, for authorization to acquire certain jurisdictional transmission facilities. CEI states that copies of the Application were served on the Public Utilities Commission of Ohio and the Pennsylvania Public Utility Commission.

Comment date: May 17, 1999, in accordance with Standard Paragraph E at the end of this notice.

2. Nevada Sun-Peak Limited Partnership

[Docket No. EC99–65–000]

Take notice that on April 16, 1999, Nevada Sun-Peak Limited Partnership, c/o Oxbow Sun-Peak Power, Inc., 9790 Gateway Drive, Suite 220, Reno, NV 89511, filed with the Federal Energy Regulatory Commission under section 203 of the Federal Power Act an application for approval, and for disclaimer of jurisdiction, or alternatively, approval of dispositions of jurisdictional facilities.

Comment date: May 17, 1999, in accordance with Standard Paragraph E at the end of this notice.

3. Mt. Wheeler Power, Inc.

[Docket No. EL99–61–000]

Take notice that on April 14, 1999, Mt. Wheeler Power, Inc. (Mt. Wheeler) submitted for filing an Application for Waiver of the Requirements of Order Nos. 888 and 889, in accordance with section 35.28(d) of the Rules of the Federal Energy Regulatory Commission (Commission), 18 CFR 35.28(d).

Mt. Wheeler states that it owns, operates, or controls only limited and discrete transmission facilities that do not constitute an integrated grid. Mt. Wheeler states that it thus qualifies for a waiver of application of the requirements of Order Nos. 888 and 889 to it, as more fully set forth in the application which is on file with the Commission and open to public inspection.

Comment date: May 14, 1999, in accordance with Standard Paragraph E at the end of this notice.

4. Mid-Power Services Corp. Bridgeport Energy, L.L.C. DC Tie, Inc.

[Docket Nos. ER97–4257–008; ER98–2783–002; ER91–435–029]

Take notice that on April 15, 1999, the above-mentioned power marketers filed quarterly reports with the Commission in the above-mentioned proceedings for information only. These filings are available for public inspection and copying in the Public Reference Room or on the web at www.ferc.fed.us/ online/rims.htm for viewing and downloading (call 202–208–2222 for assistance).

5. Public Service Electric and Gas Company

[Docket No. ER97–3189–024]

Take notice that on April 15, 1999, Public Service Electric and Gas Company (PSE&G), tendered for filing a compliance report regarding refunds made in connection with the settlement of Docket No. ER97–3189–008.

PSE&G states that a copy of this filing has been provided to the New Jersey Board of Public Utilities and to the affected wholesale customers.

Comment date: May 5, 1999, in accordance with Standard Paragraph E at the end of this notice.

6. PJM Interconnection, L.L.C.

[Docket No. ER97–3189–025]

Take notice that on April 15, 1999, PJM Interconnection, L.L.C. (PJM), tendered for filing confidential refund reports in compliance with the Commission's orders in Docket Nos. ER97–3189–001 through 008.

Copies of the transmittal letter (without the accompanying confidential

reports) were served upon all affected customers and state commissions.

Comment date: May 5, 1999, in accordance with Standard Paragraph E at the end of this notice.

7. Alpena Power Marketing, L.L.C., TransCanada Power Marketing Ltd., IGI Resources, Inc., Dynegy Power Services, Inc., Power Providers Inc., Progas Power, Inc., FPL Energy Power Marketing, Inc., FPL Energy Maine, Hydro, Inc., FPL Energy Mason, LLC, FPL Energy Wyman, LLC, FPL Energy Wyman IV, LLC, FPL Energy AVEC, LLC

[Docket Nos. ER97–4745–006, ER98–564–003, ER95–1034–015, ER94–1612–021, ER96–2303–011, ER95–968–008, ER98–3566–002, ER98–3511–002, ER98–3562–002, ER98–3563–002, ER98–3564–002, and ER98–3565–002

Take notice that on April 16, 1999, the above-mentioned power marketers filed quarterly reports with the Commission in the above-mentioned proceedings for information only. These filings are available for public inspection and copying in the Public Reference Room or on the web at www.ferc.fed.us/ online/rims.htm for viewing and downloading (call 202–208–2222 for assistance).

8. Virginia Electric and Power Company

[ER99–1884–000]

Take notice that on April 15, 1999, Virginia Electric and Power Company (Virginia Power), tendered for filing an unexecuted Service Agreement for Long Term Firm Point-to-Point Transmission Service (OASIS #73454) with PECO Energy Company under the Open Access Transmission Tariff to Eligible Purchasers dated July 14, 1997. Under the tendered Service Agreement, Virginia Power will provide Long Term Firm Point-to-Point Transmission Service to the Transmission Customer under the rates, terms and conditions of the Open Access Transmission Tariff.

Virginia Power requests an effective date of January 1, 2000.

Copies of the filing were served upon PECO Energy Company, the Virginia State Corporation Commission and the North Carolina Utilities Commission.

Comment date: May 5, 1999, in accordance with Standard Paragraph E at the end of this notice.

9. Virginia Electric and Power Company

[Docket No. ER99–1885–000]

Take notice that on April 15, 1999, Virginia Electric and Power Company (Virginia Power), tendered for filing two (2) unexecuted Service Agreements for Long Term Firm Point-to-Point Transmission Service (OASIS #74047 and OASIS #74048) with The Wholesale Power Group under the Open Access Transmission Tariff to Eligible Purchasers dated July 14, 1997. Under the tendered Service Agreements, Virginia Power will provide Long Term Firm Point-to-Point Transmission Service to the Transmission Customer under the rates, terms and conditions of the Open Access Transmission Tariff.

Virginia Power requests an effective date of January 1, 2000.

Copies of the filing were served upon The Wholesale Power Group, the Virginia State Corporation Commission and the North Carolina Utilities Commission.

Comment date: May 5, 1999, in accordance with Standard Paragraph E at the end of this notice.

10. Kansas City Power & Light Company

[Docket No. ER99–2500–000]

Take notice that on April 14,1999, the above-mentioned public utility filed their quarterly transaction report for the first quarter ending March 31, 1999.

Comment date: May 4, 1999, in accordance with Standard Paragraph E at the end of this notice.

11. Duke Energy Corporation

[Docket No. ER99–2502–000]

Take notice that on April 15, 1999, Duke Energy Corporation (Duke), tendered for filing a Service Agreement with Enron Power Marketing, Inc. (Enron), for Firm Transmission Service under Duke's Open Access Transmission Tariff.

Duke requests that the proposed Service Agreement be permitted to become effective on March 7, 1999.

Duke states that this filing is in accordance with Part 35 of the Commission's Regulations and a copy has been served on the North Carolina Utilities Commission.

Comment date: May 5, 1999, in accordance with Standard Paragraph E at the end of this notice.

12. Central Illinois Light Company, Wisconsin Electric Power Company

[Docket Nos. ER99–2503–000 and ER99–2504–000]

Take notice that on April 15, 1999, the above-mentioned public utilities filed their quarterly transaction report for the first quarter ending March 31, 1999.

Comment date: May 5, 1999, in accordance with Standard Paragraph E at the end of this notice.

13. UtiliCorp United Inc.

[Docket No. ER99–2505–000]

Take notice that on April 15, 1999, UtiliCorp United Inc., tendered for filing a Service Agreement under its Market-Based Power Sales Tariff, FERC Electric Tariff Original Volume No. 28, with PanCanadian Energy Services. The Service Agreement provides for the sale of capacity and energy by UtiliCorp United Inc., to PanCanadian Energy Services pursuant to the tariff.

UtiliCorp requests waiver of the Commission's Regulations to permit the Service Agreement to become effective April 15, 1999, in accordance with its terms.

Comment date: May 5, 1999, in accordance with Standard Paragraph E at the end of this notice.

14. Deseret Generation & Transmission Co-operative

[Docket No. ER99–2506–000]

Take notice that on April 15, 1999, Deseret Generation & Transmission Co-operative (Deseret), tendered for filing with the Federal Energy Regulatory Commission a petition for authority to sell power at market-based rates and for certain waivers pursuant to Section 35.12 of the Commission's Regulations.

Copies of this filing were served upon Deseret's members.

Comment date: May 5, 1999, in accordance with Standard Paragraph E at the end of this notice.

15. Central Illinois Light Company

[Docket No. ER99–2507–000]

Take notice that on April 15, 1999, Central Illinois Light Company (CILCO), 300 Liberty Street, Peoria, Illinois 61202, tendered for filing with the Commission an Index of Customers under its Market Rate Power Sales Tariff and two service agreements with two new customer, Minnesota Power, Inc., and PanCanadian Energy Services, Inc.

CILCO requested an effective date of April 7, 1999.

Copies of the filing were served on the affected customers and the Illinois Commerce Commission.

Comment date: May 5, 1999, in accordance with Standard Paragraph E at the end of this notice.

16. Central Illinois Light Company

[Docket No. ER99–2508–000]

Take notice that on April 15, 1999, Central Illinois Light Company (CILCO), 300 Liberty Street, Peoria, Illinois 61202, tendered for filing with the Commission a substitute Index of Customers under its Coordination Sales Tariff and two service agreements with

two new customers, Minnesota Power, Inc., and PanCanadian Energy Services, Inc.

CILCO requested an effective date of April 7, 1999.

Copies of the filing were served on the affected customers and the Illinois Commerce Commission.

Comment date: May 5, 1999, in accordance with Standard Paragraph E at the end of this notice.

17. Tenaska Power Services Company

[Docket No. ER99–2509–000]

Take notice that on April 15, 1999, Tenaska Power Services Company (Tenaska), tendered for filing in accordance with Section 12.3 of the Governing Agreement of the Southwest Regional Transmission Association, notice of withdrawal from the Southwest Regional Transmission Association.

Tenaska requests that such withdrawal become effective immediately.

Comment date: May 5, 1999, in accordance with Standard Paragraph E at the end of this notice.

18. Central Maine Power Company

[Docket No. ER99–2510–000]

Take notice that on April 15, 1998, Central Maine Power Company (CMP), tendered for filing as an initial rate schedule pursuant to Section 35.12 of the Federal Energy Regulatory Commission's regulations, 18 CFR 35.12 (1998), an interconnection agreement (IA) with Rumford Power Associates, a Maine limited partnership (RPA). The IA provides for interconnection service to RPA at the rates, terms, charges, and conditions set forth therein.

CMP is requesting that the IA become effective on April 16, 1999.

Copies of this filing have been served upon the Maine Public Utilities Commission and RPA.

Comment date: May 5, 1999, in accordance with Standard Paragraph E at the end of this notice.

19. Florida Power & Light Company

[Docket No. ER99–2521–000]

Take notice that on April 16, 1999, the above-mentioned public utility filed their quarterly transaction report for the first quarter ending March 31, 1999.

Comment date: May 6, 1999, in accordance with Standard Paragraph E at the end of this notice.

20. IMC-Agrico Company

[Docket No. QF99–61–000]

Take notice that on March 30, 1999, IMC-Agrico Company (IMCA), whose address is 5000 Old Highway 37, P.O. Box 2000, Mulberry, Florida 33860, tendered for filing with the Federal Energy Regulatory Commission an application for certification of a facility as a cogeneration facility pursuant to section 292.207(b) of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

IMCA's proposed facility is a topping cycle cogeneration facility fueled by natural gas that will produce electricity and provide steam to an adjacent facility, which will in turn produce distilled water for IMCA's internal system. Distilled water may also be made available for sale to third parties. Electricity will be generated using combustion turbine generators and a steam turbine generator for a combined maximum gross output of 400 MW.

IMCA's proposed facility will interconnect with the transmission system for one or more of IMCA's incumbent utilities (Tampa Electric Company, Florida Power Corporation and Peace River Electric Cooperative), which may provide wheeling service and supplementary and backup power to the proposed facility, and purchase useful electric power output of the facility to the extent not consumed internally by IMCA.

Comment date: April 29, 1999, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–10458 Filed 4–26–99; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6331–4]

Agency Information Collection Activities: Proposed Collection; Comment Request; Clean Water Act Section 404 State-Assumed Programs

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): Clean Water Act Section 404 State-Assumed Programs; OMB No. 2040–0168; EPA ICR No. 0220.07; expiration date 10/31/99. 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 June 28, 1999.

ADDRESSES: US Environmental Protection Agency, Wetlands Division (4502F), 401 M Street SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Lori Williams, 202–260–5084; fax 202–260-8000; williams.lorraine@epa.gov

SUPPLEMENTARY INFORMATION:

Affected entities: Entities potentially affected by this action are those states/tribes requesting assumption of the Clean Water Act Section 404 permit program; states/tribes with approved assumed programs; and permit applicants in states or tribes with assumed programs.

Title: Clean Water Act Section 404 State-Assumed Programs (OMB Control No. 2040-0168; EPA ICR No. 0220.07) expiring 10/31/99.

Abstract: Section 404(g) of the Clean Water Act authorizes states [and tribes] to assume the Section 404 permit program. States/tribes must demonstrate that they meet the statutory and regulatory requirements (40 CFR part 233) for an approvable program. Specified information and documents must be submitted by the state/tribe to EPA to request assumption. Once the required information and documents are submitted and EPA has a complete assumption request package, the statutory time clock for EPA's decision to either approve or deny the state/tribe's assumption request starts. The information contained in the assumption request is made available to

the other involved federal agencies (Corps of Engineers, Fish and Wildlife Service and National Marine Fisheries Service) and to the general public for review and comment.

States/tribes must be able to issue permits that comply with the 404(b)(1) Guidelines, the environmental review criteria. States/tribes and the reviewing federal agencies must be able to review proposed projects to evaluate and/or minimize anticipated impacts. EPA's assumption regulations establish recommended elements that should be included in the state/tribe's permit application, so that sufficient information is available to make a thorough analysis of anticipated impacts. These minimum information requirements are based on the information that must be submitted when applying for a section 404 permit from the Corps of Engineers.

EPA is responsible for oversight of assumed programs to ensure that state/tribal programs are in compliance with applicable requirements and that state/tribal permit decisions adequately consider and minimize anticipated impacts. States/tribes must evaluate their programs annually and submit an annual report to EPA assessing their program. EPA's assumption regulations establish minimum requirements for the annual report. 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's currently approved ICR includes 101,440 hours. The state/tribe's assumption request is a one-time request; a permit application is made each time someone desires to do work that involves the discharge of dredged or fill material into waters of the United States, including wetlands; and a state/tribe with an approved program must submit an annual report to EPA each year. This collection is split into three pieces:

(i) We estimate that a state/tribe will need 520 hours (approximately ¼ of a work year) to prepare the documentation for EPA to determine that a state/tribe's assumption request is complete. We estimate that $45,000 (mid-range of a GS–11) is an average state/tribal employee salary. This results in a one-time cost of $11,250. We estimate that 2 states or tribes may request program assumption over the next three years. This results in a total one-time burden of 1,040 hours and a total cost of $22,500.

(ii) We estimate that the average time needed to complete a permit application is five hours. The actual time to complete a permit application will vary greatly depending on the size and location of a planned project. Small projects will require less time; large, complex projects could require significantly more time. We estimate that the ''average'' assumed program will process 5,000 permits a year. This results in a burden of 25,000 burden hours per year per assumed program. This figure will vary with the assumed program. It is likely that some states/tribes will have significantly fewer permit applications requested each year; others may have more. It is impossible to estimate the cost of filing an ''average'' permit application. The application for small projects can be completed by the permit applicant with little or no cost incurred. The permit application for larger, complex projects may require hiring outside parties such as environmental and engineering firms, surveyors and lawyers.

(iii) We estimate that a state/tribe will need 80 hours to collect and analyze the information and prepare the annual report. Using the $45,000 for an average state/tribal employee salary results in an approximate cost of $1,800 to prepare the annual report.

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.

Dated: April 16, 1999.

Robert H. Wayland III,

Director, Office of Wetlands, Oceans and Watersheds.

[FR Doc. 99–10524 Filed 4–26–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6331–6]

Gulf of Mexico Program Focus Teams Meeting

AGENCY: U.S. Environmental Protection Agency (US EPA).

ACTION: Notice of meeting of the Gulf of Mexico Program (GMP) Focus Teams and Support Committees.

SUMMARY: Under the Federal Advisory Act, P.L. 92463, EPA gives notice of a comprehensive meeting of GMP Focus Teams (Public Health, Nutrient Enrichment, Habitat, and Nonindigenous Species) and Support Committees.

DATES: The comprehensive meeting will be held on Wednesday, May 26, 1999 from 1:00 p.m. to 5:30 p.m. and on Thursday, May 27, 1999 from 8:30 a.m. to 5:00 p.m.

ADDRESSES: The meeting will be held at the Hilton New Orleans Riverside, Poydras at the Mississippi River, New Orleans, LA (504) 561–0500.

FOR FURTHER INFORMATION CONTACT: Gloria D. Car, Designated Federal Officer, Gulf of Mexico Program Office, Building 1103, Room 202, Stennis Space Center, MS 39529–6000 at (228) 688–2421.

SUPPLEMENTARY INFORMATION: The proposed agenda items will include: Program Overview, Priority Watershed Analysis, Assessment Case Study—Barataria-Terrebonne, Overview and Discussion of GMP Workplan, Focus Team Leaders' Reports, and Discussion of Next Steps.

The meeting is open to the public.

Dated: April 19, 1999.

James D. Giattina,

Director, Gulf of Mexico Program Office.

[FR Doc. 99–10525 Filed 4–26–99; 8:45 am]

BILLING CODE 6560–50–P

OFFICE OF SCIENCE AND TECHNOLOGY POLICY (OSTP)

Meeting of the President's Committee of Advisors on Science and Technology

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and summary agenda for a meeting of the President's Committee of Advisors on Science and Technology (PCAST), and describes the functions of the Committee. Notice of this meeting is required under the Federal Advisory Committee Act.

DATES AND PLACE: May 24 and 25, 1999, Washington, DC. On May 24, this meeting will take place in the Truman Room (Third Floor) of the White House Conference Center, 726 Jackson Place, NW, Washington, DC. On May 25, this meeting will take place at the American Association for the Advancement of Science meeting at 1200 New York Avenue, NW, Washington, DC.

TYPE OF MEETING: Open.

PROPOSED SCHEDULE AND AGENDA: The President's Committee of Advisors on Science and Technology (PCAST) is tentatively scheduled to meet in open session on Monday, May 24, 1999, at approximately 1 p.m. to discuss (1) Department of Transportation science and technology initiatives (2) the work of the PCAST panels (3) the impact of science and technology on the economy. This session will end at approximately 5:30 p.m. On May 25, the PCAST will host a session for public discussion of the principles on Federal government-university research partnership in the Presidential Review Directive Report NSTC–4.

PUBLIC COMMENTS: For the May 24 session, there will be a time allocated for the public to speak on any of the above agenda items. Please make your request for the opportunity to make a public comment five (5) days in advance of the meeting. Written comments are welcome any time prior to or following the meeting. Please notify Joan P. Porter, PCAST Executive Secretary, at (202) 456–6101 or fax your requests/comments to (202) 456–6026.

For the May 25 session, public comment is requested to speak about the Federal government-university partnership principles. Written comments are welcome any time prior to or following the meeting. Please notify Sybil Francis, Division of Science, Office of Science and Technology Policy, at (202) 456–6040 or Joan P. Porter at (202) 456–6101 or fax your requests/comments to (202) 456–6026.

FOR FURTHER INFORMATION: For information regarding time, place, and agenda, please call Joan P. Porter, PCAST Executive Secretary, at (202) 456–6101, prior to 3 p.m. on Friday, May 21, 1999. Please note that public seating for this meeting is limited, and is available on a first-come first served basis.

SUPPLEMENTARY INFORMATION: The President's Committee of Advisors on Science and Technology was established by Executive Order 12882, as amended, on November 23, 1993. The purpose of PCAST is to advise the President on matters of national importance that have significant science and technology content, and to assist the President's National Science and Technology Council in securing private sector participation in its activities. The Committee members are distinguished individuals appointed by the President from non-Federal sectors. The PCAST is co-chaired by the Assistant to the President for Science and Technology, and by John Young, former President and CEO of the Hewlett-Packard Company.

Dated: April 22, 1999.

Barbara Ann Ferguson,

Administrative Officer, Office of Science and Technology Policy.

[FR Doc. 99–10561 Filed 4–26–99; 8:45 am]

BILLING CODE 3170–01–P

EXPORT-IMPORT BANK OF THE UNITED STATES

[Public Notice 37]

Agency Information Collection Activities; Submission for OMB Review; Comment Request

AGENCY: Export-Import Bank of the United States.

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C., Chapter 35), the Export-Import Bank of the United States is submitting to the Office of Management and Budget (OMB) a request to review and approve both an extension and revision to several insurance forms which will all expire on May 31, 1999. The Export-Import Bank of the United States (Ex-Im Bank) provides a variety of export credit insurance policies to exporters and institutions financing exports. The forms covering these policies are the applications for insurance which incorporate questionnaires and certificates. They provide information which allows the Bank to obtain legislatively required reasonable assurance of repayment and they fulfill other statutory requirements. The forms EIB 92–34, –41, –45, –48, –50, –64, and 92–79 now request, but do not require, gender and ethnic identification. EIB Form 92–48 has been revised to include Ex-Im Bank guidelines describing standards of creditworthiness for foreign obligors and, under certain circumstances, the form will require demonstration that such standards are met. The revisions to EIB 92–48 will probably result in a longer response time. All of the forms require a three-year extension. A request for public comment on this was published in 64 FR, 6654, February 10, 1999. No comments were received.

DATES: Written comments should be received on or before May 27, 1999.

ADDRESSES: Direct all written comments or requests for additional information to OMB Desk Officer Jeffrey Hill, Office of Management and Budget, Information and Regulatory Affairs, New Executive Office Building, Washington, D.C. 20503, (202) 395–3176.

FOR FURTHER INFORMATION CONTACT: Daniel Garcia (202) 565–3335.

SUPPLEMENTARY INFORMATION: The following Ex-Im Bank forms (all with OMB Control Number 3048–0009) encompass a variety of export credit insurance policies. They affect all entities involved in the export of U.S. goods and services including exporters, banks, insurance brokers and non-profit or state and local governments acting as facilitators.

1. Application for Quotation Export Credit Insurance Commercial Bank Insureds, EIB 92–34.
2. Application for Short-Term Single-Buyer Coverage Financial Institution Buyer Credit Policies, EIB 92–41.
3. Financing or Operating Lease Converge Explanation of Application Form for Export Credit Insurance, EIB 92–45.
4. Application for Multibuyer Export Credit Insurance Policy, EIB 92–50.
5. Application for Short-Term Single-Buyer Policy (For Exporters Only), EIB 92–64.
6. Application for Export Credit Insurance Umbrella Policy, EIB 92–72.
7. Broker Registration Form, EIB 92–79.
8. Application for Export Credit Medium Term Insurance (Capital Goods and Services Only), EIB 92–48.

The notice currently being submitted to OMB lists the following information: (1) the titles of the information collections proposed; (2) the Office of the agency to collect the information; (3) the OMB approval number; (4) the description of the need for the

information and its proposed use; (5) the agency form numbers; (6) what members of the public will be affected by the proposals; (6) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of responses; (9) whether the proposal, in each case, is an extension or revision of the information collection. In addition the following burden statement has been submitted to OMB:

Type of Request: Revision and extension of expiration date.

Annual Number of Respondents: 1,500.

Annual Burden Hours: 1,500.

Frequency of Reporting or Use: Applications submitted one time; renewals annually.

Dated: April 22, 1999.

Daniel A. Garcia,

Agency Clearance Officer.

[FR Doc. 99–10527 Filed 4–26–99; 8:45 am]

BILLING CODE 6690–01–M

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission

April 16, 1999.

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: Written comments should be submitted on or before June 28, 1999. 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 Commissions, 445 12th Street, S.W., Room 1–A804, Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0572.

Title: Filing Manual for Annual International Circuit Status Reports.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business and other for-profit entities.

Number of Respondents: 120.

Estimated Time Per Response: 17 hours.

Frequency of Response: Annually.

Total Annual Burden: 2040 hours.

Needs and Uses: The information will enable the Commission to discharge its obligation to authorize the construction and use of international common carrier transmission facilities. The information will be used by the Commission and the industry to determine whether an international common carrier is providing direct or indirect service to countries and to assess industry trends in the use of international transmission facilities. The information is extremely valuable because it not available from any other source.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99–10444 Filed 4–26–99; 8:45 am]

BILLING CODE 6712–01–U

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 May 21, 1999.

A. Federal Reserve Bank of Atlanta (Lois Berthaume, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303-2713:

1. Satilla Financial Services, Inc., St. Marys, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of Satilla Community Bank, St. Marys, Georgia (in organization).

Board of Governors of the Federal Reserve System, April 22, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–10542 Filed 4–26–99; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 11:00 a.m., Monday, May 3, 1999.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Lynn S. Fox, Assistant to the Board; 202–452–3204.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at http://www.federalreserve.gov for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: April 22, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–10579 Filed 4–22–99; 4:54 pm]

BILLING CODE 6210–01–P

GENERAL SERVICES ADMINISTRATION

Federal Supply Service, Office of Transportation and Property Management, Property Management Division; Revision of SF 291, Report of Activities Generating Precious Metals

AGENCY: General Services Administration.

ACTION: Notice.

SUMMARY: The General Services Administration/Federal Supply Service, Office of Transportation and Property Management, Property Management Division revised the SF 291, Report of Activities Generating Precious Metals to include metric measurements. You can obtain a camera copy in two ways:

On the internet. Address: http://www.gsa.gov/forms/forms.htm, or;

From Forms-X, Attn.: Barbara Williams, (202) 501–0581.

FOR FURTHER INFORMATION CONTACT: Ms. Andrea Dingle (703) 305–6190. This contact is for information about completing the form only.

DATES: Effective April 27, 1999.

Dated: April 14, 1999.

Barbara M. Williams,

Deputy Standard and Optional, Forms Management Officer.

[FR Doc. 99–10545 Filed 4–26–99; 8:45 am]

BILLING CODE 6820–34–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Emergency Clearance: Public Information Collection Requirements Submitted to the Office of Management and Budget (OMB)

In compliance with the requirements of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Department of Health and Human Services (DHHS), has submitted to the Office of Management and Budget (OMB) the following request for emergency review. We requesting an emergency review because the original OMB clearance for this project expired on 12/31/98 and the collection of this information is essential to the mission of the Department.

Without emergency approval of the proposed information collections described below, the Department can not complete this study that will answer key questions about assisted living and help inform state and federal policy-makers. The bulk of the data collection for this project has been successfully completed and preliminary analysis has begun but the remaining data collection is critical. To understand whether or not assisted living is meeting the needs of the frail elderly, we must get a clearer picture of the discharged residents. Policy makers currently have no information on this vulnerable population of frail elderly. The proposed data collection will provide information such as their length of stay, why they left assisted living, and what type of care setting they moved into after their discharge. This information is key because it will help answer crucial questions about whether assisted living meets its promise of allowing resident to ''age in place'' (thereby avoiding serious disruptions to their lives) and the degree to which assisted living serves as a viable alternative to nursing homes. These are important and timely policy issues that should benefit greatly from the study's findings.

And delay in our ability to collect these data is likely to compromise both response rates and data quality. Any increase in the time between re-contact and the original assessment of the resident, when consent for re-contact and contact information was obtained, will reduce the response rate. Contact information becomes less accurate as time passes, and delay will mean that project staff will simply not be able to find as many of the discharged residents. Data quality will be compromised because of increases in the time between their decision to leave the facility and project queries asking them to reconstruct the logic of that decision. In addition, with delay, mortality will be higher in the discharged resident sample, requiring the use of more proxy respondents, whose recollections or perceptions may be less reliable then responses from the residents themselves.

DHHS is requesting that OMB grant emergency approval for 180 days. We are requesting approval by *April 30, 1999.*

Title and Description of Information Collection: The data collection for which emergency clearance is sought is for the study ''National Study of Assisted Living for the Frail Elderly (OMB 0990–0217).'' Facilities included in the original field data collection will be contacted again. Project staff will determine which of the residents included in the original resident sample in the facility have left the facility. Using contact information obtained during the initial assessment, project staff will contact those respondents (or their proxy respondents) for a telephone interview. The interview will include inquiries about the respondents' reasons for selecting the original facility, changes over time in their preferences for different features of assisted living, their length of stay, specific reasons for leaving facility, and a description of their current residential setting. *Respondents*: Discharged residents or their proxies; *Number of Respondents:* 306; *Number of Responses per Respondent:* one; *Average Burden Per Response*: 19 minutes; *Total Burden*: 97 hrs.

To request more information or a copy of the proposed data collection, please contact Pam Doty on (202) 690–6443.

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 collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of information technology.

Written comments and recommendations for the proposed information collections should be immediately sent directly to the OMB Desk Officer designated at the following address:

OMB Human Resource and Housing Branch, Attention: Allison Eydt, New

Executive Office Building, Room 1000235, Washington, D.C. 20503

Comments may be faxed to Ms. Eydt at (202) 395–5167.

Please send a copy of your comments to Cynthia Agens Bauer, OS Reports Clearance Officer, Room 503H, Humphrey Building, 200 Independence Avenue SW, Washington, DC 200201.

Dated: April 16, 1999.

Dennis P. Williams,

Deputy Assistant Secretary, Budget.

[FR Doc. 99–10448 Filed 4–26–99; 8:45 am]

BILLING CODE 4150–04–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Committee on Vital and Health Statistics: Meeting

Pursuant to the Federal Advisory Committee Act, the Department of Health and Human Services announces the following advisory committee meeting.

Name: National Committee on Vital and Health Statistics (NCVHS), Subcommittee on Populations.

Time and Date: 9:30 a.m.–3:30 p.m., May 6, 1999.

Place: Room 705A, Hubert H. Humphrey Building, 200 Independence Avenue, SW, Washington, D.C. 20201.

Status: Open.

Purpose: The Subcommittee on Populations will be finalizing two reports on: Data Needs in the Insular Territories and Data Issues in Medicaid Managed Care. The Subcommittee will also be discussing model contract language relating to data requirements in Medicaid managed care, and future work in post acute care.

Notice: In the interest of security, the Department has instituted stringent procedures for entrance to the Hubert H. Humphrey building by non-government employees. Thus, persons without a government identification card will need to have the guard call for an escort to the meeting.

Contact Person For More Information: Substantive program information as well as summaries of meetings and a roster of committee members may be obtained from Carolyn Rimes, Lead Staff Person for the NCVHS Subcommittee on Special Populations, Office of Research and Demonstrations, Health Care Financing Administration, MS–C4–13–01, 7500 Security Boulevard, Baltimore, Maryland 21244–1850, telephone (410)–786–6620; or Marjorie S. Greenberg, Executive Secretary, NCVHS, NCHS, CDC, Room 1100, Presidential Building, 6525 Belcrest Road, Hyattsville, Maryland 20782, telephone (301) 436–7050. Information also is available on the NCVHS home page of the HHS website: http://aspe.os.dhhs.gov/ncvhs, where an agenda for the meeting will be posted when available.

Dated: April 20, 1999.

James Scanlon,

Director, Division of Data Policy, Office of the Assistant Secretary for Planning and Evaluation.

[FR Doc. 99–10449 Filed 4–26–99; 8:45 am]

BILLING CODE 4151–04–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Cooperative Agreement for Community Partners for Healthy Farming (Intervention)

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following meeting.

Name: Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Cooperative Agreement for Community Partners for Healthy Farming (Intervention), Program Announcement #99039, meeting.

Times and Dates: 8 a.m.—9 a.m., June 2, 1999 (Open); 9 a.m.—4:30 p.m., June 2, 1999 (Closed); 8 a.m.—4:30 p.m., June 3, 1999 (Closed).

Place: Centers for Disease Control and Prevention, 1600 Clifton Rd., Atlanta, Ga., Building 2, Auditorium A.

Status: Portions of the meeting will be closed to the public in accordance with provisions set forth in section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Associate Director for Management and Operations, CDC, pursuant to Public Law 92–463.

Matters to be Discussed: The meeting will include the review, discussion, and evaluation of applications received in response to Program Announcement #99039.

Contact Person for More Information: Price Connor, Ph.D., National Institute for Occupational Safety and Health, CDC, 1600 Clifton Road, N.E., m/s D30 Atlanta, Georgia 30333. Telephone 404/639–2383, e-mail spc3@cdc.gov.

The Director, Management Analysis and Services office has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: April 21, 1999.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention CDC.

[FR Doc. 99–10468 Filed 4–26–99; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

National Vaccine Advisory Committee (NVAC), Subcommittee on Future Vaccines, Subcommittee on Immunization Coverage, and Subcommittee on Vaccine Safety: Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following Federal advisory committee meetings.

NAME: National Vaccine Advisory Committee (NVAC).

TIMES AND DATES: 9 a.m.–2 p.m., May 13, 1999; 8:30 a.m.–1 p.m., May 14, 1999.

PLACE: Hubert H. Humphrey Building, Room 505A, 200 Independence Avenue, SW, Washington, DC 20201.

STATUS: Open to the public, limited only by the space available.

NOTICE: In the interest of security, the Department has instituted stringent procedures for entrance to the Hubert H. Humphrey Building by non-government employees. Thus, persons without a government identification card should plan to arrive at the building each day either between 8 and 8:30 a.m. or 12:30 and 1 p.m. so they can be escorted to the meeting. Entrance to the meeting at other times during the day cannot be assured.

PURPOSE: This committee advises and makes recommendations to the Director of the National Vaccine Program on matters related to the Program responsibilities.

MATTERS TO BE DISCUSSED: Agenda items will include updates on the National Vaccine Program Office (NVPO) activities. There will be a report from the Institute of Medicine on Vaccine Priorities. There will be discussions on: The international measles control and elimination efforts; update on the Advisory Committee on Immunization Practices (ACIP) activities; update on general principles of Vaccine For Children Program (VFC); there will be a follow-up on immunization infrastructure; a discussion on the impact of new vaccines on anti-microbial use. There will be a report from the Assistant Secretary for Health and Surgeon General, update on Healthy People 2010 objectives; an update on pneumococcal and influenza morbidity and mortality. There will be discussions on: Pandemic influenza planning and global vaccine initiatives. There will be

reports from the Subcommittee on Future Vaccines, Subcommittee on Immunization Coverage, and the Subcommittee on Vaccine Safety.

NAME: Subcommittee on Immunization Coverage.

TIME AND DATE: 2 p.m.–5 p.m., May 13, 1999.

PLACE: Hubert H. Humphrey Building, Room 505A, 200 Independence Avenue, SW, Washington, DC 20201.

STATUS: Open to the public, limited only by the space available.

PURPOSE: This subcommittee will identify and propose solutions that provide a multifaceted and holistic approach to reducing barriers that result in low immunization coverage for children.

MATTERS TO BE DISCUSSED: This subcommittee will discuss: adult immunization in non-traditional settings; revisions of the Standards on Adult Immunization; the status of activities to sustain immunization coverage, an update on morbidity and mortality for influenza and pneumococcal disease; draft guidelines for implementation of new vaccines; the Children's Health Insurance Program (CHIP); and a draft statement on adolescent immunizations.

NAME: Subcommittee on Future Vaccines.

TIME AND DATE: 2 p.m.–5 p.m., May 13, 1999.

PLACE: Hubert H. Humphrey Building, Room 305, 200 Independence Avenue, SW, Washington, DC 20201.

STATUS: Open to the public, limited only by the space available.

PURPOSE: The Subcommittee on Future Vaccines will develop policy options and guide national activities which will lead to accelerated development, licensure, and best use of new vaccines in the simplest possible immunization schedules.

MATTERS TO BE DISCUSSED: This subcommittee will hold discussions regarding the IOM report on vaccines priorities.

There will be a discussion on orphan vaccines and global vaccines, and an update on the status of the paper ''Lessons Learned From A Review Of The Development Of Selected Vaccines''.

NAME: Subcommittee on Vaccine Safety.

TIME AND DATE: 2 p.m.–5 p.m., May 13, 1999.

PLACE: Hubert H. Humphrey Building, Room 325, 200 Independence Avenue, SW, Washington, DC 20201.

STATUS: Open to the public, limited only by the space available.

PURPOSE: This subcommittee will review issues relevant to vaccine safety and adverse reactions to vaccines.

MATTERS TO BE DISCUSSED: This subcommittee will discuss the mission of the Vaccine Safety Subcommittee, developing priorities for the Vaccine Safety Action Plan. There will be a discussion on the DHHS Communication Coalition. Agenda items are subject to change as priorities dictate.

CONTACT PERSON FOR MORE INFORMATION: Felecia D. Pearson, Committee Management Specialist, NVPO, CDC, 1600 Clifton Road, NE, M/S A11, Atlanta, Georgia 30333, telephone 404/639–4450.

Director, Management Analysis Services Office, has been delegated the authority to sign Federal Register Notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: April 21, 1999.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 99–10467 Filed 4–26–99; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Federal Case Registry Family Violence State Practices Survey.

OMB No.: New.

Description: Public Law 104–193, the ''Personal Responsibility and Work Opportunity Reconciliation Act of 1996,'' requires the Office of Child Support Enforcement (OCSE) to develop a Federal Case Registry to improve the ability of State child support agencies to locate noncustodial parents and collect child support across State lines. This Federal Case Registry includes an indicator for Family Violence, meant to ensure a higher level of confidentiality on cases with the indicator. This indicator is provided by the State submitting the case information. OCSE would like to conduct a brief telephone survey to determine the methods used by States to place the indicator, so that the information may be shared with the other States.

Respondents: State, Local, or Tribal Government.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
States	54	1	2	108

Estimated Total Annual Burden Hours: 108.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Information Services, 370 L'Enfant Promenade, S.W., Washington, D.C. 20447, Attn: ACF Reports Clearance Officer.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 to 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, 725 17th Street, N.W., Washington, D.C. 20503, Attn: Ms. Lori Schack.

Dated: April 21, 1999.

Bob Sargis,

Acting Reports Clearance Officer.

[FR Doc. 99–10453 Filed 4–26–99; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Medical Child Support Working Group

AGENCY: Administration for Children and Families, DHHS.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (FACA), notice is given of the third meeting of the Medical Child Support Working Group (MCSWG). The Medical Child Support Working Group was jointly established by the Secretaries of the Department of Labor (DOL) and the Department of Health and Human Services (DHHS) under section 401(a) of the Child Support Performance and Incentive Act of 1998. The purpose of the MCSWG is to identify the impediments to the effective enforcement of medical support by State child support enforcement agencies, and to submit to the Secretaries of DOL and DHHS a report containing recommendations for appropriate measures to address those impediments.

DATES: The meeting of the MCSWG will be held on Wednesday, May 12, 1999, and Thursday, May 13, 1999, from 8:30 a.m. to approximately 4 pm.

ADDRESSES: The meeting will be held in the GSA Training Center, 490 L'Enfant Promenade North (Ninth and D Streets, SW), 3rd Floor, Room B, Washington, DC. All interested parties are invited to attend this public meeting. Seating may be limited and will be available on a first-come, first-serve basis. Persons needing special assistance, such as sign language interpretation or other special accommodation, should contact the Executive Director of the Medial Child Support Working Group, Office of Child Support Enforcement at the address listed below.

FOR FURTHER INFORMATION CONTACT: Ms. Samara Weinstein, Executive Director, Medical Child Support Working Group, Office of Child Support Enforcement, Fourth Floor East, Medical Child Support Working Group, Office of Child Support Enforcement, Fourth Floor East, 370 L'Enfant Promenade, SW, Washington, DC 20447 (telephone (202) 401–6953; fax (202) 401–5559; e-mail:sweinstein@acf.dhhs.gov). These are not toll-free numbers. The date, location and time for subsequent MCSWG meetings will be announced in advance in the **Federal Register**.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2) (FACA), notice is given of a meeting of the Medical Child Support Working Group (MCSWG). The Medical Child Support Working Group was jointly established by the Secretaries of the Department of Labor (DOL) and the Department of Health and Human Services (DHHS) under section 401(a) of the Child Support Performance and Incentive Act of 1998 (Public Law 105–200).

The purpose of the MCSWG is to identity the impediments of the effective enforcement of medical support by State child support enforcement agencies, and to submit to the Secretaries of DOL and DHHS a report containing recommendations for appropriate measures to address those impediments. This report will include: (1) Recommendations based on assessments of the form and content of the National Medical Support Notice, as issued under interim regulations; (2) appropriate measures that establish the priority of withholding of child support obligations, medical support obligations, arrearages in such obligations, and in the case of a medical support obligation, the employee's portion of any health care coverage premium, by such State agencies in light of the restrictions on garnishment provided under title III of the Consumer Credit Protection Act (15 U.S.C. 1671–1677); (3) appropriate procedures for coordinating the provision, enforcement, and transition of health care coverage under the State programs for child support, Medicaid and the Child Health Insurance Program; (4) appropriate measures to improve the availability of alternate types of medical support that are aside from health care coverage offered through the noncustodial parent's health plan, and unrelated to the noncustodial parent's employer, including measures that establish a noncustodial parent's responsibility to share the cost of premiums, co-payments, deductible, or payments for services not covered under a child's existing health coverage; (5) recommendations on whether reasonable cost should remain a consideration under section 452(f) of the Social Security Act; and (6) appropriate measures for eliminating any other impediments to the effective enforcement of medical support orders that the MCSWG deems necessary.

The membership of the MCSWG was jointly appointed by the Secretaries of DOL and DHHS, and includes representatives of: (1) DOL; (2) DHHS; (3) State Child Support Enforcement Directors; (4) State Medicaid Directors; (5) employers, including owners of small businesses and their trade and industry representatives and certified human resource and payroll professionals; (6) plan administrators and plan sponsors of group health plans (as defined in section 607(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1167(1)); (7) children potentially eligible for medical support, such as child advocacy organizations; (8) State medical child support organizations; and (9) organizations representing State child support programs.

Agenda: The agenda for this meeting includes a discussion of the issues to be contained in the MCSWG's report to the Secretaries continuing recommendations for appropriate measures to address the impediments to the effective enforcement of medical child support as listed above.

Public Participation: Members of the public wishing to present oral statements to the MSCWG should forward their requests to Samara Weinstein, MCSWG Executive Director, as soon as possible and at least four days before the meeting. Such request should be made by telephone, fax machine, or mail, as shown above. Time permitting, the Chairs of the MCSWG will attempt to accommodate all such requests by reserving time for presentations. The order of persons making such presentations will be assigned in the order in which the requests are received. Members of the public are encouraged to limit oral statements to five minutes, but extended written statements may be submitted for the record. Members of the public also may submit written statements for distribution to the MCSWG membership and inclusion in the public record without presenting oral statements. Such written statements should be sent to the MCSWG Executive Director, as shown above, by mail or fax at least five business days before the meeting.

Minutes of all public meetings and other documents made available to the MCSWG will be available for public inspection and copying at both the DOL and DHHS. At DHHS, these documents will be available at the MCSWG Executive Director's Office, Office of Child Support Enforcement (OCSE), Administration for Children and Families, U.S. Department of Health and Human Services, Aerospace Building, Fourth Floor—East, 370 L'Enfant Promenade, SW, Washington, DC from 8:30 a.m. to 5:30 p.m. Questions regarding the availability of documents from DHHS should be directed to Andrew J. Hagan, OCSE (telephone (202) 401–5375). This is not a toll-free

number. Any written comments on the minutes should be directed to Ms. Samara Weinstein, Executive Director of the Working Group, as shown above.

Signed at Washington, DC, this 20th day of April, 1999.

David Gray Ross,

Commissioner, Office of Child Support Enforcement.

[FR Doc. 99–10487 Filed 4–26–99; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food And Drug Administration

[Docket No. 99F–0994]

Ciba Specialty Chemicals Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Ciba Specialty Chemicals Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of phosphorothioic acid, *O,O,O*-triphenyl ester, tert-butyl derivatives, as extreme pressure-antiwear adjuvants for lubricants intended for incidental contact with food.

FOR FURTHER INFORMATION CONTACT: Vir D. Anand, Center for Food Safety and Applied Nutrition (HFS–215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3081.

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 9B4657) has been filed by Ciba Specialty Chemicals Corp., 540 White Plains Rd., P.O. Box 2005, Tarrytown, NY 10591–9005. The petition proposes to amend the food additive regulations in § 178.3570 *Lubricants with incidental food contact* (21 CFR 178.3570) to provide for the safe use of phosphorothioic acid, *O,O,O*-triphenyl ester, *tert*-butyl derivatives, as extreme pressure-antiwear adjuvants for lubricants intended for incidental contact with food.

The agency has determined under 21 CFR 25.32(i) that this action is of the 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: April 2, 1999.

Laura M. Tarantino,

Acting Director, Office of Premarket Approval, Center for Food Safety and Applied Nutrition.

[FR Doc. 99–10447 Filed 4–26–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 98F–0635]

General Electric Co.; Withdrawal of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the withdrawal, without prejudice to a future filing, of a food additive petition (FAP 0B4615) proposing that the food additive regulations be amended to provide for the expanded safe use of phosphorous acid, cyclic butylethyl propanediol, 2,4,6-tri-*tert*-butylphenyl ester, which may contain up to 1 percent by weight of triisopropanolamine, as an antioxidant and/or stabilizer for polypropylene intended for use in contact with food.

FOR FURTHER INFORMATION CONTACT: Vir D. Anand, Center for Food Safety and Applied Nutrition (HFS–215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3081.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of August 5, 1998 (63 FR 41855), FDA announced that a food additive petition (FAP 8B4615) had been filed by General Electric Co., One Lexan Lane, Mt. Vernon IN 47620–9364. The petition proposed to amend the food additive regulations in § 178.2010 *Antioxidants and/or stabilizers for polymers* (21 CFR 178.2010) to provide for the expanded safe use of phosphorous acid, cyclic butylethyl propanediol, 2,4,6-tri-*tert*-butylphenyl ester, which may contain up to 1 percent by weight of triisopropanolamine, as an antioxidant and/or stabilizer for polypropylene complying with § 177.1520(c), items 1.1, 1.2, or 1.3, intended for use in contact with food. General Electric Co. has now withdrawn the petition without prejudice to a future filing (21 CFR 171.7).

Dated: April 15, 1999.

Alan M. Rulis,

Director, Office of Premarket Approval, Center for Food Safety and Applied Nutrition.

[FR Doc. 99–10445 Filed 4–26–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Dental Products Panel of the Medical Devices Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). At least one portion of the meeting will be closed to the public.

Name of Committee: Dental Products Panel of the Medical Devices Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on May 10, 1999, 10:30 a.m. to 6:30 p.m., and May 11, 1999, 8 a.m. to 3 p.m.

Location: Holiday Inn, Walker-Whetstone Rooms, Two Montgomery Village Ave., Gaithersburg, MD.

Contact Person: Pamela D. Scott, Center for Devices and Radiological Health (HFZ–480), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–827–5283, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 12518. Please call the Information Line for up-to-date information on this meeting.

Agenda: On May 10, 1999, the committee will discuss, make recommendations, and vote on a premarket approval application (PMA) for a total temporomandibular joint (TMJ) prosthesis, which consists of the glenoid fossa prosthesis and the mandibular condyle prosthesis, for reconstruction of the TMJ. On May 11, 1999, the committee will discuss, make recommendations, and vote on a PMA that includes both a total TMJ prosthesis and a glenoid fossa prosthesis that can be used alone without the mandibular condyle prosthesis to reconstruct the TMJ. These PMA's were received in response to the final rule issued in the **Federal Register** of December 30, 1998 (63 FR 71743), requiring the filing of a PMA or a notice of completion of a

product development protocol for the total TMJ prosthesis (21 CFR 872.3940), the glenoid fossa prosthesis (21 CFR 872.3950), the mandibular condyle prosthesis (for permanent reconstruction; 21 CFR 872.3960), and the interarticular disc prosthesis (21 CFR 872.3970) under section 515(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(b)).

Procedure: On May 10, 1999, from 10:30 a.m. to 5:30 p.m., and May 11, 1999, from 8 a.m. to 3 p.m., the meeting is open to the public. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by May 5, 1999. Oral presentations from the public will be scheduled between approximately 11:15 a.m. and 11:45 a.m. on May 10, 1999, and between approximately 8:15 a.m. and 8:45 a.m. on May 11, 1999. Near the end of the committee deliberations on each day, a 30-minute open public session will be conducted for interested persons to address issues specific to the submission before the committee. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before May 5, 1999, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Closed Committee Deliberations: On May 10, 1999, from 5:30 p.m. to 6:30 p.m., the meeting will be closed to permit discussion of trade secret and/or confidential commercial information (5 U.S.C. 552b(c)(4)) regarding dental device issues.

FDA regrets that it was unable to publish this notice 15 days prior to the May 10 and 11, 1999, Dental Products Panel of the Medical Devices Advisory Committee meeting. Because the agency believes there is some urgency to bring these issues to public discussion and qualified members of the Dental Products Panel of the Medical Devices Advisory Committee were available at this time, the Commissioner concluded that it was in the public interest to hold this meeting even if there was not sufficient time for the customary 15-day public notice.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: April 20, 1999.

Michael A. Friedman,

Deputy Commissioner for Operations.

[FR Doc. 99–10509 Filed 4–26–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99D–0972]

Policy on the Disposition of Publications That Constitute Labeling; Draft Revised Compliance Policy Guide; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft revised Compliance Policy Guide (CPG 7153.13) entitled ''Regulatory Policy on the Disposition of Publications that Constitute Labeling.'' We are revising the current CPG to provide clarification and further guidance to our field employees about when publications may constitute labeling for regulated products and to stress our policy with regard to the disposition of these materials when they cause a product to be in violation of the Federal Food, Drug, and Cosmetic Act.

DATES: You may submit written comments on the draft revised CPG by July 26, 1999.

ADDRESSES: You may submit written requests for single copies of the draft revised CPG to the Division of Compliance Policy (HFC–230), Office of Enforcement, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–0420. Please send two self-addressed adhesive labels to assist us in processing your requests, or you may fax your request to 301–827–0482. Please see the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document. Submit written comments on the draft revised CPG to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane rm., 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: JoAnne C. Marrone, Division of Compliance Policy (HFC–230), Office of Enforcement, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1242.

SUPPLEMENTARY INFORMATION:

I. Background

FDA has had a longstanding policy related to the seizure of books that constitute labeling for a product. We articulated this policy in a Compliance Policy Guide (CPG 7153.13) in December 1982, which we revised on August 31, 1989. In recent years, questions have arisen concerning when published materials may constitute labeling for regulated products, as well as our position and policy on the disposition of these materials. We intend this draft revised CPG to clarify these issues and to improve guidance to our field employees.

This draft Level 1 guidance document is being issued consistent with FDA's Good Guidance Practices (62 FR 8961, February 27, 1997). It represents the agency's current thinking on the disposition of publications that constitute labeling for a product that renders a product violative. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statute, regulations, or both.

II. Request for Comments

You may submit to the Dockets Management Branch (address above) written comments on the draft revised CPG entitled ''Regulatory Policy on the Disposition of Publications that Constitute Labeling.'' You must submit two copies of any comments, except that you may submit one copy if you are an individual. You must identify your comments with the docket number found in brackets in the heading of this document. The agency will review all comments, but in issuing a final CPG, need not specifically address every comment. We will make changes to the CPG in response to comments, as appropriate. You may see a copy of the draft revised CPG and comments received in the office above between 9 a.m. and 4 p.m., Monday through Friday.

III. Electronic Access

You also may download copies of the draft revised CPG to a personal computer with access to the World Wide Web (WWW). The Office of Regulatory Affairs' (ORA) home page entitled ''compliance references'' includes this draft revised CPG, and you may access it at ''http://www.fda.gov/ora/compliance_ref/default.htm''.

Dated: April 20, 1999.

Dennis E. Baker,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 99–10359 Filed 4–26–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99D–0239]

Draft Guidance on Resolving Scientific Disputes Concerning the Regulation of Medical Devices; Administrative Procedures on Use of the Medical Devices Dispute Resolution Panel; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the draft guidance entitled ''Resolving Scientific Disputes Concerning the Regulation of Medical Devices: An Administrative Procedures Guide to Use of the Medical Devices Dispute Resolution Panel.'' Section 404 of the Food and Drug Administration Modernization Act of 1997 (FDAMA) directed FDA to ensure that it has effective processes to resolve the scientific disputes that occasionally arise between FDA and the regulated industry, including a review by an appropriate panel of experts to advise the agency on issues upon which industry and FDA professionals differ. This guidance is neither final nor is it in effect at this time.

DATES: Written comments concerning this guidance must be received by July 26, 1999. Written comments concerning the information collection requirements must be received by June 28, 1999.

ADDRESSES: Written comments concerning this guidance must be submitted to the Dockets Management Branch, (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Comments should be identified with the docket number found in brackets in the heading of this document. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance. Submit written requests for single copies on a ''3.5'' diskette of the draft guidance document entitled ''Resolving Scientific Disputes Concerning the Regulation of Medical Devices: An Administrative Procedures Guide to Use of the Medical Devices Dispute Resolution Panel'' to the Division of Small Manufacturers Assistance (HFZ–220), Center for Devices and Radiological Health, Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20850. Send two self-addressed adhesive labels to assist that office in processing your request, or fax your request to 301–443–8818. Submit written comments on the collection of information requirements to the Dockets Management Branch (address above). Comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: James G. Norman, Center for Devices and Radiological Health (HFZ–2), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–443–4690.

SUPPLEMENTARY INFORMATION:

I. Background

FDA provides various mechanisms by which the device industry can obtain reconsideration of FDA decisions and actions under the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 301 *et seq.*), the Administrative Procedure Act (5 U.S.C. 551 *et seq.*), and agency regulations. These processes are summarized in a guidance document entitled ''Medical Device Appeals and Complaints Guidance on Dispute Resolutions,'' which is available from the CDRH web site at ''http://www.fda.gov/cdrh/resolvingdisputes''.

Section 404 of FDAMA added to these various mechanisms by directing FDA to ensure it has effective processes by which a medical device ''sponsor, applicant, or manufacturer'' can obtain independent review of a ''scientific controversy'' between that person and FDA. In the **Federal Register** of June 16, 1998 (63 FR 32733 and 32772), FDA published a direct final rule and a companion proposed rule amending § 10.75 (21 CFR 10.75) to add another method of resolving scientific controversies. This amendment stated that sponsors, applicants, or manufacturers of drugs (including human drugs, animal drugs, and human biologics), or devices may request review of scientific controversies by an appropriate scientific advisory panel or advisory committee. (Hereafter in this document, the term advisory committee includes scientific advisory panels.) By this amendment, FDA clarified that sponsors, applicants, and manufacturers of drugs, biologics, and devices are not limited solely to requesting internal supervisory review, but also have the right to request review of scientific controversies by appropriate advisory committees. FDA believes that in appropriate circumstances, advisory committees can provide the agency with useful insight and advice about the resolution of scientific controversies.

FDA initially used the direct final rule because it believed the amendment to § 10.75 was noncontroversial and in accord with FDAMA. In accordance with FDA's procedures for direct final rulemaking, the direct final rule stated that if FDA received no significant adverse comments, the direct final rule would go into effect on October 29, 1998. The direct final rule stated further that if FDA received any significant adverse comments, it would withdraw the direct final rule and consider all comments received on the companion proposed rule in the development of a final rule using the usual notice and comment rulemaking procedures. The comment period for the companion proposed rule ended on August 31, 1998. FDA received significant adverse comments in response to the direct final rule and the companion proposed rule. Therefore, in the **Federal Register** of September 23, 1998 (63 FR 50757), FDA withdrew the direct final rule.

Significant adverse comments asserted that the amendment to § 10.75 failed to provide a procedure that sponsors, applicants, and manufacturers could follow to request reviews under section 404 of FDAMA (section 404 reviews). The comments suggested that the regulation called for by section 404 of FDAMA should contain information such as the process for selecting members of an advisory committee convened to conduct a section 404 review, the timeframes for conducting the reviews, the standards for granting or denying a section 404 review, and the weight to be given to advisory committee recommendations.

In a final rule issued in the **Federal Register** on November 18, 1998 (63 FR 63978), FDA acknowledged the usefulness of much of this kind of information, but concluded that it should not be included in § 10.75. Because of the significant differences among FDA centers in applicable statutory provisions, existing appeal and dispute resolution mechanisms, and approaches to advisory committee management, FDA is adopting a center-based approach to the implementation of section 404 of FDAMA. Each affected center is responsible for developing and administering its own processes for handling requests for section 404 reviews and is issuing a guidance document containing specific information of the type suggested by the comments. The substantive differences in the programs in the affected centers, and the different matters that could be

the subject of a request for advisory committee review, preclude inclusion of this type of information in § 10.75.

The final rule amended § 10.75 by redesignating paragraph (b) as paragraph (b)(1) and by adding paragraph (b)(2) to read as follows:

A sponsor, applicant, or manufacturer of a drug or device regulated under the act or the Public Health Service Act (42 U.S.C. 262), may request review of a scientific controversy by an appropriate scientific advisory panel as described in section 505(n) of the act, or an advisory committee as described in section 515(g)(2)(B) of the act. The reason(s) for any denial of a request for such review shall be briefly set forth in writing to the requester. Persons who receive a center denial of their request under this section may submit a request for review of the denial. The request should be sent to the Chief Mediator and Ombudsman.

To implement the new provision and to comply with § 10.75, as amended, the Center for Devices and Radiological Health has created the Medical Devices Dispute Resolution Panel, which will operate under FDA's Medical Devices Advisory Committee. In addition to serving as a useful forum in which scientific disputes in general can be aired, the Medical Devices Dispute Resolution Panel will implement four provisions of the Federal Food, Drug, and Cosmetic Act:

(1) Section 514(b)(5)(B) of the act requires the establishment of an advisory committee to take referrals of any matter concerning the establishment, amendment, or revocation of a performance standard which requires the exercise of scientific judgment.

(2) Section 515(g)(2)(B) of the act requires the establishment of an advisory committee to take referrals of petitions for review of:

(a) the approval, denial, or withdrawal of approval of a premarket approval application, or

(b) the revocation of an approved product development protocol (PDP), a declaration that an approved PDP has not been completed, or a revocation of an approved Notice of Completion that permitted marketing of a device developed under a PDP.

(3) Section 522(b) of the act, which was added by section 212 of FDAMA, requires a process to resolve any disputes concerning the need for FDA to order a manufacturer to conduct postmarket surveillance for more than 36 months.

(4) Section 562 of the act requires FDA to provide a procedure for review of all scientific disputes regarding the regulation of medical devices, including review by an appropriate scientific advisory panel, but only to the extent that other provisions of the act or FDA regulations do not already provide a right of review. FDA believes its current procedures already provide methods to obtain review of most, if not all, scientific disputes. The establishment of the Dispute Resolution Panel provides an additional, more focused, procedure for the timely review of scientific disputes.

This draft guidance document sets forth guidelines that will govern the operation of the Medical Devices Dispute Resolution Panel. Those guidelines include the appointment of a CDRH Ombudsman, who will be designated to receive, review, and make recommendations with respect to requests for review by the resolution panel. CDRH intends to ensure that a center ombudsman is in place before final guidance goes into effect.

II. Significance of Guidance

This draft guidance document represents the agency's current thinking on ''Resolving Scientific Disputes Concerning the Regulation of Medical Devices: An Administrative Procedures Guide to Use of the Medical Devices Dispute Resolution Panel.'' It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the applicable statute, regulations, or both.

The agency has adopted Good Guidance Practices (GGP's), which set forth the agency's policies and procedures for the development, issuance, and use of guidance documents (62 FR 8961, February 27, 1997). This draft guidance document is issued as a Level 1 guidance, consistent with GGP's.

III. Electronic Access

In order to receive ''Resolving Scientific Disputes Concerning the Regulation of Medical Devices: An Administrative Procedures Guide to Use of the Medical Devices Dispute Resolution Panel'' via your fax machine, call the CDRH Facts–On–Demand (FOD) system at 800–899–0381 or 301–827–0111 from a touch-tone telephone. At the first voice prompt press 1 to access DSMA Facts, at second voice prompt press 2, and then enter the document number 1121 followed by the pound sign (#). Then follow the remaining voice prompts to complete your request.

Persons interested in obtaining a copy of the guidance may also do so using the World Wide Web (WWW). CDRH maintains an entry on the WWW for easy access to information including text, graphics, and files that may be downloaded to a personal computer with access to the WWW. Updated on a regular basis, the CDRH home page includes ''Resolving Scientific Disputes Concerning the Regulation of Medical Devices: An Administrative Procedures Guide to Use of the Medical Devices Dispute Resolution Panel,'' device safety alerts, **Federal Register** reprints, information on pre-market submissions (including lists of approved applications and manufacturers' addresses), small manufacturers' assistance, information on video conferencing and electronic submissions, mammography matters, and other device-oriented information. The CDRH home page may be accessed at ''http://www.fda.gov/cdrh''. ''Resolving Scientific Disputes Concerning the Regulation of Medical Devices: An Administrative Procedures Guide to Use of the Medical Devices Dispute Resolution Panel'' will be available at ''http://www.fda.gov/cdrh/resolvingdisputes''.

IV. Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995 (the PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3 and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506 (c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth below.

With respect to the following collection of information, FDA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Title: Request for Resolution of Scientific Disputes Concerning the Regulation of Medical Devices

Description: Section 404 of the Food and Drug Administration Modernization Act of 1997 (FDAMA) is intended to ensure that FDA has effective processes to resolve the scientific disputes that occasionally arise between FDA and the regulated industry. Section 404 added new section 562 of the act which requires FDA to establish, by regulation, a procedure under which a person who is a sponsor, applicant, or manufacturer may request a review of a scientific controversy, when no other provision of the act or regulation provides such review.

In a final rule issued in the **Federal Register** on November 18, 1998 (63 FR 63978), FDA amended 21 CFR 10.75 to reflect the provisions of FDAMA. Each affected FDA center is responsible for developing and administering its own processes for handling requests for section 404 reviews and is issuing a guidance document containing specific information of the type suggested by the comments. The draft guidance document outlines the requirements for persons who are sponsors, applicants, or manufacturers of medical devices and who wish to file a request for a review of a scientific dispute by the panel as set out in the guidance. Persons filing a request for review should provide a CDRH ombudsman with a concise summary of the scientific issue in dispute, including a summary of the particular FDA action or decision to which the requesting party objects, any prior advisory panel action and the results of all efforts that have been made to resolve the dispute, and a clear articulated summary of the arguments and relevant data and information. They may also provide material outside the official administrative record and not in the possession of FDA at the time the decision or action in dispute was made if it has a significant bearing on the issue or related public health considerations. The information that is collected will form the basis for resolving the dispute between the requester and FDA.

The likely respondents to this collection of information are medical device sponsors, applicants, or manufacturers who have a scientific dispute with FDA and who request a review of the matter by the Medical Devices Dispute Resolution Panel.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
6	1	6	20	120

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

The Medical Devices Dispute Resolution Panel represents a new process for resolving scientific disputes. In arriving at the estimates in Table 1 of this document for the burden imposed in connection with a request for review by the Medical Devices Dispute Resolution Panel, FDA considered the number and substance of similar appeals of various types made to FDA in recent years, knowledge of similar submissions and discussions with manufacturers.

V. Comments

Interested persons may, on or before July 26, 1999, submit to Dockets Management Branch (address above) written comments regarding this draft guidance. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Written comments concerning the information collection requirements must be received by the Dockets Management Branch by June 28, 1999. The guidance document and received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 30, 1999.

Linda S. Kahan,

Deputy Director for Regulations Policy, Center for Devices and Radiological Health.

[FR Doc. 99–10446 Filed 4–26–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[HCFA–3432–GN]

RIN 0938–AJ31

Medicare Program; Procedures for Making National Coverage Decisions

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: General notice.

SUMMARY: This notice announces the process we will use to make a national coverage decision for a specific item or service under sections 1862 and 1871 of the Social Security Act. This notice will streamline our decisionmaking process and will increase the opportunities for public participation in making national coverage decisions.

EFFECTIVE DATES: This notice is effective June 28, 1999.

FOR FURTHER INFORMATION CONTACT: Ron Milhorn, (410) 786–5663; Maria Ellis, (410) 786–0309, for a graphical representation of the process.

SUPPLEMENTARY INFORMATION:

Availability of Copies and Electronic Access

Copies: To order copies of the **Federal Register** containing this document, send your request to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954. Specify the date of the issue requested and enclose a check or money order payable to the Superintendent of Documents, or enclose your Visa or Master Card number and expiration date. Credit card orders can also be placed by calling the order desk at (202) 512–1800 or by faxing to (202) 512–2250. The cost for each copy is $8. As an alternative, you can view and photocopy the **Federal Register** document at most libraries designated as Federal Depository Libraries and at many other public and academic libraries throughout the country that receive the **Federal Register**.

This **Federal Register** document is also available from the **Federal Register** online database through GPO Access, a service of the U.S. Government Printing Office. Free public access is available on a Wide Area Information Server (WAIS) through the Internet and via asynchronous dial-in. Internet users can access the database by using the World Wide Web; the Superintendent of Documents home page address is http://www.access.gpo.gov/nara__docs/, by

using local WAIS client software, or by telnet to swais.access.gpo.gov, then log in as guest (no password required). Dial-in users should use communications software and modem to call 202–512–1661; type swais, then log in as guest (no password required).

I. Background

We published a notice on April 29, 1987 (52 FR 15560), that described the process we used to make Medicare coverage decisions, including decisions regarding whether new technology and services can be covered. We invited the public to comment on the procedures, and specifically on procedures for allowing greater public input into the coverage decisionmaking process when appropriate.

In response to the comments we received on that notice, we developed a proposed rule. That proposed rule set forth our process and criteria for making coverage decisions under the Social Security Act (the Act). In addition, the proposed rule described the relationship between our coverage decisions and the roles played by the Food and Drug Administration (FDA) and other parties, including Medicare contractors. We published the proposed rule on January 30, 1989 (54 FR 4302).

We have made changes to our internal procedures in response to the comments we received following publication of the 1987 notice and the January 1989 proposed rule. In addition, over the past year, we have received numerous requests to revise our process to make it more open, responsive, and understandable to the public. We share the goal of increasing public participation in the development of Medicare coverage issues. This will assist us in obtaining the information we require to make a national coverage decision in a timely manner and ensuring that the Medicare program continues to meet the needs of its beneficiaries.

II. Purpose of This Notice

We have decided not to adopt the January 29, 1989 proposed rule. This notice announces the process we will use to make a national coverage decision under the Medicare program. It sets forth the steps we are taking to make our national coverage decisionmaking process more open and understandable to the public. We intend to take the following steps:

- Explain why and how we make a national coverage decision and how we reconsider a previously-made decision. This notice outlines the review process and the steps involved. By offering this explanation, we hope to increase public awareness of the process we use, and to provide information about when and how the public may most effectively contact us to offer information on issues under consideration.
- Maintain a current list of issues we are considering for national coverage decisions. This list identifies our staff person responsible for reviewing each issue, the stage at which an issue is in the review process, and the materials we are reviewing to reach a decision on the issue.
- Make all of the above public and accessible using our Home Page (http://www.hcfa.gov) on the Internet as a primary tool for publicizing these matters. We believe use of our Home Page will offer quick and easy access that will enable the public to determine the status of any issue under review.
- Prepare and maintain a complete and indexed record for all issues that we review for national coverage decisions. This record, a summary of which will also be available on our Home Page as part of the record of the issue, will form the basis for any subsequent requests for reconsideration of the issue, as well as the formal record of review for any challenge to our coverage decision under section 1869(b)(3) of the Act.
- Continue to review new medical and scientific information in order to modify a national coverage decision when appropriate.

We are also announcing our intent to work with various sectors of the medical community to develop and publish guidance documents specific to their needs and interests. These ''sector-specific'' guidance documents will offer a more detailed explanation of how we would apply the general national coverage criteria to a new item or service proposed for coverage eligibility in the particular sector involved. Guidance documents will provide a vehicle for us to explain how the general criteria apply to the special circumstances unique to a particular sector of the health care industry. We will develop the guidance documents after we publish the proposed and final rules for the criteria we will use to make a national coverage decision.

This notice is intended to provide clearer information on our national coverage decisionmaking process, and to ensure that it is open and understandable to the public. We would welcome comments from the public on our process. Comments may be submitted to us in writing through the traditional mail service, or through our Home Page identified in section IV.K. of this notice.

III. Medicare Coverage—General Principles

A. Statutory Authority

Administration of the Medicare program is governed by title XVIII of the Act. Under the Medicare program, the benefits available to eligible beneficiaries are called ''covered'' services.

Medicare is a defined benefit program—the services covered are broadly defined in the Act, in what we call benefit categories. There are currently about 55 benefit categories in the Act, some broadly defined, others more narrowly defined. Specific health care services must fit into one of these benefit categories to be eligible for coverage under Medicare.

The Act does not list the specific items and services eligible for coverage under the Medicare program. Rather, it lists categories of items and services, and vests in the Secretary the authority to make decisions about which specific items and services within these categories can be covered by the Medicare program. That is, the Act allows Medicare to cover medical devices, surgical procedures, and diagnostic services, but generally does not specify which particular medical devices, surgical procedures, or diagnostic services can be covered, or, conversely, are excluded from coverage. The Congress vested in the Secretary the authority to make these more specific decisions regarding the items and services eligible for coverage under Medicare. Section 1862(a)(1)(A) of the Act states, in part, that no payment may be made for any expenses for services that are not ''reasonable'' and ''necessary'' for the diagnosis and treatment of illness or injury. For over 30 years, the Medicare program has exercised this authority to make coverage decisions regarding whether specific services that meet one of the broadly-defined benefit categories can be covered under the program.

We previously proposed that we would establish the procedures we would follow for making national coverage decisions by issuing regulations. The Administrative Procedure Act (APA), however, exempts ''rules of agency organization, procedure, or practice'' from the notice-and-comment rulemaking procedures (5 U.S.C. 553(b)(3)(A)). The primary purpose of the procedural rules exemption in the APA is to ensure that an agency retains latitude in organizing its internal operations. Additional flexibility is particularly important given the dynamic changes in the health care industry that may have a profound

effect on the health of Medicare beneficiaries.

The Congress has provided that national coverage decisions may be issued without requiring us to engage in notice-and-comment rulemaking procedures (sections 1871(a)(2) and 1869(b)(3)(B) of the Act). National coverage decisions are our national policy statements granting, limiting, or excluding Medicare coverage for a specific medical service, procedure, or device. A national coverage decision is binding on all Medicare carriers, fiscal intermediaries, peer review organizations (PROs), health maintenance organizations (HMOs), competitive medical plans (CMPs), health care prepayment plans (HCPPs) and, in the future, program safeguard contractors (PSCs) when published in HCFA program instructions or in the **Federal Register**. In addition, national coverage decisions made under section 1862(a)(1) of the Act may not be disregarded, set aside, or otherwise reviewed by an administrative law judge during the administrative appeals process (42 CFR 405.732 and 405.860).

By establishing the process we will use in making a national coverage decision by procedural rules rather than notice-and-comment rulemaking, we believe we will better be able to serve Medicare beneficiaries. Using a procedural rule does not mean that the process that we will use will be changed frequently or in an arbitrary manner. Before implementing any changes to the national coverage decision process, we will provide advance public notice about those changes. In addition, we will separately provide notice and an opportunity for public comment on the substantive criteria we would use in making a national coverage decision.

B. Medicare Contractors and Coverage Policies

We contract with private insurance companies, referred to as carriers and intermediaries to process Medicare claims (that is, claims-payment contractors). Local PROs (and, in the future, PSCs) are also involved in claims adjudication processes. We call all of these entities ''Medicare contractors.''

Medicare contractors review and adjudicate claims for services to assure that Medicare payments are made only for services that are covered under Medicare Part A or Part B. In the absence of a specific national coverage decision, coverage decisions are made at the discretion of the local contractors.

Contractors may also publish local medical review policies (LMRPs) to provide guidance to the public and medical community within a specified geographic area. These LMRPs explain when an item or service will be considered ''reasonable and necessary'' and thus eligible for coverage under the Medicare statute. If a contractor develops an LMRP, its LMRP applies only within the area it serves. While another contractor may come to a similar decision, we do not require it to do so. An LMRP may not conflict with a national coverage decision once the national coverage decision is effective. If a national coverage decision conflicts with a previously made LMRP, the contractor must change its LMRP to conform it to the national coverage decision. A contractor may, however, make an LMRP that supplements a national coverage decision.

IV. HCFA's Process for Making National Coverage Decisions

A. Initiation of Coverage Review Process

We will initiate our review process for making a national coverage decision when we identify issues internally that we wish to consider for a national coverage decision or when we receive a formal request for us to review an issue and make a national coverage decision.

1. Initiation Based on Internal Decisions

We will initiate our review process if we determine that a service requires a national coverage decision. Examples of when we may do this include, but are not limited to, the following:

- There are conflicting carrier or intermediary policies.
- The service represents a significant medical advance, and no similar service is currently covered under Medicare.
- The service is the subject of substantial controversy among medical experts as to its medical effectiveness.
- The service is currently covered, but is widely considered ineffective or obsolete.
- There are program integrity issues surrounding significant underutilization or overutilization of the service.

2. Initiation Based on External Formal Request

We will also initiate our review process if we accept an external formal request for a national coverage decision. The rules for a formal request are outlined in section B.2.

B. Informal Contacts and Formal Requests for HCFA Review

We will treat any communication we may receive from an individual or organization inquiring about a national coverage decision as either an informal contact or a formal request.

1. Informal Contacts

We currently receive public contacts by telephone or in writing that raise general questions about the coverage of services. We consider these to be informal contacts. These include questions asking us to explain the current coverage of a particular service, or to assist and advise the requestor about how to formally request that we make a national coverage decision.

If the contact leads to questions about how to request a national coverage decision, we will advise the requestor of the information we need to have submitted with a formal request. We will offer assistance to the requestor to clarify the amount and kind of information necessary for us to evaluate whether an item or service meets the statutory requirement that the item or service is ''reasonable'' and ''necessary.''

In some cases, we will assume the task of gathering and preparing the information necessary to proceed to a formal request. This may occur when the request is made by a Medicare beneficiary or another member of the public who we could not reasonably expect to have access to scientific data that may be necessary to support a formal request. Because we expect a considerable amount of contact and discussion with the requestor and because some flexibility is needed, we do not believe that strict timeframes are warranted following this informal contact.

Although informal contacts are not confidential, we will not announce an informal contact that may lead to a request on our Home Page. We will not release, to the extent permitted by law, company proprietary material, trade secrets, or other information shared with us on a confidential basis before the contact makes a formal request.

2. Formal Requests

We will require a requestor to make a formal request for a national coverage decision in the following manner:

- The request must be in writing.
- The requestor must identify the request as a ''formal request for a national coverage decision.''
- The requestor must submit supporting documentation that we will specify. At a minimum, the requestor must submit the following information:

+ A full and complete description of the service in question, including the benefit category or categories of the Medicare program to which it applies.

+ A compilation of the medical and scientific information currently available.

+ A description of any clinical trials or studies currently underway, which

might be relevant to a decision regarding the coverage of the service. This description should be as complete as possible without disclosing confidential information.

+ In the case of a drug, device, or a service using a drug or device subject to regulation by the FDA, the status of current FDA administrative proceedings concerning the drug or device involved. In the case of any item regulated by the FDA, the FDA labeling for the item, together with an indication of whether the service for which a review is being requested is covered under the labeled indication(s). We recognize that FDA changes the labeling of drugs and 510(k) devices and devices with premarket approvals (PMAs). For the purposes of our review, we are interested in the labeled indications at the time of the submission of the formal request. If, during our review, the labeled indications change, we expect the requestor to notify us.

+ In the case of a request for reconsideration, new evidence supporting the request or an analysis of our earlier decision demonstrating that we materially misinterpreted the evidence submitted with the earlier request.

Upon receipt of a formal request, we will quickly review the request to determine if the requestor submitted adequate supporting documentation to enable us to review the service. If we determine that the request lacks adequate supporting documentation to enable us to review the service to make a national coverage decision, we will notify the requestor and identify the information that we require to enable us to review the service. We will not post the request on our list of pending coverage issues on our Home Page until we receive adequate supporting documentation.

C. Acceptance of Formal Request, Initiation of Timeframes

If we determine the request is adequately supported, we will accept the request and begin our review process. Acceptance of a formal request starts a series of internal timeframes that we are establishing for ourselves in this notice to ensure that requests are processed in a timely manner. The discussion, negotiations, and other work done before that point do not count toward meeting these timeframes. If we initiate review of a service for purposes of making a national coverage decision, we will follow this same review process, post these issues on our Home Page, and generally follow our timeframes and maintain the same openness we provide for issues that have been raised by formal requests.

We expect the timeframes we are establishing in this notice for ourselves generally will be the timeframes that we believe we will need to respond to a complex coverage issue. Generally, we would be likely respond in a shorter amount of time if the issue is not as complex, is not controversial, or is supported by clear medical and scientific evidence that establishes that the item or service is ''reasonable'' and ''necessary.'' Likewise, a significantly more complex and controversial coverage issue may result in longer processing timeframes. We understand the importance of making timely coverage decisions and the benefits that may be afforded Medicare beneficiaries. Therefore, we will expedite the processing of all formal requests for a coverage decision.

We will post the acceptance of a request by adding the item or service to the list of pending coverage issues on our Home Page. We will identify all subsequent actions, such as meetings and requests for assessments. This will permit interested individuals to track an issue through our entire review process. Interested individuals could contact us at optimal times to offer comments, furnish information (particularly scientific data), or meet to discuss the issue. This public tracking system will be a key element in making our national coverage decision process more efficient as well as more open and accessible to the public.

We will ordinarily respond in writing to the requestor within 90 calendar days of receiving the complete request. If the requestor submits additional medical and scientific information during this 90-day period, however, we will ordinarily respond to the requestor within 90 calendar days of receiving the additional information.

Because the FDA is charged with regulating whether devices or pharmaceuticals are safe and effective for use by consumers, we will generally accept a formal request for a device or a pharmaceutical only after it is officially approved or cleared for marketing by the FDA. One exception is if the FDA has granted a device a Category B investigational device exemption (IDE) or it has been approved as a nonsignificant risk IDE by an institutional review board. Our process for making a national coverage decision for Category B IDE devices is described in our regulations at 42 CFR 405.205. Parties interested in the coverage of a drug or device (other than a Category B IDE device), however, may contact us with an informal request while the drug or device is proceeding through the FDA approval process. We are willing to meet and discuss these situations. We will monitor the progress of the drug or device through the FDA process so that we may make a rapid coverage decision if FDA approval or clearance for marketing is obtained. The general timeframes we have set for formal requests will not begin, however, until we learn that the FDA has approved or cleared the device for marketing.

In general, within 90 days of receiving a formal request, we will respond in writing to the requestor and post this information on our Home Page. Our formal response to a formal request or an internally-initiated review will include, at a minimum, one of the following:

- A decision that the request duplicates another pending request and we will combine the requests and respond with a single decision.
- A decision that the request duplicates an earlier request for which we have already made a national coverage decision (and that there is insufficient new evidence to begin the process again).
- A referral for a technology assessment.
- A referral to the Medicare Coverage Advisory Committee (MCAC) for consideration.
- A national noncoverage decision (which precludes contractors from making Medicare payment).
- No national coverage decision (which allows for local contractor discretion).
- A national coverage decision with limitations on coverage.
- A national coverage decision without limitations on coverage.

If our decision is a national noncoverage decision or we decide not to make a national coverage decision, our response will also identify deficiencies in the evidence and the types of information that we will require to reach a national coverage decision or evidence we would need for us to withdraw a national noncoverage decision.

D. HCFA Processing of a Formal Request

We may process a formal request in one of the following ways:

1. Our review requires little or no outside input.

Issues that fall into this category are usually those for which the medical and scientific information submitted by the requestor (as well as any additional information available to us) is overwhelmingly in favor of, or against, coverage. We will usually complete our

review and issue our decision within 90 days of receiving the formal request.

2. Our review requires a referral to the MCAC or an outside assessment of the service.

Most national coverage issues fall into this category. These issues will generally be complex and controversial and often involve broad health policy concerns. Usually these issues also may require extensive consultation with specialty societies, medical researchers, and others familiar with the service and the evidence presented to support its coverage.

We will notify the requestor, usually well within 90 days from receiving the requestor's formal request, that the request will require a referral to the MCAC and the anticipated due date for our response. We will consider the need and amount of time for receiving a recommendation from the MCAC. If applicable, we will consider the need for, and amount of time that will be required to perform, a technology assessment and to review these findings. We will make every effort to assure that we obtain timely assessments.

We will inform the requestor that, although we will make every effort to meet the general timeframes, the use of assessments and/or a referral to the MCAC, together with the possibility of emerging new medical and scientific information, may sometimes result in revising our timeframe for responding to the request. We will post any changes for all timeframes on our Home Page to keep the public informed.

E. Additional Factors Affecting Our 90-Day Timeframe for Responding to Formal Requests

It is our intention to respond to a formal request for a national coverage decision within 90 days of receiving a request. In general, we expect to be able to meet our self-imposed timeframes. There may be circumstances, however, that would prevent us from meeting the timeframes. For instance, if the requestor subsequently submits additional information, or requests that our national coverage review be expanded or narrowed, we may decide that we are unable to respond until 90 days after receipt of the additional information or request. We would post the revised due date for our response on our Home Page. Also, if another interested individual submits additional information that materially affects our consideration of the issue, we may notify the requestor of the need to reset our due date for responding to the initial request.

In addition, if we discover additional information not submitted as part of the formal request (for example, reports of clinical trials, and assessments either completed or close to completion), we may notify the requestor and the public about the newly-discovered information and the need to reset our due date for responding to the initial national coverage decision request. For example, an assessment related to an issue we are considering may be scheduled to be issued shortly after our 90-day due date for responding to a formal request. We would normally wish to review the assessment because it may contain useful scientific and timely data before responding to the request. Also, changes or modifications in the FDA approval or clearance for marketing of a drug or device used in furnishing a service may affect the timing of our response to a formal request.

F. Medicare Coverage Advisory Committee

On December 14, 1998, we published a notice in the **Federal Register** (63 FR 68780) that announces the establishment of the MCAC. The MCAC will make recommendations to us about whether services can be considered ''reasonable'' and ''necessary'' under title XVIII of the Act. We expect the MCAC will meet approximately twice a year. The notice requested, by January 29, 1999, nominations for members for the Committee. (We have received more than 400 nominations.) The notice also announces the signing by the Secretary on November 24, 1998 of the charter establishing the Committee. This charter ends at close of business on November 23, 2000 unless renewed by the Secretary. The MCAC Charter is available on our Home Page.

In general, we may refer an issue to the MCAC if the service meets any of the following conditions:

- It is the subject of significant scientific or medical controversy—Is there a major split in opinion among researchers and clinicians regarding the medical effectiveness of the service, the appropriateness of staff or setting, or some other significant controversy that would affect whether the service is ''reasonable'' and ''necessary'' under the Act?
- It has the potential to have a major impact on the Medicare program.
- It is subject to broad public controversy.

If we refer a formal request to the MCAC, the discussion of the request at the MCAC meeting will be subject to the requirements of the Federal Advisory Committee Act. Therefore, we will publish a notice in the **Federal Register** generally 30 days before the meeting. It will announce the agenda and the time and place of the meeting so that all interested individuals will have the opportunity to attend the meeting and present their views. We will request that all evidentiary presentations be submitted to us in writing at least 20 days before the meeting. At the end of each meeting, there will be an additional period for the public to present comments. After considering all presentations and comments, the MCAC will create its recommendation to us concerning national coverage, which it must adopt by majority vote.

We expect the MCAC will make its recommendations to us as expeditiously as possible. We will provide an estimate of when we believe we will receive the MCAC referral; however, we cannot predict when the MCAC may decide, during its deliberations, that additional information is needed for it to make a recommendation to us.

Once the MCAC makes a formal recommendation to us, we will post it on our Home Page. Within 60 calendar days of receiving the recommendation, we will either adopt the MCAC recommendation (or adopt it with modifications) or notify the requestor and the public why we disagree with the MCAC recommendation. If we choose not to adopt the recommendation, our notification will explain the reasons why we have decided not to adopt the MCAC recommendation. We will also identify further evidence we will require be submitted to us. Again, we will post our decision on our Home Page.

G. Technology Assessments

During our review of a request, we may find that we will require a technology assessment to complete our review. Generally, a technology assessment provides a systematic analysis of the safety, efficacy, and effectiveness of a health care technology.

Two of the reasons we may request a technology assessment include the following:

- There is sufficient medical and scientific literature available to provide a basis for an assessment, but the complexity of the subject and/or complexity of the issue exceed our staff expertise or capability.
- The MCAC requests a technology assessment.

A key element of the assessment process is the need for the assessor to be impartial. If we require an assessment, we will obtain it from an impartial third party, such as the Agency for Health Care Policy and Research. Under agreement with us, the assessor will conduct or arrange for preparation or

purchase of the assessment, as appropriate.

If we receive a request for coverage on an item or service for which an assessment is already underway, we will immediately inform the requestor of the status and estimated timing of the assessment. If we initiate an assessment in response to a request, we will, within 45 days of requesting an assessment, inform the requestor of the estimated time for receiving the assessment.

We anticipate that a few technology assessments will be completed within 90 days of their initiation. Complex assessments will, of course, require additional time but will not normally take longer than 12 months from the time the assessment was begun. We will post completed technology assessments on our Home Page.

H. HCFA Announcement of National Coverage Decisions

Before we issue a national coverage decision as a ruling, program instruction to our contractors, or **Federal Register** document, we will announce our intention to make the national coverage decision in the form of a decision memorandum. The decision memorandum will merely announce our intention to make a national coverage decision. It will not be binding on our contractors until we publish the national coverage decision in the **Federal Register** or issue it as a program instruction or HCFA ruling.

If we do not refer an issue to the MCAC or for a technology assessment, we will forward the decision memorandum to the requestor and post it on our Home Page no later than 90 calendar days after we accept the formal request (or after we accept additional medical and scientific information supporting the request). In situations involving a referral to the MCAC or that require a technology assessment, we will forward the decision memorandum to the requestor and post it on our Home Page generally no later than 60 calendar days after receiving the MCAC recommendation or the technology assessment or the technical assessment followed by an MCAC recommendation.

The memorandum may contain remarks regarding the level and content of evidence presented and reviewed. Moreover, if significant, we will include the conclusions and recommendations of any assessments or the MCAC recommendations received. Finally, the memorandum may include any other factors that had a major influence on our decision, and will contain our rationale for the decision we made.

If we announce our intention to not cover or to reduce coverage of a service, the decision memorandum will include the reasons for noncoverage and identify the information we will require for a different coverage decision. The memorandum will not be effective immediately, but will become effective on the date specified in the national coverage decision.

I. Implementation of National Coverage Decisions

Within 60 calendar days of forwarding the decision memorandum to the requestor and posting the memorandum on our Home Page, we will issue a national coverage decision. As explained previously, we may publish a national coverage decision in a variety of forms such as program memorandum, manual instruction, HCFA ruling, or **Federal Register** notice. We will also publish a reference to each national coverage decision in the **Federal Register** as part of our quarterly listing of program issuances. We could also choose to publish a general notice in the **Federal Register**. If we withdraw or reduce coverage for a service, we will publish a general notice in the **Federal Register**.

The program instruction, **Federal Register** notice, or HCFA ruling will include the date on which our claims-payment contractors will implement any change in payment that may result from the national coverage decision. Generally, we expect to make a payment change effective within 180 calendar days of the first day of the next full calendar quarter that follows the date we issue the national coverage decision.

If we make a positive decision to cover an item or service, numerous complex and related steps remain before a payment change is made. We must determine which codes the providers, suppliers, and our contractors will use for submission and payment of claims consistent with our coverage decision and issue appropriate instructions. We must also determine the appropriate Medicare payment level. Finally, we must develop and issue claims processing instructions to our systems maintainers and claims-payment contractors to ensure accurate payment and to include the necessary program integrity safeguards and edits. Our contractors now implement systems changes at the start of a calendar quarter, and instructions are required well in advance in order to install and test the systems changes.

As stated previously, a national coverage decision is binding on all Medicare carriers, fiscal intermediaries, PSCs, PROs, HMOs, CMPs, and HCPPs when issued as a HCFA program instruction or HCFA ruling, or published in the **Federal Register**. Moreover, national coverage decisions made under section 1862(a)(1) of the Act are subject to limited administrative and judicial review (*See* 42 CFR 405.860.).

J. Revisiting National Coverage Decisions

After we implement a decision or if there is an existing national coverage decision, we will consider new requests to revise a national coverage decision concerning the service at any time. These requests should include additional medical and scientific information that we have not considered to make our original national coverage decision or an analysis of how we materially misinterpreted original information submitted by the requestor. We will not accept any new request that does not include this additional information.

If we receive the additional information as part of a request for reconsideration, we will consider this a new formal request and start our review process. The timeframes for our formal review process will apply to a new formal request. Our original national coverage decision will remain in effect until we withdraw that decision and make another national coverage decision.

K. How To Access HCFA's Home Page

Our Home Page can be accessed by entering ''http://www.hcfa.gov.'' To access information about our coverage process, select ''Development of coverage policies'' and then ''Medicare Coverage Process.''

V. Collection of Information Requirements

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

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

affected public, including automated collection techniques.

We are soliciting public comment on each of these issues for section IV, HCFA's Process for Making National Coverage Decisions.

In accordance with that section, HCFA will accept an external formal request for a national coverage decision if the information collection requirements outlined above in section IV.B.2 are met. These requirements include:

- The request must be in writing.
- The requestor must identify the request as a ''formal request for a national coverage decision.''
- The requestor must submit supporting documentation that we will specify. At a minimum, the requestor must submit the following information:
- A full and complete description of the service in question, including the benefit category or categories of the Medicare program to which it applies.
- A compilation of the medical and scientific information currently available.
- A description of any clinical trials or studies currently underway, which might be relevant to a decision regarding the coverage of the service. This description should be as complete as possible without disclosing confidential information.
- In the case of a drug, device, or a service using a drug or device subject to regulation by the FDA, the status of current FDA administrative proceedings concerning the drug or device involved. In the case of any item regulated by the FDA, the FDA labeling for the item, together with an indication of whether the service for which a review is being requested is covered under the labeled indication(s). We recognize that FDA changes the labeling of drugs and 510(k) devices and devices with premarket approvals (PMAs). For the purposes of our review, we are interested in the labeled indications at the time of the submission of the formal request. If, during our review, the labeled indications change, we expect the requestor to notify us.
- In the case of a request for reconsideration, new evidence supporting the request or an analysis of our earlier decision demonstrating that we materially misinterpreted the evidence submitted with the earlier request.

The burden associated with this requirement is the time and effort necessary to disclose the materials referenced above to HCFA. We estimate that on average it will take each entity 40 hours to provide the materials and that there will be 200 requests on an annual basis. Therefore, the total annual burden associated with these requirements is 8,000 hours. While an estimate of 40 hours may appear low, given that entities will most likely have already compiled these data to meet the FDA approval process, we believe it to be accurate.

If you have any comments on any of these information collection and record keeping requirements, please mail the original and 3 copies directly to the following:

Health Care Financing Administration, Office of Information Services, Standards and Security Group, Division of HCFA Enterprise Standards, Room N2–14–26, 7500 Security Boulevard, Baltimore, MD 21244–1850. Attn: John Burke HCFA–3432–GN

and

Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503, Attn: Allison Eydt, HCFA Desk Officer.

In accordance with the provision of Executive Order 12866, this notice was reviewed by the Office of Management and Budget.

Authority: Sections 1862, 1869(b)(3), and 1871 of the Social Security Act (42 U.S.C. 1395y, 1395ff(b)(3), and 1395hh).

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: April 21, 1999.

Nancy-Ann Min DeParle,

Administrator,

Health Care Financing Administration.

Dated: April 21, 1999.

Donna E. Shalala,

Secretary.

[FR Doc. 99–10460 Filed 4–22–99; 10:36 a.m.]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Health Resources and Services Administration (HRSA) publishes abstracts of information collection requests under review by the Office of Management and Budget, in compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). To request a copy of the clearance requests submitted to OMB for review, call the HRSA Reports Clearance Office on (301)–443–1129.

The following request has been submitted to the Office of Management and Budget for review under the Paperwork Reduction Act of 1995:

Proposed Project: The National Sample Survey of Registered Nurses, 2000—New

The National Sample Survey of Registered Nurses (NSSRN) is carried out to assist in fulfilling three congressional mandates: (1) Section 951 of P.L. 94–63 requires gathering data on(a) the number and distribution of nurses by type of employment and location practice, (b) the number of nurses practicing full-time and part-time within the U.S. and within each State, (c) the average rate of compensation for nurses by type of practice and location of practice, (d) the activity status of the total number of nurses with advanced training or graduate degrees in nursing, by specialty, including nurse practitioners, nurse clinicians, nurse researchers, nurse educators, and nurse supervisors and administrators, and (f) the number of nurses entering the U.S. annually from other Nations; (2) Section 806(f) of P.L. 105–392 requires discipline workforce information and analytical activities for advanced nursing education, workforce diversity, and basic nursing education and practice; and (3) Section 792 of Title VII of the Public Health Service Act calls for the collection and analysis of data on health professions.

The information from this survey will serve policymakers, legislative bodies, health professionals, and Government agencies to inform workforce policies. Data collected in this survey will assist in determining the impact that changes in the health care system are having on employment status of registered nurses and their employment settings.

The proposed survey design for the 2000 NSSRN follows that of the previous six surveys and the projected sample size is approximately 49,200 registered nurses, with a response rate of 80%. Each respondent will be asked to complete a self-administered mail questionnaire containing items on educational background, duties, employment status and setting, geographic mobility, and income.

Respondent burden is estimated as follows:

Form	Number of Respondents	Responses per respondent	Total responses	Hours per response	Total burden hours
Survey	39,360	1	39,360	20	13,120

Written comments and recommendations concerning the proposed information collection should be sent within 30 days of this notice to: Wendy A. Taylor, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: April 16, 1999.

Jane Harrison,

Director, Division of Policy Review and Coordination.

[FR Doc. 99–10559 Filed 4–26–99; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

AIDS Advisory Council; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of May 1999.

Name: HRSA AIDS Advisory Committee (HAAC).

Date and Time: May 13–14, 1999; 9:00 a.m.–5:00 p.m.

Place: The Rockville Doubletree Hotel—Rockville, 1750 Rockville Pike, Rockville, MD 20852, (301) 468–1100.

The meeting is open to the public.

Agenda: Reauthorization of the Ryan White Care Act.

For further information, call Ms. Joan Holloway at (301) 443–8143.

Agenda items are subject to change as priorities dictate.

Dated: April 16, 1999.

Jane M. Harrison,

Director, Division of Policy Review and Coordination.

[FR Doc. 99–10558 Filed 4–26–99; 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 Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting:

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel—Development of Assay Methods for Creuzfeldt-Jacob Disease.

Date: April 30, 1999.

Time: 8:00 a.m.

Agenda: To review and evaluate grant applications.

Place: Sheraton Columbia, Wincopin Circle, Columbia, Maryland 21044.

Contact Person: Jeffrey H. Hurst, Ph.D., Scientific Review Administrator, NHLBI/Review Branch, Two Rockledge Center, Room 7208, Bethesda, Maryland 20892–7924, (301) 435–0303.

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 Programs Nos. 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; and 93.839, Blood Diseases and Resources Research, National Institutes of Health)

Dated: April 20, 1999.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–10457 Filed 4–26–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Refugee Resettlement Program: Proposed Allocations to States of FY 1999 Funds for Refugee Social Services

AGENCY: Office of Refugee Resettlement (ORR), ACF, HHS.

ACTION: Notice of proposed allocations to States of FY 1999 funds for refugee [1] social services.

SUMMARY: This notice establishes the proposed allocations to States of FY 1999 funds for social services under the Refugee Resettlement Program (RRP). In the final notice, allocation amounts could be adjusted slightly based on final adjustments in the FY 1998 arrivals in some States. This notice includes a $15.5 million set-aside to: (1) Provide outreach and referral to ensure that eligible refugees access the Children's Health Insurance Program (CHIP) and other programs for low income working populations; and (2) provide specialized interpreter training and the hiring of interpreters to enable refugees to have equal access to medical and legal services.

EFFECTIVE DATE: Comments on the proposed allocations contained in this notice must be received by May 27, 1999.

ADDRESSES: Address written comments, in duplicate, to: Barbara Chesnik, Division of Self-Sufficiency, Office of Refugee Resettlement, Administration for Children and Families, 370 L'Enfant Promenade, SW, Washington, DC 20447. FAX: (202) 401–5487 or (202) 401–0981.

FOR FURTHER INFORMATION CONTACT: Barbara R. Chesnik, Division of Refugee Self-Sufficiency, (202) 401–4558.

SUPPLEMENTARY INFORMATION:

I. Amounts for Allocation

The Office of Refugee Resettlement (ORR) has available $139,990,000 in FY 1999 refugee social service funds as part of the FY 1999 appropriation for the Department of Health and Human Services (Pub. L. 105–277).

[1] In addition to persons who meet all requirements of 45 CFR 400.43, ''Requirements for documentation of refugee status,'' eligibility for refugee social services also includes: (1) Cuban and Haitian entrants, under section 501 of the Refugee Education Assistance Act of 1980 (Pub. L. 96–422); (2) certain Amerasians from Vietnam who are admitted to the U.S. as immigrants under section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, as included in the FY 1988 Continuing Resolution (Pub. L. 100–202); and (3) certain Amerasians from Vietnam, including U.S. citizens, under title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Acts, 1989 (Pub. L. 100–461), 1990 (Pub. L. 101–167), and 1991 (Pub. L. 101–513). For convenience, the term ''refugee'' is used in this notice to encompass all such eligible persons unless the specific context indicates otherwise.

The FY 1999 House Appropriations Committee Report (H.R. Rept. No. 105–635) reads as follows with respect to social services funds:

The bill provides $134,990,000 for social services, an increase of $5,000,000 over the comparable fiscal year 1998 appropriation and the budget request. Funds are distributed by formula as well as through the discretionary grant making process for special projects. The Committee agrees that $19,000,000 is available for assistance to serve communities affected by the Cuban and Haitian entrants and refugees whose arrivals in recent years have increased. The Committee has set-aside $16,000,000 for increased support to communities with large concentrations of refugees whose cultural differences make assimilation especially difficult justifying a more intense level and longer duration of Federal assistance. Finally, the Committee has set aside $14,000,000 to address the needs of refugees and communities impacted by recent changes in Federal assistance programs relating to welfare reform. The Committee urges ORR to assist refugees at risk of losing, or who have lost, benefits including SSI, TANF and Medicaid, in obtaining citizenship. In addition, ORR may initiate planning grants to create alternative cash and medical assistance programs for refugees. The Committee has included funding for health screening of new arrivals.

The Committee encourages ORR to award grants for mental health and other health services for victims of torture if such activities are authorized in law.

The Committee encourages ORR to consider supporting education and outreach activities related to female genital mutilation if such activities are authorized in law.

The FY 1999 Senate Appropriations Committee Report (S. Rept. No. 105–300) adds the following:

The Committee provides $19,000,000 to serve communities affected by the Cuban and Haitian entrants and refugees, the same as the amount contained in last year's appropriation. In addition, the Committee recommends $14,000,000 to address the needs of refugees and communities affected by recent changes in Federal assistance programs, and $16,000,000 to assist communities with large concentrations of refugees whose cultural differences make assimilation difficult. These funds are included in the social services line item.

The FY 1999 Conference Report on Appropriations (H.R. Conf. No. 105–825) reads as follows concerning social services:

The conference agreement provides $139,990,000 for social services, an increase of $5,000,000 over the House and $10,000,000 over the Senate. The conference agreement includes $26,000,000 for increased support to communities with large concentrations of refugees whose cultural differences make assimilation especially difficult justifying a more intense level and longer duration of Federal assistance, and $14,000,000 to address the needs of refugees and communities impacted by the recent changes in Federal assistance programs relating to welfare reform. The agreement includes $19,000,000 for assistance to communities impacted by Cuban and Haitian entrants and refugees whose arrivals in recent years have increased.

The Director of the Office of Refugee Resettlement (ORR) proposes to use the $139,990,000 appropriated for FY 1999 social services as follows:

- $68,841,500 will be allocated under the 3-year population formula, as set forth in this notice for the purpose of providing employment services and other needed services to refugees.
- $12,148,500 will be awarded as social service discretionary grants through competitive grant announcements that will be issued separately from this notice.
- $19,000,000 will be awarded to serve communities most heavily affected by recent Cuban and Haitian entrant and refugee arrivals. These funds would be awarded through a discretionary grant announcement that will be issued separately from this notice.
- $26,000,000 will be awarded through discretionary grants for communities with large concentrations of refugees whose cultural differences make assimilation especially difficult justifying a more intense level and longer duration of Federal assistance. A grant announcement will be issued separately from this notice.
- $14,000,000 will be awarded to address the needs of refugees and communities impacted by recent changes in Federal assistance programs relating to welfare reform. Awards will be made through announcements issued separately from this notice.

In addition, we are proposing to add $15,500,000 in unexpended FY 1997 CMA funds to the FY 1999 formula social services allocation as a set-aside, increasing the total amount available for the formula social services program in FY 1999 to $84,341,500.

Congress provided ORR with broad carry-over authority in the FY 1999 HHS appropriations law to use FY 1997 CMA carry-over funds for assistance and other activities in the refugee program in fiscal years 1998 and 1999. The appropriations law states:

''* * * That funds appropriated pursuant to section 414(a) of the Immigration and Nationality Act under Pub.L. 104–208 for fiscal year 1997 shall be available for the costs of assistance provided and other activities conducted in such year and in fiscal years 1998 and 1999.''

Refugee Social Service Funds

The population figures for the social services allocation include refugees, Cuban/Haitian entrants, Amerasians from Vietnam, and Kurdish asylees since these populations may be served through funds addressed in this notice. (A State must, however, have an approved State plan for the Cuban/Haitian Entrant Program or indicate in its refugee program State plan that Cuban/Haitian entrants will be served in order to use funds on behalf of entrants as well as refugees.)

The Director proposes to allocate $68,841,500 to States on the basis of each State's proportion of the national population of refugees who had been in the U.S. 3 years or less as of October 1, 1998 (including a floor amount for States which have small refugee populations).

The use of the 3-year population base in the allocation formula is required by section 412(c)(1)(B) of the Immigration and Nationality Act (INA) which states that the ''funds available for a fiscal year for grants and contracts [for social services] . . . shall be allocated among the States based on the total number of refugees (including children and adults) who arrived in the United States not more than 36 months before the beginning of such fiscal year and who are actually residing in each State (taking into account secondary migration) as of the beginning of the fiscal year.''

As established in the FY 1991 social services notice published in the **Federal Register** of August 29, 1991, section I, ''Allocation Amounts'' (56 FR 42745), a variable floor amount for States which have small refugee populations is calculated as follows: If the application of the regular allocation formula yields less than $100,000, then—

(1) A base amount of $75,000 is provided for a State with a population of 50 or fewer refugees who have been in the U.S. 3 years or less; and

(2) For a State with more than 50 refugees who have been in the U.S. 3 years or less: (a) a floor has been calculated consisting of $50,000 plus the regular per capita allocation for refugees above 50 up to a total of $100,000 (in other words, the maximum under the floor formula is $100,000); (b) if this calculation has yielded less than $75,000, a base amount of $75,000 is provided for the State.

The Director also proposes to allocate an additional $15.5 million from FY 1997 carry-over funds as a set-aside to: (1) Provide referral services, including outreach, to ensure that refugees are able to access the Children's Health

Insurance Program (CHIP) and other programs for low income populations; and (2) provide for the hiring of interpreters and special interpreter training to enable refugees to have equal access to medical and certain legal services. Depending upon the existing capacity and need in the community, we encourage States to use the funds equally for both activities. Both types of services are not subject to the 5-year limitation and may be provided to refugees regardless of their length of time in the U.S. See § 400.152(b).

Eligible refugee families often are not aware of, or do not know how to access, other Federal support programs available to low income working families in the community. We believe that these programs, including CHIP, Food Stamps, Low Income Home Energy Assistance Program (LIHEAP), Medicaid, Head Start, low-income housing, the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), child care assistance, adult day care for aged dependents, and other support programs for low-income families, are important for the well-being of working refugees, particularly refugee families, and are necessary to help these refugees maintain employment and move toward full self-sufficiency.

The organizations funded by the set-aside amount are expected to conduct outreach into the community to identify low-income refugees and to help these refugees enroll in and to be familiar with the services available and the participation requirements of these programs. We expect States to fund community-based organizations, to the maximum extent possible, to provide hands-on assistance, which means having the application forms available and helping refugees to fill out the application, accompanying the refugee to the eligibility office, assisting in the communication between the family and the eligibility worker, closely following the application process until the family has been found eligible, and then helping the family effectively use the service or support program in which they have been enrolled. For example, there may be different levels of medical coverage available to a family, depending on the ages of the children and the income level of the family, each with different requirements. It is important for the caseworkers/advocates funded through this initiative to understand the program requirements (such as a co-payment structure) in order to help the family make decisions and fully participate.

The organizations funded under this set-aside should develop effective ways to provide an on-going link between these services, the population they serve, and the targeted low income programs. Methods might include: partnering with schools to identify refugee children who may be eligible for CHIP by virtue of their eligibility for the school lunch program; connecting with local Head Start programs to help identify refugee children who are eligible for CHIP and other health care programs; arranging to have Medicaid eligibility workers visit the MAA or other participating organization on a scheduled basis; and working with other groups serving low income families, such as hospitals, WIC programs, low-income housing programs, and food assistance programs to make these services widely known to the refugee community being served.

It is also important that States provide as high a standard as possible in interpretation to non-English speaking and to Limited-English-Proficient (LEP) refugees, particularly in regard to medical and legal issues. As mentioned earlier, we are therefore including funding in the set-aside for States to improve the availability and quality of interpreter services for refugees in their communities. The set-aside funds are to be used by States: (1) to fund specialized interpreter training for medical and legal services; and (2) to pay for the hiring and employment of these trained interpreters by MAAs, voluntary agencies, and other community-based organizations serving refugees, to the maximum extent possible, in order to increase the number of skilled interpreters in the community.

Interpretation requires a great deal of skill—interpreters need to be fluent in English and the language spoken by the refugee. They must have the ability to quickly understand the message and terminology, if technical, in one language and to express it as quickly and correctly in another language. In addition to fluency in two languages, interpreters must have the skills to handle confidential client information and to deal with a variety of professionals in the medical, legal, law enforcement, social services, and other fields.

States should use qualified training programs or trainers to provide the interpreter training. Several strategies may be employed, e.g., the direct training of interpreters in a group setting, paying the course tuition and associated expenses for individuals at a community college or university, and the training of trainers in order to establish and maintain an efficient training capacity in the community. To the extent possible, we would expect States to use an established curriculum rather than incurring costs to develop a new one. Funding of interpreter services should be directed to areas of greatest need and to the most linguistically isolated communities.

States must determine a community's capacity to ensure refugee access to medical and other services, and then examine how best to fund and maintain interpreter services for refugees based upon the need and size of refugee population. For example, an interpreter bank with dedicated interpreters may be a preferred option if the needs of the community can justify full-time interpreters. However, because the provision of interpreter services may not fully occupy funded staff in some locations or in certain languages, States may choose to train bilingual caseworkers at voluntary resettlement agencies, MAAs and refugee service providers. States may also consider cross-training of interpreters so that they may also assist, for example, in enrolling clients in CHIP, Medicaid, or other services for low-income clients, and/or serve as case managers or in other staff positions. Staff with both bilingual interpreter skills and knowledge of the family services network, such as child protective services and the domestic violence system, are also highly desirable.

We also encourage States to set up creative ways to maintain and expand the availability of interpreter services in the community, such as seeking reimbursement for services from the courts, hospitals, and agencies which may be able to pay for interpreter services but have been otherwise hindered in providing these services by the lack of available and appropriately trained individuals. Fees from low-income refugee clients, however, may not be sought.

In light of the unique position that refugee mutual assistance associations (MAAs) have in the communities where refugees reside, we are asking that States give special consideration to MAAs in using the set-aside amount, where possible, to provide these services to refugee families. However, qualified community based organizations with refugee experience, voluntary resettlement agencies, or refugee service providers may be funded as well.

In order to receive the optional funding under the set-aside, the appropriate State agency official, State designee, or Wilson/Fish project director where the State is not participating in the program must provide written assurance to the Office of Refugee Resettlement that the

following conditions will be observed by the State agency in using funds made available to the State under this special allocation:

- That such funds will be used to fund (1) services to provide the support necessary to enroll refugees in low income support programs, such as CHIP, Headstart, WIC, Food Stamps, LIHEAP, child care services, and low-income housing assistance and, (2) training and salaries for refugee interpreters; and
- That special consideration will be given to interested and qualified refugee MAAs, where possible.

Written assurance should be sent to Barbara R. Chesnik, Division of Refugee Self-Sufficiency, Office of Refugee Resettlement, Administration for Children and Families, 370 L'Enfant Promenade SW., 6th Floor, Washington, DC 20447. States must respond by 30 days from the date of the final notice in order to avail themselves of this special allocation. ORR's ability to award the proposed $15.5 million set-aside is contingent upon the availability of funds when the final notice of social services allocations is published.

Population To Be Served

Although the allocation formula is based on the 3-year refugee population, in accordance with the current requirements of 45 CFR Part 400 Subpart I—Refugee Social Services, States are not required to limit social service programs to refugees who have been in the U.S. only 3 years. However, under 45 CFR 400.152, States may not provide services funded by this notice, except for referral and interpreter services, to refugees who have been in the United States for more than 60 months (5 years).

In accordance with 45 CFR 400.147, States are required to provide services to refugees in the following order of priority, except in certain individual extreme circumstances: (a) all newly arriving refugees during their first year in the U.S., who apply for services; (b) refugees who are receiving cash assistance; (c) unemployed refugees who are not receiving cash assistance; and (d) employed refugees in need of services to retain employment or to attain economic independence.

ORR funds may not be used to provide services to United States citizens, since they are not covered under the authorizing legislation, with the following exceptions: (1) Under current regulations at 45 CFR 400.208, services may be provided to a U.S.-born minor child in a family in which both parents are refugees or, if only one parent is present, in which that parent is a refugee; and (2) under the FY 1989 Foreign Operations, Export Financing, and Related Programs Appropriations Act (Pub. L. No. 100–461), services may be provided to an Amerasian from Vietnam who is a U.S. citizen and who enters the U.S. after October 1, 1988.

Service Priorities

In the past, a number of States have focused primarily on serving refugee cash assistance (RCA) recipients because of the need to help these refugees become employed and self-sufficient within the 8-month RCA eligibility period. Now, with the passage of welfare reform, refugee recipients of Temporary Assistance for Needy Families (TANF) also face a time limit for cash assistance and need appropriate services as quickly as possible to become employed and self-sufficient. In order for refugees to move quickly off TANF, we believe it is crucial for these refugees to receive refugee-specific services that are designed to address the employment barriers that refugees typically face. We are pleased with the efforts that State Refugee Coordinators have made to date to develop agreements with their State TANF program to utilize the existing refugee service system in a State for refugee TANF participants. We encourage States to continue their efforts in this regard.

Refugee social service funding should be used to assist refugee families to achieve economic independence. To this end, States are required to ensure that a coherent family self-sufficiency plan is developed for each eligible family that addresses the family's needs from time of arrival until attainment of economic independence. (See 45 CFR 400.79 and 400.156(g).) Each family self-sufficiency plan should address a family's needs for both employment-related services and other needed social services. The family self-sufficiency plan must include: (1) a determination of the income level a family would have to earn to exceed its cash grant and move into self-support without suffering a monetary penalty; (2) a strategy and timetable for obtaining that level of family income through the placement in employment of sufficient numbers of employable family members at sufficient wage levels; and (3) employability plans for every employable member of the family.

Some States are doing remarkably well in achieving refugee self-sufficiencies. For this reason, this may be a good time for these States to re-examine the range of services they currently offer to refugees and expand the range of services beyond employment services to address the broader needs that refugees have in order to successfully integrate into the community.

Reflecting section 412(a)(1)(A)(iv) of the INA, and in keeping with 45 CFR 400.145(c), States must ensure that women have the same opportunities as men to participate in all services funded under this notice, including job placement services. In addition, services must be provided to the maximum extent feasible in a manner that includes the use of bilingual/bicultural women on service agency staffs to ensure adequate service access by refugee women. The Director also strongly encourages the inclusion of refugee women in management and board positions in agencies that serve refugees. In order to facilitate refugee self-support, the Director also expects States to implement strategies which address simultaneously the employment potential of both male and female wage earners in a family unit, particularly in the case of large families. States are expected to make every effort to assure the availability of day care services for children in order to allow women with children the opportunity to participate in employment services or to accept or retain employment. To accomplish this, day care may be treated as a priority employment-related service under the refugee social services program. Refugees who are participating in employment services or have accepted employment are eligible for day care services for children. For an employed refugee, day care funded by refugee social service dollars should be limited to one year after the refugee becomes employed. States are expected to use day care funding from other publicly funded mainstream programs to the maximum extent possible and are expected to work with service providers to assure maximum access to other publicly funded resources for day care.

In accordance with 45 CFR 400.146, social service funds must be used primarily for employability services designed to enable refugees to obtain jobs within one year of becoming enrolled in services in order to achieve economic self-sufficiency as soon as possible. Social services may continue to be provided after a refugee has entered a job to help the refugee retain employment or move to a better job. Social service funds may not be used for long-term training programs such as vocational training that last for more than a year or educational programs that are not intended to lead to employment within a year.

In accordance with 45 CFR 400.156(e), refugee social services must be provided, to the maximum extent feasible, in a manner that is culturally

and linguistically compatible with a refugee's language and cultural background. In light of the increasingly diverse population of refugees who are resettling in this country, refugee service agencies will need to develop practical ways of providing culturally and linguistically appropriate services to a changing ethnic population.

Services funded under this notice must be refugee-specific services which are designed specifically to meet refugee needs and are in keeping with the rules and objectives of the refugee program. Vocational or job skills training, on-the-job training, or English language training, however, need not be refugee-specific (45 CFR 400.156(d)).

English language training must be provided in a concurrent, rather than sequential, time period with employment or with other employment-related activities (45 CFR 400.156(c)).

When planning State refugee services, States must take into account the reception and placement (R&P) services provided by local resettlement agencies in order to utilize these resources in the overall program design and to ensure the provision of seamless, coordinated services to refugees that are not duplicative (45 CFR 400.156(b)).

In order to provide culturally and linguistically compatible services in as cost-efficient a manner as possible, ORR encourages States and counties to promote and give special consideration to the provision of refugee social services through coalitions of refugee service organizations, such as coalitions of mutual assistance associations (MAAs), voluntary resettlement agencies, or a variety of service providers. ORR believes it is essential for refugee-serving organizations to form close partnerships in the provision of services to refugees in order to be able to respond adequately to a changing refugee picture. Coalition-building and consolidation of providers is particularly important in communities with multiple service providers in order to ensure better coordination of services and maximum use of funding for services by minimizing the funds used for multiple administrative overhead costs.

States should also expect to use funds available under this notice to pay for social services which are provided to refugees who participate in Wilson/Fish projects. Section 412(e)(7)(A) of the INA provides that:

> The Secretary [of HHS] shall develop and implement alternative projects for refugees who have been in the United States less than thirty-six months, under which refugees are provided interim support, medical services, support [social] services, and case management, as needed, in a manner that encourages self-sufficiency, reduces welfare dependency, and fosters greater coordination among the resettlement agencies and service providers.

This provision is generally known as the Wilson/Fish Amendment. The Department has already issued a separate notice in the **Federal Register** with respect to applications for such projects (60 FR 15766, March 27, 1995) and expects to issue a revised notice in the near future.

The Use of MAAs

ORR believes that the use of qualified refugee mutual assistance associations in the delivery of social services helps to ensure the provision of culturally and linguistically appropriate services as well as increasing the effectiveness of the overall service system. Therefore, we expect States to use MAAs as service providers to the maximum extent possible. We strongly encourage States when contracting for services, including employment services, to give consideration to the special strengths of MAAs, whenever contract bidders are otherwise equally qualified, provided that the MAA has the capability to deliver services in a manner that is culturally and linguistically compatible with the background of the target population to be served. ORR also strongly encourages MAAs to ensure that their management and board composition reflect the major target populations to be served. ORR expects States to continue to assist MAAs in seeking other public and/or private funds for the provision of services to refugee clients.

States may use a portion of their social service grant, either through contracts or through the use of State/county staff, to provide technical assistance and organizational training to strengthen the capability of MAAs to provide employment services and other social services, particularly in States where MAA capability is weak or undeveloped.

ORR defines MAAs as organizations with the following qualifications:

a. The organization is legally incorporated as a nonprofit organization; and

b. Not less than 51% of the composition of the Board of Directors or governing board of the mutual assistance association is comprised of refugees or former refugees, including both refugee men and women.

II. (Reserved for Discussion of Comments in Final Notice)

III. Allocation Formulas

Of the funds available for FY 1999 for social services, $68,841,815 is proposed to be allocated to States in accordance with the formula specified below. In addition, $15.5 million in set-aside funds are proposed to be allocated in accordance with the formula specified below. A State's allowable allocation is calculated as follows:

1. The total amount of funds determined by the Director to be available for this purpose; divided by—

2. The total number of refugees, Cuban/Haitian entrants, Amerasians from Vietnam, and Kurdish asylees who arrived in the United States not more than 3 years prior to the beginning of the fiscal year for which the funds are appropriated, as shown by the ORR Refugee Data System. The resulting per capita amount is multiplied by—

3. The number of persons in item 2, above, in the State as of October 1, 1998, adjusted for estimated secondary migration.

The calculation above yields the formula allocation for each State. Minimum allocations for small States are taken into account.

IV. Basis of Population Estimates

The population estimates for the proposed allocation of funds in FY 1999 are based on data on refugee arrivals from the ORR Refugee Data System, adjusted as of October 1, 1998, for estimated secondary migration. The data base includes refugees of all nationalities, Amerasians from Vietnam, Cuban and Haitian entrants, and Kurdish asylees.

For fiscal year 1999, ORR's proposed formula allocations for the States for social services are based on the numbers of refugees, Amerasians, Kurdish asylees, and entrants who arrived during the preceding three fiscal years: 1996, 1997, and 1998, based on arrival data by State. Therefore, estimates have been developed of the numbers of refugees and entrants with arrival or resettlement dates between October 1, 1995, and September 30, 1998, who are thought to be living in each State as of October 1, 1998.

The estimates of secondary migration were based on data submitted by all participating States on Form ORR–11 on secondary migrants who have resided in the U.S. for 36 months or less, as of September 30, 1998. The total migration reported by each State was summed, yielding in-and out-migration figures and a net migration figure for each State. The net migration figure was applied to

the State's total arrival figure, resulting in a revised population estimate.

Estimates were developed separately for refugees and entrants and then combined into a total estimated 3-year refugee/entrant population for each State. Eligible Amerasians and Kurdish asylees are included in the refugee figures.

With regard to Havana parolees, in the absence of reliable data on the State-by-State resettlement of this population, we are crediting each State that received entrant arrivals during the 3-year period from FY 1996–FY 1998 with a prorated share of the 13,442 parolees reported by the Immigration and Naturalization Service (INS) to have come to the U.S. directly from Havana in FY 1998. In addition, we have credited each State with the same share of FY 1996 and FY 1997 Havana parolees that they were credited with in the final FY 1997 and FY 1998 social service notices. The allocations in this notice reflect these additional parolee numbers.

If a State does not agree with ORR's population estimate and wishes ORR to reconsider its population estimate, it should submit written evidence to ORR, including a list of refugees identified by name, alien number, date of birth, and date of arrival. Listings of refugees who are not identified by their alien number will not be considered. Such evidence should be submitted separately from comments on the proposed allocation formula no later than 30 days from the date of publication of this notice and should be addressed to: Loren Bussert, Division of Refugee Self-Sufficiency, Office of Refugee Resettlement, 370 L'Enfant Promenade, SW, Washington, DC 20447, Telephone: (202) 401–4732.

Table 1, below, shows the estimated 3-year populations, as of October 1, 1998, of refugees (col. 1), entrants (col. 2), Havana parolees (col. 3); total refugee/entrant population, (col. 4); the proposed formula amounts which the population estimates yield (col. 5); the proposed allocation amounts after allowing for the minimum amounts (col. 6); the set-aside amount (col.7); and the total proposed allocation (col. 8).

V. Proposed Allocation Amounts

Funding will be contingent upon the submittal and approval of a State annual services plan that is developed on the basis of a local consultative process, as required by 45 CFR 400.11(b)(2) in the ORR regulations. The following amounts are proposed for allocation for refugee social services in FY 1999:

FY 1999 Proposed Social Services Formula Notice

TABLE 1.—ESTIMATED 3-YEAR REFUGEE/ENTRANT POPULATIONS OF STATES PARTICIPATING IN THE REFUGEE PROGRAM AND PROPOSED SOCIAL SERVICE FORMULA AMOUNT AND PROPOSED ALLOCATION FOR FY 1999

State	Refugees[1]	Entrants	Havana parolees[2]	Total population	Proposed formula amount	Proposed allocation	Set-aside	Total proposed allocation
	(1)	(2)	(3)	(4)	(5)	(6)		
Alabama	495	55	97	647	$162,184	$162,184	$36,704	$198,888
Alaska[3]	0	0	0	0				
Arizona	6,269	387	581	7,237	1,814,106	1,814,106	410,552	2,224,658
Arkansas	144	9	13	166	41,611	79,078	9,417	88,495
California	32,975	342	717	34,034	8,531,339	8,531,339	1,930,735	10,462,074
Colorado	3,336	2	6	3,344	838,244	838,244	189,704	1,027,948
Connecticut	2,380	150	263	2,793	700,124	700,124	158,446	858,570
Delaware	59	2	4	65	16,294	75,000	3,687	78,687
Dist. of Columbia	1,538	4	10	1,552	389,041	389,041	88,044	477,085
Florida	12,708	8,225	18,679	39,612	9,929,582	9,929,582	2,247,172	12,176,754
Georgia	8,281	97	195	8,573	2,149,003	2,149,003	486,343	2,635,346
Hawaii	126	1	1	128	32,086	75,000	7,261	82,261
Idaho[4]	1,639	0	0	1,639	410,850	410,850	92,980	503,830
Illinois	11,334	231	400	11,965	2,999,279	2,999,279	678,770	3,678,049
Indiana	1,456	5	9	1,470	368,486	368,486	83,392	451,878
Iowa	5,489	2	4	5,495	1,377,437	1,377,437	311,729	1,689,166
Kansas	1,075	9	15	1,099	275,487	275,487	62,346	337,833
Kentucky[5]	3,431	799	968	5,198	1,302,988	1,302,988	294,880	1,597,868
Louisiana	1,339	77	172	1,588	398,066	398,066	90,087	488,153
Maine	620	0	0	620	155,416	155,416	35,172	190,588
Maryland	3,077	46	114	3,237	811,422	811,422	183,634	995,056
Massachusetts	6,763	85	140	6,988	1,751,689	1,751,689	396,426	2,148,115
Michigan	7,099	347	484	7,930	1,987,821	1,987,821	449,866	2,437,687
Minnesota	8,353	7	18	8,378	2,100,122	2,100,122	475,280	2,575,402
Mississippi	75	10	23	108	27,072	75,000	6,127	81,127
Missouri	6,562	8	16	6,586	1,650,920	1,650,920	373,621	2,024,541
Montana	130	0	0	130	32,587	75,000	7,375	82,375
Nebraska	1,516	36	51	1,603	401,826	401,826	90,938	492,764
Nevada[5]	1,255	609	893	2,757	691,100	691,100	156,403	847,503
New Hampshire	1,102	0	0	1,102	276,240	276,240	62,516	338,756
New Jersey	3,409	365	806	4,580	1,148,073	1,148,073	259,822	1,407,895
New Mexico	357	467	758	1,582	396,562	396,562	89,746	486,308
New York	29,771	757	1,191	31,719	7,951,035	7,951,035	1,799,406	9,750,441
North Carolina	3,684	29	44	3,757	941,771	941,771	213,133	1,154,904
North Dakota	1,320	0	2	1,322	331,387	331,387	74,997	406,384
Ohio	4,160	44	62	4,266	1,069,363	1,069,363	242,008	1,311,371
Oklahoma	484	7	13	504	126,338	126,338	28,592	154,930
Oregon	4,658	344	531	5,533	1,386,963	1,386,963	313,885	1,700,848
Pennsylvania	7,021	240	358	7,619	1,909,863	1,909,863	432,223	2,342,086
Rhode Island	339	5	7	351	87,986	100,000	19,912	119,912

TABLE 1.—ESTIMATED 3-YEAR REFUGEE/ENTRANT POPULATIONS OF STATES PARTICIPATING IN THE REFUGEE PROGRAM AND PROPOSED SOCIAL SERVICE FORMULA AMOUNT AND PROPOSED ALLOCATION FOR FY 1999—Continued

State	Refugees[1]	Entrants	Havana parolees[2]	Total population	Proposed formula amount	Proposed allocation	Set-aside	Total proposed allocation
	(1)	(2)	(3)	(4)	(5)	(6)		
South Carolina	231	6	10	247	61,916	99,382	14,012	113,394
South Dakota[4]	821	0	0	821	205,801	205,801	46,575	252,376
Tennessee	3,740	171	250	4,161	1,043,042	1,043,042	236,052	1,279,094
Texas	11,506	778	1,159	13,443	3,369,771	3,369,771	762,616	4,132,387
Utah	3,232	1	1	3,234	810,670	810,670	183,463	994,133
Vermont	889	0	0	889	222,847	222,847	50,433	273,280
Virginia	4,555	114	210	4,879	1,223,024	1,223,024	276,784	1,499,808
Washington	16,511	45	68	16,624	4,167,156	4,167,156	943,073	5,110,229
West Virginia	9	0	0	9	2,256	75,000	511	75,511
Wisconsin	1,618	9	15	1,642	411,602	411,602	93,150	504,752
Wyoming[3]	0	0	0	0				
Total	228,941	14,927	29,358	273,226	68,489,848	68,841,500	15,500,000	84,341,500

[1] Includes: refugees, Kurdish asylees, and Amerasian immigrants from Vietnam adjusted for secondary migration.
[2] For FY 1998, 13,442 Havana Parolees (HP's) were prorated to all States based on their proportions of the three-year (FY 1996-1998) entrant population. For FY 1997, Florida's HP's (3,957) were based on actual data, while HP's in other States (2,035) were prorated according to their proportions of the three-year entrant population. For FY 1996, Florida's HP's (7,315) were based on actual data, while HP's in other States (2,611) were prorated according to their proportions of the three-year entrant population.
[3] Alaska and Wyoming no longer participate in the Refugee Program.
[4] The allocations for Idaho and South Dakota are expected to be awarded to the State designee.
[5] The allocations for Kentucky and Nevada are expected to be awarded to Wilson/Fish projects.

VI. Paperwork Reduction Act

This notice does not create any reporting or recordkeeping requirements requiring OMB clearance.

(Catalog of Federal Domestic Assistance No. 93.566 Refugee Assistance—State Administered Programs)

Dated: April 20, 1999.

Lavinia Limon,

Director, Office of Refugee Resettlement.

[FR Doc. 99–10486 Filed 4–26–99; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer on (301) 443–7978.

Comments are invited on: (a) Whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: Persistent Effects of Treatment for a National Sample of Treatment Recipients

(New) The Center for Substance Abuse Treatment (CSAT) is undertaking a major initiative to study the long-term course of substance abuse within the context of receipt of substance abuse treatment. Research indicates that success in treating substance abuse may require multiple episodes of treatment. The Persistent Effects of Treatment Studies (PETS) will be a family of studies structured to provide data on a wide range of populations and treatment approaches over a three-year period following admission to a substance abuse treatment program in a community setting. The family of studies will be built on existing studies currently being conducted by other organizations (including Federal, State, and local governments) in order to minimize costs and response burden. Collectively, the PETS studies are expected to provide valuable insights into the factors that lead to long-term success in treatment of substance abuse.

Persistent Effects of Treatment Studies in a National Sample of Treatment Recipients offers an opportunity for PETS to include a prospective national study among its family of studies. This study would permit PETS to answer research questions on the extent to which results on treatment effectiveness generalize to a more nationally representative universe of persons receiving substance abuse treatment. As such, it would provide national benchmarks on treatment outcomes that one could use for placing the results of the state and local studies in context.

This study, also known as the National Evaluation of Substance Abuse Treatment or NESAT, is an ongoing national treatment outcome study that was funded by the Office of National Drug Control Policy (ONDCP) and would continue under funding from CSAT. It includes a national probability of sample of 164 privately and publicly funded service delivery units (SDUs) and 2,100 clients who received services at those SDUs. The sample includes approximately equal numbers of SDUs in each of five treatment modalities: (a) therapeutic community, (b) residential, (c) methadone, (d) outpatient-intensive, and (e) outpatient-nonintensive. The populations to be studied will be diverse in the nature and severity of

their substance abuse, and in their personal characteristics and circumstances.

Beginning in 1997, NESAT collected detailed baseline information from both the participating SDUs and clients. It also collected information, primarily on service utilization, from the clients at 30 days following the initial data collection. A 12-month follow-up data collection from the participating SDUs and clients is currently underway. This data collection entails interviewing the clients, as well as gathering biological specimens (hair, urine, and breath) from the clients. The proposed project would extend data collection from clients (interviews and biological specimens) to 24 months and 36 months following the initial data collection.

The estimated response burden over the three-year period of approval is summarized below.

Data collection	Number of respondents	Number of responses per client	Hours per response	Total burden (hours)
24- and 36-month	1785	2	1.5	5,355

Send comments to Nancy Pearce, SAMHSA Reports Clearance Officer, Room 16–105, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received within 60 days of this notice.

Dated: April 20, 1999.

Richard Kopanda,

Executive Officer, SAMHSA.

[FR Doc. 99–10469 Filed 4–26–99; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4446–N–02]

Announcement of OMB Approval Number for the Base Closure Community Development and Housing Assistance Program

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Announcement of OMB Approval Number.

SUMMARY: The purpose of this notice is to announce the OMB approval number for the collection of information pertaining to the Base Closure Community Redevelopment and Housing Assistance Program, (Base Closure Program).

FOR FURTHER INFORMATION CONTACT: Raymond M. Sherry, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708–0614, extension 4424. This is not a toll-free number.

SUPPLEMENTARY INFORMATION:

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended), this notice advises that OMB has responded to the Department's request for approval of the information collection pertaining to the Base Closure Program. The OMB approval number for this information collection is 2506–0154, which expires on March 31, 2002.

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.

Dated: April 19, 1999.

Fred Karnas Jr.,

Deputy Assistant Secretary for Economic Development.

[FR Doc. 99–10483 Filed 4–26–99; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4441–N–23]

Submission for OMB review: comment request

AGENCY: Office of the Assistance Secretary for Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments due date:* May 27, 1999.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments must be received within thirty (30) days from the date of this Notice. Comments should refer to the proposal by name and/or OMB approval number and should be send to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708–1305. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

This Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the names and telephone numbers of agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: April 20, 1999.

David S. Cristy,

Director, ISP and Management.

Title of Proposal: Section 811. Supportive Housing for Persons with Disabilities—Application Submission Requirements.

Office: Housing.

OMB Approval Number: 2502–0462.

Description of the Need for the Information and its Proposed Use: Information collection is necessary to assist HUD in determining applicant eligibility and ability to develop housing for disabled within statutory

and program criteria. A thorough evaluation of an applicant's submission is necessary to protect the Government's financial interest.

Form Number: HUD–92016–CA.

Respondents: State, Local or Tribal Government Not-For-Profit Institutions.

Frequency of Submission: On occasion.

Reporting Burden:

	Number of respondents	X	Frequency of response	X	Hours per response	=	Burden hours
Information Collection	260		1		40.6		10,556

Total Estimated Burden Hours: 10,556.

Status: Reinstatement with changes.

Contact: Gail Williamson, HUD, (202) 708–2866 Joseph F. Lackey, Jr., OMB, (202) 395–7316.

Dated: April 20, 1999.

[FR Doc. 99–10484 Filed 4–26–99; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4410–C–02]

FY 1999 Super Notice of Funding Availability (SuperNOFA) for HUD's Housing, Community Development, and Empowerment Programs; Extension of HOPE VI Demolition Grants and Fair Housing Initiative Program Application Deadline; Table of Contents; Updated SuperNOFA Programs Chart; and Technical Corrections

AGENCY: Office of the Secretary, HUD.

ACTION: Extension of HOPE VI Demolition Grants and Fair Housing Initiative Program (FHIP) Application Deadlines; SuperNOFA Table of Contents; Updated SuperNOFA Programs Chart; and Technical Corrections to SuperNOFA.

SUMMARY: On February 26, 1999, HUD published the Fiscal Year (FY) 1999 Super Notice of Funding Availability (SuperNOFA) for HUD's Housing, Community Development, and Empowerment programs. This notice extends the application due dates for the Fair Housing Initiative Program (FHIP) and HOPE VI Demolition Grants program (the application due date for HOPE VI Revitalization Grants remains unchanged). For the convenience of readers, this notice also provides a table of contents to the FY 1999 SuperNOFA. The table identifies the page numbers in the February 26, 1999 **Federal Register** publication where the individual program sections of the SuperNOFA are located. Additionally, the notice provides an updated SuperNOFA programs chart to reflect the change in the application due dates for the FHIP and HOPE VI Demolition Grants programs. This notice also makes various technical corrections and clarifications to the February 26, 1999 SuperNOFA.

DATES: The application due date for the FHIP program is extended to *June 30, 1999.* The application due date for HOPE VI Demolition Grants is extended to *July 29, 1999.* No other application due dates are extended by this notice.

FOR FURTHER INFORMATION CONTACT: For the programs listed in this notice, please contact the office or individual listed in the ''For Further Information'' portion of the section of the individual programs that are part of the SuperNOFA, published on February 26, 1999 at 64 FR 9618.

SUPPLEMENTARY INFORMATION:

Background

On February 26, 1999 (64 FR 9618), HUD published its FY 1999 SuperNOFA for HUD's Housing, Community Development, and Empowerment programs. The FY 1999 SuperNOFA announced the availability of approximately $2.4 billion in HUD program funds covering 32 grant programs and program components administered by the following HUD offices: the Office of Community Planning and Development (CPD); the Office of Housing-Federal Housing Administration (FHA); the Office of Public and Indian Housing (PIH); the Office of Policy Development and Research (PD&R); the Office of Fair Housing and Equal Opportunity (FH&EO); and the Office of Lead Hazard Control.

This notice extends the application due dates for the Fair Housing Initiative Program (FHIP) and the HOPE VI Demolition Grants program (the application due date for HOPE VI Revitalization Grants remains unchanged). For the convenience of readers, this notice also provides a table of contents to the FY 1999 SuperNOFA. The table identifies the page numbers in the February 26, 1999 **Federal Register** publication where the individual program sections of the SuperNOFA are located. Additionally, the notice provides an updated SuperNOFA programs chart to reflect the change in the application due date for the FHIP and HOPE VI Demolition Grants programs. This notice also makes various technical corrections and clarifications to the February 26, 1999 SuperNOFA.

Extension of FHIP Application Due Date

The FY 1999 SuperNOFA announce the application due date for the FHIP program to be April 27, 1999. HUD is extending the application due date for the FHIP program to *June 30, 1999.*

Extension of HOPE VI Demolition Grants Application Due Date

The FY 1999 SuperNOFA announced the application due date for the HOPE VI Demolition Grants program to be May 6, 1999. Section 531 of the Quality Housing and Work Responsibility Act of 1996 (title V of the FY 1999 HUD Appropriations Act; Pub. L. 105–276, approved October 21, 1998; 112 Stat. 2461, 2570–2574) amended section 18 of the United States Housing Act of 1937 (42 U.S.C. 1437p), which governs the demolition and disposition of public housing. To provide applicants with adequate time to conform their applications to the recent statutory amendments, HUD is extending the application due date for HOPE VI Demolition Grants to *July 29, 1999.* The application due date for HOPE VI Revitalization Grants announced in the FY 1999 SuperNOFA (May 27, 1999) is unchanged.

Table of Contents for the FY 1999 SuperNOFA

(Published February 26, 1999, 64 FR 9618)

- Introduction—page 9618
- FY 1999 SuperNOFA Funding Charts—pages 9621–9626
- General Section—page 9627
- Community Development Technical Assistance—page 9633
- Community Outreach Partnership Centers (COPC)—page 9651
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- Research to Improve the Evaluation and Control of Residential Lead-Based Paint Hazards—page 9709
- Intervention to Control Mold and Moisture Problems in Inner City Housing—page 9717
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- Public Housing Drug Elimination—page 9743
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- Multifamily Housing Drug Elimination—page 9779
- Economic Development Initiative (EDI)—page 9789
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- Section 202 Supportive Housing for the Elderly—page 9845
- Section 811 Supportive Housing for Persons with Disabilities—page 9861
- Appendix to SuperNOFA—List of HUD Field Offices—page 9879

Updated SuperNOFA Programs Chart

As a result of the change in the application due date for the HOPE VI Demolition Grants program, HUD is reprinting the SuperNOFA programs chart provided in the February 26, 1999 **Federal Register** publication (64 FR 9618, 9620–9626). The chart below identifies the HUD programs that are part of the FY 1999 SuperNOFA. The chart also includes the application due date for each program (reflecting the revised due dates for the FHIP and HOPE VI Demolition Grants programs), the OMB approval number for the information collection requirements contained in the specific program, and the catalog of Federal Domestic Assistance (CFDA) number.

As noted in the General Section to the FY 1999 SuperNOFA, the approximate available funds for each program are expected funding levels based on appropriated funds. In the event that HUD recaptures funds or other funds become available for any program, HUD reserves the right to increase the available program funding amounts by the amount available.

HUD FY 1999 SUPERNOFA FUNDING

[Dollars in millions]

Program name	Funding available	Due date	Submission location and room
HOUSING AND COMMUNITY DEVELOPMENT			
Community Development Technical Assistance	$24.25		
Community Development Block Grant (CDBG) TA CFDA No: 14.227 OMB Approval No.: 2506–0166	2.5	May 26, 1999	HUD Headquarters Room 7251, and copies to appropriate local HUD Field Offices.
Community Housing Development Organization (CHDO) TA. CFDA No. 14.239 OMB Approval No.: 2506–0166	9	May 26, 1999	HUD Headquarters Room 7251, and copies to appropriate local HUD Field Offices.
Home TA CFDA No. 14.239 OMB Approval No.: 2506–0166	8	May 26, 1999	HUD Headquarters Room 7251, and copies to appropriate local HUD Field Offices.
Supportive Housing Program (SHP) TA CFDA No. 14.235 OMB Approval No.: 2506–0166	2.5	May 26, 1999	HUD Headquarters Room 7251, and copies to appropriate local HUD Field Offices.
HOPWA TA CFDA No. 14.241 OMB Approval No.: 2506–0133	2.25	May 26, 1999	HUD Headquarters Room 7251.
UNIVERSITY AND COLLEGE PARTNERSHIPS			
University and College Programs	22.15		
Community Outreach Partnership Centers (COPC) CFDA No: 14511 OMB Approval No.: 2528–0180	7.5	June 9, 1999	HUD Headquarters Room 7251.
Historically Black Colleges and Universities (HBCUs) Program. CFDA No.: 14.237 OMB Approval No.: 2506–0122	9	June 9, 1999	HUD Headquarters Room 7251 and copies to local HUD Field Office.
Hispanic-Serving Institutions Assisting Communities (HSIAC) Program. CFDA No.: 14.514 OMB Approval No.: 2528–0198	5.65	June 9, 1999	HUD Headquarters Room 7251.
FAIR HOUSING OUTREACH, ENFORCEMENT AND ASSISTED HOUSING COUNSELING			
Fair Housing and Housing Counseling Programs	31.6		
Education and Outreach Initiative (EOI) CFDA No.: 14.409 OMB Approval No.: 2529–0033	4.5	June 30, 1999	HUD Headquarters Room 5234.
Private Enforcement Initiative (PEI)	9.3	June 30, 1999	HUD Headquarters Room 5234.

HUD FY 1999 SUPERNOFA FUNDING—Continued

[Dollars in millions]

Program name	Funding available	Due date	Submission location and room
CFDA No.: 14.410 OMB Approval No.: 2539–0033			
Fair Housing Organizations Initiative (FHOI)	1.2	June 30, 1999 ..	HUD Headquarters Room 5234.
CFDA No.: 14.413 OMB Approval No.: 2539–0033			
Local Housing Counseling Agencies	5.6	May 25, 1999 ...	Appropriate HUD Homeownership Center (HOC).
CFDA No.: 14.169 OMB Approval No.: 2502–0261			
National, Regional, and Multi-State Intermediaries	7.5	May 25, 1999 ...	HUD Headquarters Room 9166.
CFDA No.: 14.169 OMB Approval No.: 2502–0261			
State Housing Finance Agencies	3.5	May 25, 1999 ...	Appropriate HUD Homeownership Center (HOC).
CFDA No.: 14.169 OMB Approval No.: 2502–0261			
LEAD HAZARD CONTROL			
Lead-Based Paint Hazard Control Programs	62.5		
Lead-Based Paint Hazard Control Program	56	May 26, 1999 ...	Postal Service: HUD Headquarters, Office of Lead Hazard Control, Room P3206.
CFDA No.: 14.900 OMB Approval No.: pending			
Research to Improve Evaluation and Control of Residential Lead-Based Paint Hazards.	2.5	May 26, 1999 ...	Postal Service: HUD Headquarters, Office of Lead Hazard Control, Room P3206.
CFDA No.: 14.900 OMB Approval No.: 2529–0011			
Mold and Moisture Control in Inner City Housing	4	May 26, 1999 ...	Postal Service: HUD Headquarters, Office of Lead Hazard Control, Room P3206.
CFDA No.: 14.900 OMB Approval No.: pending			
PUBLIC AND INDIAN HOUSING REVITALIZATION AND DEMOLITION			
Revitalization and Demolition Programs	583		
Hope VI Revitalization Grants	523	May 27, 1999 ...	HUD Headquarters Room 4138 and copies to appropriate local HUD Field Office.
CFDA No.: 14.866 OMB Approval No.: 2577–0208			
HOPE VI Demolition Grants	60	July 29, 1999	HUD Headquarters Room 4138 and copies to appropriate local HUD Field Office.
CFDA No.: 14.866 OMB Approval No.: 2577–0208			
DRUG ELIMINATION IN PUBLIC AND ASSISTED HOUSING			
Drug Elimination Programs	289.30		
Public Housing Drug Elimination Program (including Youth Sports Eligible Activities).	242.75	June 16, 1999 ..	Appropriate local HUD Field Office or Area Office of Native American Programs.
CFDA No.: 14.854 OMB Control No.: 2577–0124			
Public Housing Drug Elimination New Approach (Formerly Safe Neighborhood Grant).	28.3	July 1, 1999	Appropriate local HUD Field Office or Area Office of Native American Programs.
CFDA No.: 14.854 OMB Control No.: 2577–0124			
Public Housing Drug Elimination TA	2	June 16, 1999 ..	HUD Headquarters Room 4206.
CFDA No.: 14.854 OMB Control No.: 2577–0124			
Drug Elimination Grants for Multifamily Low Income Housing.	16.25	June 16, 1999 ..	Appropriate local HUD Field Office or Area Office of Native American Programs.
CFDA No.: 14.193 OMB Approval No.: 2502–0476			
ECONOMIC DEVELOPMENT AND EMPOWERMENT			
Economic and Empowerment Programs	120		
Economic Development Initiative	35	June 11, 1999 ..	HUD Headquarters Room 7251 and copy to appropriate local HUD Field Office.

HUD FY 1999 SUPERNOFA FUNDING—Continued

[Dollars in millions]

Program name	Funding available	Due date	Submission location and room
CFDA No.: 14.246 OMB Approval No.: 2506–0153 Brownfields Economic Development Initiative	25	June 25, 1999	HUD Headquarters Room 7251 and copy to appropriate local HUD Field Office.
CFDA No.: 14.246 OMB Approval No.: 2506–0153 Self-Help Homeownership Opportunity Program (SHOP).	20	April 29, 1999	HUD Headquarters Room 7251.
CFDA No.: 14.247 OMB Approval No.: N/A Youthbuild	40	April 30, 1999	HUD Headquarters Room 7251 and copy to appropriate local HUD Field Office.
CFDA No.: 14.243 OMB Approval No.: 2508–0142			
TARGETED HOUSING AND HOMELESS ASSISTANCE			
Targeted Housing and Homeless Assistance Programs.	1,224.27		
Continuum of Care Homeless Assistance	750	June 2, 1999	HUD Headquarters Room 7270 and copies to appropriate local HUD Field Offices.
—Supportive Housing— CFDA No.: 14.235 —Shelter Plus Care—CFDA No.: 14.238 —Section 8 Moderate Rehabilitation—Single Room Occupancy (SRO) CFDA No.: 14.249 OMB Approval No.: 2506–0112			
Housing Opportunities for Persons with AIDS	22.27	June 2, 1999	HUD Headquarters Room 7251 and copies to appropriate local HUD Field Office.
CFDA No.: 14.241 OMB Approval No.: 2506–0133 Section 202 Supportive Housing for the Elderly	434.8	May 27, 1999	Appropriate local HUD Multifamily HUB or Multifamily Program Center.
CFDA No.: 14.157 OMB Approval No.: 2502–0267 Section 811 Supportive Housing for Persons with Disabilities. CFDA No.: 14.181 OMB Approval No.: 2502–0462	87.2	May 27, 1999	Appropriate local HUD Multifamily HUB or Multifamily Program Center.

Corrections and Clarifications Made by This Notice

This notice corrects the following editorial and technical errors that have been identified in various program sections of the FY 1999 SuperNOFA.

Fair Housing Initiative Program (FHIP). The FHIP program section of the SuperNOFA is corrected to provide that eligible applicants under the Joint Enforcement program Component also include Qualified Fair Housing Organizations (QFHOs) and Fair Housing Organizations (FHOs) with at least one year of experience in complaint intake, testing for fair housing violations, and meritorious claims. This correction is necessary to more accurately reflect the regulatory requirement that eligible fair housing enforcement organizations have at least one year's experience in enforcement-related activities.

Lead-Based Paint Hazard Control Program. The Lead-Based paint Hazard Control Program section is corrected to provide that State and Indian tribal governments must have submitted a Lead-based Paint Contractor Certification and Accreditation Program for EPA review and authorization at the time of application for grant funding. This correction ensures that State and Indian tribal governments have the maximum opportunity to compete for this grant program.

Section 202 Supportive Housing for the Elderly Program. This notice corrects the addresses for submitting applications under the Section 202 Supportive Housing for the Elderly Program. The notice also corrects the erroneous impression that the only condition for which an option agreement or contract for sale may be terminated is if the Sponsor is not awarded a fund reservation. It is HUD's intention that the purchaser is not required to exercise the option to close on the property if there are problems such as environmental defects, the site does not pass the inspection, or the appraisal is less than the purchase price.

Section 811 Supportive Housing for Persons with Disabilities Program. This notice corrects the addresses for submitting applications under the Section 811 Supportive Housing for Disabilities Program (the ''Section 811 Program''). Additionally, the notice corrects an inconsistency in the Section 811 Program section regarding project size for group homes assisted under this program. This notice also clarifies that at least 51% of a Sponsor's board must consist of persons with disabilities (including persons with disabilities similar to those of the prospective residents). The notice also corrects two

typographical errors regarding necessary application exhibits. This notice also adds the HUD-Grand Rapids Office to this list of local HUD offices identified in Appendix A to the Section 811 Program section of the SuperNOFA.

The notice also corrects the erroneous impression that the only condition for which an option agreement or contract for sale may be terminated is if the Sponsor is not awarded a fund reservation. It is HUD's intention that the purchaser is not required to exercise the option to close on the property if there are problems such as environmental defects, the site does not pass the inspection, or the appraisal is less than the purchase price.

Accordingly, in the SuperNOFA for Housing, Community Development, and Empowerment Programs, notice document 99–4476, beginning at 64 FR 9618, in the issue of Friday, February 26, 1999, the following corrections are made:

A. Fair Housing Initiatives Program (FHIP) Section, Beginning at 64 FR 9677

1. On page 9680, in the middle column, Section III(A)(2)(b) (captioned ''Eligible Applicants'') is corrected to read as follows:

(b) *Eligible Applicants.* If you are a QFHO or you are an FHO with at least one year of experience in complaint intake, complaint investigation, testing for fair housing violations, and enforcement of meritorious claims, you are eligible for funding under this component and may subcontract with other organizations to carry out Joint Enforcement Project Components. Subcontracts should be discussed in accordance with Rating Factor 3: Soundness of Approach.

B. Lead-Based Paint Hazard Control Program Section, Beginning at 64 FR 9699

1. On page 9702, in the first column, Section III(B)(5) s corrected to read as follows:

If you are a State government or an Indian Tribal government, you must have submitted a Lead-based Paint Contractor Certification and Accreditation Program for EPA review and authorization at the time of application for grant funding. It is not necessary to have completed the authorization process by the grant application submission deadline.

C. Section 202 Supportive Housing for the Elderly Program Section, Beginning at 64 FR 9845.

1. On page 9847, in the first column, under Section I (captioned ''Application Due Date, Application Kits, Further Information, and Technical Assistance), the first paragraph under the heading ''Address for Submitting Applications'' is corrected to read as follows:

Address for Submitting Applications. Submit your completed application (an original and four copies) to the Director of the appropriate Multifamily Hub Office or Multifamily Program Center as listed in Appendix A to the Section 811 program section of this SuperNOFA with the following exceptions:

1. Applications for projects proposed to be located within the jurisdiction of the Seattle, Washington and the Anchorage, Alaska Offices must be submitted to the Portland, Oregon Office.

2. Applications for projects proposed to be located within the jurisdiction of the Sacramento, California Office must be submitted to the San Francisco, California Office.

3. Applications for projects proposed to be located within the jurisdiction of the Cincinnati, Ohio Office must be submitted to the Columbus, Ohio Office.

2. On page 9857, in the middle column, the following sentence is added at the end of Section VI(B)(4)(d)(i)(*2*):

If the contract of sale requires closing of the purchase on a date earlier than the 202 closing, the applicant must escrow the amount of the purchase price.

3. On page 9857, in the middle column, the following sentence is added at the end of Section VI(B)(4)(d)(i)(*3*):

If renewal of the option agreement requires a payment or deposit for renewal, the applicant must escrow the amount of the payment or deposit.

4. On page 9857, in the third column, the following sentence is added at the end of Section VI(B)(4)(d)(i)(*5*), immediately preceding the undesignated paragraph captioned ''Note'':

If the contract of sale or the option agreement contain provisions that allow a Sponsor not to purchase the property for reasons such as environmental problems, failure of the site to pass inspection, or the appraisal is less than the purchase price, then such provisions are not objectionable and a Sponsor is allowed to terminate the contract for sale or the option agreement.

D. Section 811 Supportive Housing for Persons With Disabilities Program Section, beginning at 64 FR 9861

1. On page 9863, in the first column, under Section I (captioned ''Application Due Date, Application Kits, Further Information, and Technical Assistance''), the first paragraph under the heading ''Address for Submitting Applications'' is corrected to read as follows:

Address for Submitting Applications. Submit your completed application (an original and four copies) to the Director of the appropriate Multifamily Hub Office or Multifamily Program Center as listed in Appendix A to the Section 811 program section of this SuperNOFA with the following exceptions:

1. Applications for projects proposed to be located within the jurisdiction of the Seattle, Washington and the Anchorage, Alaska Offices must be submitted to the Portland, Oregon Office.

2. Applications for projects proposed to be located within the jurisdiction of the Sacramento, California Office must be submitted to the San Francisco, California Office.

3. Applications for projects proposed to be located within the jurisdiction of the Cincinnati, Ohio Office must be submitted to the Columbus, Ohio Office.

2. On page 9869, in the first column, the second to last sentence in Section III(B) (captioned ''Eligible Applicants'') is corrected to read as follows:

A single application for an independent living project must propose at least five units, not necessarily in one structure; and for a group home must propose to serve at least three persons with disabilities in one home.

3. On page 9870, in the middle column, under Section IV(E) (captioned ''Supportive Services'') the reference to ''Exhibit 4(d)'' in the undesignated introductory paragraph of that section is corrected to read ''Exhibit 4(e).''

4. On page 9871, in the first column, under Section V(A) (captioned ''Review for Curable Deficiencies''), the reference to ''(d)(i) Evidence of site control (if submitted with application)'' is removed.

5. On page 9872, in the third column, under ''Rating Factor 3: Soundness of Approach,'' paragraph (5) is corrected to read as follows:

(5) (5 points) Your board includes 51% persons with disabilities (including persons with disabilities similar to those of the prospective residents).

6. On page 9874, in the middle column, the following sentence is added at the end of Section VI(B)(4)(d)(i)(*1*)(*B*):

If the contract of sale requires closing of the purchase on a date earlier than the 811 closing, the applicant must escrow the amount of the purchase price.

7. On page 9874, in the middle column, the following sentence is added at the end of Section VI(B)(4)(d)(i)(*1*)(*C*):

If renewal of the option agreement requires a payment or deposit for renewal, the applicant must escrow the amount of the payment or deposit.

8. On page 9874, in the third column, the following sentence is added at the end of Section VI(B)(4)(d)(i)(*1*)(*E*) immediately preceding the undesignated paragraph captioned ''Note'':

If the contract of sale or the option agreement contain provisions that allow a Sponsor not to purchase the property for reasons such as environmental problems, failure of the site to pass inspection, or the

appraisal is less than the purchase price, then such provisions are not objectionable and a Sponsor is allowed to terminate the contract for sale or the option agreement.

9. On page 9878, in the middle column, under Appendix A—Local HUD Offices, the heading captioned ''HUD—Detroit'' is corrected to read ''HUD—Detroit Hub.''

10. On page 9878, under Appendix A—Local HUD Offices, the following address for the HUD-Grand Rapids Office is added immediately following the address for the HUD-Detroit Office under the heading ''HUD—Detroit Hub'':

Grand Rapids Office

Trade Center Building
50 Louis Street, NW, Third Floor
Grand Rapids, MI 49503–2648
(616) 456–2145
TTY Number: (616) 456–2159

Dated: April 22, 1999.

Saul N. Ramirez, Jr.,

Deputy Secretary.

[FR Doc. 99–10564 Filed 4–22–99; 4:46 pm]

BILLING CODE 4210–32–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WO–320–1330–01 24 1A]

OMB Approval Number 1004–0169; Notice of Proposed Information Collection

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice and request for comments.

SUMMARY: The Bureau of Land Management (BLM) announces its intention to request approval for the renewal of the collection of information annually from holders of unpatented mining claims concerning the use and occupancy of their claims. This collection has an Office of Management and Budget (OMB) clearance number of 1004–0169.

DATES: Comments must be received by June 28, 1999 to be assured of consideration.

ADDRESSES: You may mail comments to: Regulatory Affairs Group (WO–630), Bureau of Land Management, 1849 C St., N.W., Mail Stop 401 LS, Washington, D.C. 20240. You may send comments via Internet to: *WoComment@wo.blm.gov.* Please include ''ATTN: 1004–0169'' and your name and return address in your Internet message. You may hand-deliver comments to: Bureau of Land Management, 1620 L St., N.W., Room 401, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Richard E. Deery, (202) 452–0353.

SUPPLEMENTARY INFORMATION: Per 5 CFR 1320.8(d), BLM is required to provide 60-day notice in the **Federal Register** concerning a proposed collection of information to seek comments on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information 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.

In a final rule published in the **Federal Register** on July 16, 1996 (61 FR 37116), BLM established procedures for managing existing and future use and occupancy of mining claims on BLM–administered lands consistent with the General Mining Law (30 U.S.C. 612), and the Federal Land Policy and Management Act (43 U.S.C. 1733). Under the terms of the regulations, BLM has to acknowledge any newly proposed activity related to mining on public lands if the activity involves occupancy or fencing to exclude the public before the occupancy or fencing begins.

Anyone planning to occupy mining claims on public lands under the mining law has to submit the following information to BLM:

1. A detailed map that identifies the site and shows the place of temporary and permanent structures for occupancy, the location of and reason for the structures intended to exclude the public, and the location of reasonable public passage or access routes through or around the area adjacent to public lands;

2. A written description of the proposed occupancy that describes in detail how the proposed occupancy is reasonably incident and how the proposed occupancy meets the conditions specified in the regulations at 43 CFR 3715.2 and 3715.2–1; and

3. An estimate of the period of use of the structures used to exclude the public and a schedule for their removal and reclamation when operations end.

Submitting the information is required to obtain and keep a benefit, which is the use of the public lands open to mining under the mining law for occupancy reasonably incident to prospecting, mining, and processing operations. BLM estimates that the public reporting burden for this collection is 2 hours per response, including the time to read the instructions, gather the information, and report it to BLM. The respondents are mining claimants and operators of prospecting, exploration, mining, and processing operations. The annual number of respondents is estimated at 130 new claimants and 600 existing claimants, i.e., those that have claims and are just now beginning operations on those claims, for a total annual burden of 1,560 hours. The number of responses is one per operation.

You may review all comments received in response to this notice at the office address given in the **ADDRESSES** section of this notice. The comments will be available for inspection during regular business hours (7:45 am to 4:15 pm), Monday through Friday, excluding holidays. BLM will summarize all comments received and include them in the request for approval from OMB. All comments will become a matter of public record.

Dated: April 21, 1999.

Carole J. Smith,

BLM Information Clearance Officer.

[FR Doc. 99–10544 Filed 4–26–99; 8:45 am]

BILLING CODE 4310–84–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UT–020–09–1220–00]

Notice of Closure of Public Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of closure of public lands.

SUMMARY: Notice is hereby given that effective immediately, the public lands within Broad Hollow Unit, Kilgore Basin Unit, Meadows Unit, as legally described below, are seasonally closed from January 1 to April 30 to all motorized vehicle use. The purpose of this closure is to protect wildlife, including critical deer and sage grouse habitat. Exemptions to this closure will apply to administrative personnel of the Bureau of Land Management, BLM authorized permittees and Law Enforcement Personnel. Other exemptions to this closure order may be made on a case by case basis by the authorized officer. This seasonal closure will remain in effect until further notice.

LEGAL DESCRIPTION: This closure order applies to the following lands administered by the Bureau of Land Management, Salt Lake Field Office, within Box Elder County, Utah.

Broad Hollow Unit

T.14 N., R.16 W., SLBM
All public lands located in:
Sec. 8 and 9 south of the Upper Narrows Road,
Sec. 10 SW¼, S½S½SE¼,
Sec. 14 W½,
Sec. 17 east of the Upper Narrows Road, and
Sec. 20 E½, S½SW1/4.

Kilgore Basin Unit

T.9 N., R.18 W., SLBM
All public lands located in:
Sec. 6 south of Toms Cabin Road,
Sec. 8 west of the Old Grouse Creek Road,
Sec. 18,
Sec. 20 west of the Old Grouse Creek Road, and
Sec. 30 north of Cabin Springs Road.

T.10 N., R.18 W., SLBM
All public lands in
Sec. 30 located south of Toms Cabin Road.

T.9 N., R.19 W., SLBM
All public lands located in:
Sec. 4, 10, 12, 14, 24, 26,
Sec. 22 E½, E½NW¼, SW¼, and
all of Sec. 28 and 34 north of Cabin Springs Road.

T.10 N., R.19 W., SLBM
The following public lands west of Toms Cabin Road:
Sec. 28 E½, Lots 1–4, SE¼NW¼, E½SW¼,
Sec. 34 E½, E½W½, NW¼NW¼, W½SW¼.

Meadows Unit

T.11 N., R.16 W., SLBM
All of Sec. 22, 23, 26, 27, 28, 34, and
All of the public lands in Sec. 33 located north of the Ingham Pass County Road.

FOR FURTHER INFORMATION CONTACT: The Bureau of Land Management, Salt Lake Field Office, 2370 S. 2300 W., SLC, UT 84119, telephone (801)977–4300.

SUPPLEMENTARY INFORMATION: The authority for this closure is 43 CFR 8341.2 and 43 CFR 8364.1. Violations of this closure are punishable by a fine not to exceed $1,000 and/or imprisonment not to exceed 12 months as provided in 43 CFR 8360.0–7.

Glenn A. Carpenter,

Salt Lake Field Manager.

[FR Doc. 99–10531 Filed 4–26–99; 8:45 am]

BILLING CODE 4310–DQ–P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Extension of Public Comment Period for Draft General Management Plan/Environmental Impact Statement (DGMP/EIS) for Little River Canyon National Preserve, Alabama

SUMMARY: The original comments period ended on March 31. Several people have asked that we extend the comment period. We are happy to give everybody the opportunity to review and comment on the proposals in the plan.

DATES: We are extending the comment period to May 15, 1999.

ADDRESSES: Anyone wishing to send comments on the DGMP/EIS may do so to the following address: Superintendent, Little River Canyon National Preserve, 2141 Gault Avenue, North, Fort Payne, Alabama 359967.

SUPPLEMENTARY INFORMATION: We received very few comments during the original review period—even though we mailed the plan to over 450 people, prepared newsletters and news releases on the plan and held public meetings in both Fort Payne and Centre. It is not a large document, since we are not proposing much that is new, but we are happy to give everybody the opportunity to review and comment on the proposals.

Copies of the plan may be obtained by calling (256) 845–9605, and the plan is posted on the preserve's website at: www.nps.gov/liri.

Dated: April 20, 1999.

Daniel W. Brown,

Regional Director, Southeast Region.

[FR Doc. 99–10488 Filed 4–26–99; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Quarterly Status Report of Water Service and Repayment Contract Negotiations

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given of proposed contractual actions that are new, modified, discontinued, or completed since the last publication of this notice on January 22, 1999. The January 22, 1999, notice should be used as a reference point to identify changes. This notice is one of a variety of means used to inform the public about proposed contractual actions for capital recovery and management of project resources and facilities. Additional Bureau of Reclamation (Reclamation) announcements of individual contract actions may be published in the **Federal Register** and in newspapers of general circulation in the areas determined by Reclamation to be affected by the proposed action. Announcements may be in the form of news releases, legal notices, official letters, memorandums, or other forms of written material. Meetings, workshops, and/or hearings may also be used, as appropriate, to provide local publicity. The public participation procedures do not apply to proposed contracts for sale of surplus or interim irrigation water for a term of 1 year or less. Either of the contracting parties may invite the public to observe contract proceedings. All public participation procedures will be coordinated with those involved in complying with the National Environmental Policy Act.

ADDRESSES: The identity of the approving officer and other information pertaining to a specific contract proposal may be obtained by calling or writing the appropriate regional office at the address and telephone number given for each region in the supplementary information.

FOR FURTHER INFORMATION CONTACT: Alonzo Knapp, Manager, Reclamation Law, Contracts, and Repayment Office, Bureau of Reclamation, PO Box 25007, Denver, Colorado 80225–0007; telephone 303–445–2889.

SUPPLEMENTARY INFORMATION: Pursuant to section 226 of the Reclamation Reform Act of 1982 (96 Stat. 1273) and 43 CFR 426.20 of the rules and regulations published in 52 FR 11954, Apr. 13, 1987, Reclamation will publish notice of the proposed or amendatory contract actions for any contract for the delivery of project water for authorized uses in newspapers of general circulation in the affected area at least 60 days prior to contract execution. Pursuant to the ''Final Revised Public Participation Procedures'' for water resource-related contract negotiations, published in 47 FR 7763, Feb. 22, 1982, a tabulation is provided of all proposed contractual actions in each of the five Reclamation regions. Each proposed action is, or is expected to be, in some stage of the contract negotiation process in 1999. When contract negotiations are completed, and prior to execution, each proposed contract form must be approved by the Secretary of the Interior, or pursuant to delegated or redelegated authority, the Commissioner of Reclamation or one of the regional

directors. In some instances, congressional review and approval of a report, water rate, or other terms and conditions of the contract may be involved.

Public participation in and receipt of comments on contract proposals will be facilitated by adherence to the following procedures:

1. Only persons authorized to act on behalf of the contracting entities may negotiate the terms and conditions of a specific contract proposal.

2. Advance notice of meetings or hearings will be furnished to those parties that have made a timely written request for such notice to the appropriate regional or project office of Reclamation.

3. Written correspondence regarding proposed contracts may be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended.

4. Written comments on a proposed contract or contract action must be submitted to the appropriate regional officials at the locations and within the time limits set forth in the advance public notices.

5. All written comments received and testimony presented at any public hearings will be reviewed and summarized by the appropriate regional office for use by the contract approving authority.

6. Copies of specific proposed contracts may be obtained from the appropriate regional director or his designated public contact as they become available for review and comment.

7. In the event modifications are made in the form of a proposed contract, the appropriate regional director shall determine whether republication of the notice and/or extension of the comment period is necessary.

Factors considered in making such a determination shall include, but are not limited to: (i) The significance of the modification, and (ii) the degree of public interest which has been expressed over the course of the negotiations. As a minimum, the regional director shall furnish revised contracts to all parties who requested the contract in response to the initial public notice.

Acronym Definitions Used Herein

(BCP)—Boulder Canyon Project
(CAP)—Central Arizona Project
(CUP)—Central Utah Project
(CVP)—Central Valley Project
(CRSP)—Colorado River Storage Project
(D&MC)—Drainage and Minor Construction
(FR)—Federal Register
(IDD)—Irrigation and Drainage District
(ID)—Irrigation District
(M&I)—Municipal and Industrial
(NEPA)—National Environmental Policy Act
(O&M)—Operation and Maintenance
(P-SMBP)—Pick-Sloan Missouri Basin Program
(PPR)—Present Perfected Right
(RRA)—Reclamation Reform Act
(R&B)—Rehabilitation and Betterment
(SOD)—Safety of Dams
(SRPA)—Small Reclamation Projects Act
(WCUA)—Water Conservation and Utilization Act
(WD)—Water District

Pacific Northwest Region

Bureau of Reclamation, 1150 North Curtis Road, Suite 100, Boise, Idaho 83706–1234, telephone 208–378–5346.

The Pacific Northwest Region has no updates to report for this quarter. Please refer to the January 22, 1999, publication of this notice for current contract actions.

Mid-Pacific Region

Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825–1898, telephone 916–978–5250.

New Contract Actions

36. Contra Costa WD, CVP, California: Amend water service contract No. I75r–3401 for the purpose of renegotiating the provisions of contract Article 12, ''Water Shortage and Apportionment,'' to conform to current CVP M&I water shortage policy.

37. Plain View WD, CVP, California: Long-term Warren Act contract for conveyance of non-project water in the Delta-Mendota Canal.

38. City of Redding, CVP, California: Amend water contract No. 14–06–200–5272A for the purpose of renegotiating the provisions of contract Article 15, ''Water Shortage and Apportionment,'' to conform to current CVP M&I water shortage policy.

39. Tehama-Colusa Canal Authority, CVP, California: Amendment of existing long-term O&M agreement to also include the O&M of the Red Bluff Diversion Dam and related facilities.

Modified Contract Actions

2. Contractors from the American River Division, Buchanan Unit, Colusa Basin Drain, Cross Valley Canal, Delta Division, East Side Division, Friant Division, Hidden Unit, Sacramento River Division, San Felipe Division, Shasta Division, Trinity River Division, and West San Joaquin Division, CVP, California: Renewal of existing long-term and interim renewal water service contracts with contractors whose contracts expire between 2000 and 2001; water quantities for these contracts total in excess of 5.6M acre-feet. These contract actions will be accomplished through long-term renewal contracts pursuant to Public Law 102–575. Prior to completion of negotiation of long-term renewal contracts, existing interim renewal water service contracts may be renewed through successive interim renewal of contracts.

4. Sacramento River settlement contractors, CVP, California: Administrative policy for voluntary contract assignments which provides for repayment of O&M deficit(s), and payment by assignee of the CVP cost-of-service rate as determined in accordance with the current CVP ratesetting policy.

14. Mercy Springs WD, CVP, California: Assignment of District's water service contract to Pajaro Valley Water Management Agency. The assignment will provide for delivery of up to 13,300 acre-feet annually of water to the Agency from the CVP for agricultural purposes. Interim assignment up to 6,260 acre-feet of water annually to Westlands and Santa Clara Valley WDs until the Agency completes their water project.

17. M&T, Inc., Sacramento River Water Rights Contractors, CVP, California: A proposed exchange agreement with M&T, Inc., to take Butte Creek water rights water from the Sacramento River in exchange for CVP water to facilitate habitat restoration.

32. Tuolumne Utilities District (formerly Tuolumne Regional WD), CVP, California: Long-term water service contract for up to 9,000 acre-feet from New Melones Reservoir, and possibly long-term contract for storage of non-project water in New Melones Reservoir.

Discontinued Contract Actions

9. Mountain Gate Community Services District, CVP, California: Amendment of existing long-term water service contract to include right to renew. This amendment will also conform the contract to current Reclamation law, including Public Law 102–575.

25. Centerville Community Services District, CVP, California: A long-term supplemental repayment contract for reimbursement to the United States for conveyance costs associated with CVP water conveyed to Centerville.

Completed Contract Actions

16. Stony Creek WD, Black Butte Dam and Lake, Sacramento River Division,

CVP, California: Proposed amendment of Stony Creek Water District's water service contract, No. 2–07–20–W0261, to allow the Contractor to change from paying for all project water, whether used or not, to paying only for project water scheduled or delivered and to add another month to the irrigation period. Contract awarded January 13, 1999.

Lower Colorado Region

Bureau of Reclamation, PO Box 61470 (Nevada Highway and Park Street), Boulder City, Nevada 89006–1470, telephone 702–293–8536.

Modified Contract Actions

1. Milton and Jean Phillips, Cameron Brothers Construction Co., Ogram Farms, Bruce Church, Inc., and Sunkist Growers, Inc., BCP, Arizona: Water service contracts, as recommended by Arizona Department of Water Resources, with agricultural entities located near the Colorado River for up to 15,557 acre-feet per year total.

2. Arizona State Land Department, State of Arizona, BCP, Arizona: Contract for 6,607 acre-feet per year of Colorado River water for agricultural use and related purposes on State-owned land. Modified to include Kenneth or Ann Easterday and Robert E. Harp, Co., previously in item No. 1.

4. Brooke Water Co. and Havasu Water Co., BCP, Arizona: Contracts for additional M&I allocations of Colorado River water to entities located along the Colorado River in Arizona for up to 2,610 acre-feet per year as recommended by the Arizona Department of Water Resources.

Discontinued Contract Actions

1. Kenneth or Ann Easterday and Robert E. Harp, Co., BCP, Arizona: To be included in Arizona State Lands Department contract, item No. 2.

Completed Contract Actions

1. Clayton Farms, BCP, Arizona: Water service contract, as recommended by the Arizona Department of Water Resources. Completed as Raynor Ranches for Colorado River water for up to 4,500 acre-feet per year total.

4. Town of Quartzsite, BCP, Arizona: Contract for additional M&I allocation of Colorado River water to entities located along the Colorado River in Arizona for up to 1,070 acre-feet per year as recommended by the Arizona Department of Water Resources.

30. Mr. Robert H. Chesney, BCP, Arizona: Amend contract No. 5–07–30–W0321 to increase the cubic-foot-per-second diversion and facilitate the installation of a low-lift pump.

Upper Colorado Region

Bureau of Reclamation, 125 South State Street, Room 6107, Salt Lake City, Utah 84138–1102, telephone 801–524–4419.

New Contract Actions

18. Carlsbad ID, Carlsbad Project, New Mexico: Contract to provide for repayment of the District's 15 percent share of proposed modifications to Avalon Dam under the SOD program.

Modified Contract Actions

1(b) City of Page, Arizona, Glen Canyon Unit, CRSP, Arizona: Long-term contract for 1,000 acre-feet of water for municipal purposes.

1(c) LeChee Chapter of the Navajo Nation, Glen Canyon Unit, CRSP, Arizona: Long-term contract for 1,000 acre-feet of water for municipal purposes.

13. Public Service Company of New Mexico, Navajo Unit, CRSP, New Mexico: New water service contract for diversion of 16,700 acre-feet, not to exceed a depletion of 16,200 acre-feet of project water for cooling purposes for a steam electric generation plant.

Completed Contract Actions

6. Carlsbad ID, Carlsbad Project, New Mexico: Multi-year contract to allow the District to lease water to the New Mexico Interstate Stream Commission to fulfill New Mexico's water obligation to Texas under Supreme Court's Amended Decree in *Texas* v. *New Mexico* 485 U.S. 288(1988).

Great Plains Region

Bureau of Reclamation, PO Box 36900, Federal Building, 316 North 26th Street, Billings, Montana 59107–6900, telephone 406–247–7730.

New Contract Actions

37. Fort Shaw and Greenfields IDs, Sun River Project, Montana: Contract for additional SOD costs for repairs to Willow Creek Dam. In the process of preparing basis of negotiation for Greenfields ID.

38. Green Mountain Project, Colorado: Reclamation is currently developing a contract for surplus HUP water for municipal/recreational purposes in the Grand Valley. This contract is to benefit the endangered fish recovery.

Modified Contract Actions

3. Ruedi Reservoir, Fryingpan-Arkansas Project, Colorado: Second round water sales from the regulatory capacity of Ruedi Reservoir. Water service and repayment contracts for up to 17,000 acre-feet annually for M&I use; contract with Colorado Water Conservation Board and the U.S. Fish and Wildlife Service for 21,650 acre-feet for endangered fishes.

32. Savage ID, P-SMBP, Montana: Negotiating a long-term irrigation contract.

36. Fryingpan-Arkansas Project, Colorado: This contract action amends contract No. 9–07–70–W099 with Busk-Ivanhoe, Inc.

Discontinued Contract Actions

30. Public Service Company of Colorado: Agreement to furnish surplus water from the historic users pool at Green Mountain Reservoir for the purpose of generating hydroelectric power at the Grand Valley Powerplant, Palisades, Colorado.

Dated: April 20, 1999.

Wayne O. Deason,

Deputy Director, Program Analysis Office.

[FR Doc. 99–10470 Filed 4–26–99; 8:45 am]

BILLING CODE 4310–94–P

INTERNATIONAL TRADE COMMISSION

[Investigation 332–406]

Overview and Analysis of the Economic Impact of U.S. Sanctions With Respect to India and Pakistan

AGENCY: United States International Trade Commission.

ACTION: Institution of investigation, scheduling of public hearing, and notice of opportunity to submit comments.

EFFECTIVE DATE: April 16, 1999.

SUMMARY: Following receipt on March 19, 1999, of a request under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)) from the Committee on Ways and Means (the Committee) of the U.S. House of Representatives, the U.S. International Trade Commission (the Commission) instituted investigation No. 332–406, Overview and Analysis of the Economic Impact of U.S. Sanctions With Respect to India and Pakistan. The Commission plans to submit its report to the Committee by September 17, 1999.

FOR FURTHER INFORMATION CONTACT: Information on economic aspects may be obtained from James Stamps, Office of Economics (202–205–3227 or e-mail to jstamps@usitc.gov); industry aspects, from Scott Ki, Office of Industries (202–205–2160); and legal aspects, from William Gearhart, Office of the General Counsel (202–205–3091). The media should contact Margaret O'Laughlin, Office of External Relations (202–205–1819). Hearing impaired individuals are advised that information on this matter

can be obtained by contacting the TDD terminal on (202–205–1810).

BACKGROUND: In its letter, the Committee noted that the President imposed economic sanctions on India and Pakistan in May 1998 under section 102 of the Arms Export Control Act (''Glenn Amendment''), which was enacted in 1994 (22 U.S.C. 2799aa(b)-1); U.S. economic sanctions were imposed automatically once the President determined that India and Pakistan had detonated nuclear explosive devices. In July 1998, Congress passed section 902 of the India-Pakistan Relief Act of 1998 (Pub. L. 105–277), which authorized the President to waive application of U.S. sanctions on India and Pakistan. On December 1, 1998, the President waived the India and Pakistan sanctions, after determining that such a waiver would increase the likelihood of progress toward U.S. nuclear non-proliferation objectives (Presidential Determination No. 99–7). By law, the President's waiver authority ends on October 21, 1999.

In anticipation of Congressional action during 1999 on sanctions reform legislation and consideration of possible renewal of section 902 of the India-Pakistan Relief Act, the Committee requested that the Commission complete a report by September 17, 1999, providing an overview and analysis of the economic impact of U.S. sanctions policy with respect to India and Pakistan. The Committee specifically requested that the Commission's report:

(1) Identify U.S. industries, including U.S. agricultural commodities, which were affected by economic sanctions on India and Pakistan under sec. 102 of the Arms Export Control Act, and the impact on each industry;

(2) Analyze, to the extent data are available, the economic impact of U.S. sanctions on U.S. exports, U.S. imports, jobs, consumers, and investment in the affected industries;

(3) Assess the likely economic impact on the United States if U.S. economic sanctions against India and Pakistan are re-imposed, including the U.S. products and sectors which would be significantly affected, the availability of alternative foreign suppliers for leading U.S. exports, and the likely impact of U.S. sanctions on the reputation of the United States as a reliable supplier of food, technology, other products, and on U.S. competitiveness in the affected industries;

(4) Assess the impact of the reimposition of U.S. economic sanctions against India and Pakistan on U.S. agriculture, including the likelihood of retaliation, the specific commodities most likely to be affected, potential alternative foreign suppliers, the likely impact on the incomes of U.S. agricultural producers, and the likely impact on the U.S. reputation as a reliable supplier of agricultural commodities;

(5) Analyze the likely impact of unilateral U.S. economic sanctions on the Indian and Pakistani economies; and

(6) Summarize the instances where U.S. sanctions have affected humanitarian activities as well as the activities of multinational institutions in India and Pakistan.

Public Hearing

A public hearing in connection with this investigation will be held in the Commission Hearing Room, 500 E Street, SW, Washington, DC 20436, beginning at 9:30 a.m. on June 22, 1999 (and continuing on June 23, 1999, if necessary). All persons will have the right to appear, by counsel or in person, to present information and to be heard. Requests to appear at the public hearing should be filed in writing with the Secretary, United States International Trade Commission, 500 E Street, SW, Washington, DC 20436, no later than 5:15 p.m. on June 8, 1999. Persons testifying at the hearing are encouraged to file prehearing briefs or statements; the deadline for filing such briefs or statements (a signed original and 14 copies) is no later than 5:15 p.m. on June 8, 1999. The deadline for filing posthearing briefs or statements is 5:15 p.m. on July 6, 1999. Any confidential business information included in such briefs or statements or to be submitted at the hearing must be submitted in accordance with the procedures set forth in section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). In the event that, as of 5:15 p.m. on June 8, 1999, no witnesses have filed a request to appear at the hearing, the hearing will be canceled. Any person interested in attending the hearing as an observer or non-participant may call the Secretary to the Commission (202–205–1806) after June 8, 1999, to determine whether the hearing will be held.

Written Submissions

In lieu of or in addition to participating in the hearing, interested persons are invited to submit written statements concerning the matters to be addressed in the report. Commercial or financial information that a party desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked ''Confidential Business Information'' at the top. All submissions requesting confidential treatment must conform with the requirements of section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons in the Office of the Secretary to the Commission. To be assured of consideration by the Commission, written statements relating to the Commission's report should be submitted at the earliest practical date and should be received not later than COB July 6, 1999. All submissions should be addressed to the Secretary, United Sates International Trade Commission, 500 E Street SW, Washington, DC 20436. The Commission's rules do not authorize filing submissions with the Secretary by facsimile or electronic means.

Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (http://www.usitc.gov).

Issued: April 19, 1999.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 99–10536 Filed 4–26–99; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 701–TA–383 (Final)]

Elastic Rubber Tape From India

AGENCY: United States International Trade Commission.

ACTION: Termination of investigation.

SUMMARY: On April 19, 1999, the Department of Commerce published notice in the **Federal Register** of a negative final determination of subsidies in connection with the subject investigation (64 FR 19125). Accordingly, pursuant to § 207.40(a) of the Commission's Rules of Practice and Procedure (19 CFR 207.40(a)), the Commission's countervailing duty investigation concerning elastic rubber tape from India (investigation No. 701–TA–383 (Final)) is terminated.

EFFECTIVE DATE: April 19, 1999.

FOR FURTHER INFORMATION CONTACT: Charles Yost (202–205–3432), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-

impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (http://www.usitc.gov).

Authority: This investigation is being terminated under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 201.10 of the Commission's rules (19 CFR 201.10).

Issued: April 20, 1999.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 99–10537 Filed 4–26–99; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–805 (Final)]

In the Matter of Elastic Rubber Tape From India; Notice of Commission Determination to Conduct a Portion of the Hearing in Camera

AGENCY: U.S. International Trade Commission.

ACTION: Closure of a portion of a Commission hearing to the public.

SUMMARY: Upon request of respondents Garware Elastomerics Limited and Elastomer, Inc. (collectively ''Respondents''), the Commission has determined to conduct a portion of its hearing in the above-captioned investigation scheduled for April 20, 1999, in camera. See Commission rules 207.24(d), 201.13(m) and 201.36(b)(4) (19 CFR 207.24(d), 201.13(m) and 201.36(b)(4)). The remainder of the hearing will be open to the public. The Commission has determined that the seven-day advance notice of the change to a meeting was not possible. See Commission rule 201.35(a), (c)(1) (19 CFR 201.35(a), (c)(1)).

FOR FURTHER INFORMATION CONTACT: Michael Diehl, Office of General Counsel, U.S. International Trade Commission, 500 E Street, SW, Washington, DC 20436, telephone 202–205–3095, e-mail mdiehl@usitc.gov. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Commission's TDD terminal on 202–205–1810.

SUPPLEMENTARY INFORMATION: The Commission believes that Respondents have justified the need for a closed session. Respondents seek a closed session to allow purchasers to fully discuss their experiences with domestic producers and to allow testimony regarding the effects of the subject imports on the domestic producers of elastic rubber tape. Because such discussions will necessitate disclosure of business proprietary information (BPI), they can only occur if a portion of the hearing is held in camera. In making this decision, the Commission nevertheless reaffirms its belief that whenever possible its business should be conducted in public.

The hearing will include the usual public presentations by petitioners and by Respondents, with questions from the Commission. In addition, the hearing will include an in camera session for a confidential presentation by Respondents and for questions from the Commission relating to the BPI, followed by an in camera rebuttal presentation by petitioners. For any in camera session the room will be cleared of all persons except those who have been granted access to BPI under a Commission administrative protective order (APO) and are included on the Commission's APO service list in this investigation. See 19 CFR 201.35(b)(1), (2). The time for the parties' presentations and rebuttals in the in camera session will be taken from their respective overall allotments for the hearing. All persons planning to attend the in camera portions of the hearing should be prepared to present proper identification.

Authority: The General Counsel has certified, pursuant to Commission Rule 201.39 (19 CFR 201.39) that, in her opinion, a portion of the Commission's hearing in Elastic Rubber Tape from India, Inv. No. 731–TA–805 (Final), may be closed to the public to prevent the disclosure of BPI.

Issued: April 20, 1999.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 99–10538 Filed 4–26–99; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–418]

In the Matter of Certain Rodent Bait Stations and Components Thereof; Notice of Commission Determination Not To Review an Initial Determination Terminating the Investigation Based on Withdrawal of the Complaint

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the initial determination (ID) of the presiding administrative law judge (ALJ) terminating the above-captioned investigation without prejudice on the basis of complainant's withdrawal of its complaint.

FOR FURTHER INFORMATION CONTACT: Jean Jackson, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–205–3104. Hearing-impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. General information concerning the Commission may also be obtained by accessing its Internet server (http://www.usitc.gov).

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on January 25, 1999 (64 FR 3716) based on a complaint filed by Bell Laboratories, Inc. (Bell), of Madison, Wisconsin. Aegis Research Ltd. of the United Kingdom and Aegis Research Ltd., U.S. of Delaware (collectively, Aegis) were named as respondents.

On February 26, 1999, Bell and Aegis filed a joint motion to terminate the investigation based on withdrawal of the complaint without prejudice. The Commission investigative attorney supported the joint motion on March 1, 1999. On March 16, 1999, the ALJ issued an ID granting the motion and terminating the investigation without prejudice. No petitions for review of the ID were filed.

This action is taken under the authority of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, and Commission rules 210.42(h), 19 CFR 210.42(h).

Copies of the public version of the ALJ's ID, and all other nonconfidential documents filed in connection with this investigation, are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S.

International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone 202–205–2000.

Issued: April 19, 1999.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 99–10535 Filed 4–26–99; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 701–TA–378 (Final)]

Certain Stainless Steel Plate From Korea

AGENCY: United States International Trade Commission.

ACTION: Termination of investigation.

SUMMARY: On March 31, 1999, the Department of Commerce published notice in the **Federal Register** of a negative final determination of countervailable subsidies in connection with the subject investigation (64 FR 15530). Accordingly, pursuant to § 207.40(a) of the Commission's Rules of Practice and Procedure (19 CFR 207.40(a)), the countervailing duty investigation concerning certain stainless steel plate from Korea (investigation No. 701–TA–378 (Final)) is terminated.

EFFECTIVE DATE: March 31, 1999.

FOR FURTHER INFORMATION CONTACT: Woodley Timberlake (202–205–3188), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (http://www.usitc.gov).

Authority: This investigation is being terminated under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 201.10 of the Commission's rules (19 CFR 201.10).

Issued: April 22, 1999.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 99–10539 Filed 4–26–99; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importation of Controlled Substances; Notice of Application

Pursuant to Section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(i)), the Attorney General shall, prior to issuing a registration under this Section to a bulk manufacturer of a controlled substance in Schedule I or II and prior to issuing a regulation under Section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with Section 1301.34 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on January 21, 1999, Mallinckrodt Chemical, Inc., Mallinckrodt & Second Streets, St. Louis, Missouri 63147, made application by renewal of the Drug Enforcement Administration to be registered as an importer of the basic classes of controlled substances listed below:

Drug	Schedule
Phenylacetone (8501)	II
Coca Leaves (9040)	II
Opium, raw (9600)	II
Opium poppy (9650)	II
Poppy Straw Concentrate (9670)	II

The firm plans to import the listed controlled substances to manufacture bulk finished products.

Any manufacturer holding, or applying for, registration as a bulk manufacturer of this basic class of controlled substance may file written comments on or objections to the application described above and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.43 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than (30 days from publication).

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1301.34(b), (c), (d), (e), and (f). As noted in a previous notice at 40 FR 43745–46 (September 23, 1975), all applicants for registration to import a basic class of any controlled substance in Schedule I or II are and will continue to be required to demonstrate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1301.34(a), (b), (c), (d), (e), and (f) are satisfied.

Dated: April 12, 1999.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 99–10511 Filed 4–26–99; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances Notice of Application

Pursuant to Section 1301.33(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on January 25, 1999, Stepan Company, Natural Products Department, 100 W. Hunter Avenue, Maywood, New Jersey 07607, made application by renewal to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Cocaine (9041)	II
Benzoylecgonine (9180)	II

The firm plans to manufacture bulk controlled substances for distribution to its customers.

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the proposed registration.

Any such comments or objections may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than (60 days from publication).

Dated: April 12, 1999.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 99–10512 Filed 4–20–99; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importation of Controlled Substances Notice of Application

Pursuant to Section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(i)), the Attorney General shall, prior to issuing a registration under this Section to a bulk manufacturer of a controlled substance in Schedule I or II and prior to issuing a regulation under Section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with Section 1301.34 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on January 25, 1999, Stepan Company, Natural Products Department, 100 W. Hunter Avenue, Maywood, New Jersey 07607, made application by renewal to the Drug Enforcement Administration to be registered as an importer of coca leaves (9040) a basic class of controlled substance in Schedule II.

The firm plans to import coca leaves to manufacture bulk controlled substance.

Any manufacturer holding, or applying for, registration as a bulk manufacturer of this basic class of controlled substance may file written comments on or objections to the application described above and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.43 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections, or requests for a hearing may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, D.C. 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than (30 days from publication).

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1301.34(b), (c), (d), (e), and (f). As noted in a previous notice at 40 FR 43745–46 (September 23, 1975), all applicants for registration to import a basic class of any controlled substance in Schedule I or II are and will continue to be required to demonstrate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1301.34(a), (b), (c), (d), (e), and (f) are satisfied.

Dated: April 9, 1999.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 99–10513 Filed 4–26–99; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Parole Commission

Sunshine Act Meeting; Record of Vote of Meeting Closure (Public Law 94–409) (5 U.S.C. Sec. 552b)

I, Michael J. Gaines, Chairman of the United States Parole Commission, was present at a meeting of said Commission which started at approximately nine-thirty a.m. on Wednesday, April 14, 1999, at the Friendship Heights Village Center, 4433 South Park Avenue, Chevy Chase, Maryland 20815. The purpose of the meeting was to decide six appeals from the National Commissioners' decisions pursuant to 28 C.F.R. Section 2.27. Three Commissioners were present, constituting a quorum when the vote to close the meeting was submitted.

Public announcement further describing the subject matter of the meeting and certifications of General Counsel that this meeting may be closed by vote of the Commissioners present were submitted to the Commissioners prior to the conduct of any other business. Upon motion duly made, seconded, and carried, the following Commissioners voted that the meeting be closed; Michael J. Gaines, Edward F. Reilly, Jr., and John R. Simpson.

IN WITNESS WHEREOF, I make this official record of the vote taken to close this meeting and authorize this record to be made available to the public.

Dated: April 22, 1999.

Michael J. Gaines,

Chairman, U.S. Parole Commission.

[FR Doc. 99–10615 Filed 4–23–99; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and NAFTA Transitional Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) issued during the period of February and March, 1999.

In order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations for Worker Adjustment Assistance

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–35,319; Simpson Pasadena Paper Co., Pasadena, TX

TA–W–35,391; IRC, Inc., Boone, NC

TA–W–35,406; American London-Norwood, Inc., Norwood, MA

TA–W–35,365; Premier Refractories, Inc., Snow Shoe, PA

TA–W–35,572; Don-Nan Pump & Supply Co., Inc., Midland, TX

TA–W–35,325; Charles Bluestone Co., Elizabeth, NJ

TA–W–35,749; Regal Ware, Inc., Kewaskum, WI

TA–W–35,601; Quality Chemicals, Inc., Tyrone, PA

TA–W–35,684; Quaker State Corp., Irving, TX

TA–W–35,732; Westvaco Luke Mill, Luke, MD

TA–W–35,425; Auburn International, Danvers, MA

TA–W–35,726; Ponderosa Fibers of Pennsylvania, Northampton, PA

TA–W–35,535; American Silicon Technologies, Rock Island, WA
TA–W–35,544 & A; Philips Services, Plant #62, Canton, OH and Philips Services, Non-Ferrous, Canton, OH

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

TA–W–35,772; Battle Mountain Welding, Battle Mountain, NV
TA–W–35,738; Red Man Pipe and Supply Co., Roosevelt, UT
TA–W–35,468; Wilson Sporting Goods Co., Sparta, TN
TA–W–35,960; Columbia Sportswear Co., Quality Audit Dept at the Distribution Center, Portland, OR
TA–W–35,861; Continental EMSCO, Hobbs, NM
TA–W–35,596; Bill Kaiser Co., Kansas City, MO
TA–W–35,736; Diamond Resources, Inc., Williston, ND
TA–W–35,715; Gulf Canada Resources Limited, Denver, CO
TA–W–35,810; 4-Way Trucking, Hays, KS
TA–W–35,737; Weatherford International, Inc., Williston, ND
TA–W–35,814 & A; Fairfield Southern Railroad, A Wholly Owned Subsidiary of Birmingham Southern, Fairfield, AL and Birmingham Southern Car Shop, Ensley, AL
TA–W–35,791; Keystone Stihl, Inc., Mifflintown, PA
TA–W–35,571; Double EE Service, Inc., Williston, ND
TA–W–35,787; RR Donnelley & Sons, Fulfillment & Distribution Div., Dunmore, PA
TA–W–35,455; Hughes Christensen, Research & Development Group, Salt Lake City, UT

The workers firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–35,437; US Can Co., Green Bay, WI
TA–W–35,502; AII Technologies, El Paso, TX
TA–W–35,514; Sun Apparel of Texas, Ltd., Armour Plant Cutting Room, El Paso, TX
TA–W–35,532; The Boeing Co., Monrovia, CA
TA–W–35,575; Jamesbury, Inc., El Paso Distribution Center, El Paso, TX
TA–W–35,855; Puget Plastics Corp., Tualatin, OR
TA–W–35,385; Rainbow Piece Dye, Fair Lawn, NJ
TA–W–35,441; Parker Technology LLC, Odessa, TX
TA–W–35,231; Cyprus Thompson Creek Mining Co., Challis, ID
TA–W–35,908; Block Drug Co., Inc., South Brunswick, NJ
TA–W–35,358; Alumax E.M.P., Bentonville, AR
TA–W–35,355; Spokane Wire Shop, Spokane, WA
TA–W–35,360; Koch Label Co L.L.C., Evansville, IN
TA–W–35,339, A, B, C, D; Garden State Tanning, Inc., Headquartered in King of Prussia, PA, Fleetwood, PA, Reading, PA Williamsport, MD and Adrian, MI
TA–W–35,335; New Holland North American, Inc., Belleville, PA
TA–W–35,632; Thomas & Betts Elastimold, Hackettstown, NJ
TA–W–35,757; Vanport Manufacturing, Inc., Boring, OR
TA–W–35,447; JPM Co of South Carolina, Winnsboro, SC
TA–W–35,288; Johns Manville Co., East Stroudsburg, PA
TA–W–35,224; Betzdearborn, Inc., Lake Zurich, IL
TA–W–35,669; Pathway Bellows, Oak Ridge, TN
TA–W–35,588; Ouebecor Printing Glen Burnie, MD
TA–W–35,461; 84 Mining Co., Eighty Four, PA
TA–W–35,494; Philips Lighting Co., Lewiston, ME
TA–W–35,639; Louisiana Pacific Corp., Saw and Planer Mill, Lockhart, AL
TA–W–35,677; Schuykill Haven Bleach & Dye Works, Inc., Schuykill Haven, PA
TA–W–35,610; Golden Cat Div. of Ralston Purina, Now Known as Ralston Purina, Gold Products Div., Olmsted, IL
TA–W–35,449 A & B; ARCO, d/b/a/ Arco International Oil and Gas Co (AIOGC), Plano, TX, & ARCO, d/b/a Arco Exploration and Production Technology (AEPT), Plano, TX & ARCO, d/b/a Arco International Services, Inc., (AISI), Plano, TX
TA–W–35,638; Northwest Stamping & Precision, Eugene, OR
TA–W–35,667; Federal Mogul Corp., Friction Products, New Castle, IN
TA–W–35,386; Tavernon Engraving, Patterson, NJ
TA–W–35,480; Florida Coast Paper Co L.L.C., Port St. Joe, FL
TA–W–35,859; Heckett Multiserv, A Div. of Harsco Corp., Slippery Rock, PA
TA–W–35,580; United Technologies Automotive, ESA Div., Brownsville, TX
TA–W–35,495; Intel Corp., PCSM Group, DuPont, WA
TA–W–35,628; Western Gas Resources, Inc., Denver, CO & Operating in the Following Locations: A; Ringwood, OK, B; Houston, TX and C; West TX
TA–W–35,591; Crown Cork and Seal Co., Inc., Omaha, NE
TA–W–35,723; Litton Applied Technology (ATD), Grants Pass, OR
TA–W–35,573; De La Rue Cash Systems, Inc., Bensalem, PA
TA–W–35,852 & A; Reading Anthracite Co., Pottsville, PA & Operating in The State of Pennsylvania
TA–W–35,679; Tektronix, Inc., Bend, OR
TA–W–35,754; Shasta, Inc., Monaca, PA

Increased imports did not contribute importantly to worker separations at the firm.

TA–W–35,694; Inland Paperboard & Packaging, Inc., Orange, TX
TA–W–35,366; Bellwether Performance Apparel Co., San Francisco, CA
TA–W–35,527; Goss Graphic Systems, Inc., (Formerly Rockwell International, Graphics Div.), Cedar Rapids, IA

The investigation revealed that criteria (2) and criteria (3) have not been met. Sales or production did not decline during the relevant period as required for certification. Increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have not contributed importantly to the separations or threat thereof, and the absolute decline in sales or production.

TA–W–35,651; A&E Machine Shop, Inc., Long Star, TX
TA–W–35,556; GE Fanuc Automation, Charlottesville, VA
TA–W–35,414; Baker Oil Tools, Baker Hughes, Inc., Headquartered in Houston, TX & Operating in the Following States: A; AR, B; CA, C; IL, D; KS, E; LA, F; MS, G; MO, H; NM, I; ND, J; OK, K; PA, L; TN, M; WY

The investigation revealed that criteria (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA–W–35,805; Operators & Consulting Service, Inc., Lafayette, LA
TA–W–35,377; Wheeling-Pittsburgh Steel Corp., Allenport Plant, Allenport, PA

The investigation revealed that criteria (1) has not been met. A significant number or proportion of the workers did not become totally or partially separated from employment as required for certification.

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued; the date following the company name and location of each

determination references the impact date for all workers of such determination.

TA–W–35,574; Permian Anchors, Inc., Odessa, TX: January 18, 1998
TA–W–35,547; UCAR Carbon Co., Inc., Columbia, TN: Janaury 9, 1998
TA–W–35,577; Fruit of The Loom, Leesburg Yarn Mills, Union Underwear, Leesburg, AL: January 11, 1998
TA–W–35,486 A&B; Key Energy Service, Rocky Mount Div., Williston, ND & Operating at Various Locations in The States of A; ND, and B; MT: December 23, 1997
TA–W–35,330; Ausco Products, Inc., Benton Harbor, MI: November 23, 1997
TA–W–35,426; Federal Mogul Ignition Products (Formery Known as Cooper Automotive Co.), Burlington, IA: November 30, 1997
TA–W–35,369; France Sports Manufacturing L.L.C., Goldendale, WA: December 3, 1997
TA–W–35,484; Jensen & Robinson Construction, Inc., dba J&R Construction, Inc., Roosevelt, UT: December 30, 1997
TA–W–35,279; Fox Point Sportswear, Inc., Wynne, AR: November 10, 1997
TA–W–35,267; Delta Apparel Co., Decatur, TN; October 28, 1997
TA–W–35,504 & A; Lanier Clothes, Press and Finishing Dept., Greenville, GA and Fayette, AL: December 16, 1997
TA–W–35,584; Femsco Industries, San Angelo, TX: January 21, 1998
TA–W–35,531; Weaver Service, Inc., dba WSI Cased Hole Specialist, Snyder, TX: January 6, 1998
TA–W–35,266; Perry Manufacturing Co., Mt Airy, NC: November 28, 1997
TA–W–35,390; Jaunty Textile, A Div. of Advanced Textile Composites, Inc., Scranton, PA: October 1, 1998
TA–W–35,540 & A: Flowline Div., New Castle, PA and Whiteville, NC: January 6, 1998
TA–W–35,090; Mead Paper Corp., Rumford, ME: October 5, 1997
TA–W–35,190; Highlander Apparel, Inc., Carthage, TN: October 26, 1997
TA–W–35,212; Herald Handbag Manufacturing Co., New York, NY: May 17, 1998
TA–W–35,528; BP Exploration, Anchorage, AK: August 27, 1998
TA–W–35,405; Snyder Oil Corp., Headquartered in Fort Worth, TX & Operating Throughout TX: February 3, 1998
TA–W–35,496; Clevenger Industries, Inc., Marion, NC: January 5, 1998
TA–W–35,296; Carbide/Graphite Group, Inc., St. Marys, PA: November 13, 1997
TA–W–35,464; Trimfoot Co., Farmington, MO: December 28, 1997
TA–W–35,538; Funk's Oil Field Service Co., Kincaid, TX: January 9, 1998
TA–W–35,603; Midwestern Mud Service, Wichita Falls, TX: January 25, 1998
TA–W–35,293; Saint Gobain Co/ Carborundum Corp., Keasbey, NJ: November 19, 1997
TA–W–35,342; Co-Steel Raritan, Perth Amboy, NJ: November 28, 1997
TA–W–35,153; Tiger Accessories, Inc., Bay Shore, NY: October 9, 1997
TA–W–35,312; Best Manufacturing, Cuthbert, GA: November 17, 1997
TA–W–35,209; J.E. Morgan Knitting Mills, Inc., New Market, VA, & Operating at the Following Other Locations: A; Mt. Jackson, VA, B; Temaqua, PA, C; Valley View, PA, D; Tower City, PA and E; Williamstown, PA: October 2, 1997
TA–W–35,301; Sharpsville Quality Products, Inc., Sharpsville, PA: November 19, 1997
TA–W–35,470; General Electric Co., Industrial Systems Div., Mebane, NC: December 17, 1997
TA–W–35, 564; Guilford Mills, Inc., Sheet Dept., Herkimer, NY: December 14, 1997
TA–W–35, 309; Amoco Exploration & Production and Amoco Shared Services, Headquartered in Houston, TX & Operating at Various Locations in The Following States: A; AL, B; AR, C; CA, D; Co, E; FL, F; IL, G; KS, H; LA, I; MA, J; MI, K; MS, L; MO, M; NM, N; OK, O; TX, P; WY: September 30, 1998
TA–W–35, 395; Kentucky Textiles West, Inc., Checotah, OK: December 7, 1997
TA–W–35, 529; Russell Engine Service, Inc., Russell, KS: December 29, 1997
TA–W–35, 431; Premier Sportswear, Inc., Fall River, MA: December 14, 1997
TA–W–35, 650; Donnkenny Apparel, Inc. West Hempstead Plant, West Hempstead, NY: January 29, 1998
TA–W–35, 750; Cross Creek Apparel, Inc., Mt Airy, NC: January 22, 1998
TA–W–35, 554 & A; Lynx Petroleum Consultants, Inc., Hobbs, NM and Capitan Chemicals, Inc., Hobbs, NM & Operating at Various Locations in the State of NM: January 13, 1998
TA–W–35, 663; Baker Hughes Inteq. Headquartered in Houston, TX & Operating at Various Locations in The Following States: A; AK, B; CA, C; CO, D; LA, E; OK, F; TX, G; WY: February 2, 1998
TA–W–35, 515; U.S. Foam Co., Carlsbad, CA: December 16, 1997
TA–W–35, 827; Pennant Service Co., Denver CO and A; UT, B; WY, February 23, 1998
TA–W–35, 613; Conoco, Inc., US Exploration & Production and Operating in The Following States: A; TX, B; NM, C; OK, D; LA, E; ND: September 27, 1998
TA–W–35, 770; International Steel Wool Corp., Springfield, OH: February 24, 1998
TA–W–35, 536; Fourmost Garment, Inc., Bristol, VA: Janaury 8, 1998
TA–W–35, 764; Mike Byrd Casing Crews, Inc. (Formerly MBCC, Inc. TX), Odessa, TX: February 17, 1998
TA–W–35, 780; Premiumwear, Inc., Firmont, NC: February 18, 1998
TA–W–35, 597; Three Star Drilling & Producing Corp. Headquartered in Sumner, IL & Operating Throughout the State of IL: Janaury 19, 1998
TA–W–35, 713; Crete Oil Co., Inc., Crete, IL and Robinson, IL & Operating Throughout The State of IL: February 17, 1998
TA–W–35, 751; Baker Hughes Centrilift, Cody, WY: February 4, 1998
TA–W–35,642; Atlas Copco Compressors, Inc., Holyoke, MA: January 13, 1998
TA–W–35,419; Graphic Packaging Corp., Div. Of Flexible Packaging, Franklin, OH: November 28, 1997
TA–W–35,543; Sanyo Audio Manufacturing (USA), Corp., Milroy, PA: March 27, 1999
TA–W–35,423; Fair Rite Products Corp., Springfield, VT: December 11, 1997.

Also, pursuant to Title V of the North American Free Trade Agreement Implementation Act (P.L. 103–182) concerning transitional adjustment assistance hereinafter called (NAFTA–TAA) and in accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act as amended, the Department of Labor presents summaries of determinations regarding eligibility to apply for NAFTA–TAA issued during the month of February and March, 1999.

In order for an affirmative determination to be made and a certification of eligibility to apply for NAFTA–TAA the following group eligibility requirements of Section 250 of the Trade Act must be met:

(1) That a significant number or proportion of the workers in the worker's firm, or an appropriate subdivision thereof, (including workers in any agricultural firm or appropriate subdivision thereof) have become totally or partially separated from employment and either—

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely,

(3) That imports from Mexico or Canada of articles like or directly competitive with articles produced by such firm or subdivisions have increased, and that the increases imports contributed importantly to such workers' separations or threat or separation and to the decline in sales or production of such firm or subdivision; or

(4) That there has been a shift in production by such workers' firm or subdivision to Mexico or Canada of articles like or directly competitive with articles which are produced by the firm or subdivision.

Negative Determinations NAFTA–TAA

In each of the following cases the investigation revealed that criteria (3) and (4) were not met. Imports from Canada or Mexico did not contribute importantly to workers' separations. There was no shift in production from the subject firm to Canada or Mexico during the relevant period.

NAFTA–TAA–02903; Inland Paperboard & Packaging, Inc., Orange, TX
NAFTA–TAA–02870; Mill-Rite Farms, Inc., Albany, OR
NAFTA–TAA–02863; United Technologies Automotive, ESA Div., Brownsville, TX
NAFTA–TAA–02786; Bellwether Performance Apparel Co., San Francisco, CA
NAFTA–TAA–02872; Corning Consumer Products Co., Charleroi, PA
NAFTA–TAA–02783; Bonny Products, Wilmington, NC
NAFTA–TAA–02911; Schuykill Haven Bleach & Dye Works, Inc., Schuykill Haven, PA
NAFTA–TAA–02816; Blount, Inc., Forestry & Industrial Equipment Div., Prentice, WI
NAFTA–TAA–02875; Lear Corp., Interior Systems Group, Lewistown, PA
NAFTA–TAA–02818; 84 Mining Co., Eighty Four, PA
NAFTA–TAA–02705; Rexnord Corp., Roller Chain Div., Indianapolis, IN
NAFTA–TAA–02764; Fashions International, Scranton, PA
NAFTA–TAA–02908; Thomas & Betts Elastimold, Hackettstown, NJ
NAFTA–TAA–02867; Pendleton Woolen Mills, Fremont, NE
NAFTA–TAA–02867A; Pendleton Corporate Offices, Portland, OR
NAFTA–TAA–02867B; Columbia Wool Scouring, Portland, OR
NAFTA–TAA–02867C; Pendleton Oregon Mill, Pendleton, OR
NAFTA–TAA–02867D; Foundation Mill, Portland, OR
NAFTA–TAA–02867E; Washougal Mill, Washougal, WA
NAFTA–TAA–02867F; Bellevue Facility, Bellevue, NE
NAFTA–TAA–02867G; Doorr Woolen Mills, Guild, NH
NAFTA–TAA–02867H; Pendleton Sales Representative, Cincinnati, OH
NAFTA–TAA–02914; HAPCO Screen Printing, Inc., Emmaus, PA

The investigation revealed that the criteria for eligibility have not been met for the reasons specified.

NAFTA–TAA–03023; The Peninsula Group, Inc., Pacific Management Northwest, Inc., Tumwater, WA
NAFTA–TAA–03043; Dekko Automotive Technologies, Oscelola, IA and Murray, IA
NAFTA–TAA–03013; Controlled Environments, Inc., Pembina, ND

The investigation revealed that the workers of the subject firm did not produce an article within the meaning of Section 250(a) of the Trade Act, as amended.

NAFTA–TAA–02935; Circle Four Farms, Milford, UT
NAFTA–TAA–02885; Cutler-Hammer, Sensors Business Unit, Everett, WA

The investigation revealed that criteria (1) and criteria (4) have not been met. A significant number or proportion of the workers' firm or an appropriate subdivision (including workers in any agricultural firm or appropriate subdivision thereof) have not become totally or partially separated from employment as required for certification. There has not been a shift in production by such workers' firm or subdivision to Mexico or Canada of articles which are produced by the firm or subdivision.

NAFTA–TAA–02842; AII Technologies, Inc., El Paso, TX

The investigation revealed that criteria (1) and criteria (2) have not been met. A significant number or proportion of the workers in such workers' firm or an appropriate subdivision (including workers in any agricultural firm or appropriate subdivision thereof) did not become totally or partially separated from employment as required for certification. Sales or production, or both, of such firm or subdivision have not decreased absolutely.

NAFTA–TAA–02910; Kai Jay Pants Co., A Calvin Klein Co, A Subsidiary of The Warnaco Group, Inc., Nesquehoning, PA

The investigation revealed that criteria (2) has not been met. Sales or production, or both, of such firm or subdivision have decreased absolutely.

Affirmative Determinations NAFTA–TAA

NAFTA–TAA–02847; Sun Apparel of Texas, Ltd, Armour Plant Cutting Room, El Paso, TX: March 22, 1999
NAFTA–TAA–02973; JWA Diving (aka Johnson Worldwide Association), Soniform Div., El Cajon, CA: February 25, 1998
NAFTA–TAA–02821; Tony Lama Boot Co., El Paso, TX: December 28, 1997
NAFTA–TAA–02929 & A, B; Indera Mills, Yadinville, NC and Winston-Salem, NC and North Wilkesboro, NC
NAFTA–TAA–02880; Salant Corp., Obion-Denton Facilities, Obion, TN and Union City, TN: January 23, 1998
NAFTA–TAA–02864; Daugherty Mfg. Co., Inc., Knoxville, TN: January 19, 1998
NAFTA–TAA–02817; MAE Garment Finishers, Inc. A/k/a Twin Keys Apparel, Inc., El Paso, TX: December 29, 1997
NAFTA–TAA–02886; Hopewell Sewing, Inc., Brodnax, VA: February 4, 1998
NAFTA–TAA–02915; The William Carter Co., Thomaston, GA: February 17, 1998
NAFTA–TAA–02938; Garden State Tanning, Inc., Fleetwood, PA: February 23, 1998
NAFTA–TAA–02853; Manufacturing and Technical Enterprises, Inc., East Wilton, ME: January 8, 1998
NAFTA–TAA–02931; Plastech, Inc., Corvallis, OR: February 4, 1998
NAFTA–TAA–02946; Gambro Healthcare, Inc., Newport News, VA: February 19, 1998
NAFTA–TAA–02857 & A; Wilkins Industries, Inc., Athens, GA and Jefferson, GA: January 15, 1998
NAFTA–TAA–02893; Kaufman Footwear Corp., Batavia, NY: March 3, 1999
NAFTA–TAA–02898; Peregrine, Inc., Peregrine USA, Livonia Operations, Livona, MI: January 11, 1998
NAFTA–TAA–02730; Frenesius Medical Care, Renal Product Technologies, McAllen, TX: November 6, 1997
NAFTA–TAA–02766; Walls Industries, Inc., Ashville, AL: November 12, 1997
NAFTA–TAA–02742; Eaton Corp., Vehicle Switch/Electronics Div., Winamac, IN: November 13, 1997
NAFTA–TAA–02836; Linville Hosiery Co., Inc., Marion, NC: January 5, 1998
NAFTA–TAA–02779; Komatsu America International Co., Galion, OH: February 12, 1999

NAFTA–TAA–02791; Jinkerson Services, Inc., El Paso, TX: December 2, 1997

NAFTA–TAA–02800; Cross Creek Apparel, Inc., Floyd, VA: November 25, 1997

NAFTA–TAA–02913; Advantage Lift Systems, Williamson, PA: February 1, 1998

I hereby certify that the aforementioned determinations were issued during the months of February and March, 1999. Copies of these determinations are available for inspection in Room C–4318, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: April 19, 1999.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 99–10481 Filed 4–26–99; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–34,968]

Firstmiss Steel, Inc., Hollsopple, Pennsylvania; Notice of Affirmative Determination Regarding Application for Reconsideration

By letter of February 3, 1999, the United Steelworkers of America requested administrative reconsideration of the Department of Labor's Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance for workers of the subject firm. The denial notice was signed on January 29, 1999, and published in the **Federal Register** on February 25, 1999 (64 FR 9353).

The petitioner presents evidence that the Department's customer survey was incomplete.

Conclusion

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, DC, this 5th day of April, 1999.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 99–10477 Filed 4–26–99; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–35,347]

National Fruit Products Company, Inc., Kent City, Michigan; Notice of Negative Determination on Reconsideration

On February 16, 1999, the Department issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of the subject firm. The petitioners presented evidence that the customer survey was incomplete. The notice was published in the **Federal Register** on February 25, 1999 (64 FR 9357).

The Department initially denied TAA to workers of National Fruit Products Company, Inc. because the ''contributed importantly'' group eligibility requirement of Section 222(3) of the Trade Act of 1974, as amended, was not met. The investigation revealed that aggregate U.S. imports of articles like or directly competitive with the apple products processed at the Kent City, Michigan plant declined in January through October 1998 compared to January through October 1997. The subject firm shifted production of processed apple products from Kent City, Michigan to another domestic facility.

Fiscal year sales and production of processed apple products at Kent City increased in 1998 compared to 1997. On reconsideration, the investigation revealed that corporate-wide sales increased during the same time period. Therefore, a customer survey would serve no purpose. Declines in employment at the subject plant are primarily attributed to the company's decision to transfer production from Kent City, Michigan to another domestic facility.

Conclusion

After reconsideration, I affirm the original notice of negative determination of eligibility to apply for worker adjustment assistance for workers and former workers of National Fruit Products Company, Inc., Kent City, Michigan, under section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 31st day of March 1999.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 99–10478 Filed 4–26–99; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Pluma, Inc., TA–W–35,156D, Rocky Mount, Virginia; TA–W–35,156, Eden, North Carolina; TA–W–35,156A, Martinsville, Virginia; TA–W–35,156B, Chatham, Virginia; TA–W–35,156F, Commerce, California; Amended Notice of Revised Determination on Reopening

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Notice of Revised Determination on Reopening on February 9, 1999, applicable to workers of Pluma, Inc., Rocky Mount, Virginia. The notice was published in the **Federal Register** on February 18, 1999 (64 FR 8129).

At the request of the company, the Department reviewed the revised determination for workers of the subject firm. New information provided by the company shows that worker separations have occurred at Pluma's Eden, North Carolina, Martinsville and Chatham, Virginia and Commerce, California facilities. The workers are engaged in employment related to the production of knitted activewear for ladies, men and children. Accordingly, the Department is amending the certification to cover workers of Pluma, Inc., Eden, North Carolina, Martinsville and Chatham, Virginia and Commerce, California.

The intent of the Department's certification is to include all workers of Pluma, Inc. adversely affected by increased imports.

The amended notice applicable to TA–W–35,156D is hereby issued as follows:

All workers of Pluma, Inc., Rocky Mount, Virginia (TA–W–35,156D), Eden, North Carolina (TA–W–35,156), Martinsville, Virginia (TA–W–35,156A), Chatham, Virginia (TA–W–35,156B) and Commerce, California (TA–W–35,156F) who became totally or partially separated from employment on or after October 15, 1997 through February 9, 2001 are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 31st day of March, 1999.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 99–10480 Filed 4–26–99; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–35, 396]

Zenith Electronics Corp., Melrose Park, Illinois; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on March 9, 1998 in response to a worker petition which was filed on behalf of workers and former workers at Zenith Electronics Corporation, located in Melrose Park, Illinois (TA–W–35, 396).

The Department of Labor has determined that the petitioners are covered under an existing certification, as amended (TA–W–34, 579). Consequently, further investigation in this matter would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 5th day of April 1999.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 99–10475 Filed 4–26–99; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–2935]

Circle Four Farms, Milford, Utah; Notice of Negative Determination Regarding Application for Reconsideration

By application dated March 18, 1999, the company requested administrative reconsideration of the Department's negative determination regarding worker eligibility to apply for NAFTA-Transitional Adjustment Assistance (NAFTA–TAA). The denial notice applicable to workers of the subject firm located in Milford, Utah, was signed on March 8, 1999 will soon be published in the **Federal Register**.

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

Findings of the initial investigation showed that workers of Circle Four Farms, Milford, Utah were engaged in employment related to the production of live swine. The Department's denial of NAFTA–TAA for workers of the subject firm was based on the determination that criteria (1) and (2) of the Group Eligibility requirements of paragraphs (a)(1) of section 250 of the Trade Act of 1974, as amended, were not met. Layoffs did not affect a significant proportion of the total workers at Circle Four Farms. Sales and production increased in 1998 compared to 1997.

The petitioner asserts that because of the continuation of low pork prices, additional positions have been eliminated at Circle Four Farms. The petitioner asks that the Department consider the petition based on the number of positions eliminated, not the total number of individuals terminated. Trade Act law does not contain a provision which would allow the Secretary to issue a determination for NAFTA–TAA eligibility based on the number of positions eliminated. The worker group eligibility requirements of paragraph (a)(1) of Section 250 stipulate that a ''significant number of proportion of the workers * * * have become totally or partially separated * * *''

The petitioner further argues that because of the nature of the livestock industry, the Department should not use increasing sales and production as a criterion for denying the petition. Trade Act law does not contain a provision that allows the Secretary to depart from the requirement that sales or production, or both, have decreased absolutely.

Lastly, the petitioner asserts that low pork prices are a result of Canadian imports. U.S. Department of Agriculture data submitted by the petitioner confirms the petitioners allegation. Price, however, is not a basis for certification of the Circle Four Farm workers.

Conclusion

After review of the application and investigation findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 31st day of March 1999.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 99–10479 Filed 4–26–99; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–01223]

Johnson & Johnson Medical, Inc. A/K/A Ethicon, Inc. Including Temporary Workers of Kelly Services, Inc., El Paso, Texas; Amended Certification Regarding Eligibility To Apply for NAFTA-Transitional Adjustment Assistance

In accordance with section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended (19 USC 2273), the Department of Labor issued a Certification of Eligibility to Apply for NAFTA-Transitional Adjustment Assistance on October 9, 1997, applicable to all workers of Johnson & Johnson Medical, Incorporated located in El Paso, Texas. The certification was amended on October 30, 1997, to include temporary workers of Kelly Services, Incorporated, engaged in employment related to the production of surgical gowns, drapes and sheets at Johnson & Johnson Medical's El Paso plant.

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. New information provided by a company official and the State agency reveal that as of January 1, 1998, Johnson and Johnson Medical Inc. and Ethicon, Inc. merged. Some of the workers at the El Paso plant have had their wages reported to the Unemployment Insurance (UI) tax account for Ethicon, Inc.

The intent of the Department's certification is to cover all workers of Johnson & Johnson Medical, Incorporated, El Paso, Texas who were adversely affected by the shift in production to Mexico. Accordingly, the Department is amending the certification to include workers of Ethicon, Inc.

The amended notice applicable to NAFTA–01223 is hereby issued as follows:

All workers of Johnson & Johnson Medical, Incorporated, also known as Ethicon, Inc., El Paso, Texas, including temporary workers of Kelly Services, Incorporated engaged in employment related to the production of surgical gowns, drapes and sheets for Johnson & Johnson Medical, Incorporated, El Paso, Texas, who became totally or partially separated from employment on or after August 29, 1995 through October 9, 1998, are eligible to apply for NAFTA–TAA under section 250 of the Trade Act of 1974.

Signed at Washington, DC, this 7th day of April, 1999.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 99–10476 Filed 4–26–99; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. ICR–99–2]

Strategic Partnership for Worker Safety and Health

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Notice; proposed information collection request; submitted for public comment and recommendations.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burdens, is conducting a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA 95) (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 impact of collection requirements on respondents can be properly assessed. Currently, the Occupational Safety and Health Administration is soliciting comments concerning the approval for the paperwork requirements for participation in OSHA Strategic Partnerships for Worker Safety and Health.

DATES: Written comments must be submitted on or before June 28, 1999.

Comments should:

Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including their validity of the methodology and assumptions used;

Enhance the quality, utility, and clarity of the information to be collected; and

Minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submissions of responses.

ADDRESSES: Comments are to be submitted to the Docket Office, Docket ICR–99–2, U.S. Department of Labor, Room N–2625, 200 Constitution Avenue, NW, Washington, DC 20210, (202) 693–2350. Written comments limited to 10 pages or less may be transmitted by facsimile to (202) 693–1648.

FOR FURTHER INFORMATION CONTACT: Ms. Cathy Oliver, Directorate of Federal-State Operations, Occupational Safety and Health Administration, U.S. Department of Labor, Room N3700, 200 Constitution Avenue, NW., Washington, DC 20210, (202) 693–2208. Copies of the reference information collection requests are available for inspection and copying in the Docket Office and will be mailed immediately to persons who request copies by telephoning Ms. Oliver at (202) 693–2213 or B. Bielaski at (202) 693–2444. For electronic copies of the information collection request on Strategic Partnerships for Worker Safety and Health, contact OSHA's Web Page on Internet at http://www.osha.gov and click on ''Regulations and Compliance.''.

SUPPLEMENTARY INFORMATION:

Background

The Occupational Safety and Health Administration (OSHA) will be requesting approval from the Office of Management and Budget (OMB) for certain information collection requirements contained in its procedures for Strategic Partnerships for Worker Safety and Health. This notice initiates the process for OSHA to request an OMB approval.

As part of OMB's and OSHA's continuing paperwork reduction effort, OSHA seeks to reduce that paperwork burden hours in the Strategic Partnerships for Worker Safety and Health based on input from parties. The purpose of this notice is to solicit public comment on OSHA's paperwork burden estimates from those interested parties and to seek public response to several questions related to the development of OSHA's estimates. Interested parties are requested to review OSHA's estimates, which are based on information from historical data, to comment on their accuracy or appropriateness in today's workplace situation.

Current Action

This notice requests public comment on OSHA's burden hour estimates prior to OSHA seeking the Office of Management and Budget (OMB) approval of the information collection (paperwork) requirements of the Strategic Partnerships for Worker Safety and Health.

Type of Review: New Collection.

Agency: Occupational Safety and Health Administration, U.S. Department of Labor.

Title: Strategic Partnerships for Worker Safety and Health.

OMB Number: 1218–0NEW.

Agency Number: Docket No. ICR–99–2.

Affected Public: Business.

Total Respondents: 25 partnerships per year affecting approximately 500 employers.

Frequency: On occasion.

Total Responses: 1,000.

Estimated Time Per Respondent: 29.72 hours per year.

Estimated Total Burden Hours: 14,860 hours per year.

Estimated annualized capital/startup costs: $0

Estimated annual costs (operating and maintenance): $0.

Comments submitted in response to this notice will be summarized and 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.

Signed this 21st Day of April, 1999.

Charles N. Jeffress,

Assistant Secretary.

[FR Doc. 99–10474 Filed 4–26–99; 8:45 am]

BILLING CODE 4510–26–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

Medical Child Support Working Group

AGENCY: Pension and Welfare Benefits Administration, Department of Labor.

ACTION: Notice of Open Meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (FACA), notice is given of the third meeting of the Medical Child Support Working Group (MCSWG). The Medical Child Support Working Group was jointly established by the Secretaries of the Department of Labor (DOL) and the Department of Health and Human Services (DHHS) under section 401(a) of the Child Support Performance and Incentive Act of 1998. The purpose of the MCSWG is to identify the

impediments to the effective enforcement of medical support by State child support enforcement agencies, and to submit to the Secretaries of DOL and DHHS a report containing recommendations for appropriate measures to address those impediments.

DATES: The meeting of the MCSWG will be held on Wednesday, May 12, 1999, and Thursday, May 13, 1999, from 8:30 a.m. to approximately 4:00 p.m.

ADDRESSES: The meeting will be held in the GSA Training Center, 490 L'Enfant Promenade North, 9th and D Streets, SW, 3rd Floor Room B, Washington, DC. All interested parties are invited to attend this public meeting. Seating may be limited and will be available on a first-come, first-served basis. Persons needing special assistance, such as sign language interpretation or other special accommodation, should contact the Executive Director of the Medical Child Support Working Group, Office of Child Support Enforcement at the address listed below.

FOR FURTHER INFORMATION CONTACT: Ms. Samara Weinstein, Executive Director, Medical Child Support Working Group, Office of Child Support Enforcement, Fourth Floor East, 370 L'Enfant Promenade, SW, Washington, DC 20447 (telephone (202) 401–6953; fax (202) 401–5559; e-mail: sweinstein@acf.dhhs.gov). These are not toll-free numbers. The date, location and time for subsequent MCSWG meetings will be announced in advance in the **Federal Register**.

SUPPLEMENTARY INFORMATION: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2) (FACA), notice is given of a meeting of the Medical Child Support Working Group (MCSWG). The Medical Child Support Working Group was jointly established by the Secretaries of the Department of Labor (DOL) and the Department of Health and Human Services (DHHS) under section 401(a) of the Child Support Performance and Incentive Act of 1998 (P.L. 105–200).

The purpose of the MCSWG is to identify the impediments to the effective enforcement of medical support by State child support enforcement agencies, and to submit to the Secretaries of DOL and DHHS a report containing recommendations for appropriate measures to address those impediments. This report will include: (1) Recommendations based on assessments of the form and content of the National Medical Support Notice, as issued under interim regulations; (2) appropriate measures that establish the priority of withholding of child support obligations, medical support obligations, arrearages in such obligations, and in the case of a medical support obligation, the employee's portion of any health care coverage premium, by such State agencies in light of the restrictions on garnishment provided under title III of the Consumer Credit Protection Act (15 U.S.C. 1671–1677); (3) appropriate procedures for coordinating the provision, enforcement, and transition of health care coverage under the State programs for child support, Medicaid and the Child Health Insurance Program; (4) appropriate measures to improve the availability of alternate types of medical support that are aside from health care coverage offered through the noncustodial parent's health plan, and unrelated to the noncustodial parent's employer, including measures that establish a noncustodial parent's responsibility to share the cost of premiums, co-payments, deductibles, or payments for services not covered under a child's existing health coverage; (5) recommendations on whether reasonable cost should remain a consideration under section 452(f) of the Social Security Act ; and (6) appropriate measures for eliminating any other impediments to the effective enforcement of medical support orders that the MCSWG deems necessary.

The membership of the MCSWG was jointly appointed by the Secretaries of DOL and DHHS, and includes representatives of: (1) DOL; (2) DHHS; (3) State Child Support Enforcement Directors; (4) State Medicaid Directors; (5) employers, including owners of small businesses and their trade and industry representatives and certified human resource and payroll professionals; (6) plan administrators and plan sponsors of group health plans (as defined in section 607(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1167(1)); (7) children potentially eligible for medical support, such as child advocacy organizations; (8) State medical child support organizations; and (9) organizations representing State child support programs.

Agenda

The agenda for this meeting includes a discussion of the issues to be included in the MCSWG's report to the Secretaries containing recommendations for appropriate measures to address the impediments to the effective enforcement of medical child support as listed above.

Public Participation

Members of the public wishing to present oral statements to the MSCWG should forward their requests to Samara Weinstein, MCSWG Executive Director, as soon as possible and at least four days before the meeting. Such request should be made by telephone, fax machine, or mail, as shown above. Time permitting, the Chairs of the MCSWG will attempt to accommodate all such requests by reserving time for presentations. The order of persons making such presentations will be assigned in the order in which the requests are received. Members of the public are encouraged to limit oral statements to five minutes, but extended written statements may be submitted for the record. Members of the public also may submit written statements for distribution to the MCSWG membership and inclusion in the public record without presenting oral statements. Such written statements should be sent to the MCSWG Executive Director, as shown above, by mail or fax at least five business days before the meeting.

Minutes of all public meetings and other documents made available to the MCSWG will be available for public inspection and copying at both the DOL and DHHS. At DOL, these documents will be available at the Public Documents Room, Pension and Welfare Benefits Administration, U.S. Department of Labor, Room N–5638, 200 Constitution Avenue, NW, Washington, DC from 8:30 a.m. to 5:30 p.m. Questions regarding the availability of documents from DOL should be directed to Ms. Ellen Goodwin, Plan Benefits Security Division, Office of the Solicitor, Department of Labor (telephone (202) 219–4600, ext. 119). This is not a toll-free number. Any written comments on the minutes should be directed to Ms. Samara Weinstein, Executive Director of the Working Group, as shown above.

Signed at Washington, DC, this 21st day of April 1999.

Richard McGahey,

Assistant Secretary for Pension and Welfare Benefits.

[FR Doc. 99–10472 Filed 4–26–99; 8:45 am]

BILLING CODE 4510–29–P

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act Meeting

TIME AND DATE: 2:00 p.m., Monday, May 3, 1999.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Open.

MATTER TO BE CONSIDERED:

1. Proposed Rule: Part 702, NCUA's Rules and Regulations, Prompt Corrective Action; and addition of Subpart L, Part 747, NCUA's Rules and Regulations.

FOR FURTHER INFORMATION CONTACT: Becky Baker, Secretary of the Board, Telephone (703) 518–6304.

Becky Baker,

Secretary of the Board.

[FR Doc. 99–10611 Filed 4–23–99; 9:09 am]

BILLING CODE 7535–01–M

THE NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Meetings of Humanities Panel

AGENCY: The National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT: Nancy E. Weiss, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20506; telephone (202) 606–8322. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Endowment's TDD terminal on (202) 606–8282.

SUPPLEMENTARY INFORMATION: The proposed meetings are 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 discussion of information given in confidence to the agency for the grant applicants. Because the proposed meetings will consider information that is likely to disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential and/or information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee meetings, dated July 19, 1993, I have determined that these meetings will be closed to the public pursuant to subsections (c)(4), and (6) of section 552b of Title 5, United States Code.

1. *Date:* May 3, 1999.
Time: 9:00 a.m. to 5:00 p.m.
Room: 315.
Program: This meeting will review applications for Summer Seminars and Institutes for College and University Teachers in American Studies and Cultural Studies, submitted to the Division of Research and Education at the March 1, 1999 deadline.

2. *Date:* May 4, 1999.
Time: 9:00 a.m. to 5:00 p.m.
Room: 315.
Program: This meeting will review applications for Summer Seminars and Institutes for College and University Teachers in Western Civilization, submitted to the Division of Research and Education at the March 1, 1999 deadline.

3. *Date:* May 5, 1999.
Time: 9:00 a.m. to 5:00 p.m.
Room: 315.
Program: This meeting will review applications for Summer Seminars and Institutes for College and University Teachers in Philosophy and Intelligence History, submitted to the Division of Research and Education at the March 1, 1999 deadline.

4. *Date:* May 6–7, 1999.
Time: 8:30 a.m. to 5:00 p.m.
Room: 415.
Program: This meeting will review applications for Education Development and Demonstration in Humanities Focus Grants, submitted to the Division of Research and Education at the April 1, 1999 deadline.

5. *Date:* May 13–14, 1999.
Time: 8:30 a.m. to 5:00 p.m.
Room: 415.
Program: This meeting will review applications for Education Development and Demonstration in Humanities Focus Grants, submitted to the Division of Education at the April 1, 1999 deadline.

Nancy E. Weiss,

Advisory Committee Management Officer.

[FR Doc. 99–10557 Filed 4–26–99; 8:45 am]

BILLING CODE 7536–01–M

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

1. Type of submission, new, revision, or extension: Extension
2. The title of the information collection: General Assignment
3. The form number if applicable: NRC Form 450
4. How often the collection is required: Once during the closeout process.
5. Who will be required or asked to report: Contractors, Grantees, and Cooperators
6. An estimate of the number of responses: 150
7. The estimated number of annual respondents: 150
8. An estimate of the total number of hours needed annually to complete the requirement or request: 300 hours (2 hours per response)
9. An indication of whether Section 3507(d), Pub. L. 104–13 applies: N/A
10. Abstract: During the contract closeout process, the NRC requires the contractor to execute a NRC Form 450, General Assignment. Completion of the form grants the government all rights, titles, and interest to refunds arising out of the contractor performance.

A copy of the final supporting statement may be viewed free of charge at the NRC Public Document Room, 2120 L Street, NW (lower level), Washington, DC. OMB clearance requests are available at the NRC worldwide web site (http://www.nrc.gov/NRC/PUBLIC/OMB/index.html). The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer listed below by May 27, 1999. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date.

Erik Godwin, Office of Information and Regulatory Affairs (3150–0114), NEOB–10202, Office of Management and Budget, Washington, DC 20503

Comments can also be submitted by telephone at (202) 395–3087.

The NRC Clearance Officer is Brenda Jo. Shelton, 301–415–7233.

Dated at Rockville, Maryland, this 21st day of April 1999.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 99–10494 Filed 4–26–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–289]

GPU Nuclear, Inc. et al. (Three Mile Island Nuclear Generating Station, Unit 1); Exemption

I

GPU Nuclear, Inc., *et al.* (GPUN or the licensee) is the holder of Facility Operating License No. DPR–50, which authorizes operation of the Three Mile Island Nuclear Generating Station, Unit 1 (TMI–1 or the facility) at power levels not to exceed 2568 megawatts thermal. The facility consists of one pressurized-water reactor located at the licensee's site in Dauphin County, Pennsylvania, and was licensed to operate on April 19, 1974. The license provides, among other things, that the licensee is subject to all rules, regulations, and orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

II

Appendix R to 10 CFR part 50 contains specific requirements regarding fire protection features of nuclear power plants operating prior to January 1, 1979. Subsection III.G.2.c of Appendix R specifies, in part, the enclosure of cable and equipment and associated non-safety-related circuits of one redundant train in a fire barrier having a 1-hour rating. The underlying purpose of Subsection III.G.2.c of Appendix R is to provide reasonable assurance that one safe shutdown train and associated circuits used to achieve and maintain safe shutdown are free of fire damage. By letter dated December 31, 1996, as supplemented by letters dated September 8, 1997, December 30, 1997, May 21, 1998, October 14, 1998, November 25, 1998, and December 23, 1998, the licensee requested an exemption from the requirements of section III.G.2.c of Appendix R to the extent that they require the enclosure of one train of redundant safe-shutdown circuits in 1-hour fire-rated barriers. The licensee is requesting this exemption in accordance with the provisions of 10 CFR 50.12.

The licensee's request encompasses 10 fire zones/areas that have Thermo-Lag installed on electrical raceways for the original purpose of providing a 1-hour rated barrier separating redundant circuits located in the same fire area in accordance with section III.G.2.c of Appendix R. In its December 31, 1996, letter, the licensee provided information indicating that the Thermo-Lag envelopes in the zones/areas for which exemptions are requested, have fire endurance ratings of less than 1 hour. The exemption was requested for fire zones/areas AB–FZ–3, AB–FZ–4, AB–FZ–5, AB–FZ–7, CB–FA–1, FH–FZ–1, FH–FZ–2, FH–FZ–6, ISPH–FZ–1, and ISPH–FZ–2. In its submittal, the licensee states that modification of the identified fire barriers to achieve a 1-hour fire rating in accordance with American Society for Testing and Materials Standard E–119 (ASTM E–119) would cost approximately $1.0 million, which represents a substantial expenditure for minimal safety enhancement.

The staff holds to a defense-in-depth philosophy when determining adequate fire protection. In areas in which fire barriers are required to be rated at 1 hour, barriers that have actual fire endurance ratings of less than 1 hour are acceptable only if the fire area/zone also has automatic detection and fire suppression systems provided in accordance with applicable National Fire Protection Association (NFPA) standards and when the fire hazard to the Thermo-Lag-protected envelope is minimal. The combination of these features and conditions provides defense in depth.

The fire areas/zones that are the subject of this exemption request do not currently meet the technical requirements of section III.G.2.c of Appendix R because the Thermo-Lag electrical raceway fire barrier envelopes for the fire zones discussed above are not rated at 1 hour in accordance with the rating requirements of NRC Generic Letter 86–10, Supplement 1. Section III.G.2.c of Appendix R could only be satisfied by protecting each envelope with a 1-hour fire-rated barrier. The fire zones reviewed do not have any Thermo-Lag envelopes rated at 1 hour or more; therefore, the criteria for granting an exemption, for the most part, are based on the availability of automatic detection and suppression systems and the fire hazards present in each fire zone.

III

The staff has completed its evaluation of the licensee's request for an exemption. The licensee has administrative controls in place over transient combustibles and work in the plant in accordance with 10 CFR part 50, Appendix R, section III.K, Items 1–8, as documented in an NRC safety evaluation dated June 4, 1984. These controls require total in situ plus allowable transient fire load in a fire area/zone (or cumulative load) to be half of what would challenge the lowest rated barrier in the zone based on equivalent fire severity. These limits are documented in licensee procedures that are referenced in and implement the licensee's Fire Protection Program under License Condition 2.c(4).

On December 31, 1996, the licensee submitted an evaluation of all Thermo-Lag Fire barriers that are the subject of this exemption request in Topical Report #094, Revision 2, ''TMI 1 Evaluation of Thermo-Lag Fire Barriers,'' dated December 20, 1996. The licensee found that most of the barriers currently have a fire rating of less than 1 hour (when tested in accordance with the ASTM E–119). In each of the areas/zones that have automatic suppression and/or automatic detection features, the systems installed in the plant meet all applicable NFPA codes, specifically the criteria for a Class 1 detection system specified in NFPA 72D and NFPA 13 or NFPA 15 for suppression systems.

Fire zones AB–FZ–4 and FH–FZ–1 contain both automatic suppression and detection features. Fires in these zones are postulated to be slowly developing cable fires, with possible ignition sources including cable overload or transient combustibles. If a fire were to occur in these fire zones, indication of the fire would be received in the control room, through the ionization smoke detection system, and either the automatic pre-action system (AB–FZ–4) or the wet pipe sprinkler system (FH–FZ–1) would initiate suppression if the fire continued to grow. If necessary, the fire brigade would be dispatched soon thereafter. The licensee estimates that the fire brigade will respond to these fire zones 15 minutes after receiving an alarm. Manual fire fighting equipment (hand-held fire extinguishers and hose stations) is available in or adjacent to these fire zones.

Fire area CB–FA–1 contains both automatic suppression and detection capability. A fire in this area is postulated to be a slowly developing cable fire, with possible ignition sources being overload or transient combustibles. Exposure of the protected envelope to fire is possible through ignition of cable insulation. There is also an acetylene gas line running above the suspended ceiling from an external tank. The licensee committed in its October 14, 1998, and December 23, 1998, letters to install detectors for

combustible gas in this area to provide prompt detection and notification of an acetylene leak, so that the leak could be promptly isolated at the source prior to reaching the lower explosive threshold for acetylene gas. If a fire were to occur in this fire area, indication of the fire would be received in the control room, through the ionization smoke detection system which is above the suspended ceiling. An automatic wet-pipe sprinkler system which is below the suspended ceiling would actuate to suppress the fire should it continue to develop. If necessary, the fire brigade would be dispatched soon thereafter, and response has been estimated by the licensee to be 15 minutes. A hand-held dry chemical extinguisher is also available adjacent to this fire area.

Fire zone FH–FZ–6 is provided with automatic detection and will be provided with automatic suppression. The licensee committed to install an automatic wet-pipe sprinkler suppression system in this fire zone in its letter dated December 23, 1998. A fire in this zone is postulated to be a slowly developing cable fire, with possible ignition sources being transient combustibles. If a fire were to occur in this fire zone, indication of the fire would be received in the control room by the ionization smoke detection system or through the actuation of the wet-pipe sprinkler system to be installed. If necessary, the fire brigade would be dispatched soon thereafter, and the licensee estimates a brigade response would occur within 15 minutes. Manual fire suppression capability (hose stations and dry chemical extinguisher) is available in or adjacent to this fire zone.

Fire zone ISPH–FZ–1 contains both automatic detection and suppression features. A fire in this zone is postulated to be a slowly developing cable fire, with electrical switchgear as a possible ignition source. If a fire were to occur in this zone, indication of the fire would be received in the control room by the ionization smoke detector system. A zone-wide automatic wet-pipe sprinkler system is available to suppress the fire, should it develop, and portable extinguishers (carbon dioxide and dry chemical) are available within the fire zone. The fire brigade would be dispatched, if necessary, and the licensee estimates a brigade response time of 25 minutes. A portable extinguisher and yard hydrant are located outside the fire area and are available to fight fires in this fire zone. Protected envelopes consisting of cables and conduits passing through this fire zone are fire rated at 39 and 50 minutes respectively, and pass within the vicinity of in-situ combustibles in only limited instances.

Fire zone ISPH–FZ–2 contains both automatic detection and suppression features. A fire in this zone is postulated to be a slowly developing cable fire, with electrical switchgear as a possible ignition source. If a fire were to occur in this zone, indication of the fire would be received in the control room by the ionization smoke detector system. A zone-wide automatic wet-pipe sprinkler system is available to suppress the fire, should it develop, and a portable extinguisher (carbon dioxide) is available within the fire zone. The fire brigade would be dispatched, if necessary, and the licensee estimates a brigade response time of 25 minutes. A portable extinguisher and yard hydrant are located outside the fire area and are available to fight fires in this fire zone. Protected envelopes consisting of cables and conduits passing through this fire zone are fire rated at 39 and 50 minutes, respectively, and pass within the vicinity of in-situ combustibles in only limited instances.

The staff is relying on the licensee's commitments made in its October 14, 1998, and December 23, 1998, letters for approval of the exemptions for fire area CB–FA–1 and fire zone FH–FZ–6. Therefore, approval of an exemption for that fire area and zone is contingent upon the licensee completing the modifications described in those submittals. The staff believes that reasonable assurance exists that an adequate level of fire safety has been provided through the availability of automatic suppression and detection in these fire zones/areas to ensure that one division of safe-shutdown components necessary to achieve safe shutdown will remain free of fire damage. Therefore, the underlying purpose of the rule is satisfied and this request for exemption with respect to the foregoing fire areas/zones from the requirements of 10 CFR part 50, Appendix R, section III.G.2.c meets the special circumstances delineated in 10 CFR 50.12(a)(2)(ii) in that the application of the regulation in these particular circumstances is not necessary to achieve the underlying purpose of the rule. While the installed Thermo-Lag barriers in the fire zones demonstrate less than a 1-hour fire endurance rating, they do provide measured resistance to fire. The areas in which the Thermo-Lag envelopes are located have a low combustible loading in the area of the protected envelopes, have available manual suppression capability, and are equipped with automatic suppression and detection features; the combination of these features and circumstances reflect a level of safety that meets the underlying purpose of the rule. Therefore, the staff believes that the exemption should be granted for fire zones/areas AB–FZ–4, FH–FZ–1, CB–FA–1, FH–FZ–6, ISPH–FZ–1, and ISPH–FZ–2.

The staff does not believe the same assurance has been provided for fire zones AB–FZ–3, AB–FZ–5, AB–FZ–7, and FH–FZ–2. Fire zones AB–FZ–3, AB–FZ–5, and AB–FZ–7, have automatic detection but not suppression. Fire zone FH–FZ–2 has automatic suppression but not detection.

The licensee has failed to provide reasonable assurance that one division of safe-shutdown components necessary to achieve safe shutdown will remain free of fire damage in the four zones immediately discussed above. Accordingly, as discussed above and in the staff's Safety Evaluation dated April 20, 1999, the staff has concluded that the licensee's request for an exemption from the technical requirements of section III.G.2.c of Appendix R should be denied for fire zones AB–FZ–3, AB–FZ–5, AB–FZ–7, and FH–FZ–2.

IV

Pursuant to 10 CFR 50.12(a)(2), the Commission will not consider granting an exemption from the requirements of a regulation unless special circumstances are present. Subsection (ii) of 10 CFR 50.12(a)(2) includes as special circumstances situations where application of the subject regulation would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule.

The underlying purpose of section III.G of Appendix R is to provide reasonable assurance that one safe shutdown train and associated circuits used to achieve and maintain safe shutdown are free of fire damage. As stated above, the staff has determined that the underlying purpose of the rule has been satisfied with respect to fire zones AB–FZ–4, FH–FZ–1, CB–FA–1, FH–FZ–6, ISPH–FZ–1 and ISPH–F2–2. Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a)(2)(ii) special circumstances are present in connection with these fire zone/areas.

The Commission has also determined that, pursuant to 10 CFR 50.12, the exemption requested by the licensee for fire zones/areas AB–FZ–4, FH–FZ–1, CB–FA–1, FH–FZ–6, ISPH–FZ–1, and ISPH–FZ–2 is authorized by law, will not present an undue risk to public health and safety, and is consistent with the common defense and security.

Therefore, the Commission hereby grants GPU Nuclear, Inc., an exemption

from the technical requirements of section III.G.2.c of Appendix R to 10 CFR part 50, to the extent that it requires the enclosure of certain redundant safe-shutdown circuits in 1-hour fire-rated barriers, for fire zones/areas AB–FZ–4, FH–FZ–1, CB–FA–1, FH–FZ–6, ISPH–FZ–1, and ISPH–FZ–2 at TMI–1. The exemption for fire area CB–FA–1 and fire zone FH–FZ–6 is contingent upon the licensee completing the commitments identified in its letters of October 14, 1998, and December 23, 1998, for that fire area and zone. The request for exemption for fire zones AB–FZ–3, AB–FZ–5, AB–FZ–7, and FH–FZ–2 is denied.

Pursuant to 10 CFR 51.32, the Commission has determined that the issuance of this exemption will have no significant impact on the quality of the human environment (64 FR 19205).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 20th day of April 1999.

For the Nuclear Regulatory Commission.

John A. Zwolinski,

Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 99–10489 Filed 4–26–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–443]

North Atlantic Energy Service Corporation, et al., Seabrook Station, Unit 1; Notice of Consideration of Approval of Application Regarding Proposed Corporate Merger and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an order under 10 CFR 50.80 approving the indirect transfer of Facility Operating License No. NPF–86 for the Seabrook Station, Unit 1 (Seabrook Station), to the extent held by Canal Electric Company (Canal), one of 11 joint owners of the Seabrook Station. The indirect transfer would be to the new surviving company resulting from the planned merger of Commonwealth Energy System (CES), the parent company of Canal, and BEC Energy (BEC).

According to the application by Canal for approval of the indirect transfer filed by North Atlantic Energy Service Corporation (North Atlantic), the licensing agent for the co-owners of Seabrook Station, Canal is a wholly owned subsidiary of CES. On December 5, 1998, CES and BEC entered into an Agreement and Plan of Merger under which those entities will merge into a new surviving Massachusetts corporation (the ''New Company''). Upon consummation of the merger, Canal will become a wholly-owned subsidiary of the New Company, thereby effecting an indirect transfer of Canal's interest in the Seabrook Station's Facility Operating License. North Atlantic, the sole licensed operator of the facility, would remain as the managing agent for the 11 joint owners of the facility and would continue to have exclusive responsibility for the management, operation and maintenance of the Seabrook Station. The application does not propose a change in the rights, obligations, or interests of the other joint owners of the Seabrook Station. In addition, no physical changes to the Seabrook Station or operational changes are being proposed. No direct transfer of the license will result from the proposed merger.

Pursuant to 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. The Commission will approve an application for the indirect transfer of a license, if the Commission determines that the proposed transfer of control will not affect the qualifications of the holder of the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

The filing of requests for hearing and petitions for leave to intervene, and written comments with regard to the indirect license transfer application, is discussed below.

By May 17, 1999, any person whose interest may be affected by the Commission's action on the application may request a hearing, and, if not the applicants, may petition for leave to intervene in a hearing proceeding on the Commission's action. Requests for a hearing and petitions for leave to intervene should be filed in accordance with the Commission's rules of practice set forth in Subpart M, ''Public Notification, Availability of Documents and Records, Hearing Requests and Procedures for Hearings on License Transfer Applications,'' of 10 CFR Part 2. In particular, such requests and petitions must comply with the requirements set forth in 10 CFR 2.1306, and should address the considerations contained in 10 CFR 2.1308(a). Untimely requests and petitions may be denied, as provided in 10 CFR 2.1308(b), unless good cause for failure to file on time is established. In addition, an untimely request or petition should address the factors that the Commission will also consider, in reviewing untimely requests or petitions, set forth in 10 CFR 2.1308(b)(1)–(2).

Requests for a hearing and petitions for leave to intervene should be served upon Timothy N. Cronin, COM/Energy Services Company, One Main Street, Cambridge, Massachusetts 02142–9150, attorney for COM/Energy Services Company; John A. Ritsher, Ropes & Gray, One International Place, Boston, Massachusetts 02110–2624, attorney for BEC Energy; John Cope-Flanagan, Esq. COM/Energy Services Company, One Main Street, P.O. Box 9150, Cambridge, Massachusetts 02142, attorney for Canal Electric Company; Lillian M. Cuoco, Esq., Senior Nuclear Counsel, Northeast Utilities Service Company, 107 Selden Street, Berlin, Connecticut, 06037, attorney for North Atlantic Energy Service Corporation; the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (e-mail address for filings regarding license transfer cases only: OGCLT@NRC.gov); and the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, in accordance with 10 CFR 2.1313.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the **Federal Register** and served on the parties to the hearing.

As an alternative to requests for hearing and petitions to intervene, by May 27, 1999, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and should cite the publication date and page number of this **Federal Register** notice.

For further details with respect to this action, see the application dated February 2, 1999, submitted under cover of a letter dated February 11, 1998 [sic], and supplements dated February 23, March 5, and March 17, 1999, 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 Exeter Public Library, Founders Park, Exeter, NH 03833.

Dated at Rockville, Maryland this 15th day of April 1999.

For the Nuclear Regulatory Commission.

John T. Harrison,

Project Manager, Section 2, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 99–10490 Filed 4–26–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–483]

Union Electric Company; Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–30, issued to the Union Electric Company (UE or the licensee), for operation of the Callaway Plant, Unit 1 (CW), located in Callaway County, Missouri.

The initial notice of consideration of issuance of amendment to facility operating license and opportunity for hearing was originally published in the **Federal Register** (63 FR 53468) on October 5, 1998. The information included in the supplemental letters indicates that the original notice, that included 14 proposed beyond-scope issues (BSIs) to the Improved Technical Specifications (ITS) conversion, needs to be expanded (to add 17 new BSIs) and revised (to delete 7 previous BSIs) to include a total of 24 BSIs. This notice supersedes the previous notice.

The proposed amendment, requested by the licensee in a letter dated May 15, 1997, as supplemented by letters dated June 26, August 4, August 27, September 24, October 21, November 23, November 25, December 11 and December 22, 1998, and February 5, March 9, April 7, and April 21, 1999, would represent a full conversion from the current Technical Specifications (CTS) to a set of ITS based on NUREG–1431, ''Standard Technical Specifications, Westinghouse Plants,'' Revision 1, dated April 1995 (the STS). NUREG–1431 has been developed by the Commission's staff through working groups composed of both NRC staff members and industry representatives, and has been endorsed by the staff as part of an industry-wide initiative to standardize and improve the Technical Specifications (TS) for nuclear power plants. As part of this submittal, the licensee has applied the criteria contained in the Commission's ''Final Policy Statement on Technical Specification Improvements for Nuclear Power Reactors (Final Policy Statement),'' published in the **Federal Register** on July 22, 1993 (58 FR 39132), to the CTS, and, using NUREG–1431 as a basis, proposed an ITS for CW. The criteria in the Final Policy Statement were subsequently added to 10 CFR 50.36, ''Technical Specifications,'' in a rule change that was published in the **Federal Register** on July 19, 1995 (60 FR 36953) and became effective on August 18, 1995.

This conversion is a joint effort in concert with three other utilities: Pacific Gas & Electric Company for Diablo Canyon Power Plant, Units 1 and 2 (Docket Nos. 50–275 and 50–323); TU Electric for Comanche Peak Steam Electric Station, Units 1 and 2 (Docket Nos. 50–445 and 50–446); and Wolf Creek Nuclear Operating Corporation for Wolf Creek Generating Station (Docket No. 50–482). This joint effort includes a common methodology for the licensees in marking-up the CTS and NUREG–1431 Specifications, and the NUREG–1431 Bases, that has been accepted by the staff. This includes the convention that, if the words in a CTS specification are not the same as the words in the ITS specification but they mean the same or have the same requirements as the words in the ITS specification, the licensees do not indicate or describe a change to the CTS.

This common methodology is discussed at the end of Enclosure 2, ''Mark-Up of Current TS''; Enclosure 5a, ''Mark-Up of NUREG–1431 Specifications''; and Enclosure 5b, ''Mark-Up of NUREG–1431 Bases,'' for each of the 14 separate ITS sections that were submitted with the licensee's application. For each of the 14 ITS sections, there is also the following: Enclosure 1, the cross reference table, sorted by CTS and ITS Specifications; Enclosure 3, the description of the changes to the CTS section and the comparison table showing which plants (of the four licensees in the joint effort) that each change applies to; Enclosure 4, the no significant hazards consideration (NSHC) of 10 CFR 50.91 for the changes to the CTS with generic NSHCs for administrative, more restrictive, relocation, and moving-out-of-CTS changes, and individual NSHCs for less restrictive changes and with the organization of the NSHC evaluation discussed in the beginning of the enclosure; and Enclosure 6, the descriptions of the differences from NUREG–1431 specifications and the comparison table showing which plants (of the four licensees in the joint effort) that each difference applies to. Another convention of the common methodology is that the technical justifications for the less restrictive changes are included in the NSHCs.

The licensee has categorized the proposed changes to the CTS into four general groupings. These groupings are characterized as administrative changes, relocated changes, more restrictive changes and less restrictive changes.

Administrative changes are those that involve restructuring, renumbering, rewording, interpretation and complex rearranging of requirements and other changes not affecting technical content or substantially revising an operating requirement. The reformatting, renumbering and rewording process reflects the attributes of NUREG–1431 and does not involve technical changes to the existing TS. The proposed changes include (a) providing the appropriate numbers, etc., for NUREG–1431 bracketed information (information that must be supplied on a plant-specific basis, and which may change from plant to plant), (b) identifying plant-specific wording for system names, etc., and (c) changing NUREG–1431 section wording to conform to existing licensee practices. Such changes are administrative in nature and do not impact initiators of analyzed events or assumed mitigation of accident or transient events.

Relocated changes are those involving relocation of requirements and surveillances for structures, systems, components, or variables that do not meet the criteria for inclusion in the TS. Relocated changes are those current TS requirements that do not satisfy or fall within any of the four criteria specified in the Commission's policy statement and may be relocated to appropriate licensee-controlled documents.

The licensee's application of the screening criteria is described in Attachment 2 to its May 15, 1997, submittal, which is entitled, ''General Description and Assessment.'' The affected structures, systems, components or variables are not assumed to be initiators of analyzed events and are not assumed to mitigate accident or transient events. The requirements and surveillances for these affected structures, systems, components, or variables will be relocated from the TS to administratively controlled documents such as the quality assurance program,

the Final Safety Analysis Report (FSAR), the ITS Bases, the Technical Requirements Manual (TRM) that is incorporated by reference in the FSAR, the Core Operating Limits Report (COLR), the Offsite Dose Calculation Manual (ODCM), the Inservice Testing (IST) Program, or other licensee-controlled documents. Changes made to these documents will be made pursuant to 10 CFR 50.59 or other appropriate control mechanisms, and may be made without prior NRC review and approval. In addition, the affected structures, systems, components, or variables are addressed in existing surveillance procedures that are also subject to 10 CFR 50.59. These proposed changes will not impose or eliminate any requirements.

More restrictive changes are those involving more stringent requirements compared to the CTS for operation of the facility. These more stringent requirements do not result in operation that will alter assumptions relative to the mitigation of an accident or transient event. The more restrictive requirements will not alter the operation of process variables, structures, systems, and components described in the safety analyses. For each requirement in the CTS that is more restrictive than the corresponding requirement in NUREG–1431 that the licensee proposes to retain in the ITS, they have provided an explanation of why they have concluded that retaining the more restrictive requirement is desirable to ensure safe operation of the facility because of specific design features of the plant.

Less restrictive changes are those where CTS requirements are relaxed or eliminated, or new plant operational flexibility is provided. The more significant ''less restrictive'' requirements are justified on a case-by-case basis. When requirements have been shown to provide little or no safety benefit, their removal from the TSs may be appropriate. In most cases, relaxations previously granted to individual plants on a plant-specific basis were the result of (a) generic NRC actions, (b) new NRC staff positions that have evolved from technological advancements and operating experience, or (c) resolution of the Owners Groups' comments on the Improved Standard Technical Specifications. Generic relaxations contained in NUREG–1431 were reviewed by the staff and found to be acceptable because they are consistent with current licensing practices and NRC regulations. The licensee's design will be reviewed to determine if the specific design basis and licensing basis are consistent with the technical basis for the model requirements in NUREG–1431, thus providing a basis for these revised TS, or if relaxation of the requirements in the current TS is warranted based on the justification provided by the licensee.

These administrative, relocated, more restrictive, and less restrictive changes to the requirements of the CTS do not result in operations that will alter assumptions relative to mitigation of an analyzed accident or transient event.

In addition to the proposed changes solely involving the conversion, there are also changes proposed that are different than the requirements in both the CTS and the improved Standard Technical Specifications (NUREG–1431). The first 7 beyond-scope issues (BSIs) were included in the previous (superceded) notice and still apply to the conversion, however there are 17 additional BSIs. The additional BSIs are discussed in the licensee's response to requests for additional information (RAIs) from the NRC staff. These proposed BSIs to the ITS conversion are as follows:

1. ITS Surveillance Requirement (SR) 3.2.1.1 and SR 3.2.1.2—add frequency of once within 24 hours to CTS 4.2.2.2.d for verifying the axial heat flux hot channel factor is within limits after achieving equilibrium conditions.

2. ITS Limiting Condition for Operation (LCO) 3.3.9—revise Action 5.b of CTS Table 3.3–1 to increase the verification interval for unborated water source isolation valve position from 14 days to 31 days.

3. ITS LCO 3.4.7 and SRs 3.4.5.2, 3.4.6.2, and 3.4.7.2—revise steam generator (SG) level requirements from 10% wide range to 4% narrow range in CTS SRs 4.4.1.2.2 and 4.4.1.3.2 for Modes 3, 4, and 5 to ensure SG tubes are covered and provide an adequate heat sink.

4. ITS LCO 3.4.1.2—revise applicability note to CTS LCO 3.4.9.3 to allow a longer time, up to 1 hour, for both centrifugal charging pumps to be capable of injecting into the reactor coolant system.

5. ITS LCO 3.7.15—changes reference for the spent fuel pool level from that above top of fuel stored in racks to that above the top of racks in CTS LCO 3.9.11.

6. ITS 5.6.5.a—adds the refueling boron concentration to the core operating limits report in CTS 6.9.1.9.

7. ITS 5.7.1—changes limits for high radiation areas in CTS 6.12.1 to reflect the requirements of revised 10 CFR Part 20.

8. Change 1–34–LS–2 (ITS Table 1.1–1), question 1.1–9, response letter dated April 21, 1999. The proposed change adds notes to CTS Table 1.2 to identify the number of reactor vessel head closure bolts required to be fully tensioned for Modes 4 and 5. A Note is also proposed to address Mode 6 bolt requirements.

9. Change 1–7–LS–3 (ITS Table 3.3–1), question 3.3–107, response letter dated November 25, 1998. The proposed change to CTS Table 3.3–1 would (1) extend the completion time for CTS Action 3.b from no time specified to 24 hours for channel restoration or changing the power level to either below P–6 or above P–10, (2) change the applicable modes and delete CTS Action 3.a because it is now outside the revised intermediate range neutron flux channel applicability, and (3) add a less restrictive new action that requires immediate suspension of operations involving positive reactivity additions and a power reduction below P–6 within two hours, but no longer requires a reduction to Mode 3.

10. Change 1–22–M (ITS SR 3.3.1.8), question 3.3–49, response letter dated November 25, 1998. The proposed change would add quarterly channel operational tests (COTs) to CTS Table 4.3–1 for the power range neutron flux-low, intermediate range neutron flux, and source range neutron flux trip functions. The CTS only require a COT prior to startup for these functions. New Note 19 (which is from the STS) would be added to require that the new quarterly COT be performed within 12 hours after reducing power below P–10 for the power range and intermediate range (P–10 is the dividing point marking the applicability for these trip functions), if not performed in the previous 92 days. New Note 20 (which is from the STS), would be added to state that the P–6 and P–10 interlocks are verified to be in their required state during all COTs on the power range neutron flux-low and intermediate range neutron flux trip functions.

11. Change 1–46–M, (ITS Table 3.3.1–1 and 3.3.2–1), question 3.3–04, response letter dated March 9, 1999. The proposed change would revise CTS Table 3.3–1 Action 13 and CTS Table 3.3–3 Action 36 to require an inoperable SG low-low level (normal containment environment) instrument channel be placed in the tripped condition within 6 hours. The option to place the associated environmental allowance monitor (EAM) channels in trip would be deleted.

12. Change 4–09–LS–36, (ITS SR 3.4.11.1), question 3.4.11–4, response letter dated September 24, 1998. The proposed change would limit the CTS SR 4.4.4.2 requirement to perform the

92-day surveillance of the pressurizer power operated relief (PORV) block valves so that it is not required to be performed if the block valve is closed to meet CTS LCO 3.4.4 Action a. A note is also proposed to be added to action d to state that the Action does not apply if the block valve is inoperable solely to satisfy CTS LCO 3.4.4 Action b or c.

13. Change 10–20–LS–39 (ITS LCO 3.7.10), question 3.7.10–14, response letter dated October 21, 1998. The proposed change would add an action to CTS LCO 3.7.6 for ventilation system pressure envelope degradation that allows 24 hours to restore the control room pressure envelope through repairs before requiring the unit to perform an orderly shutdown. The new action has a longer allowed outage time than LCO 3.0.4 which the CTS would require to be entered immediately. The change would recognize that the ventilation trains associated with the pressure envelope would still be operable.

14. Change 2–25–LS–23 (ITS SR 3.8.4.7 and SR 3.8.4.8), the change, proposed in the amendment application, would allow substitution of a modified performance discharge test for the battery service test in CTS SR 4.8.2.1.e.

15. Change 1–09–A (ITS 5.0), question Q5.2–1, response letter dated September 24, 1998. The proposed change would replace CTS 6.2.2.e requirements concerning overtime with a reference to administrative procedures for the control of working hours.

16. Change 1–15–A (ITS 5.2.2.f), question Q5.2–1, response letter dated September 24, 1998. The proposed change would revise CTS 6.2.2.g to eliminate the title of Shift Technical Advisor (STA). The engineering expertise would be maintained on shift, but not as a separate individual, as allowed by the Commission's Policy Statement on engineering expertise.

17. Change 2–17–LS–1 (ITS 5.5.7), question Q5.5–2, response letter dated September 24, 1998. The proposed change would add an allowance to the CTS for the reactor coolant pump flywheel inspection program to permit an exception to the examination requirements specified in CTS SR 6.8.5.b (Regulatory position C.b.4 of NRC Regulatory Guide 1.14, ''Reactor Coolant Pump Flywheel Integrity,'' Revision 1.) The exception would allow either an ultrasonic volumetric or surface examination as an acceptable inspection method.

18. Change 2–18–A (ITS 5.0), question Q5.2–1, response letter dated September 24, 1998. The proposed change would revise the CTS 6.8.4.e.7 dose rate limits in the radiological effluents controls program to reflect 10 CFR Part 20 requirements.

19. Change 2–22–A (ITS 5.5.4.k), question Q5.2–1, response letter dated September 24, 1998. The proposed change would revise the radiological effluents controls program in CTS 6.8.3.e to add clarifying statements denoting that the provisions of CTS 4.0.2 and 4.0.3, which allow extensions to surveillance frequencies, are also applicable to these program activities.

20. Change 3–18–LS–5 (ITS 5.6.4), question Q5.2–1, response letter dated September 24, 1998. The CTS 6.9.1.8 requirement to provide documentation of all challenges to the power operated relief valves (PORVs) and safety valves on the reactor coolant system would be deleted. This would be based on NRC Generic Letter (GL) 97–02, ''Revised Contents in the Monthly Operating Report,'' which reduced the requirements for submitting such information to the NRC. The GL did not include these valves for information to be submitted.

21. Change 9–14–M (ITS SR 3.4.12.3). The change, proposed in the amendment application, would add a new surveillance requirement to CTS LCO 3.4.9.3 on overpressure protection systems to verify each accumulator is isolated when the accumulator pressure is greater than or equal to the maximum reactor coolant system (RCS) pressure for the existing RCS cold leg temperature allowed by the pressure/temperature limit curves provided in the pressure temperature limit report.

22. Change 14–09–M (ITS 3.7.16), question 3.7.16–3, response letter dated March 9, 1999. The proposed change would add a new LCO, with actions and surveillance requirements from the ITS, to the CTS for the allowable fuel storage boron concentration. The new specification is based on ITS 3.7.17 with the proposed minimum acceptable boron concentration for the spent fuel storage pool being 2165 ppm boron.

23. Change 1–15–A (ITS SR 3.3.1.15), question TR–3.3–007, response letter dated December 22, 1998. The proposed change would modify the applicability of the reactor trip on turbine trip function in CTS Table 3.3–1 by adding a new footnote (c) stating that this function would only be required to be operable above the P–9 interlock. This is proposed since this function is blocked below the P–9 interlock. The applicability change would also be reflected in the revised trip actuating device operational test (TADOT) requirements for functional unit #16 in CTS Table 4.3–2.

24. Change 1–30–M (ITS LCO 3.3.9) questions 3.3–119 and 3.3–121, response letter dated April 21, 1999. The proposed change would add a new LCO with actions and SR from the ITS for the boron dilution mitigation system. Additional restrictions not in the CTS would be added to address the requirement that one RCS loop shall be in operation for Modes 2 (below P–6), 3, 4 and 5. This is not included in the CTS or ITS 3.3.9.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By May 27, 1999, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available 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 Elmer Ellis Library, University of Missouri, Columbia, Missouri, 65201. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the

subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Mr. John O'Neill, Esq., Shaw, Pittman, Potts & Trowbridge, 2300 N Street, N.W., Washington, D.C., 20037, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(I)–(v) and 2.714(d).

If a request for a hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated May 15, 1997, as supplemented by letters dated June 26, August 4, August 27, September 24, October 21, November 23, November 25, December 11 and December 22, 1998, and February 5, March 9, April 7, and April 21, 1999, 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 Elmer Ellis Library, University of Missouri, Columbia, Missouri, 65201.

Dated at Rockville, Maryland, this 21st day of April 1999.

For the Nuclear Regulatory Commission.

Mel Gray,

Project Manager, Section 2, Project Directorate IV & Decommissioning Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 99–10493 Filed 4–26–99; 8:45 am]

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U.S. NUCLEAR REGULATORY COMMISSION

[Dockets 72–1021 and 72–1027]

Transnuclear, Inc.; Issuance of Environmental Assessment and Finding of No Significant Impact Regarding the Proposed Exemption From Certain Requirements of 10 CFR Part 72

The U.S. Nuclear Regulatory Commission (NRC or Commission) is considering issuance of an exemption, pursuant to 10 CFR 72.7, from the provisions of 10 CFR 72.124(b) to Transnuclear, Inc. (TN or applicant) for the TN–32 spent fuel storage cask. The requested exemption would allow TN to confirm the efficacy of the cask's fixed neutron poisons by analysis. TN, located in Hawthorne, New York, is seeking a Certificate of Compliance (CoC) for the TN–32 dry spent fuel storage cask. The cask is intended for use under the general license provisions of Subpart K of 10 CFR Part 72 by Duke Power Company (Duke) at the McGuire Nuclear Station (McGuire) located in Cornelius, North Carolina and Wisconsin Electric Power Company (WEPCo) at the Point Beach Nuclear Power Station (Point Beach) located in Two Rivers, Wisconsin. The TN–32 dry spent fuel storage cask is currently used at Surry and North Anna Power Stations under a site-specific license and an exemption to 10 CFR 72.124(b) was granted for these casks.

Environmental Assessment (EA)

Identification of Proposed Action: The staff is considering issuance of an exemption from the requirements of 10 CFR 72.124(b) which states, in part, that: ''Where solid neutron absorbing materials are used, the design shall provide for positive means to verify their continued efficacy.'' Specifically, the staff is considering granting an exemption from the requirement to use positive means to verify continued efficacy of neutron absorbing materials. The proposed action before the Commission is whether to grant this exemption under 10 CFR 72.7.

Need for the Proposed Action: The exemption to 10 CFR 72.124(b) is necessary because, while this requirement is appropriate for wet spent fuel systems, it is not appropriate for dry spent fuel storage systems such as the TN–32. Periodic verification of neutron poison effectiveness is neither necessary nor possible for these casks. It is also necessary to ensure that the certification process for the TN–32 cask takes into account previous staff conclusions that fixed neutron poisons in these storage casks will remain effective over the 20-year period of the license. On June 9, 1998, the Commission issued a proposed rule (63 FR 31364) to revise 10 CFR 72.124(b). The Commission proposed that for dry spent fuel storage systems, the continued efficacy of neutron absorbing material may be confirmed by a demonstration and analysis before use, showing that significant degradation of the material cannot occur over the life of the facility. A final rule to revise this regulation has not yet been issued by the Commission.

Environmental Impacts of the Proposed Action: The TN–32 cask design includes fixed neutron absorbers but does not provide for periodic verification of neutron absorber efficacy. The staff previously evaluated the efficacy of the TN–32 cask fixed neutron absorbers and an exemption to 10 CFR 72.124(b) was granted for the casks currently in use at the North Anna Power Station. In NRC's March 19, 1999, safety evaluation of the TN–32 cask Safety Analysis Report, the staff concluded that fixed neutron poisons in the TN–32 cask will remain effective for the 20-year storage period and that the criticality design for the cask is based on favorable geometry and fixed neutron poisons. In addition, the staff deduced that there is no credible way to lose the fixed neutron poisons; therefore, there is no need to provide a positive means to verify their continued efficacy as required by 10 CFR 72.124(b). The TN–32 CoC application dated September 24, 1997, as amended, is under consideration by the Commission. It is anticipated, if approved, the TN–32 CoC may be issued in early 2000.

The Commission has completed its evaluation on the proposed action and concludes that granting an exemption from the requirements of 10 CFR 72.124(b) will have no environmental impact because the staff has determined that periodic verification of the neutron absorber efficacy is not needed to assure that the fixed neutron poisons casks will remain effective during the storage period. The proposed action will not increase the probability or consequences of accidents. There are no non-radiological environmental impacts associated with the proposed action.

Alternative to the Proposed Action: Since there is no environmental impact associated with the proposed action, alternatives are not evaluated other than the no action alternative. The alternative to the proposed action would be to deny approval of the exemption (i.e., the ''no-action'' alternative). Denial of the proposed action would result in greater exposures to plant workers due to the fact that the only means to verify the continued efficacy of neutron absorbing materials would require workers to periodically reopen the casks and remove at least one fuel assembly. The environmental impacts of the alternative action are greater than the proposed action.

Given that there are greater environmental impacts associated with the alternative action of denying the approval for exemption, the Commission concludes that the preferred alternative is to grant this exemption.

Agencies and Persons Consulted: On March 8, 1999, Mr. Johny James of the North Carolina Division of Radiation Protection and Ms. Sally Jenkins of the Wisconsin Public Utility Commission were consulted about the EA for the proposed action and had no concerns.

Finding of No Significant Impact

The environmental impacts of the proposed action have been reviewed in accordance with the requirements set forth in 10 CFR Part 51. Based upon the foregoing EA, the Commission finds that the proposed action of granting an exemption from 10 CFR 72.124(b) so that TN need not use positive means to verify the continued efficacy of the neutron absorbing material in these casks will not significantly impact the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed exemption.

For further details with respect to this action, see the application for CoC for the TN–32 cask system dated September 24, 1997, as supplemented. These documents are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC 20555; Local Public Document Room at the J. Murrey Atkins Library, University of North Carolina at Charlotte, UNCC Station, Charlotte, NC 28223; Local Public Document Room at the Joseph Mann Library, 1516 16th Street, Two Rivers, WI 54241; and Local Public Document Room at the State Library of Pennsylvania, Walnut Street and Commonwealth Avenue, Harrisburg, PA 17105.

Dated at Rockville, Maryland, this 19th day of April 1999.

For the Nuclear Regulatory Commission.

E. William Brach,

Director, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 99–10492 Filed 4–26–99; 8:45 am]

BILLING CODE 7590–01–P

PRESIDIO TRUST

Letterman Complex, The Presidio of San Francisco, California; Notice of Availability to Review and Comment on the Draft Supplemental Environmental Impact Statement

AGENCY: The Presidio Trust.

ACTION: Notice of availability to review and comment on the draft supplemental environmental impact statement (SEIS) for new development and uses within the Letterman Complex, The Presidio of San Francisco. The draft SEIS is a supplement to the 1994 Final General Management Plan Amendment (GMPA) EIS for The Presidio of San Francisco.

SUMMARY: The Presidio Trust has prepared a draft SEIS for the development and occupancy of approximately 900,000 square feet of new, low- to mid-rise mixed-use space within 23 acres of the 60-acre Letterman Complex, located in the northeast corner of The Presidio of San Francisco, California. New development would necessitate the demolition of the functionally obsolete 451,000-square-foot Letterman Army Medical Center (LAMC) and 356,000-square-foot Letterman Army Institute of Research (LAIR), and several other non-historic structures located within the Letterman Complex. For the purposes of the draft SEIS, six alternatives have been formulated for development and occupancy of the site: a ''Science and Education Center'' (the Updated Presidio GMPA Alternative, or Alternative 1); a ''Sustainable Urban Village'' (Alternative 2); a ''Mixed Use Development'' (Alternative 3); a ''Live/Work Village'' (Alternative 4); a ''Digital Arts Center'' (Alternative 5) and ''Minimum Management'' (the No Action Alternative, or Alternative 6). The alternatives were selected on the basis of concerns expressed during public involvement activities and the proposals received and considered by the Presidio Trust in response to its Request for Qualifications to develop the site.

Public Meetings

The Presidio Trust will receive oral comment on the draft SEIS at the May 18, 1999 and June 15, 1999 meetings of the Citizens' Advisory Commission of the Golden Gate National Recreation Area. The meetings will be held at Park Headquarters, Building 201, Fort Mason, San Francisco, California at 7:30 p.m.

Comments

Comments on the draft SEIS must be received by June 26, 1999. Written comments on the draft SEIS must be sent to: NEPA Compliance Coordinator—Attn: Letterman Complex, Presidio Trust 34 Graham Street, P.O. Box 29052, San Francisco, CA 94129–0052, Fax: 415–561–5315, E-mail: presidio@presidiotrust.gov.

Materials Available to The Public

Copies of the draft SEIS are available for the actual cost of reproduction at: Kinko's 3225 Fillmore Street, San Francisco, CA 94123, Phone: 415–441–2995.

The draft SEIS and final GMPA EIS are available for review at:

The Presidio Trust, 34 Graham Street, San Francisco, CA 94129–0052, Phone: 415–561–5300

GGNRA Park Headquarters, Building 201, Fort Mason, San Francisco, CA 94123, Phone: 415–561–4620

San Francisco Main Library, Government Information Center, Civic Center, San Francisco, CA 94102, Phone: 415–557–4500

San Francisco Library, Presidio Branch, 3150 Sacramento Street, San Francisco, CA 94115, Phone: 415–292–2155

A summary of the SEIS is available for viewing on the Internet by clicking on ''Letterman SEIS'' at the following website: http://www.presidiotrust.gov/park/index.htm.

FOR FURTHER INFORMATION CONTACT: John Pelka, NEPA Compliance Coordinator, the Presidio Trust, 34 Graham Street, P.O. Box 29052, San Francisco, CA 94129–0052. Telephone: 415–561–5300.

Dated: April 20, 1999.

Karen A. Cook,

General Counsel.

[FR Doc. 99–10471 Filed 4–26–99; 8:45 am]

BILLING CODE 4310–4R–U

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41310; File No. SR–Amex–99–11]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the American Stock Exchange LLC Relating to an Increase in the Maximum Size of Options Orders Eligible To Be Entered Through the Amex Order File System Into the Amex Options Display Book

April 19, 1999.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 29, 1999, the American Stock Exchange LLC (''Amex'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items, I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to increase from 50 to 100 the maximum number of equity and index option contracts in an order that may be entered through the Amex Order File System (''AOF'') into the Amex Options Display Book (''AODB''). The text of the proposed rule change is available at the Office of the Secretary, Amex and the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Amex has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The AOF routes orders to specialists' order books and to Auto-Ex, an automatic execution system that executes public customer market and marketable limit orders in options at the best bid or offer displayed at the time the order is entered. Currently, the AOF permits a Member or Member Firm to enter orders for up to 50 option contracts directly into an Exchange specialist's order book (the AODB)[3] from off the Exchange's trading floor and orders of up to 20 contracts into Auto-Ex.[4]

Amex proposes to increase the maximum size of options orders that may be entered through the AOF into the AODB from 50 to 100 option contracts.[5] This increase in maximum size of orders eligible for automated entry into the AODB will permit Members and Member Firms to send a larger percentage of orders directly to a specialist's order book for execution, resulting in increased automated order handling. Amex believes this increased automated order handling will benefit customers as well as Members and Member Firms by expanding the number of option orders eligible for automated handling and promoting the orderly and timely delivery, processing and execution of such orders.

The Exchange represents that AOF/AODB has been successful in enhancing execution and operational efficiencies. In anticipates that the proposed increase in the AOF's maximum order size parameters should further increase execution and operational efficiencies realized since the introduction of the AOF.

2. Statutory Basis

The Exchange represents that the proposed rule change is consistent with Section 6(b)[6] of the Act, in general, and furthers the objectives of Section 6(b)(5)[7] in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system.[8]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

[3] The Exchange represents that currently, orders for more than 50 option contracts are either manually entered by the specialist into the AODB or ''worked'' in the crowd. Telephone conversation between Scott Van Hatten, Legal Counsel, Amex and Gordon Fuller, Special Counsel, Division of Market Regulation (''Division''), SEC (April 7, 1999).

[4] The Commission notes that Amex received Commission approval to increase the maximum size of orders entered into Auto-Ex from 20 options contracts to 50. Securities Exchange Act Release No. 41098 (February 24, 1999), 64 FR 10511 (March 4, 1999) (File No. SR–Amex–98–44). Amex represents, however, that the Auto-Ex order size limit is currently set at 20 contracts. Telephone conversation between Scott Van Hatten, Amex, and David Sieradzki and Gordon Fuller, Special Counsels, Division, SEC (April 5, 1999).

[5] Amex represents that its systems capacity is sufficient to accommodate the anticipated increased volume of orders entered into AODB as a result of the increase in maximum order size. Telephone conversation between Scott Van Hatten, Amex, and David Sieradzki and Gordon Fuller, Special Counsels, Division, SEC (April 5, 1999).

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] In reviewing this proposal, the Commission has considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Amex represents that the foregoing rule change effects a change in an Amex order-entry system that: (1) Does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; and (3) does not have the effect of limiting the access to or availability of the system. Therefore, the rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[9] and subparagraph (f)(5) of Rule 19b–4 under the Act.[10]

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR–Amex–99–11 and should be submitted by May 18, 1999.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–10454 Filed 4–26–99; 8:45 am]

BILLING CODE 8010–01–M

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(5).

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41314; File No. SR–NASD–99–17]

April 20, 1999

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the National Association of Securities Dealers, Inc. Relating to SelectNet Fees

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b-4 thereunder,[2] notice is hereby given that on March 24, 1999, the National Association of Securities Dealers, Inc. (''NASD'' or ''Association''), through its wholly-owned subsidiary the Nasdaq Stock Market, Inc. (''Nasdaq''), filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by Nasdaq.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The NASD is submitting this proposed rule change to extend, through March 31, 2000, the fees currently charged under NASD Rule 7010(l) for the execution of transactions in Select Net as discussed below. If no further action is taken, SelectNet fees will revert to their original per-side level on April 1, 2000.[3]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq included statements concerning the purpose of, and basis for, the proposed rule change. Nasdaq has prepared summaries, set forth below in Sections A, B, and C of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Nasdaq is proposing to again extend its current reduced SelectNet fees. The reasons for Nasdaq's prevailing SelectNet fee structure were fully explained in its original fee structure proposal filed with the Commission in February of 1998.[4] Since then, SelectNet usage has continued at significantly elevated levels. As such, Nasdaq believes that an extension of these reduced fees, through March 31, 2000, is warranted. Under the proposed extension, SelectNet fees would continue to be assessed in the following manner: (1) $1.00 will be charged for each SelectNet order entered and directed to one particular market participant that is subsequently executed in whole or in part, (2) no fee will be charged to a member who receives and executes a directed SelectNet order, (3) the existing $2.50 fee will remain in effect for both sides of executed SelectNet orders that result from broadcast messages; and (4) a $0.25 fee will remain in effect for any member who cancels a SelectNet order. Nasdaq will continue to monitor and review SelectNet activity to determine if further extensions of its reduced SelectNet fee structure are appropriate. If no further action is taken, SelectNet fees will revert to their original $2.50 per-side level on April 1, 2000.

For the reason set forth above, Nasdaq believes that the proposed rule change is consistent with Section 15A(b)(5) of the Act,[5] which requires that the rules of the NASD provide for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which the NASD operates or controls.

B. Self-Regulatory Organization's Statement on Burden on Competition

The NASD believes that the proposed rule change will not result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Comments were neither solicited nor received.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b-4.

[3] Nasdaq notes that it recently filed with the Commission a rule proposal to, in part, return SelectNet to a pure order delivery and negotiation facility. *See* SR–NASD–99–11. Notwithstanding the one year extension of reduced fees contemplated here, Nasdaq reserves the right to adjust its SelectNet pricing by proposed rule change pending the approval of SR–NASD–99–11.

[4] *See* Securities Exchange Act Release No. 39641 (February 10, 1998), 63 FR 8241 (February 18, 1998). Nasdaq's current reduced fee structure was originally approved for a 90 day trial period, commencing the day that the proposal was published in the **Federal Register.** The reduced fees were extended in May, September and November of 1998 and would expire on March 31, 1999, if not extended by this filing. *See* Securities Exchange Act Release No. 40783 (December 11, 1998), 63 FR 70177 (December 18, 1998).

[5] 15 U.S.C. 78*o*–3(b)(5).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

This filing applies to the assessment of SelectNet fees to NASD members, and thus the proposed rule change is effective immediately upon filing pursuant to Section 19(b)(3)(A)(ii) of the Act[6] and subparagraph (f)(2) of Rule 19b–4[7] under the Act because the proposal is establishing or changing a due, fee or other charge.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to File No. SR–NASD–99–17 and should be submitted by May 18, 1999.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–10517 Filed 4–26–99; 8:45 am]

BILLING CODE 8010–01–M

[6] 15 U.S.C. 78s(b)(3)(A)(ii).

[7] 17 CFR 240.19b–4(f)(2).

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41306; File No. SR–Phlx–99–07]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Relating to the Requirement for Off-Floor Traders for Which the Exchange Is the Designated Examining Authority To Successfully Complete the General Securities Representative Examination Series 7

April 16, 1999.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 15, 1999, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. On April 7, 1999, the Phlx filed Amendment No. 1.[3] On April 13, 1999, the Phlx filed Amendment No. 2.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Phlx Rule 604, Registration and Termination of Registered Representatives, to require successful completion of the National Association of Securities Dealers General Securities Representative Examination (''Series 7 Exam'') by persons associated with member of participant organizations for which the Exchange is the Designated Examining Authority (''DEA'') who are trading from off the floor of the Exchange.

Specifically, the Exchange seeks to require associated persons of members or member organizations for which the Exchange is the DEA, but who are not themselves Exchange members, who engage in proprietary trading of equities and options, including, but not limited to, persons who execute such trades or make trading decisions with respect to such trades, to successfully complete the Series 7 Exam. The proposed rule would apply to those persons who are not Exchange members registered in a trading capacity on the floor of the Exchange.

The text of the proposed rule change is below. Additions are italicized, and deletions are bracketed.

Rule 604. Registration and Termination of Registered [Representatives] *Persons*

(e) (i) Every person who is compensated directly or indirectly by a member or participant organization for which the Exchange is the DEA who executes, makes trading decisions with respect to, or otherwise engages in proprietary or agency trading of equities, preferred securities, convertible debt securities or options off the floor of the Exchange (''off-floor traders''), must successfully complete the General Securities Registered Representative Examination Test Series 7.

(1) The requirement to successfully complete the Series 7 examination applies to current off-floor traders as well as future off-floor traders who affiliate with members at a later date. Off-floor traders currently engaged in off-floor trading activity at the time of approval of this rule must successfully complete the Series 7 examination within six (6) months of notification by the Exchange.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change, and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The Exchange proposes to add paragraph (e) of Phlx Rule 604 to establish examination requirements for securities traders not located on the floor of the Exchange. Currently, the Exchange specifies qualification requirements for various persons conducting a public business or duties customarily performed by a registered

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Amendment No. 1 removed a description of professional traders from the filing. Letter from Richard S. Rudolph, Legal Counsel, Phlx, to Karl Varner, Special Counsel, Division of Market Regulation (''Division''), SEC, April 6, 1999.

[4] Amendment No. 2 made technical changes to the proposed rule change. Letter from Richard S. Rudolph, Legal Counsel, Phlx, to Karl Varner, Special counsel, Division, SEC, April 12, 1999.

representative. These qualification requirements are enumerated in Phlx Rule 604.[5] No similar qualification requirement exists for persons who conduct trading activities from off the floor of the Exchange. The purpose of the proposed rule change is to bring the Exchange's qualification requirements in line with those of the other major securities exchanges and enhance the consistency of qualification requirements across the exchanges by adding testing requirements for off-floor traders and certain other associated persons of members who are not covered by the current qualification requirements for floor traders.

The Exchange has discovered that the majority of those persons to whom the proposed rule would apply are associated with certain limited liability companies (''LLC'') for the purpose of conducting off-floor trading in their own accounts. These securities traders become members of the LLC to avail themselves of good faith margin provided through the LLC's Joint Back Office agreement with its clearing agent.

The new Series 7 Exam requirements, if approved, will apply to all previously registered persons, who will be required to successfully complete the Series 7 Exam within six months of notice by the Exchange. The new examination requirement would be phased in over a six-month period. Associated persons who are currently registered to trade from off the floor of the Exchange would be required to register to take the Series 7 Exam within 30 days of the Exchange's notice to membership of this requirement and those off-floor traders to whom the order applies will be required to notify the Exchange promptly that they have so registered. Off-floor traders required to register for the Series 7 Exam will have six months from the date of notice by the Exchange in which to successfully complete the Series 7 Exam.

Off-floor traders to whom the proposed rule applies who become associated with member organizations after notice of this requirement must successfully complete the Series 7 Exam prior to conducting securities trading activities for which the examination is required.

The proposed rule change is consistent with Section 6 of the Act[6] in general, and furthers the objectives of Section 6(c)(3)(A) of the Act[7] and Section 6(c)(3)(B) of the Act[8] in particular, in that it is designed to prescribe appropriate standards of training, experience, and competence for brokers and dealers and persons associated with Exchange members in order to protect investors and the public. The proposed rule change is also consistent with Section 6(b)(5) of the Act[9] in general, in that it is designed to perfect the mechanisms of a free and open market and a national market system, and to protect investors and the public interest by requiring registered off-floor traders to demonstrate their qualifications to trade by successfully passing the Series 7 Examination.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comment on the Proposed Rule Change Received From Members, Participants or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Phlx consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Phlx. All submissions should refer to File No. Sr–Phlx–99–07 and should be submitted by May 18, 1999.

For the Commission, by the Division on Market Regulation, pursuant to delegated authority.[10]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–10455 Filed 4–26–99; 8:45 am]

BILLING CODE 8010–01–M

[5] Securities Exchange Act Release No. 36515 (November 27,1995), 60 FR 62119 (December 4, 1995) (File No. SR–Phlx–95–58) (order approving amendment of Phlx Rule 604).

[6] 15 U.S.C. 78f.

[7] 15 U.S.C. 78f(c)(3)(A).

[8] 15 U.S.C. 78f(c)(3)(B).

[9] 15 U.S.C. 78f(b)(5).

[10] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice No. 3031]

Advisory Committee on International Economic Policy; Meeting Notice

The Advisory Committee on International Economic Policy (ACIEP) will meet from 9:00 a.m. to 1:00 p.m. on Tuesday, May 18, 1999, in Room 1107, U.S. Department of State, 2201 C Street, NW, Washington, DC 20520. The meeting will be hosted by Committee Chairman R. Michael Gadbaw and by Assistant Secretary of State for Economic and Business Affairs Alan P. Larson.

The ACIEP serves the U.S. Government in a solely advisory capacity concerning issues and problems in international economic policy. The objective of the ACIEP is to provide expertise and insight on these issues which are not available within the U.S. Government. Topics for the May 18 meeting will be: China: WTO Accession, Economic Relations, and Broader Agenda; Sanctions: Administration Initiatives, Status of Legislation, and State and Local Measures; Addressing Labor, Environmental, and Transparency Concerns in Economic Agreements; and U.S.-European Cooperation: Managing Trade Issues and Rebuilding a New Southeast Europe.

Members of the public may attend these meetings as seating capacity allows. While the meeting is open to the public, admittance to the Department of State Building is only by means of a pre-arranged clearance list. In order to be placed on this list, please provide your

name, title, company or other affiliation if appropriate, social security number, date of birth, and citizenship to the ACIEP Executive Secretariat by phone at (202) 647–5968 or fax (202) 647–5713 (Attention: Sharon Rogers) by Tuesday, May 11, 1999. On the date of the meeting, persons who have registered should come to the ''C'' Street entrance. One of the following valid means of identification will be required for admittance: a U.S. driver's license with photo, a passport, or a U.S. Government ID.

FOR FURTHER INFORMATION CONTACT: Sharon Rogers, ACIEP Secretariat, U.S. Department of State, Bureau of Economic and Business Affairs, Room 6828, Main State, Washington, DC 20520.

Dated: April 21, 1999.

William J. McGlynn,

Executive Secretary.

[FR Doc. 99–10540 Filed 4–26–99; 8:45 am]

BILLING CODE 4710–07–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. 29547]

207-Minute Extended Range Operations With Two-Engine Aircraft (ETOPS) Operation Approval Criteria

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for public comment.

SUMMARY: This notice announces the request by the Air Transport Association for the FAA to issue a policy for 207-minute ETOPS operation approval criteria. The material was presented to the FAA by mail dated March 22, 1999. In addition, this notice opens [29547] and that docket serves as a repository for all recorded material regarding the aforementioned meeting.

DATES: Comments must be received on or before June 11, 1999.

ADDRESSES: Comments on this notice should be mailed or delivered, in duplicate, to: Federal Aviation Administration, Office of Chief Counsel, Rules Docket Office, [29547], 800 Independence Avenue, SW., Room 915–G, Washington, DC 20591. Comments may also be submitted electronically to the following Internet address: 9–NPRM–CMTS@faa.gov. Comments must be marked [20547]. Comments may be filed and/or examined in Room 915–G weekdays between 10:00 a.m. and 5:00 p.m., except on Federal holidays.

FOR FURTHER INFORMATION CONTACT: Eric van Opstal, Air Transportation Division (AFS–200), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, Telephone (202) 267–8166.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to comment on the Air Transport Association's request by submitting such written data, views, or arguments to the address listed above. The FAA will consider all communications before taking action.

Following is the full text of the Air Transportation Association letter. The FAA is publishing this request without endorsement. The purpose of this notice is to request comments on the Air Transport Association request for 207-Minute ETOPS Operation Approval Criteria.

Air Transport Association

February 26, 1999.

Mr. Thomas E. McSweeny,

Associate Administrator for Regulation and Certification, Federal Aviation Administration, 800 Independence Avenue, SW AVR–1, Washington, DC 20591

Dear Mr. McSweeney: In conjunction with the planning and implementation of Extended Range Operations with Two-Engine Aircraft (ETOPS) in the North Pacific area of operations, the Air Transport Association (ATA) member airlines determined that a need exists for expanded ETOPS authority beyond 180 minutes. The ETOPS Subcommittee established a process where associated airlines, the Pilots associations, Boeing, Federal Aviation Administration representatives and other parties worked together to determine the criteria to support the establishment of a proposed 15 percent operational extension of 180 minute ETOPS. The result of the effort is the attached draft proposal, including the associated application and approval criteria, for an ETOPS policy letter providing for 207 minutes ETOPS authority.

As reflected in the proposed policy letter, it was determined that there would be additional requirements associated with the new authority. Most of these requirements are self evident. However, to assist in your analysis and review of this proposal, we have included an Executive Summary of the Boeing Reliability Study which was conducted in support of this effort.

There are many issues associated with 207 minute ETOPS, especially in the North Pacific area of operations. One example is the availability and support functions of Alternate and Emergency airports. ATA ETOPS operators have conducted airport visits and inspections of selected airports in Alaska and Russia, and are establishing plans to expand these and foreign governments to ensure airport availability to support all international air Transport operations.

In conclusion, we request your consideration and approval of the attached policy letter establishing 207 minute ETOPS authority. Since there are airlines conducting ETOPS in the North Pacific now and three more airlines plan to start operations in that area this year, we respectfully request accelerated processing of this proposal.

Sincerely,

Captain Paul McCarthy,

Executive Air Safety Chairman, Air Line Pilots Association.

Captain William Borrelli,

President, Independent Association of Continental Pilots.

Robert H. Frenzel,

Senior Vice President, Aviation Safety and Operations, Airlines Transport Association.

Draft Proposal February 4, 1999

Informatiopn: 207-minute ETOPS Operation Approval Criteria. ETOPS Policy Letter EPL.

Discussion

It has been determined by the FAA that a need exists for an additional ETOPS authority beyond 180 minutes. The ETOPS concept has been successfully applied since 1985 and is now widely employed. The number of ETOPS operators has increased dramatically, and, in the North Atlantic, U.S. operators have more twin operations than the number of operations accomplished by three- and four-engine airplanes. ETOPS is now well established.

It is apparent that the excellent propulsion related safety record and the success of two-engine airplane operations has not been maintained, but potentially enhanced, by the process-related provisions associated with ETOPS.

The data shows ETOPS requirements and processes are generally applicable to all long-range operations including those by three- and four-engine airplanes. Ensuring availability of en route alternate airports, adequate fire fighting coverage at these airports, fuel planning to account for depressurization are sound operational practices for all airplanes including three- and four-engine airplanes.

It is the position of the FAA that a need exist to normalize the requirements for enroute alternates across all long-range operations. Because such operations operate over increasingly remote and demanding areas of operation, it is also necessary to develop a long term solution to the requirements of adequate levels of Rescue and Fire Fighting Services (RFFS) for non-destination airports. Until such consistent requirements addressing all ''Long Range Operations'' are established, the FAA will continue to use AC120–42A, Extended Range

Operation with Two-Engine Airplanes, and associated policy letters to allow two-engine operations on extended-range operations (ETOPS). The FAA has taken the following into consideration during the development of this Policy Letter:

a. 180-minute ETOPS is adequate to permit two-engine operation on almost all the heavily traveled routes in the world. Due to a number of factors (including occasional political concerns, airport suitability considerations due to higher weather minima at dispatch, various weather related events and operational necessities), a need exists for an additional ETOPS authority beyond 180 minutes on a flight-by-flight exception basis.

b. A precedence for operational extension of maximum diversion time by up to 15 percent exists. ETOPS Policy Letter EPL 95–1 dated December 19, 1994, reinstated the increase of up to 15 percent in maximum diversion time (maximum diversion time being 120-minutes) from suitable airports which was initially provided in the original guidance for extended-range operations with two-engine airplanes in Advisory Circular AC 120–42 dated June 6, 1985.

c. This policy letter provides a 15% extension on 180 minutes (similar to what was provided for 120 minutes). It is intended that this extension will be applied on a flight-by-flight exception basis. Such extensions can only be applied to a route where adequate enroute alternate airports exist and are available and that, if defined as ''suitable'' for dispatch as per paragraph 10(d)(5) of AC 120–42A, the route could be flown at 180-minute ETOPS authority. A 15 percent increase to 180 mathematically equates to 207, and will therefore be addressed as the 207-minute ETOPS authority.

d. Allowing 207-minute ETOPS extension is not intended to encourage or support further closure of en route alternate airports.

The FAA has found it appropriate to release a policy letter allowing 207-minute ETOPS authority. This policy will be incorporated in Advisory Circular 120–42A at the next revision cycle. The FAA is committed to harmonize Title 14 Code of Federal Regulations (14 CFR) and aviation policy with the Joint Aviation Authorities (JAA) wherever it is feasible, and harmonization in this specific area is desirable.

Approval Basis

Although the 207-minute ETOPS authority is an extension of 180-minute ETOPS, certain criteria will apply when the increase in diversion authority is being exercised.

The operator shall comply with all the operational approval requirements for 180-minute ETOPS. Following are additional requirements for 207 minutes:

1. Operators shall use satellite communications (SATCOM) voice and/or SATCOM datalink as a minimum in order to meet 14 CFR requirements for rapid and reliable communications.

2. Operators shall, prior to the extended range entry point, use datalink to update any revised flight plan (company communications) if required as a result of reevaluation of aircraft system capabilities and enroute alternates. Dispatch will review enroute alternates and advise the flight crew of all suitable alternates within 207 minutes of the planned routing.

3. The operator shall have single-engine automated capability on the airplane and such systems must be operable for dispatch.

4. MEL restrictions for 180-minute operations shall be applicable. In addition, the following shall not be inoperative prior to dispatch for 207 minutes ETOPS:

- Fuel quantity indicating system (FQIS).
- Auxiliary power unit (including electrical and pneumatic supply to its designed capability).
- Autothrottle system.
- SATCOM voice and/or SATCOM datalink.

5. Operators shall ensure that adequate levels of RFFS for enroute ETOPS alternates are available. For the case of 207-minute ETOPS, the aircraft must remain at all times within 207 minutes of at least one adequate airport (as defined in AC 120–42A, Appendix 3) which has an RFFS of International Civil Aviation Organization (ICAO) Category 7 or higher. If such equipment is not available on the airport, an equivalent level of support must be reasonably accessible given notification of the divert.

6. Operators shall inform the flightcrew anytime an aircraft is dispatched under this authority and shall make available the dispatch considerations requiring such operations.

7. Operators who are granted 207-minute ETOPS authority shall submit to the FAA, on a regular monthly basis, a record of all ETOPS operations in that area. For each segment where the 207-minute authority was exercised, the dispatch justifications must be delineated. Industry data for all such operations will be reviewed on a regular basis by an industry group to be determined by the FAA.

The airframe-engine must have 180 minutes type design approval. All requirements specified in the Configuration Maintenance and Procedures (CMP) for 180-minute ETOPS will remain applicable. The airframe-engine combination shall be reviewed to determine if there are any factors which would affect safe conduct of 207-minute operations on a flight-by-flight exception basis as defined in (c) of the ''Discussion'' section of this policy letter. Such a review shall ensure:

1. Numerical Probability Analysis (NPA) provided to support 180 minutes will be reanalyzed to support a 207-minute diversion.

2. The engine installations have adequate oil supply margins to support 207-minute plus an additional allowance of 15 minutes (for holding, an approach and landing) for a total of 2202 minutes ETOPS diversions per FAR 25.1011(b).

3. Time-related cargo fire limitations shall not be less than the approved 207 minutes plus an additional allowance of 15 minutes (for holding, an approach, and landing) for a total of 222 minutes.

4. If the airframe-engine combination has other time limited systems, the time limit for those systems shall not be less than 207 minutes plus an additional allowance of 15 minutes (for holding, an approach and landing) for a total of 222 minutes.

5. The risk of uncontained engine failures and subsequent fuel tank damage shall be reviewed to demonstrate continued compliance with FAR 25.903(d)(1).

6. Engine inflight shutdown (IFSD) target level shall be at .019/1000 engine hours (based on Appendix 1 to AC 120–42A).

7. Electrical power to at least one fuel crossfeed valve shall be available as long as the main battery or a backup power source is available.

8. At least one fuel boost pump in each main fuel tank must be able to be powered by a backup electrical power source other than the primary engine driven or APU driven generator.

9. Any one of the engine or APU driven generator sources present shall be capable of powering main AC and main DC buses.

Amendments to the master minimum equipment list (MMEL) shall be made if the reliability analysis or if service experience indicates that the existing MMEL is no longer appropriate for 207-minute ETOPS.

Application

Operators currently approved for 180 minutes ETOPS authority will be considered for 207-minute authority upon application. When approved, 207-minute ETOPS authority will be considered an extension of 180-minute ETOPS (and the area of operation associated with that authority) and will be exercised by the operator on a flight-by-flight exception basis as defined in (c) of the ''Discussion'' section of this policy letter.

Operators with existing 180-minute ETOPS authority may apply for 207-minute ETOPS authority by letter application to the Air Transportation Division, AFS–200, through the certificate holding district office (CHDO). The ETOPS authority will be granted by the Director, Flight Standards Service, AFS–1, and will be reflected in the operator's Operations specifications. The application shall include the following information as minimum:

1. Current ETOPS authority (i.e., 180 minutes).
2. Specify the airframe-engine combinations presently authorized for ETOPS, and the airframe-engine combinations for which 207-minute ETOPS approval is being sought.
3. The area of operation requested for 207-minute ETOPS authority.
4. Provide a summary of revisions made to operational documents.
5. Provide a summary of the revision to training curriculum for maintenance, dispatch, and flight crew personnel to distinguish 207-minute ETOPS authority from 180-minute ETOPS criteria.

A copy of this policy is to be disseminated to all ETOPS operators.

Executive Summary: B777 Reliability Study

During the past several years, Boeing, the aviation industry and government agencies have been working together to develop safer and more efficient methods of air transportation for the traveling public. One area of such particular focus has been extended range operations with twin engine airplanes (ETOPS).

Currently, most Boeing twins have been type design approved for ETOPS up to 180 minutes. Until recently, this accommodated highly effective twin-engine, on those routes on which these airplanes were typically operated. Recently, however, the 180 minute limit has been shown to present certain obstacles to reliable operations in the North Pacific.

At times, some North Pacific alternates may be unavailable in the planning phase or during flight as a result of weather, volcanic eruptions or other temporary closures. While it is unlikely that all alternates would be unavailable during the actual flight, Advisory Circular 120–42A applies a conservative alternate airport weather minima factor during ETOPS flight planning. This factor may at times cause an alternate airport to be considered unavailable in the planning phase, thereby requiring an ETOPS flight to be canceled, have a possible extended departure delay, or forcing it to follow a less direct route to stay within 180 minutes of other suitable alternate airports. However, this conservative weather factor no longer applies once the flight dispatches. Thereafter, any decision to divert would be based on the actual suitability of the available alternate airports. Consequently, this well-intended weather factor may at times cause an airplane to be further away from the nearest suitable alternate airport if and when a diversion becomes necessary.

Boeing, pertinent airlines and pilot associations have been studying the impact of a 15% operational extension, on an exception basis, to 180 minute ETOPS. This operational extension would only be exercised when typically used alternate airports are temporarily unavailable for reasons such as weather—it is not intended to permit use of routes that cannot normally be operated with a 180 minute approval. The above parties find that such an extension to 207 minutes in the North Pacific will at times permit airlines to use routes that are most efficient and will likely, in the event a diversion is necessary, result in the airplane actually being closer to a suitable alternate airport, most, if not all of the time.

Boeing twin engine jetliners have logged close to 1.4 million ETOPS flights. During this vast experience, there has never been a diversion of 180 minutes' duration. In nearly half a century of commercial jet transportation, moreover, no airplane of any type, regardless of the number of engines, has ever performed an emergency diversion of 180 minutes or more to an alternate airport. Therefore, allowing a 15% extension to 207-minute ETOPS is unlikely to result in an actual diversion in excess of 180 minutes. However, it will allow more-direct routings, as well as greater choice and flexibility for flight crews, should a diversion be necessary.

As 207-minute ETOPS will in some cases permit shorter flights, it is not anticipated to result in diversions in excess of 180 minutes and may actually result in decreased diversion times. Such may actually yield a net decrease in risk. As a result, formal review of B–777 certification-related data is probably unnecessary for approval of 207-minute ETOPS. However, to assure that no compromise to safety occurs or might be perceived, an analysis of the B–777 type design was nevertheless performed to assess the suitability of the B–777 airplane to a 207-minute diversion.

Using design and reliability data from the B–777 airplane, a reliability analysis was performed on those systems considered important for ETOPS (electrical power generation system, hydraulic, bleed air, anti-ice, equipment cooling, fuel and propulsion). The exercise identified the necessary ''top events'' that needed to be analyzed to show compliance with the requirements posed by the 15% increase. Where numerical probability analysis (NPA) was used, it ensured that NPA ground rules were applied to the original analysis. Where an existing ETOPS NPA was performed considering a 180 minute diversion, an analysis for a 207 minute diversion was completed to show compliance for the 15% increase. However, if the existing ETOPS NPA was performed for the full 14 hours, not taking credit for the 180 minute diversion, no additional analysis was deemed necessary because that analysis showed ETOPS capability beyond 207 minutes. In all cases, the most conservative criteria with the greatest impacts were applied to this analysis.

In each case, the analysis showed that the probability of a catastrophic event was extremely improbable, even under the most extreme circumstances. In fact, this analysis confirmed B–777 airplane design and reliability capability well in excess of the proposed 15% extension.

Furthermore, the undersigned parties are prepared to offer a modification to the cargo fire protection system that accommodates the 15% extension in ETOPS diversion time, even though risk analysis methodology does not demonstrate a need for such a modification.

The Boeing Company has reviewed the results of this analysis with Mr. Steve Clarke, the FAA's focal for ETOPS type design approval, as well as individuals from the Aircraft Evaluation Group (AEG). Boeing is prepared to conduct additional such reviews for the FAA upon request.

Thomas E. McSweeny,

Associate Administrator for Regulation and Certification.

[FR Doc. 99–10556 Filed 4–26–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Final Environmental Impact Statement; Colorado Airspace Initiative (CAI)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Availability and Intent to Adopt the Final Environmental Impact Statement for the Colorado Airspace Initiative.

SUMMARY: Notice is hereby given that the Federal Aviation Administration (FAA) is recirculating and intends to adopt the Final Environmental Impact Statement (FEIS) prepared by the Air National Guard (ANG) for the modification of existing, and the establishment of new military airspace areas in Colorado, hereinafter known as the Colorado Airspace Initiative (CAI). The proposed actions assessed in the FEIS are substantially the same as the new military training airspace area that the ANG has asked the FAA to designate.

FOR FURTHER INFORMATION CONTACT: Mr. William J. Marx, Manager, Environmental Programs Division (ATA–300), Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591 (202) 267–9367.

SUPPLEMENTARY INFORMATION: As provided in 40 CFR 1506.3 and FAA Order 1050.1D, Policies and Procedures for Considering Environmental Impacts, the FEIS of another Federal Agency may be adopted in accordance with the procedures in 40 CFR 1506.3. Under 40 CFR 1506.3(b), if the actions covered by an EIS and the actions proposed by another Federal agency are substantially the same, the agency adopting another agency's statement is not required to recirculate it except as a final statement. The FAA has determined that the proposed action of modifying existing and establishing new military training airspace areas over the State of Colorado is substantially the same as the actions considered in the ANG's FEIS. FAA staff has independently reviewed the ANG FEIS to determine if it is current and that FAA NEPA procedures have been satisfied. FAA has determined that the FEIS adequately assesses and discloses the potential environmental impacts of the proposed action. FAA staff concluded that, after mitigation measures are taken into consideration, the existing airspace can be modified and new military training airspace can be established with no significant impacts on environmental resources.

The proposal will modify existing and establish new military training airspace areas over the State of Colorado. The ANG has requested this action to respond to changes in readiness training requirements. The requirements are reflected in specific United States Air Force regulations for military aircraft and personnel operating in the affected airspace. Additionally, this action responds to the changes in commercial aircraft arrival and departure corridors required for operation of the new Denver International Airport.

The ANG evaluated the environmental impacts of the CAI in its document, Final Environmental Impact Statement for the Colorado Airspace Initiative, August 1997 (FEIS). The preferred alternative was also the environmentally preferred alternative in the FEIS. The preferred alternative was modified in response to concerns raised by private citizens, government agencies, and various public interest groups. The ANG changed its proposal to narrow the widths of portions of corridors of four military training routes and withdrew one route. Subsequently, the ANG issued a Record of Decision (ROD) on October 28, 1997, approving the preferred alternative as modified. The ANG then submitted the FEIS to the FAA with its application for airspace approval.

In furtherance of CEQ regulations, in addition to the executive summary of the ANG FEIS, the FAA is recirculating the following information: (1) The ANG's ROD; (2) a summary of public comments submitted during the aeronautical review and responses to the comments; and (3) a summary of the refinements the ANG made in the ROD to the preferred alternative after the ANG FEIS was issued.

Any person may obtain a copy of the ANG FEIS, ROD and the above-reference information by submitting a request to: Air National Guard Readiness Center, Program Manager, CAI EIS, ANGRC/CEVP, 3500 Fetchet Avenue, Andrews Air Force Base, MD 20762–5157.

Written comments may be sent to the address below, and are due by Friday, May 28, 1999: Federal Aviation Administration, Environmental Programs Division, Air Traffic Airspace Management Program, Attn.: Elizabeth Gaffin, rm. 422, 800 Independence Ave., SW., Washington, DC 20591.

Issued in Washington, DC, on April 21, 1999.

William J. Marx,

Manager, Environmental Programs Division.

[FR Doc. 99–10555 Filed 4–26–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Environmental Impact Statement on Transportation Improvements in the Primary Transportation Corridor of the City and County of Honolulu, Hawaii

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of Intent to Prepare an Environmental Impact Statement (EIS).

SUMMARY: The Federal Transit Administration (FTA), in cooperation with the City and County of Honolulu Department of Transportation Services (DTS), intends to prepare an environmental impact statement (EIS) in accordance with the National Environmental Policy Act (NEPA) for proposed transportation improvements in the Primary Transportation Corridor of the City and County of Honolulu. The transportation improvements are being defined in conjunction with a Major Investment Study (MIS), which will include the NEPA scoping process and the selection of alternatives to be addressed in the EIS. The EIS will evaluate a no-build condition, transportation system management, and bus rapid transit and light rail transit options, plus any additional alternatives that emerge from the scoping process. Scoping will be accomplished through correspondence and discussions with interested persons, organizations, and federal, State and local agencies, and through a public meeting.

DATES: *Comments Due Date:* Written comments on the scope of alternatives and impacts to be considered should be sent to Ms. Cheryl D. Soon at the address in the ADDRESSE section by May 24, 1999.

Scoping Meeting: DTS will conduct a public scoping meeting on Tuesday, May 11, 1999 from 6:30 p.m. to 8:30 p.m. at the Washington Middle School Cafeteria, 1633 South King Street, Honolulu, Hawaii.

ADDRESSES: Written comments on the project scope should be sent to Ms. Cheryl D. Soon, Director, Department of Transportation Services, City and County of Honolulu, 711 Kapiotani Boulevard, Suite 1200, Honolulu, Hawaii 96813. The scoping meeting will be at the location stated above.

FOR FURTHER INFORMATION CO0NTACT: Mr. Robert E. Horn, Director, Office of Planning and Program Development, Federal Transit Administration, Region IX, (415) 744–3133.

SUPPLEMENTARY INFORMATION:

I. Scoping

The FTA and DTS invite written comments on the scope of the study until May 24, 1999.

During scoping, comments should focus on identifying specific social, economic, or environmental impacts to be evaluated and suggesting alternatives that are less costly or less environmentally damaging, which achieve similar objectives. Comments should focus on the issues and alternatives for analysis, and not on a preference for a particular alternative individual preference for a particular alternative should be communicated during the comment period for the Draft EIS. If you wish to be placed on the mailing list to receive further information as the project continues, contact Ms. Cheryl D. Soon (see ADDRESSES above). A scoping packet describing the alternatives proposed is available from Mr. Kenneth Hamayasu at (808) 527–6978. This packet will also be sent to federal, state, and local agencies that may have an interest in the scope of the study.

DTS will invite federal, State, and local agencies and the public to attend the scoping meeting described previously (see DATES above). The roles of the Federal Highway Administration and other agencies will be decided during scoping. The meeting will be advertised in MidWeek. Comnments will be invited on the alternatives to be addressed and the environmental, social, and economic impacts to be analyzed. People with special needs should call Ms. Jovie Yoshioka at 808–531–7094. The building used for the scoping meeting is accessible to persons with disabilities.

II. Description of Study Area and its Transportation Needs

The Primary Transportation Corridor is located in the City and County of Honolulu along the southern coast of the island of Oahu. It extends from Kapolei on the west end of the island, past Pearl Harbor, Honolulu International Airport, and downtown Honolulu to the University of Hawaii at Manoa (UH). The east-west length of the Corridor is approximately 23 miles. The north-south width is no more than four miles because the Koolau Mountain Range bounds much of the Corridor to the north and the coastline bounds the Corridor to the south. The Corridor includes the highest density and largest employment areas on the island and in the State. The western portion of the Corridor is less dense, but is designated as the ''Secondary Urban Center'' by the State and City and County to encourage well planned residential and employment growth at a single location outside the Primary Urban Center.

Freeways, highways, streets and a 525-vehicle bus system are currently the basic transportation components responsible for the movement of people and goods on Oahu. All types of vehicles, such as public and private transit services, bicycles and pedestrians, utilize the existing roadway network. The bus system, called TheBus, provides islandwide coverage on 80 routes, and carries approximately 80 million passengers annually.

III. Alternatives

The alternatives under consideration include a No-Build Alternative, an Enhanced Bus/Transportation System Management (TSM) Alternative, a Bus Rapid Transit (BRT) Alternative, and a Light Rail Transit (LRT) Alternative with several alignment options. These alternatives will be developed further during the preparation of the Draft EIS.

No-Build Alternative

The No-Build Alternative will include existing transit and highway facilities and committed transportation projects to the year 2020. Committed projects are those programmed in the Oahu Regional Transportation Improvement Plan (TIP) Amendment No. 3, FY 1998–FY 2000. Highway components in the No-Build Alternative will also be included in the build alternative. The No-Build Alternative's transit components will include a bus transit system structured generally the same as the current system, but with an increase in fleet size to accommodate growth so that service frequencies would be the same as today.

Enhanced Bus/Transportation System Management (TSM) Alternative

The Enhanced Bus/TSM Alternative would provide a restructured bus system based on a hub-and-spoke route network, and low-cost capital improvements on existing roadway facilities, such as bus prioritization at signalized intersections, bus bypass lanes at spot locations, and semi-exclusive bus lanes on certain arterial street segments.

Bus Rapid Transit (BRT) Alternative

The BRT Alternative would consist of a hub-and-spoke transit system modified to focus service on additional transit facilities that provide priority treatments for transit. The transit facilities include expansion of the existing zipper lane on the H–1 Freeway that would include PM contraflow operations; semi-exclusive bus lanes on major arterial roadways; redesigned ramps; transit centers at strategic locations; and an LRT or electrically-powered bus line from Downtown Honolulu to Waikiki.

Light Rail Transit (LRT) Alternative

An LRT alternative being considered would include an LRT line from Pearl City to the UH via Kamehameha Highway, Middle Street, King Street, Kapiolani Boulevard, and University Avenue. An alternative to this line would use Salt Lake Boulevard, Puuloa Road, Kamehameha Highway, Dillingham Boulevard and King Street. A possible third LRT alternative would utilize the same alignment as the first LRT option, except the limits would be from Middle Street to UH. In addition, all the LRT alternatives would include many of the transit priority treatments of the BRT alternative, such as the expansion of the H–1 zipper lane.

Highway Elements

Some of the build alternatives could include a Sand Island Bypass and a Nimitz Parkway, projects intended to connect Honolulu with the ocean. The relationship of these projects with the transit project will be explored during scoping, in cooperation with FHWA and the State of Hawaii Department of Transportation.

IV. Probable Effects

Issues and impacts to be considered during the study include potential changes to: the physical environment (air quality, noise, water quality, aesthetics, etc.); the social environment (land use, development, neighborhoods, etc.); parklands and historic resources; transportation system performance; capital, and operating and maintenance costs; and financial resources available and financial impact on the City and County. Portions of the Corridor are listed on the National Register of Historic Places, so potential impacts on standing structures and historic districts (i.e., noise, vibration, aesthetics, etc.) will be important. Vehicular/pedestrian circulation, parking and in-street operation of buses and streetcars are key considerations.

Evaluation criteria will include consideration of the local goals and objectives established for the study, measures of effectiveness identified during scoping, and criteria established by FTA for ''New Start'' transit projects.

V. FTA Procedures

The Draft EIS for the Primary Corridor Transportation Project will be prepared simultaneously with conceptual engineering for the alternatives. The Draft EIS/conceptual engineering

process will assess the social, economic, and environmental impacts of the proposed alternatives while refining their design to minimize and mitigate any adverse impacts. After its publication, the Draft EIS will be available for public and agency review and comment, and a public hearing will be held. Based on the Draft EIS and comments received, the City will select a preferred alternative to be further detailed in the Final EIS. The Final EIS will be based on information resulting from preliminary engineering.

Issued on: April 21, 1999.

Leslie T. Rogers,

Regional Administrator.

[FR Doc. 99–10554 Filed 4–26–99; 8:45 am]

BILLING CODE 4910–57–M

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Transfer of Federally Assisted Land or Facility

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of intent to transfer Federally assisted land or facility.

SUMMARY: Section 5334(g) of the Federal Transit Laws, as codified, 49 U.S.C. ee 5301, *et seq.*, permits the Administrator of the Federal Transit Administration (FTA) to authorize a recipient of FTA funds to transfer land or a facility to a public body for any public purpose with no further obligation to the Federal Government if, among other things, no Federal agency is interested in acquiring the asset for Federal use. Accordingly, FTA is issuing this Notice to advise Federal agencies that the Brockton Area Transit Authority intends to transfer approximately 54,067 square feet of land situated within the central business district of Brockton, Massachusetts, behind the southeasterly intersection of Crescent and Main Streets.

EFFECTIVE DATE: Any Federal agency interested in acquiring the land or facility must notify the FTA Region I Office of its interest by May 27, 1999.

ADDRESSES: Interested parties should notify the Regional Office by writing to Richard H. Doyle, Regional Administrator, Federal Transit Administration, 55 Broadway, Room 921, Cambridge, MA 02142.

FOR FURTHER INFORMATION CONTACT: Richard N. Cole, Director of Operations and Program Management at 617/494–2395; or Pat Berkley, FTA Headquarters Office of Program Management at 202/366–6470.

SUPPLEMENTARY INFORMATION:

Background

49 U.S.C. Section 5334(g) provides guidance on the transfer of capital assets. Specifically, if a recipient of FTA assistance decides an asset acquired under this chapter at least in part with that assistance is no longer needed for the purpose for which it was acquired, the Secretary of Transportation may authorize the recipient to transfer the asset to a local governmental authority to be used for a public purpose with no further obligation to the Government.

49 U.S.C. Section 5334(g)(1) Determinations:

The Secretary may authorize a transfer for a public purpose other than mass transportation only if the Secretary decides:

(A) The asset will remain in public use for at least 5 years after the date the asset is transferred;

(B) There is no purpose eligible for assistance under this chapter for which the asset should be used;

(C) The overall benefit of allowing the transfer is greater than the interest of the Government in liquidation and return of the financial interest of the Government in the asset, after considering fair market value and other factors; and

(D) Through an appropriate screening or survey process, that there is no interest in acquiring the asset for Government use if the asset is a facility or land.

Federal Interest in Acquiring Land or Facility

This document implements the requirements of 49 U.S.C. Section 5334(g)(1)(D) of the Federal Transit Laws. Accordingly, FTA hereby provides notice of the availability of the land or facility further described below. Any Federal agency interested in acquiring the affected land or facility should promptly notify the FTA.

If no Federal agency is interested in acquiring the existing land or facility, FTA will make certain that the other requirements specified in 49 U.S.C. Section 5334(g)(1)(A) through (C) are met before permitting the asset to be transferred.

Additional Description of Land or Facility

The property contains approximately 54,067 square feet of land situated within the central business district of Brockton, Massachusetts, behind the southeasterly intersection of Crescent and Main Streets. The parcel has access to Main Street, Crescent Street, and Maple Avenue, all within the City of Brockton and is improved with brick and masonry sidewalks, driveway, and parking pads to accommodate passenger pick-up and drop-off by Brockton Area Transit Authority buses. Additional site improvements include weather canopies, minimal bench seating, and street lighting.

Issued on: April 21, 1999.

Richard H. Doyle,

Regional Administrator.

[FR Doc. 99–10496 Filed 4–26–99; 8:45 am]

BILLING CODE 4910–57–P

UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition Determination: ''Facing West: Jews of Central Asia and the Caucasus''

AGENCY: United States Information Agency.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and Delegation Order No. 85–5 of June 27, 1985 (50 FR 27393, July 2, 1985), I hereby determine that the objects to be included in the exhibit, ''Facing West: Jews of Central Asia and the Caucasus,'' imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. These objects are imported pursuant to a loan agreement with the foreign lender. I also determine that the exhibition or display of the listed objects at The Jewish Museum, New York, NY, from on or about June 20, 1999, to on or about October 17, 1999, is in the national interest. Public Notice of these determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT:

For a copy of the list of exhibit objects and for further information, contact Ms. Neila Sheahan, Assistant General Counsel, Office of the General Counsel, 202/619–5030. The address is Room 700, U.S. Information Agency, 301 4th Street, SW, Washington, DC 20547–0001.

Dated: April 22, 1999.

Les Jin,

General Counsel.

[FR Doc. 99–10518 Filed 4–26–99; 8:45 am]

BILLING CODE 8230–01–M

UNITED STATES INFORMATION AGENCY

U.S. Advisory Commission on Public Diplomacy Meeting

AGENCY: United States Information Agency.

ACTION: Notice.

SUMMARY: The U.S. Advisory Commission on Public Diplomacy will meet on Wednesday April 28, 1999 in Room 600, 301 4th Street, SW., Washington, DC, from 8:30 a.m. to 10:00 a.m.

At 8:30 a.m. the Commission will meet with a panel of USIA Area Directors to discuss security and public diplomacy issues.

FOR FURTHER INFORMATION: Please call Marianne Scott, (202) 619–4457, if you are interested in attending the meeting. Space is limited and entrance to the building is controlled.

Dated: April 21, 1999.

Rose Royal,

Management Analyst, Federal Register Liaison.

[FR Doc. 99–10497 Filed 4–26–99; 8:45 am]

BILLING CODE 8230–01–M

Corrections

Federal Register
Vol. 64, No. 80
Tuesday, April 27, 1999

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF THE INTERIOR

National Park Service

Availability of Plan of Operations and Environmental Assessment for Proposed 3-D Seismic Survey; Cobra Exploration, Big Thicket National Preserve, Hardin County, TX

Correction

In notice document 99–9446 appearing on page 19193 in the issue of Monday, April 19, 1999, make the following correction:

In the second column, in the first full paragraph, in the second line ''46'' should read ''36''.

[FR Doc. C9–9446 Filed 4–26–99; 8:45 am]

BILLING CODE 1505–01–D

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notice of Prospective Patent License

Correction

In notice document 99–9477, appearing on page 18944, in the issue of Friday, April 16, 1999, make the following correction:

On page 18944, in the third column, in the **DATES:** section, in the second line, ''July 15, 1999'' should read ''June 15, 1999''.

[FR Doc. C9–9477 Filed 4–26–99; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD07–98–033]

RIN 2115–AE46

Special Local Regulations; St. Johns River, Jacksonville, Florida

Correction

In rule document 98–20932, beginning on page 41718, in the issue of Wednesday, August 5, 1998, make the following correction:

§ 100.710 [Corrected]

On page 41719, in the third column, in § 100.710, in the first line, paragraph designation ''(b)'' should read ''(c)''.

[FR Doc. C8–20932 Filed 4–26–99; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–ACE–12]

Amendment to Class E Airspace; West Union, IA

Correction

In rule document 99–9791, beginning on page 19261, in the issue of Tuesday, April 20, 1999, make the following corrections:

§ 71.1 [Corrected]

1. On page 19262, in the second column, in the first line ''**ACE IA E West Union, IA [Revised]**'' should read ''**ACE IA E5 West Union, IA [Revised]**''.

2. On the same page, in the same column, in the ninth line, ''Geoerge L. Scoot'' should read ''George L. Scott''.

3. On the same page, in the same column, in the 12th line, ''west union'' should read ''West Union''.

[FR Doc. C9–9791 Filed 4–26–99; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99-ASW-04]

Revision of Class E Airspace; Lake Charles, LA

Correction

In rule document 99–9883, beginning on page 19268, in the issue of Tuesday, April 20, 1999, make the following correction:

§ 71.1 [Corrected]

On page 19269, in the first column, under the heading **ASW LA E5 Lake Charles, LA [Corrected]**, in the fifth line, ''(Lat. 30°12′25″N.,'' should read ''(Lat. 30°12′45″N.,''.

[FR Doc. C9–9883 Filed 4–26–99; 8:45 am]

BILLING CODE 1505–01–D

federal register

Tuesday
April 27, 1999

Part II

Department of Veterans Affairs

38 CFR Part 17

Medical Care Collection or Recovery; Final 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: Final rule.

SUMMARY: This document amends 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 establishes methodology for charging ''reasonable charges'' consistent with the statutory amendment. The charges billed using this methodology, as appropriate, 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 will 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 therefore 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 continues to 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.

Also, the regulations are 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: *Effective Date:* September 1, 1999.

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: In a document published in the **Federal Register** on October 13, 1998 (63 FR 54756), we proposed to amend VA's medical regulations as set forth in the **SUMMARY** portion on this document. We provided a 60-day comment period that ended December 14, 1998. We received comments from six commenters in response to the proposal. These comments are discussed below. Based on the rationale set forth in the proposed rule and in this document, the provisions of the proposed rule are adopted as a final rule with changes explained below.

Podiatrists, Optometrists, and Physician Assistants

Three of the comments concerned the proposal at § 17.101(f) to charge for services of podiatrists and optometrists at 95% and 90%, respectively, of the amount that would be charged if the care had been provided by a physician. One of the comments concerned the proposal at § 17.101(f) to charge for services of physician assistants at 65% for assistance at surgery, 75% for other hospital care, and 85% for other non-hospital care. The commenters provided information establishing that under the Medicare program optometrists and podiatrists are paid the same as physicians for services provided and physician assistants are paid for all services at 85% of the amount that would be charged if the care had been provided by a physician. In this regard, the commenters asserted that we should adopt the Medicare payment percentages for VA charges. In the proposed rule we indicated that we intended to use ''the Medicare percentages when available because of their extensive use for billing and payment of claims'' (63 FR 54758). Accordingly, since we now understand that the Medicare regulations provide for payment for optometrists and podiatrists at the physician rate and provide for payment for physician assistants at 85% of the physician rate for all billable services, we changed the final rule to be consistent with Medicare.

Effective Date

We considered whether to make the final rule effective thirty days after publication in the **Federal Register** or whether to make the final rule effective after a longer period. After considering the comments, we have decided to make the final rule effective September 1, 1999 to allow more time for industry to prepare for the changes.

One commenter, a representative of an association of insurance companies, asserted that the effective date should be delayed for twelve months. The commenter asserted that additional time is needed for them to establish computer software to process the new VA charges. The commenter also asserted that now is a difficult time for such changes since available resources should be devoted as a priority to ''year two thousand compliance'' issues. The commenter also asserted that their 1999 premiums did not take into account increased payments and administrative costs that would occur under the new system. The commenter also asserted that the comment period should be extended to allow time for engaging outside actuarial or reimbursement consultants in order to provide substantive comments on the billing methodology. The comments were supplemented by the inclusion of examples of cost comparisons between current charges and charges implemented by the final rule.

Initially, we note that the comments, at least in part, are based on an incorrect premise. Under the final rule an affected entity is not necessarily required to pay the full charges. The final rule provides that an affected entity would continue to have the option of paying to the extent of its coverage either the billed charges or 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.

Further, we believe insurers have had ample opportunity to adjust premiums for 1999. Ever since the enactment of Public Law 105–33 on August 5, 1997, it has been general knowledge in the

insurance industry that VA would bill based on market pricing as soon as regulations could be established. Moreover, the legislative history from the House Conference Report (H. Rep. No. 105–217, July 30, 1997, at pp. 974–975) for Public Law No. 105–33 states that ''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.'' We believe that any further delay in implementing this remedial legislation beyond the September 1, 1999, effective date of these final regulations would be unreasonable.

Also, we believe that it is reasonable for affected entities to establish an appropriate mechanism to process VA's billed charges under this final rule by the time payments to VA become due. In this regard, we note that VA billing under this final rule more closely accords with industry practice. Therefore, this should facilitate development of computer software necessary to process VA charges. In addition, we believe that the methodology for determining our new charges is based on sound actuarial principles.

Local Markets

In the proposed rule, we acknowledged that we have insufficient data for direct determination of prevailing charges for all services in all local markets (63 FR 54757). One commenter questioned how VA could determine local reasonable charges under such circumstances for charges other than those based on DRGs. No changes are made based on this comment. We believe that our methodology provides an appropriate remedy. For outpatient facility charges and physician charges, we grouped CPT codes for each local market, then compiled averages for the CPT code groups for each locality, and then used these averages to obtain estimated charges for those CPT codes for which we had insufficient data. Further, for skilled nursing facility/sub-acute inpatient facility charges, we used state-wide averages to establish geographic area adjustment factors.

Co-payments for Non-service Connected Outpatient Care

One commenter appeared to assume that this rulemaking proceeding would affect co-payments for non-service connected outpatient care. This rulemaking proceeding does not address this issue. The co-payment for non-service connected outpatient care continues to be based on the VA-wide estimated average cost of an outpatient visit (see 38 U.S.C. 1710(g)(2)).

Effective Periods

With respect to inpatient facility charges, skilled nursing facility/sub-acute inpatient facility charges, outpatient facility charges, and physician charges, the proposed rule provided in the trending provisions of the charges methodology, that the effective period for charges after September 1999 would be from October 1 through September 30 of each year. We changed these effective periods to coincide with calendar years (January 1 through December 31) to be consistent with standard industry practice.

Also, we have added provisions stating that in those cases in which the effective period for published charges has expired and new charges have not yet become effective, VA will continue to bill using the most recently published charges until new charges are published and become effective. For example, if the most recently published charges state that they are effective through December and new charges are not published and effective until February 1, then the charges set forth for the period through December will continue to be used through January 31. Although this normally would result in lower charges than the methodology would allow, this is necessary to ensure that VA will not have to suspend charging in those cases in which the effective period for published charges has expired and new charges have not yet become effective.

The data for determining charges, published in the October 13 **Federal Register** and in a companion document published in this issue of the **Federal Register**, was designed for the period August 1998 through September 1999. Consistent with the principles explained above, we intend to use these data for the period September 1, 1999 through December 31, 1999. This will result in lower charges than we could otherwise charge. Even so, we do not believe it would be cost effective to recalculate these data and republish them since they will be used for such a short period of time.

Nonsubstantive Changes

Nonsubstantive changes are made for purposes of clarity.

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

In a document published in the **Federal Register** on October 13, 1998 (63 FR 54766), we set forth data (derived from the methodology of the final rule) for calculating inpatient facility charges, skilled nursing facility/sub-acute inpatient facility charges, outpatient facility charges, and physician charges at individual VA facilities. These data will be used for such charges from the effective date of this final rule through December 1999, except for those changes (consistent with the methodology of the final rule) set forth in a companion document published in the ''Notices'' section of this issue of the **Federal Register**. As stated in the proposal, VA will update annually in the ''Notices'' section of the **Federal Register** the data for calculating the charges at individual VA facilities.

Paperwork Reduction Act

The collection of information contained in the notice of the proposed rulemaking was submitted to the Office of Management and Budget (OMB) for review in accordance with the Paperwork Reduction Act (44 U.S.C. 3504(h)).

The information collection subject to this rulemaking concerns submission of evidence. Under the provisions of § 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 § 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). This information is 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.

Interested parties were invited to submit comments on the collection of information. However, no comments were received. OMB has approved this information collection under control number 2900–0606.

VA is not authorized to impose a penalty on persons for failure to comply with information collection requirements which do not display a current OMB control number, if required.

Regulatory Flexibility Act

The Secretary hereby certifies that this final 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 final 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 final rule is exempt from the initial and final regulatory flexibility analyses requirements of §§ 603 and 604.

OMB Review

This document has been reviewed by OMB pursuant to Executive Order 12866.

Catalog of Federal Domestic Assistance Numbers

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 record-keeping requirements, Scholarships and fellowships, Travel and transportation expenses, Veterans.

Approved: March 25, 1999.

Togo D. West, Jr.,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 17 is 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 and a parenthetical at the end of the section is added 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) *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 be 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**. In those cases in which the effective period for published charges has expired and new charges have not yet become effective, VA will continue to bill using the most recently published charges until new charges are published and become effective (for example, if the most recently published charges state that they are effective through December and new charges are not published and effective until February 1, then the charges set forth for the period through December will continue to be used through January 31).

(3) *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).

(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 calendar year period thereafter, beginning January 1, 2000, 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., 1301 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 calendar year period thereafter, beginning January 1, 2000, 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 RVU's 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 calendar year period thereafter, beginning January 1, 2000, 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 CPT procedure code with the highest facility charge will be billed at 100% of the charges established under this section; the CPT procedure code with the second highest facility charge will be billed at 25% of the charges established under this section; the CPT procedure code with the third highest facility 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 substituted 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 & 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 (e)(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 calendar year period thereafter, beginning January 1, 2000, 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 Health Care Financing Administration 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) *Other provider charges.* When the following 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 under paragraph (e) of this section:

(1) Nurse practitioner: 85%.

(2) Clinical nurse specialist: 85%.

(3) Physician Assistant: 85%.

(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: 100%.

(8) Chiropractor: 100%.

(9) Dietitian: 75%.

(10) Clinical pharmacist: 80%.

(11) Optometrist: 100%.

(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.

(The Office of Management and Budget has approved the information collection requirements in this section under control number 2900–0606.)

(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), (h)(2), and (h)(4) through (h)(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. 99–10373 Filed 4–26–99; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Medical Care Collection or Recovery

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In a companion document published in the ''Rules and Regulations'' section of this issue of the **Federal Register**, we amended 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.

The final rule includes methodology for establishing charges for VA medical care or services. Using this methodology, information for calculating actual charge amounts at individual VA facilities for inpatient facility charges, skilled nursing facility/sub-acute inpatient facility charges, outpatient facility charges, and physician charges are set forth in a notice document that was published in the **Federal Register** on October 13, 1998 (63 FR 54766). These charges, with changes explained below, are effective for the period from September 1, 1999, through December 31, 1999. Accordingly, interested parties may wish to retain the notice document of October 13, 1998, and this notice 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 companion document published in the ''Rules and Regulations'' section of this issue of the **Federal Register** includes the methodology for inpatient facility charges at § 17.101(b), the methodology for skilled nursing facility/sub-acute inpatient facility charges at § 17.101(c), the methodology for outpatient facility charges at § 17.101(d), and the methodology for physician charges at § 17.101(e). Using this methodology, information for calculating actual charge amounts at individual VA facilities for inpatient facility charges, skilled nursing facility/sub-acute inpatient facility charges, outpatient facility charges, and physician charges are set forth in a notice document that was published in the **Federal Register** on October 13, 1998 (63 FR 54766). This document makes changes to the October 13 notice document consistent with the methodology of the final rule.

Inpatient Facility Charges—DRGs

Inpatient facility charges by DRG are set forth in Table A of the notice document published in the **Federal Register** on October 13, 1998. It is necessary to make changes to a number of DRGs. For five DRGs, 104 through 108, the criteria for assigning inpatient cases to the DRGs have changed, resulting in changes to their charges. One DRG, 109, that had not been used for several years is now being used and has new case assignment criteria. Six DRGs, 456 through 460, and 472, are no longer being used. Eight new DRGs, 504 through 511, have been established. Accordingly, ''Table A.—Inpatient Facility Nationwide Per Diem Charges; By DRG (Diagnosis Related Group)'' in the notice document of October 13, 1998, is changed for the specified DRGs as indicated in the ''Changes To Tables'' section at the end of this document.

Inpatient Facility Charges and Skilled Nursing Facility/Sub-acute Inpatient Facility Charges—Geographic Area Adjustment Factors

In ''Table B.—Inpatient Facility and Skilled Nursing Facility/Sub-acute Inpatient Facility Geographic Area Adjustment Factors; By VA Facility,'' in the notice document of October 13, 1998, we inadvertently omitted White City, Oregon. Accordingly, the appropriate information for this facility is added to Table B as indicated in the ''Changes To Tables'' section at the end of this document.

Outpatient Facility Charges and Physician Charges

Information by CPT procedure code used for calculating outpatient facility charges and physician charges was set forth in the notice document in the October 13, 1998, **Federal Register** in four tables: ''Table C.—Outpatient Facility Nationwide Charges, By CPT (Current Procedural Terminology) Code;'' ''Table E.—Physician Nationwide RVUs (Relative Value Units) and Conversion Factors for CPT Codes With Work Expense and Practice Expense RVUs;'' ''Table F.—Physician Nationwide Charges for Anesthesia and Pathology CPT Codes;'' and ''Table G.—Physician Nationwide RVUs (Relative Value Units) and Conversion Factors for CPT Codes With Total RVUs Only.'' We have made changes to these tables consisting of a total of 390 entries for 283 different CPT procedure codes, as follows.

Under the provisions of § 17.101(d) of the final rule, outpatient services provided by VA that are not customarily performed in an independent clinician's office are subject to outpatient facility charges and separate physician charges. Upon further review we have determined that 46 outpatient procedures for which we originally provided outpatient facility charges in the October 13 **Federal Register** notice document are customarily performed in an independent clinician's office. Therefore, it is necessary to remove these CPT procedure codes from Table C. As a result of these changes, the non-facility practice expense RVUs for these CPT procedure codes are substituted for the facility practice expense RVUs in Table E. Although the physician charge for these CPT procedure codes will increase, the total charge (without the outpatient facility charge) will decrease. Accordingly, we have removed these 46 CPT procedure codes from Table C and revised their practice expense RVUs in Table E as indicated in the ''Changes To Tables'' section at the end of this document.

Also, we determined that for three additional CPT procedure codes (66030, 67710, and 68810), we correctly provided no outpatient facility charges in the notice document in the October 13 **Federal Register**, but we incorrectly used the facility practice expense RVUs for calculating their physician charges. Therefore, for these CPT procedure codes, we have replaced the facility practice expense RVUs in Table E with the non-facility practice expense RVUs, as indicated in the ''Changes To Tables'' section at the end of this document. As a result of these changes, the physician charges for these three CPT procedure codes will increase.

When chemotherapy is provided on an outpatient basis, the physician charge is made using one of 18 CPT procedure codes, 96400 through 96545, listed in Tables E and G of our notice document in the October 13 **Federal Register**. Two of these CPT procedure codes, 96445 and 96450, were included in the outpatient facility charges in Table C in the October 13 notice document. Outpatient facility charges for the other 16 chemotherapy CPT

procedure codes were inadvertently omitted from Table C. Therefore, outpatient facility charges for these 16 CPT procedure codes are added to Table C, as indicated in the ''Changes To Tables'' section at the end of this document.

In calculating outpatient facility charges for the 16 chemotherapy CPT procedure codes discussed above, these codes were added to the outpatient facility CPT procedure code group ''Medicine—Global—Not Otherwise Classified'' (§ 17.101(d)(3)(i)(DD) of the final rule). With the addition of these CPT procedure codes, the charge factors for this group were recalculated (§ 17.101(d)(3) of the final rule), resulting in revised charges for the other 18 CPT procedure codes in the group. For 15 of these CPT procedure codes, the revised charges are lower than those set forth in the notice document in the October 13 **Federal Register**. For the other three CPT procedure codes, the revised charges are higher. For all 18 of these CPT procedure codes, the outpatient facility charges previously set forth have been replaced in Table C with the revised charges, as indicated in the ''Changes To Tables'' section at the end of this document.

The information on outpatient facility charges and physician charges set forth in the notice document in the October 13 **Federal Register** was based on CPT procedure codes for 1998. Changes to this information are required as a result of changes that have been made to CPT procedure codes for 1999. For outpatient facility charges, these changes consist of adding 27 CPT procedure codes, deleting 13 codes, and revising the charges for 13 codes. For physician charges, these changes consist of adding 117 CPT procedure codes, deleting 63 codes, and revising the charges for 15 codes. These changes are made to Tables C, E, F, and G, as indicated in the ''Changes To Tables'' section at the end of this document.

Physician Charges—Geographic Area Adjustment Factors

The formula for physician charges includes geographic area adjustment factors. Table H provides physician geographic area adjustment factors for RVUs and conversion factors. Table H was printed incorrectly in the October 13 **Federal Register** notice. Some column headings were incorrect. Also, some columns requiring numbers to three decimal places only contained numbers to two decimal places. Further, some columns requiring numbers to two decimal places only contained numbers to one decimal place. Accordingly, we are printing a corrected Table H in the ''Changes To Tables'' section at the end of this document.

Approved: March 29, 1999.

Togo D. West, Jr.,

Secretary of Veterans Affairs.

BILLING CODE 8320–01–P

Changes To Tables

The following changes for the specified DRGs are made to 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
104	Cardiac Valve & Oth Maj Cardiothoracic Proc W Card Cath	S	$1,140	$5,709
105	Cardiac Valve & Oth Maj Cardiothoracic Proc W/O Card Cath	S	$1,172	$5,754
106	Coronary Bypass With Ptca	S	$1,089	$6,572
107	Coronary Bypass W Cardiac Cath	S	$1,049	$4,810
108	Other Cardiothoracic Procedures	S	$1,220	$5,065
109	Coronary Bypass W/O Cardiac Cath	S	$1,118	$4,946
456	No Longer Valid	N	$0	$0
457	No Longer Valid	N	$0	$0
458	No Longer Valid	S	$0	$0
459	No Longer Valid	S	$0	$0
460	No Longer Valid	N	$0	$0
472	No Longer Valid	S	$0	$0
504	Extensive 3rd Degree Burn W Skin Graft	S	$1,686	$4,090
505	Extensive 3rd Degree Burn W/O Skin Graft	N	$1,800	$3,881
506	Full Thick Burn W Sk Graft or Inhal Inj W Cc or Sig Tr	N	$1,145	$2,099
507	Full Thick Burn W Sk Graft or Inhal Inj W/O Cc or Sig Tr	N	$1,135	$1,580
508	Full Thick Burn W/O Sk Graft or Inhal Inj W Cc or Sig Tr	N	$719	$1,422
509	Full Thick Burn W/O Sk Graft or Inhal Inj W/O Cc or Sig Tr	N	$785	$1,118
510	Non-Extensive Burns W Cc or Significant Trauma	N	$540	$1,277
511	Non-Extensive Burns W/O Cc or Significant Trauma	N	$661	$707

The following information for the VA facility at White City, Oregon, is added to 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/Subacute Inpatient Facility
	Room & Board	Ancillary	Room & Board	Ancillary	
WHITE CITY, OR	1.11	0.78	1.21	1.01	1.04

The following changes for the specified CPT procedure codes are made to Table C, Outpatient Facility Nationwide Charges, By CPT (Current Procedural Terminology) Code:

CPT Code	Charge
15000	$2,178.26
15001	$1,429.50
15350	$3,975.28
15351	$1,395.69
15400	$2,791.76
15401	$1,395.69
27347	$1,495.98
28289	$659.33
31622	$2,143.01
31623	$2,204.80
31624	$2,212.52
31643	$1,536.74
32001	$1,695.06
35875	$7,437.83
35876	$11,068.39
36831	$3,266.14
36832	$7,073.80
36833	$5,824.26
57106	$2,902.83
57107	$8,855.43
57109	$9,888.59
57111	$9,538.91
57112	$10,079.33
67220	$2,565.37
67320	$2,948.64
67331	$2,252.09
67332	$2,712.01
67334	$2,325.41
67340	$3,015.30
69990	$1,878.99
76977	$170.86
78018	$720.91
78206	$762.74
78494	$727.27

CPT Code	Charge
78496	$385.38
78588	$548.14
90870	$842.35
90871	$984.60
90989	$1,629.78
90993	$822.03
91100	$847.43
91105	$771.23
92018	$801.71
92502	$1,131.92
92950	$1,716.15
92953	$689.95
92960	$1,518.02
93571	$2,788.07
93572	$2,788.07
93650	$6,435.65
93651	$9,620.94
93652	$9,620.94
94621	$1,248.77
94660	$923.63
96400	$628.98
96405	$755.99
96406	$847.43
96408	$1,030.32
96410	$1,309.73
96412	$1,121.76
96414	$1,208.13
96420	$1,167.48
96422	$1,157.32
96423	$796.63
96425	$1,253.85
96440	$974.44
96445	$1,060.80
96450	$1,004.92

CPT Code	Charge
96520	$994.76
96530	$1,076.04
96542	$1,116.68
96545	$720.43
97140	$52.78
99183	$1,411.33
12051	Deleted
14000	Deleted
16040	Deleted
16041	Deleted
21480	Deleted
21920	Deleted
25065	Deleted
25500	Deleted
25600	Deleted
25622	Deleted
25624	Deleted
25630	Deleted
25635	Deleted
25650	Deleted
27086	Deleted
27613	Deleted
27760	Deleted
27780	Deleted
27786	Deleted
27788	Deleted
30560	Deleted
30801	Deleted
38300	Deleted
38790	Deleted
40819	Deleted
40820	Deleted
41000	Deleted
41800	Deleted

CPT Code	Charge
42000	Deleted
42160	Deleted
42300	Deleted
42310	Deleted
42405	Deleted
42700	Deleted
46050	Deleted
56405	Deleted
56605	Deleted
57108	Deleted
57180	Deleted
57800	Deleted
61070	Deleted
64830	Deleted
65436	Deleted
67505	Deleted
67930	Deleted
68110	Deleted
68705	Deleted
68815	Deleted
69424	Deleted
71038	Deleted
74405	Deleted
78017	Deleted
90724	Deleted
92520	Deleted
97122	Deleted
97250	Deleted
97260	Deleted
97261	Deleted
97265	Deleted

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The following changes for the specified CPT procedure codes are made to 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
12051	0	LAYER CLOSURE OF	Surgery	2.47	1.01	$120.59
14000	0	SKIN TISSUE	Surgery	5.89	3.41	$120.59
21480	0	RESET DISLOCATED JAW	Surgery	0.61	0.78	$120.59
21920	0	BIOPSY SOFT TISSUE OF	Surgery	2.06	0.79	$120.59
25065	0	BIOPSY FOREARM SOFT	Surgery	1.99	0.75	$120.59
25500	0	TREAT FRACTURE OF RADIUS	Surgery	2.45	2.33	$120.59
25600	0	TREAT FRACTURE RADIUS/	Surgery	2.63	2.84	$120.59
25622	0	TREAT WRIST BONE	Surgery	2.61	2.28	$120.59
25624	0	TREAT WRIST BONE	Surgery	4.53	3.67	$120.59
25630	0	TREAT WRIST BONE	Surgery	2.88	2.19	$120.59
25635	0	TREAT WRIST BONE	Surgery	4.39	3.36	$120.59
25650	0	REPAIR WRIST BONE	Surgery	3.05	2.66	$120.59
27086	0	REMOVE HIP FOREIGN BODY	Surgery	1.87	0.58	$120.59
27613	0	BIOPSY LOWER LEG SOFT	Surgery	2.17	0.67	$120.59
27760	0	TREATMENT OF ANKLE	Surgery	3.01	2.58	$120.59
27780	0	TREATMENT OF FIBULA	Surgery	2.65	1.97	$120.59
27786	0	TREATMENT OF ANKLE	Surgery	2.84	2.52	$120.59
27788	0	TREATMENT OF ANKLE	Surgery	4.45	3.27	$120.59
30560	0	RELEASE OF NASAL	Surgery	1.26	0.55	$120.59
30801	0	CAUTERIZATION INNER NOSE	Surgery	1.09	0.47	$120.59
38300	0	DRAINAGE LYMPH NODE	Surgery	1.53	0.58	$120.59
38790	0	INJECTION FOR LYMPHATIC	Surgery	1.29	1.64	$120.59
40819	0	EXCISE LIP OR CHEEK FOLD	Surgery	2.41	1.23	$120.59
40820	0	TREATMENT OF MOUTH	Surgery	1.28	0.53	$120.59
41000	0	DRAINAGE OF MOUTH LESION	Surgery	1.30	0.76	$120.59
41800	0	DRAINAGE OF GUM LESION	Surgery	1.17	0.69	$120.59
42000	0	DRAINAGE MOUTH ROOF	Surgery	1.23	0.62	$120.59
42160	0	TREATMENT MOUTH ROOF	Surgery	1.80	1.53	$120.59
42300	0	DRAINAGE OF SALIVARY	Surgery	1.93	0.96	$120.59
42310	0	DRAINAGE OF SALIVARY	Surgery	1.56	1.03	$120.59
42405	0	BIOPSY OF SALIVARY GLAND	Surgery	3.29	1.54	$120.59
42700	0	DRAINAGE OF TONSIL	Surgery	1.62	0.85	$120.59
46050	0	INCISION OF ANAL ABSCESS	Surgery	1.19	0.60	$120.59
56405	0	I & D OF VULVA/PERINEUM	Surgery	1.44	0.76	$120.59
56605	0	BIOPSY OF VULVA/PERINEUM	Surgery	1.10	0.68	$120.59
57180	0	TREAT VAGINAL BLEEDING	Surgery	1.58	0.55	$120.59
57800	0	DILATION OF CERVICAL	Surgery	0.77	0.48	$120.59
61070	0	BRAIN CANAL SHUNT	Surgery	0.89	0.49	$120.59
65436	0	CURETTE/TREAT CORNEA	Surgery	4.19	1.53	$120.59
66030	0	INJECTION TREATMENT OF	Surgery	1.25	0.54	$120.59
67505	0	INJECT/TREAT EYE SOCKET	Surgery	0.82	1.04	$120.59
67710	0	INCISION OF EYELID	Surgery	1.02	1.01	$120.59
67930	0	REPAIR EYELID WOUND	Surgery	3.61	1.27	$120.59
68110	0	REMOVE EYELID LINING	Surgery	1.77	1.24	$120.59
68705	0	REVISE TEAR DUCT OPENING	Surgery	2.06	1.02	$120.59
68810	0	PROBE NASOLACRIMAL DUCT	Surgery	1.90	0.55	$120.59
68815	0	PROBE NASOLACRIMAL DUCT	Surgery	3.20	1.93	$120.59
69424	0	REMOVE VENTILATING TUBE	Surgery	0.85	0.60	$120.59
92520	0	LARYNGEAL FUNCTION	Miscellaneous Medical	0.76	0.53	$78.24
11731		Deleted				
15000		Moved to Table G				

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Changes to Table E — Continued

CPT Code	Modifier	CPT Code Description	Physician CPT Code Group	Work Expense RVUs	Practice Expense RVUs	Conversion Factor
15350		Moved to Table G				
15400		Moved to Table G				
16040		Deleted				
16041		Deleted				
16042		Deleted				
31622		Moved to Table G				
35681		Moved to Table G				
35875		Moved to Table G				
35876		Moved to Table G				
36832		Moved to Table G				
57108		Deleted				
61106		Deleted				
61130		Deleted				
61712		Deleted				
63690		Deleted				
63691		Deleted				
64830		Deleted				
67210		Moved to Table G				
67320		Moved to Table G				
67331		Moved to Table G				
67332		Moved to Table G				
67334		Moved to Table G				
67340		Moved to Table G				
71038		Deleted				
74405		Deleted				
78017		Deleted				
78018		Moved to Table G				
M0101		Deleted				

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The following changes for the specified CPT procedure codes are made to Table F, Physician Nationwide Charges for Anesthesia and Pathology CPT Codes:

CPT Code	Modifier	CPT Code Description	Physician CPT Code Group	Charge
80201	0	ASSAY FOR TOPIRAMATE	Pathology	$54.64
82016	0	ACYLCARNITINES	Pathology	$63.56
82017	0	ACYLCARNITINES	Pathology	$77.32
82127	0	AMINO ACID	Pathology	$63.56
82136	0	AMINO ACIDS	Pathology	$77.32
82139	0	AMINO ACIDS	Pathology	$77.32
82247	0	BILIRUBIN TOTAL	Pathology	$23.01
82248	0	BILIRUBIN DIRECT	Pathology	$23.01
82261	0	ASSAY BIOTINIDASE	Pathology	$77.32
82379	0	ASSAY CARNITINE	Pathology	$77.32
82492	0	CHROMOTOGRAPHY	Pathology	$82.80
82541	0	COLUMN CHROMOTOGRAPHY QUAL	Pathology	$82.80
82542	0	COLUMN CHROMOTOGRAPHY QUANT	Pathology	$82.80
82543	0	COLUMN CHROMOTOGRAPH/ISOTOPE	Pathology	$82.80
82544	0	COLUMN CHROMOTOGRAPHY QUANT	Pathology	$82.80
82657	0	ENZYME CELL ACTIVITY	Pathology	$82.80
82658	0	ENZYME CELL ACTIVITY RA	Pathology	$82.80
82726	0	LONG CHAIN FATTY ACIDS	Pathology	$82.80
82731	0	FETAL FIBRONECTIN	Pathology	$69.07
83013	0	H PYLORI BREATH TEST ANAL	Pathology	$294.52
83014	0	H PYLORI DRUG ADMIN/COLLECT	Pathology	$36.01
83021	0	HEMOGLOBIN CHROMOTOGRAPHY	Pathology	$82.80
83080	0	B HEXOSAMINIDASE ASSAY	Pathology	$77.32
83716	0	ASSAY BLOOD LIPOPROTEINS	Pathology	$113.76
83788	0	MASS SPECTROMETRY QUAL	Pathology	$82.80
83789	0	MASS SPECTROMETRY QUANT	Pathology	$82.80
83891	0	MOLECULE ISOLATE NUCLEIC	Pathology	$18.37
83893	0	MOLECULE DOT/SLOT/BLOT	Pathology	$18.37
83897	0	MOLECULE NUCLEIC TRANSFER	Pathology	$18.37
83901	0	MOLECULE NUCLEIC AMP	Pathology	$76.85
83903	0	MOLECULE MUTATION SCAN	Pathology	$76.85
83904	0	MOLECULE MUTATION IDENTIFY	Pathology	$76.85
83905	0	MOLECULE MUTATION IDENTIFY	Pathology	$76.85
83906	0	MOLECULE MUTATION IDENTIFY	Pathology	$76.85
83919	0	ASSAY ORGANIC ACIDS QUAL	Pathology	$75.45
84154	0	PSA FREE	Pathology	$84.30
84376	0	SUGARS SINGLE QUAL	Pathology	$25.25
84377	0	SUGARS MULTIPLE QUAL	Pathology	$25.25
84378	0	SUGARS SINGLE QUANT	Pathology	$52.81
84379	0	SUGARS MULTIPLE QUANT	Pathology	$52.81
84512	0	TROPONIN	Pathology	$35.30
85046	0	RETICYTE	Pathology	$25.62
86148	0	PHOSPHOLIPID ANTIBODY	Pathology	$73.61
86361	0	T CELL ABSOLUTE COUNT	Pathology	$122.71
87472	0	BARTONELLA	Pathology	$196.36
87477	0	LYME DIS	Pathology	$196.36
87482	0	CANDIDA	Pathology	$191.35
87487	0	CHYLMD PNEUM	Pathology	$196.36
87492	0	CHYLMD TRACH	Pathology	$160.22
87497	0	CYTOMEG	Pathology	$196.36
87512	0	GARDNER VAG	Pathology	$191.35
87517	0	HEPATITIS B	Pathology	$196.36

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Changes to Table F — Continued

CPT Code	Modifier	CPT Code Description	Physician CPT Code Group	Charge
87522	0	HEPATITIS C	Pathology	$196.36
87527	0	HEPATITIS G	Pathology	$191.35
87530	0	HSV	Pathology	$196.36
87533	0	HHV-6	Pathology	$191.35
87539	0	HIV-2	Pathology	$196.36
87542	0	LEGION PNEUMO	Pathology	$191.35
87552	0	MYCOBACTERIA	Pathology	$196.36
87557	0	M TUBERCULO	Pathology	$196.36
87562	0	M.AVIUM-INTRA	Pathology	$196.36
87582	0	M.PNEUMON	Pathology	$191.35
87592	0	N.GONORRHOEAE	Pathology	$196.36
87622	0	HPV	Pathology	$191.35
87652	0	STREP A	Pathology	$191.35
87799	0	DETECT AGENT NOS	Pathology	$196.36
88153	0	CYTPATH C/VAG REDO	Pathology	$23.71
88154	0	CYTPATH C/VAG SELECT	Pathology	$23.71
88164	0	CYTPATH TBS C/VAG MANUAL	Pathology	$23.71
88165	0	CYTPATH TBS C/VAG REDO	Pathology	$23.71
88166	0	CYTPATH TBS C/VAG AUTO REDO	Pathology	$23.71
88167	0	CYTPATH TBS C/VAG SELECT	Pathology	$23.71
88240	0	CELL CRYOPRESERVE/STORAGE	Pathology	$46.29
88241	0	FROZEN CELL PREPARATION	Pathology	$46.29
88249	0	CHROMOSOME ANALYSIS	Pathology	$793.72
88264	0	CHROMOSOME ANALYSIS	Pathology	$571.27
88291	0	CYTO/MOLECULAR REPORT	Pathology	$18.37
80002		Deleted		
80003		Deleted		
80004		Deleted		
80005		Deleted		
80006		Deleted		
80007		Deleted		
80008		Deleted		
80009		Deleted		
80010		Deleted		
80011		Deleted		
80012		Deleted		
80016		Deleted		
80018		Deleted		
80019		Deleted		
82130		Deleted		
82250		Deleted		
83717		Deleted		
85029		Deleted		
85030		Deleted		
86287		Deleted		
86289		Deleted		
86290		Deleted		
86291		Deleted		
86293		Deleted		
86295		Deleted		
86296		Deleted		
86302		Deleted		
86303		Deleted		
86306		Deleted		
86311		Deleted		

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Changes to Table F — Continued

CPT Code	Modifier	CPT Code Description	Physician CPT Code Group	Charge
86313		Deleted		
86315		Deleted		
87178		Deleted		
87179		Deleted		
88151		Deleted		
88156		Deleted		
88157		Deleted		
88158		Deleted		
88250		Deleted		
88260		Deleted		

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The following changes for the specified CPT procedure codes are made to Table G, Physician 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
15000	0	SKIN GRAFT PROCEDURE	Surgery	5.86	$120.59
15001	0	SKIN GRAFT ADD-ON	Surgery	1.46	$120.59
15350	0	SKIN HOMOGRAFT PROCEDURE	Surgery	7.50	$120.59
15351	0	SKIN HOMOGRAFT ADD-ON	Surgery	1.43	$120.59
15400	0	SKIN HETEROGRAFT	Surgery	8.13	$120.59
15401	0	SKIN HETEROGRAFT ADD-ON	Surgery	1.43	$120.59
27347	0	REMOVE KNEE CYST	Surgery	8.52	$120.59
28289	0	REPAIR HALLUX RIGIDUS	Surgery	10.05	$120.59
31622	0	DIAGNOSTIC BRONCHOSCOPY	Surgery	3.75	$120.59
31623	0	DX BRONCHOSCOPE/BRUSH	Surgery	4.27	$120.59
31624	0	DX BRONCHOSCOPE/LAVAGE	Surgery	4.32	$120.59
31643	0	DX BRONCHOSCOPE/CATHETER	Surgery	4.68	$120.59
32001	0	TOTAL LUNG LAVAGE	Surgery	7.79	$120.59
35681	0	ARTERY BYPASS GRAFT	Surgery	3.61	$120.59
35682	0	COMPOSITE BYPASS GRAFT	Surgery	9.90	$120.59
35683	0	COMPOSITE BYPASS GRAFT	Surgery	11.69	$120.59
35875	0	REMOVAL OF CLOT IN GRAFT	Surgery	15.82	$120.59
35876	0	REMOVAL OF CLOT IN GRAFT	Surgery	25.62	$120.59
36831	0	AV FISTULA EXCISION	Surgery	10.86	$120.59
36832	0	REVISE ARTERY-VEIN	Surgery	15.88	$120.59
36833	0	AV FISTULA REVISION	Surgery	16.26	$120.59
45126	0	PELVIC EXENTERATION	Surgery	51.71	$120.59
57106	0	REMOVE VAGINA WALL, PARTIAL	Surgery	8.63	$120.59
57107	0	REMOVE VAGINA TISSUE/PARTIAL	Surgery	31.18	$120.59
57109	0	VAGINECTOMY PARTIAL W/NODES	Surgery	35.96	$120.59
57111	0	REMOVE VAGINA TISSUE/COMPL	Surgery	36.71	$120.59
57112	0	VAGINECTOMY COMPLETE W/NODES	Surgery	38.53	$120.59
67210	0	TREATMENT OF RETINAL	Surgery	15.68	$120.59
67220	0	TREAT CHOROID LESION	Surgery	19.45	$120.59
67320	0	REVISE EYE MUSCLE(S)	Surgery	11.69	$120.59
67331	0	EYE SURGERY FOLLOW-UP	Surgery	9.85	$120.59
67332	0	REREVISE EYE MUSCLES	Surgery	11.31	$120.59
67334	0	REVISE EYE MUSCLE W/	Surgery	9.94	$120.59
67340	0	REVISE EYE MUSCLE	Surgery	12.43	$120.59
69990	0	MICROSURGERY ADD-ON	Surgery	5.23	$120.59
76006	0	X-RAY STRESS VIEW	Radiology	0.54	$139.16
76977	26	US BONE DENSITY MEASURE	Radiology	0.31	$139.16
78018	26	THYROID, MET IMAGING,	Radiology	1.16	$139.16
78020	0	THYROID MET UPTAKE	Radiology	0.80	$139.16
78206	26	LIVER IMAGE (3-D) W/FLOW	Radiology	1.30	$139.16
78494	26	HEART IMAGE, SPECT	Radiology	1.62	$139.16
78496	26	HEART FIRST PASS ADD-ON	Radiology	0.72	$139.16
78588	26	PERFUSION LUNG IMAGE	Radiology	1.45	$139.16
92135	0	OPTHALMIC DX IMAGING	Miscellaneous Medical	0.90	$78.24
93571	0	HEART FLOW RESERVE MEASURE	Cardiovascular	2.65	$91.42
93572	0	HEART FLOW RESERVE MEASURE	Cardiovascular	2.13	$91.42
94014	0	PATIENT RECORDED SPIROMETRY	Miscellaneous Medical	1.24	$78.24
94016	0	REVIEW PATIENT SPIROMETRY	Miscellaneous Medical	0.78	$78.24
94621	26	PULM STRESS TEST/COMPLEX	Miscellaneous Medical	1.24	$78.24
95970	0	NEUROSTIM ANALYZE,NO PROGRAM	Miscellaneous Medical	0.61	$78.24
95971	0	SIMPLE NEUROSTIM ANALYZE	Miscellaneous Medical	1.07	$78.24
95972	0	COMPLEX NEUROSTIM ANALYZE	Miscellaneous Medical	2.05	$78.24
95973	0	COMPLEX NEUROSTIM ANALYZE	Miscellaneous Medical	1.26	$78.24

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Changes to Table G — Continued

CPT Code	Modifier	CPT Code Description	Physician CPT Code Group	Total RVUs	Conversion Factor
95974	0	COMPLEX CRANIAL NEUROSTIM	Miscellaneous Medical	4.26	$78.24
95975	0	COMPLEX CRANIAL NEUROSTIM	Miscellaneous Medical	2.50	$78.24
99298	0	NEONATAL CRITICAL CARE	Inpatient Visits	3.63	$68.51
90711		Deleted			
90714		Deleted			
90726		Deleted			
90728		Deleted			
90730		Deleted			
90737		Deleted			
90741		Deleted			
90742		Deleted			

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Table H is revised in its entirety to read as follows:

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	Office/Home/Urgent Care Visits	Therapeutic Injections	Allergy Testing	Allergy Immunotherapy	Misc. Medical	ER Visits & Observa. 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	0.917	1.000	1.000	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
ANCHORAGE, AK	0.917	1.064	1.164	1.24	1.22	0.87	0.88	0.58	0.95	1.00	1.07	1.13	0.88	0.63	1.11	1.14	0.97	0.89	0.81	0.91	1.01	0.72	1.00	0.95	0.82	0.91	0.76
FAIRBANKS, AK	0.917	1.064	1.164	1.24	1.22	0.87	0.88	0.58	0.95	1.00	1.07	1.13	0.88	0.63	1.11	1.14	0.97	0.89	0.81	0.91	1.01	0.72	1.00	0.95	0.82	0.91	0.76
FORT WAINWRIGHT, AK	0.917	1.064	1.164	1.24	1.22	0.87	0.88	0.58	0.95	1.00	1.07	1.13	0.88	0.63	1.11	1.14	0.97	0.89	0.81	0.91	1.01	0.72	1.00	0.95	0.82	0.91	0.76
KENAI, AK	0.917	1.064	1.164	1.24	1.22	0.87	0.88	0.58	0.95	1.00	1.07	1.13	0.88	0.63	1.11	1.14	0.97	0.89	0.81	0.91	1.01	0.72	1.00	0.95	0.82	0.91	0.76
WASILLA, AK	0.917	1.064	1.164	1.24	1.22	0.87	0.88	0.58	0.95	1.00	1.07	1.13	0.88	0.63	1.11	1.14	0.97	0.89	0.81	0.91	1.01	0.72	1.00	0.95	0.82	0.91	0.76
ANNISTON, AL	0.917	0.979	0.871	0.85	0.94	0.85	1.43	0.85	0.84	1.00	0.88	1.12	0.86	1.01	0.78	0.89	1.05	0.94	0.69	1.05	0.90	0.94	0.90	0.86	0.96	0.91	0.83
BIRMINGHAM, AL	0.917	0.979	0.871	0.85	0.94	0.85	1.43	0.85	0.79	1.00	0.88	1.12	0.86	1.01	0.78	0.89	1.05	0.94	0.69	1.05	0.93	0.94	0.90	1.01	1.05	0.98	0.78
DECATUR, AL	0.917	0.979	0.871	0.85	0.94	0.85	1.43	0.85	0.84	1.00	0.88	1.12	0.86	1.01	0.78	0.89	1.05	0.94	0.69	1.05	0.83	0.94	0.90	0.84	0.98	0.81	0.85
DOTHAN, AL	0.917	0.979	0.871	0.79	0.90	0.88	1.12	0.82	0.87	0.96	0.83	1.12	0.84	1.11	0.81	0.89	0.94	0.86	0.93	0.82	0.86	0.95	0.72	0.98	0.86	0.86	0.71
FAIRHOPE, AL	0.917	0.979	0.871	0.77	0.85	0.74	1.73	0.61	0.84	1.04	0.84	0.95	0.94	0.94	0.76	0.88	1.18	0.87	1.00	0.90	0.84	0.86	0.86	0.84	0.98	0.81	0.85
FLORENCE, AL	0.917	0.979	0.871	0.85	0.94	0.85	1.43	0.85	0.84	1.00	0.88	1.12	0.86	1.01	0.78	0.89	1.05	0.94	0.69	1.05	0.83	0.94	0.90	0.84	0.98	0.81	0.85
GADSDEN, AL	0.917	0.979	0.871	0.77	0.85	0.74	1.73	0.61	0.84	1.04	0.84	0.95	0.94	0.94	0.76	0.88	1.18	0.87	1.00	0.90	0.90	0.86	0.86	0.86	0.96	0.91	0.83
HUNTSVILLE, AL	0.917	0.979	0.871	0.88	0.91	0.82	1.40	0.85	0.85	0.89	0.90	0.99	0.91	1.04	0.76	0.96	0.83	0.80	0.71	0.97	0.89	0.85	0.79	0.86	0.96	0.91	0.83
JASPER, AL	0.917	0.979	0.871	0.88	0.91	0.82	1.40	0.85	0.85	0.89	0.90	0.99	0.91	1.04	0.76	0.96	0.83	0.80	0.71	0.97	0.83	0.85	0.79	0.84	0.98	0.81	0.85
MOBILE, AL	0.917	0.979	0.871	0.80	0.87	0.76	1.12	0.65	0.81	0.86	0.77	0.98	0.80	1.06	0.72	0.86	1.05	0.81	0.78	0.97	0.86	0.92	0.74	0.98	0.86	0.86	0.71
MONTGOMERY, AL	0.917	0.979	0.871	0.79	0.90	0.88	1.12	0.82	0.87	0.96	0.83	1.12	0.84	1.11	0.81	0.89	0.94	0.86	0.93	0.82	0.86	0.95	0.72	0.98	0.86	0.86	0.71
TUSCALOOSA, AL	0.917	0.979	0.871	0.88	0.91	0.82	1.40	0.85	0.79	0.89	0.90	0.99	0.91	1.04	0.76	0.96	0.83	0.80	0.71	0.97	0.93	0.85	0.79	1.01	1.05	0.98	0.78
TUSKEGEE, AL	0.917	0.979	0.871	0.80	0.87	0.76	1.12	0.65	0.81	0.86	0.77	0.98	0.80	1.06	0.72	0.86	1.05	0.81	0.78	0.97	0.86	0.92	0.74	0.98	0.86	0.86	0.71
EL DORADO, AR	0.917	0.954	0.854	0.83	0.96	0.92	0.69	0.75	0.88	0.85	0.91	0.97	0.90	0.88	0.82	0.82	1.07	0.77	0.78	1.00	0.86	1.02	0.87	0.69	0.74	0.65	0.76
FAYETTEVILLE, AR	0.917	0.954	0.854	0.92	1.09	1.14	0.83	0.92	0.84	0.70	1.01	1.01	0.92	0.89	0.86	0.89	1.12	0.63	0.76	1.11	0.86	1.13	0.95	0.69	0.74	0.65	0.76
HARRISON, AR	0.917	0.954	0.854	0.88	0.97	1.08	0.89	0.79	0.81	0.88	0.92	1.00	0.86	0.98	0.87	0.78	0.93	0.63	0.80	0.95	0.86	0.98	0.89	0.69	0.74	0.65	0.76
HOT SPRINGS, AR	0.917	0.954	0.854	0.83	0.96	0.92	0.69	0.75	0.88	0.85	0.91	0.97	0.90	0.88	0.82	0.82	1.07	0.77	0.78	1.00	0.86	1.02	0.87	0.69	0.74	0.65	0.76
JONESBORO, AR	0.917	0.954	0.854	0.88	0.97	1.08	0.89	0.79	0.81	0.88	0.92	1.00	0.86	0.98	0.87	0.78	0.93	0.63	0.80	0.95	0.86	0.98	0.89	0.69	0.74	0.65	0.76
LITTLE ROCK, AR	0.917	0.954	0.854	0.90	1.05	0.86	0.69	0.68	0.88	0.98	0.94	1.06	0.88	1.07	0.80	0.85	1.01	0.53	0.78	1.19	0.90	1.14	0.88	0.73	0.72	0.63	0.76
MENA, AR	0.917	0.954	0.854	0.83	0.96	0.92	0.69	0.75	0.88	0.85	0.91	0.97	0.90	0.88	0.82	0.82	1.07	0.77	0.78	1.00	0.86	1.02	0.87	0.69	0.74	0.65	0.76
MOUNTAIN HOME, AR	0.917	0.954	0.854	0.88	0.97	1.08	0.89	0.79	0.81	0.88	0.92	1.00	0.86	0.98	0.87	0.78	0.93	0.63	0.80	0.95	0.86	0.98	0.89	0.69	0.74	0.65	0.76
NORTH LITTLE ROCK, AR	0.917	0.954	0.854	0.83	0.96	0.92	0.69	0.75	0.99	0.85	0.91	0.97	0.90	0.88	0.82	0.82	1.07	0.77	0.78	1.00	0.86	1.02	0.87	0.68	0.73	0.67	0.80
PARAGOULD, AR	0.917	0.954	0.854	0.88	0.97	1.08	0.89	0.79	0.81	0.88	0.92	1.00	0.86	0.98	0.87	0.78	0.93	0.63	0.80	0.95	0.86	0.98	0.89	0.69	0.74	0.65	0.76
WALDRON, AR	0.917	0.954	0.854	0.92	1.09	1.14	0.83	0.92	0.81	0.70	1.01	1.01	0.92	0.89	0.86	0.89	1.12	0.63	0.76	1.11	0.90	1.13	0.95	0.73	0.72	0.63	0.76
BISBEE, AZ	0.917	0.996	0.964	0.90	0.95	0.85	0.86	0.75	0.88	0.95	0.86	0.95	0.80	1.00	0.94	0.97	0.82	0.98	0.83	0.97	0.86	0.94	0.85	0.73	0.91	0.93	0.75
CASA GRANDE, AZ	0.917	0.996	0.964	0.83	0.93	0.81	1.21	0.81	0.94	1.12	0.88	0.98	0.86	1.20	1.19	0.89	0.89	1.09	0.98	0.96	0.90	0.96	0.98	0.88	0.85	0.87	0.81
FLAGSTAFF, AZ	0.917	0.996	0.964	0.90	0.95	0.85	0.86	0.75	0.95	0.95	0.86	0.95	0.80	1.00	0.94	0.97	0.82	0.98	0.83	0.97	0.90	0.94	0.85	0.88	0.85	0.87	0.81
FORT HUACHUCA, AZ	0.917	0.996	0.964	0.90	0.95	0.85	0.86	0.75	0.88	0.95	0.86	0.95	0.80	1.00	0.94	0.97	0.82	0.98	0.83	0.97	0.86	0.94	0.85	0.73	0.91	0.93	0.75
GREEN VALLEY, AZ	0.917	0.996	0.964	0.90	0.95	0.85	0.86	0.75	0.88	0.95	0.86	0.95	0.80	1.00	0.94	0.97	0.82	0.98	0.83	0.97	0.86	0.94	0.85	0.73	0.91	0.93	0.75
KEARNEY, AZ	0.917	0.996	0.964	0.83	0.93	0.81	1.21	0.81	0.94	1.12	0.88	0.98	0.86	1.20	1.19	0.89	0.89	1.09	0.98	0.96	0.90	0.96	0.98	0.88	0.85	0.87	0.81
KINGMAN, AZ	0.917	0.996	0.964	0.90	0.95	0.85	0.86	0.75	0.95	0.95	0.86	0.95	0.80	1.00	0.94	0.97	0.82	0.98	0.83	0.97	0.90	0.94	0.85	0.88	0.85	0.87	0.81
MARANA, AZ	0.917	0.996	0.964	0.90	0.95	0.85	0.86	0.75	0.88	0.95	0.86	0.95	0.80	1.00	0.94	0.97	0.82	0.98	0.83	0.97	0.86	0.94	0.85	0.73	0.91	0.93	0.75
MESA, AZ	0.917	0.996	0.964	0.83	0.93	0.81	1.21	0.81	0.94	1.12	0.88	0.98	0.86	1.20	1.19	0.89	0.89	1.09	0.98	0.96	0.90	0.96	0.98	0.88	0.85	0.87	0.81
NOGALES, AZ	0.917	0.996	0.964	0.90	0.95	0.85	0.86	0.75	0.88	0.95	0.86	0.95	0.80	1.00	0.94	0.97	0.82	0.98	0.83	0.97	0.86	0.94	0.85	0.73	0.91	0.93	0.75

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		Conversion Factor GAAFs By Physician CPT Code Group																							
		Work Expense	Practice Expense	Inpatient Visits	Office/Home/Urgent Care Visits	Therapeutic Injections	Allergy Testing	Allergy Immunotherapy	Misc. Medical	ER Visits & Observa. 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
PHOENIX, AZ	0.917	0.996	0.964	0.98	1.03	0.86	0.79	0.81	1.00	1.07	1.01	1.09	0.94	1.06	1.03	0.98	1.05	1.05	0.99	0.84	0.94	0.97	1.11	0.83	0.87	0.90	0.69
PRESCOTT, AZ	0.917	0.996	0.964	0.90	0.95	0.85	0.86	0.75	0.88	0.95	0.86	0.95	0.80	1.00	0.94	0.97	0.82	0.98	0.83	0.97	0.86	0.94	0.85	0.73	0.91	0.93	0.75
SAFFORD, AZ	0.917	0.996	0.964	0.90	0.95	0.85	0.86	0.75	0.88	0.95	0.86	0.95	0.80	1.00	0.94	0.97	0.82	0.98	0.83	0.97	0.86	0.94	0.85	0.73	0.91	0.93	0.75
SHOW LOW, AZ	0.917	0.996	0.964	0.90	0.95	0.85	0.86	0.75	0.95	0.95	0.86	0.95	0.80	1.00	0.94	0.97	0.82	0.98	0.83	0.97	0.90	0.94	0.85	0.88	0.85	0.87	0.81
SIERRA VISTA, AZ	0.917	0.996	0.964	0.90	0.95	0.85	0.86	0.75	0.88	0.95	0.86	0.95	0.80	1.00	0.94	0.97	0.82	0.98	0.83	0.97	0.86	0.94	0.85	0.73	0.91	0.93	0.75
SUN CITY, AZ	0.917	0.996	0.964	0.83	0.93	0.81	1.21	0.81	0.94	1.12	0.88	0.98	0.86	1.20	1.19	0.89	0.89	1.09	0.98	0.96	0.90	0.96	0.98	0.88	0.85	0.87	0.81
TUCSON, AZ	0.917	0.996	0.964	0.90	0.95	0.85	0.86	0.75	0.88	0.95	0.86	0.95	0.80	1.00	0.94	0.97	0.82	0.98	0.83	0.97	0.86	0.94	0.85	0.73	0.91	0.93	0.75
YUMA, AZ	0.917	0.996	0.964	0.83	0.93	0.81	1.21	0.81	0.94	1.12	0.88	0.98	0.86	1.20	1.19	0.89	0.89	1.09	0.98	0.96	0.90	0.96	0.98	0.88	0.85	0.87	0.81
ANAHEIM, CA	0.917	1.037	1.198	1.07	1.06	0.97	0.92	0.89	1.03	0.95	1.07	1.02	0.85	1.04	0.97	1.04	1.04	1.05	0.86	1.15	1.01	1.24	1.05	1.08	0.90	0.96	0.98
ANTELOPE VALLEY, CA	0.917	1.056	1.203	0.80	0.84	0.81	0.86	0.82	0.98	0.88	0.90	0.83	0.78	0.80	0.76	0.98	1.01	0.88	0.74	1.18	1.00	0.99	0.87	1.26	0.94	0.97	0.91
AUBURN, CA	0.917	1.009	1.046	0.82	0.87	0.84	0.82	1.01	0.95	0.98	0.91	0.98	0.84	0.85	0.76	1.00	1.09	0.95	0.83	0.95	0.86	0.97	0.96	0.84	0.85	0.77	0.89
BAKERSFIELD, CA	0.917	1.009	1.046	0.91	0.96	0.98	0.99	1.13	1.07	1.06	0.97	1.00	1.03	0.97	0.87	1.07	1.04	0.98	0.92	0.99	0.94	1.10	0.84	0.88	0.74	0.79	0.83
BERKELEY, CA	0.917	1.041	1.206	0.94	0.95	0.80	0.78	0.89	0.86	0.94	0.98	0.99	0.85	1.02	0.99	1.12	0.95	1.06	0.83	0.92	0.90	1.08	0.96	1.06	0.89	0.91	0.86
CHICO, CA	0.917	1.009	1.046	0.82	0.87	0.84	0.82	1.01	0.95	0.98	0.91	0.98	0.84	0.85	0.76	1.00	1.09	0.95	0.83	0.95	0.86	0.97	0.96	0.95	0.77	0.84	0.77
CHULA VISTA, CA	0.917	1.009	1.046	0.96	1.02	1.22	0.99	0.88	0.90	1.06	1.11	0.97	0.99	1.03	0.93	1.15	1.09	0.91	0.84	1.15	1.00	1.16	1.01	1.03	0.93	0.91	0.86
CONCORD, CA	0.917	1.041	1.206	0.93	0.92	0.93	0.82	0.79	0.90	1.13	0.93	0.95	0.91	1.01	1.01	1.04	0.89	1.06	1.03	0.90	0.90	1.03	1.09	1.06	0.89	0.91	0.86
CRESCENT CITY, CA	0.917	1.009	1.046	0.90	0.90	0.81	0.97	1.00	1.00	0.97	0.96	0.90	0.78	0.83	0.92	1.01	0.97	0.90	0.81	1.01	0.86	0.93	0.88	0.95	0.77	0.84	0.77
CULVER CITY, CA	0.917	1.056	1.203	1.10	1.11	1.00	1.00	1.33	1.13	0.92	1.20	1.10	1.01	1.04	1.04	1.44	1.13	1.12	0.94	1.12	1.06	1.36	1.07	1.08	1.17	1.17	1.06
EAST LOS ANGELES, CA	0.917	1.056	1.203	1.21	1.19	1.37	1.10	1.49	1.30	1.06	1.21	1.26	1.09	1.01	1.10	1.47	1.28	1.02	0.92	1.26	1.10	1.49	1.12	1.30	1.17	1.23	0.94
EDWARDS, CA	0.917	1.009	1.046	0.87	0.92	0.93	0.99	0.93	1.09	0.95	0.97	0.92	0.88	0.90	0.84	1.06	1.16	0.97	0.80	1.27	1.11	1.07	0.87	1.26	1.03	1.07	1.01
EL CENTRO, CA	0.917	1.009	1.046	0.91	0.96	1.16	0.82	0.85	0.91	0.95	0.96	1.07	1.00	1.01	1.13	1.00	1.16	1.15	0.84	1.08	1.00	1.15	0.88	1.03	0.93	0.91	0.86
EUREKA, CA	0.917	1.009	1.046	0.90	0.90	0.81	0.97	1.00	1.00	0.97	0.96	0.90	0.78	0.83	0.92	1.01	0.97	0.90	0.81	1.01	0.86	0.93	0.88	0.95	0.77	0.84	0.77
FRESNO, CA	0.917	1.009	1.046	0.95	1.02	1.01	0.99	1.16	1.03	0.94	1.02	1.08	0.93	1.04	1.06	1.09	1.11	1.15	0.99	0.99	0.87	1.17	0.99	0.86	0.70	0.73	0.70
GARDENA, CA	0.917	1.056	1.203	1.10	1.11	1.00	1.00	1.33	1.13	0.92	1.20	1.10	1.01	1.04	1.04	1.44	1.13	1.12	0.94	1.12	1.06	1.36	1.07	1.08	1.17	1.17	1.06
HAYWARD, CA	0.917	1.041	1.206	0.93	0.92	0.93	0.82	0.79	0.90	1.13	0.93	0.95	0.91	1.01	1.01	1.04	0.89	1.06	1.03	0.90	0.90	1.03	1.09	1.06	0.89	0.91	0.86
HEMET, CA	0.917	1.009	1.046	0.94	0.97	1.18	0.94	1.30	1.03	1.01	0.99	1.01	0.98	0.97	0.86	0.99	0.98	0.90	1.03	1.26	0.96	1.14	0.97	0.92	0.81	0.88	0.82
HOLLYWOOD, CA	0.917	1.056	1.203	1.21	1.19	1.37	1.10	1.49	1.30	1.06	1.21	1.26	1.09	1.01	1.10	1.47	1.28	1.02	0.92	1.26	1.10	1.49	1.12	1.30	1.17	1.23	0.94
INDIO, CA	0.917	1.009	1.046	0.91	0.96	1.16	0.82	0.85	0.91	0.95	0.96	1.07	1.00	1.01	1.13	1.00	1.16	1.15	0.84	1.08	1.00	1.15	0.88	1.03	0.93	0.91	0.86
INGLEWOOD, CA	0.917	1.056	1.203	1.00	1.00	0.89	0.86	0.94	1.10	0.97	1.07	1.04	0.94	1.05	1.08	1.23	1.21	1.05	1.05	1.11	1.07	1.20	0.98	1.08	1.17	1.17	1.06
IRVINE, CA	0.917	1.037	1.198	1.07	1.06	0.97	0.92	0.89	1.03	0.95	1.07	1.02	0.85	1.04	0.97	1.04	1.04	1.05	0.86	1.15	1.01	1.24	1.05	1.08	0.90	0.96	0.98
LAGUNA NIGUEL, CA	0.917	1.037	1.198	1.03	1.00	1.04	0.82	0.85	1.01	0.96	1.04	1.06	0.91	0.99	0.85	1.05	1.07	1.02	1.16	1.02	1.01	1.10	1.03	1.08	0.90	0.96	0.98
LANCASTER, CA	0.917	1.056	1.203	0.80	0.84	0.81	0.86	0.82	0.98	0.88	0.90	0.83	0.78	0.80	0.76	0.98	1.01	0.88	0.74	1.18	1.00	0.99	0.87	1.26	0.94	0.97	0.91
LIVERMORE, CA	0.917	1.041	1.206	0.93	0.92	0.93	0.82	0.79	0.90	1.13	0.93	0.95	0.91	1.01	1.01	1.04	0.89	1.06	1.03	0.90	0.90	1.03	1.09	1.06	0.89	0.91	0.86
LOMA LINDA, CA	0.917	1.009	1.046	0.94	0.97	1.18	0.94	1.30	1.03	1.01	0.99	1.01	0.98	0.97	0.86	0.99	0.98	0.90	1.03	1.26	0.96	1.14	0.97	0.92	0.81	0.88	0.82
LOMPOC, CA	0.917	1.009	1.046	0.87	0.92	0.93	0.99	0.93	1.04	0.95	0.97	0.92	0.88	0.90	0.84	1.06	1.16	0.97	0.80	1.27	0.94	1.07	0.87	0.88	0.74	0.79	0.83
LONG BEACH, CA	0.917	1.056	1.203	1.00	1.00	0.89	0.86	0.94	1.08	0.97	1.07	1.04	0.94	1.05	1.08	1.23	1.21	1.05	1.05	1.11	0.95	1.20	0.98	0.99	0.84	0.89	0.84
LOS ANGELES, CA	0.917	1.056	1.203	1.21	1.19	1.37	1.10	1.49	1.30	1.06	1.21	1.26	1.09	1.01	1.10	1.47	1.28	1.02	0.92	1.26	1.10	1.49	1.12	1.30	1.17	1.23	0.94
MARE ISLAND, CA	0.917	1.015	1.171	0.95	0.95	0.95	0.85	0.81	0.93	1.16	0.95	0.98	0.93	1.04	1.04	1.06	0.92	1.09	1.06	0.92	0.92	1.06	1.09	1.06	0.91	0.93	0.88
MARINA, CA	0.917	1.009	1.046	0.95	1.02	1.01	0.99	1.16	1.03	0.94	1.02	1.08	0.93	1.04	1.06	1.09	1.11	1.15	0.99	0.99	0.93	1.17	0.99	1.02	0.83	0.87	0.95
MARTINEZ, CA	0.917	1.041	1.206	0.93	0.92	0.93	0.82	0.79	0.90	1.13	0.93	0.95	0.91	1.01	1.01	1.04	0.89	1.06	1.03	0.90	0.90	1.03	1.09	1.06	0.89	0.91	0.86
MATHER AFB, CA	0.917	1.009	1.046	0.82	0.87	0.84	0.82	1.01	0.95	0.98	0.91	0.98	0.84	0.85	0.76	1.00	1.09	0.95	0.83	0.95	0.86	0.97	0.96	0.84	0.85	0.77	0.89
MENLO PARK, CA	0.917	1.048	1.287	0.90	1.01	0.80	0.91	0.94	0.91	0.83	1.00	0.89	0.85	0.89	0.89	1.19	1.00	1.27	0.88	0.84	0.90	0.99	1.00	1.07	0.99	0.97	0.92
MERCED, CA	0.917	1.009	1.046	0.96	0.90	0.89	0.77	0.91	1.06	0.95	0.94	0.97	1.07	0.96	0.85	1.08	1.11	0.96	1.03	0.92	0.93	0.94	1.01	1.02	0.83	0.87	0.95

Table H. — Physician GAAFs (Geographic Area Adjustment Factors) For RVUs (Relative Value Units) and Conversion Factors; By VA Facility Location — Continued

		RVU GAAFs		Conversion Factor GAAFs By Physician CPT Code Group																							
VA Facility Location	Medicare Work Adjuster	Work Expense	Practice Expense	Inpatient Visits	Office/Home/Urgent Care Visits	Therapeutic Injections	Allergy Testing	Allergy Immunotherapy	Misc. Medical	ER Visits & Observa. 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
MODESTO, CA	0.917	1.009	1.046	0.96	0.90	0.89	0.77	0.91	1.06	0.95	0.94	0.97	1.07	0.96	0.85	1.08	1.11	0.96	1.03	0.92	0.93	0.94	1.01	1.02	0.83	0.87	0.95
MONTEREY, CA	0.917	1.009	1.046	0.95	1.02	1.01	0.99	1.16	1.03	0.94	1.02	1.08	0.93	1.04	1.06	1.09	1.11	1.15	0.99	0.99	0.93	1.17	0.99	1.02	0.83	0.87	0.95
OAKLAND, CA	0.917	1.041	1.206	0.94	0.95	0.80	0.78	0.89	0.91	0.94	0.98	0.99	0.85	1.02	0.99	1.12	0.95	1.06	0.83	0.92	0.94	1.08	0.96	1.07	1.02	1.00	0.95
OXNARD, CA	0.917	1.028	1.162	0.87	0.91	0.88	0.89	1.03	1.00	1.01	0.92	0.94	0.94	0.89	0.81	1.02	0.95	0.91	0.87	0.95	0.93	1.05	0.84	0.99	0.88	0.89	0.84
PALM SPRINGS, CA	0.917	1.009	1.046	0.91	0.96	1.16	0.82	0.85	0.91	0.95	0.96	1.07	1.00	1.01	1.13	1.00	1.16	1.15	0.84	1.08	1.00	1.15	0.88	1.03	0.93	0.91	0.86
PALO ALTO, CA	0.917	1.063	1.276	1.40	1.27	1.17	0.82	0.79	1.09	1.00	1.31	1.09	0.92	0.80	1.05	1.77	1.22	1.27	0.91	1.05	1.05	1.15	1.19	1.15	1.04	1.03	1.05
PASADENA, CA	0.917	1.056	1.203	1.00	0.99	0.76	0.96	0.81	0.94	1.00	1.01	1.02	1.02	0.96	0.91	1.10	1.04	1.14	0.77	1.03	0.98	1.28	1.04	0.99	0.96	1.03	0.89
PLEASANT HILL, CA	0.917	1.041	1.206	0.93	0.92	0.93	0.82	0.79	0.90	1.13	0.93	0.95	0.91	1.01	1.01	1.04	0.89	1.06	1.03	0.90	0.90	1.03	1.09	1.06	0.89	0.91	0.86
REDDING, CA	0.917	1.009	1.046	0.90	0.90	0.81	0.97	1.00	1.00	0.97	0.96	0.90	0.78	0.83	0.92	1.01	0.97	0.90	0.81	1.01	0.86	0.93	0.88	0.95	0.77	0.84	0.77
REDWOOD CITY, CA	0.917	1.048	1.287	0.90	1.01	0.80	0.91	0.94	0.91	0.83	1.00	0.89	0.85	0.89	0.89	1.19	1.00	1.27	0.88	0.84	0.90	0.99	1.00	1.07	0.99	0.97	0.92
RIVERSIDE, CA	0.917	1.009	1.046	0.94	0.97	1.18	0.94	1.30	1.03	1.01	0.99	1.01	0.98	0.97	0.86	0.99	0.98	0.90	1.03	1.26	0.96	1.14	0.97	0.92	0.81	0.88	0.82
ROHNERT PARK, CA	0.917	1.009	1.046	1.00	1.03	0.91	0.89	1.01	0.95	1.01	1.05	1.08	0.95	1.14	1.08	1.20	1.07	1.15	0.89	0.98	0.97	1.15	0.96	1.06	0.95	0.98	0.93
SACRAMENTO, CA	0.917	1.009	1.046	0.97	0.89	0.91	0.72	1.14	0.97	1.05	0.94	0.94	0.91	0.98	0.71	0.97	1.00	0.96	0.95	0.88	0.87	1.23	1.32	0.83	0.79	0.82	0.78
SAN BERNARDINO, CA	0.917	1.009	1.046	0.91	0.96	1.16	0.82	0.85	0.98	0.95	0.96	1.07	1.00	1.01	1.13	1.00	1.16	1.15	0.84	1.08	0.96	1.15	0.88	0.92	0.81	0.88	0.82
SAN DIEGO, CA	0.917	1.009	1.046	1.11	0.98	0.98	1.06	0.84	0.85	1.14	1.00	1.07	0.93	0.84	0.84	1.06	1.11	0.96	0.90	1.18	1.00	1.35	0.93	1.03	0.93	0.91	0.86
SAN FRANCISCO, CA	0.917	1.068	1.315	1.22	1.04	1.17	0.88	0.83	0.92	1.19	1.19	0.94	0.83	0.89	0.85	1.22	0.91	1.03	0.93	1.09	1.03	1.03	1.10	1.15	1.03	1.02	1.03
SAN JOSE, CA	0.917	1.063	1.276	0.97	0.94	0.85	0.64	1.11	0.95	0.93	0.92	0.93	0.92	1.00	0.90	1.08	1.06	1.04	0.87	1.29	0.90	1.01	1.25	1.00	0.86	0.85	0.86
SAN LUIS OBISPO, CA	0.917	1.009	1.046	0.87	0.92	0.93	0.99	0.93	1.04	0.95	0.97	0.92	0.88	0.90	0.84	1.06	1.16	0.97	0.80	1.27	0.94	1.07	0.87	0.88	0.74	0.79	0.83
SANTA ANA, CA	0.917	1.037	1.198	1.07	1.06	0.97	0.92	0.89	1.03	0.95	1.07	1.02	0.85	1.04	0.97	1.04	1.04	1.05	0.86	1.15	1.01	1.24	1.05	1.08	0.90	0.96	0.98
SANTA BARBARA, CA	0.917	1.009	1.046	1.04	1.15	1.06	0.99	1.27	1.08	1.11	1.12	0.99	1.10	1.06	0.92	1.03	1.28	1.08	0.95	1.09	0.99	1.30	1.15	0.99	0.93	0.94	0.89
SANTA ROSA, CA	0.917	1.009	1.046	0.89	0.93	0.86	0.77	1.22	0.86	1.01	0.92	0.88	0.91	0.87	1.34	0.98	1.12	1.11	0.80	0.90	0.87	0.82	0.96	0.95	0.77	0.84	0.77
SEPULVEDA, CA	0.917	1.056	1.203	1.02	0.96	0.98	0.81	0.82	1.02	0.95	1.04	1.02	0.99	0.96	1.08	1.14	0.91	0.94	0.91	1.13	1.00	1.39	1.17	1.26	0.94	0.97	0.91
STOCKTON, CA	0.917	1.009	1.046	0.96	0.90	0.89	0.77	0.91	1.06	0.95	0.94	0.97	1.07	0.96	0.85	1.08	1.11	0.96	1.03	0.92	0.93	0.94	1.01	1.02	0.83	0.87	0.95
SUN CITY, CA	0.917	1.009	1.046	0.94	0.97	1.18	0.94	1.30	1.03	1.01	0.99	1.01	0.98	0.97	0.86	0.99	0.98	0.90	1.03	1.26	0.96	1.14	0.97	0.92	0.81	0.88	0.82
TRAVIS AFB, CA	0.917	1.041	1.206	0.93	0.92	0.93	0.82	0.79	0.90	1.13	0.93	0.95	0.91	1.01	1.01	1.04	0.89	1.06	1.03	0.90	0.90	1.03	1.09	1.06	0.89	0.91	0.86
UPLAND, CA	0.917	1.009	1.046	1.07	1.06	1.14	1.11	1.21	0.98	1.00	1.11	1.21	1.08	1.05	0.99	1.06	1.13	1.00	1.10	1.24	1.08	1.25	1.17	0.99	1.05	1.13	0.99
VALLEJO, CA	0.917	1.015	1.171	0.95	0.95	0.95	0.85	0.81	0.93	1.16	0.95	0.98	0.93	1.04	1.04	1.06	0.92	1.09	1.06	0.92	0.92	1.06	1.09	1.06	0.91	0.93	0.88
VICTORVILLE, CA	0.917	1.009	1.046	0.94	0.97	1.18	0.94	1.30	1.03	1.01	0.99	1.01	0.98	0.97	0.86	0.99	0.98	0.90	1.03	1.26	0.96	1.14	0.97	0.92	0.81	0.88	0.82
VISALIA, CA	0.917	1.009	1.046	0.87	0.92	0.93	0.99	0.93	1.04	0.95	0.97	0.92	0.88	0.90	0.84	1.06	1.16	0.97	0.80	1.27	0.94	1.07	0.87	0.88	0.74	0.79	0.83
VISTA, CA	0.917	1.009	1.046	0.96	1.02	1.22	0.99	0.88	0.90	1.06	1.11	0.97	0.99	1.03	0.93	1.15	1.09	0.91	0.84	1.15	1.00	1.16	1.01	1.03	0.93	0.91	0.86
WEST COVINA, CA	0.917	1.056	1.203	0.99	0.97	0.99	0.96	1.06	0.88	0.92	1.02	1.09	0.95	0.94	0.90	0.98	0.99	0.90	1.01	1.15	0.98	1.15	1.17	0.99	0.96	1.03	0.89
WEST LOS ANGELES, CA	0.917	1.056	1.203	1.21	1.19	1.37	1.10	1.49	1.30	1.06	1.21	1.26	1.09	1.01	1.10	1.47	1.28	1.02	0.92	1.26	1.10	1.49	1.12	1.30	1.17	1.23	0.94
WEST RIVERSIDE, CA	0.917	1.009	1.046	0.94	0.97	1.18	0.94	1.30	1.03	1.01	0.99	1.01	0.98	0.97	0.86	0.99	0.98	0.90	1.03	1.26	0.96	1.14	0.97	0.92	0.81	0.88	0.82
WHITTIER, CA	0.917	1.056	1.203	1.00	1.00	0.89	0.86	0.94	1.08	0.97	1.07	1.04	0.94	1.05	1.08	1.23	1.21	1.05	1.05	1.11	0.95	1.20	0.98	0.99	0.84	0.89	0.84
YOUNTVILLE, CA	0.917	1.015	1.171	0.95	0.95	0.95	0.85	0.81	0.93	1.16	0.95	0.98	0.93	1.04	1.04	1.06	0.92	1.09	1.06	0.92	0.92	1.06	1.09	1.06	0.91	0.93	0.88
AURORA, CO	0.917	0.988	0.961	1.08	1.10	0.85	0.93	1.16	1.15	1.06	1.07	0.95	0.89	0.96	1.10	0.96	1.00	0.98	1.35	0.91	0.85	0.84	0.78	0.80	0.84	0.90	0.66
BOULDER, CO	0.917	0.988	0.961	0.99	1.07	0.97	0.95	0.84	1.13	0.88	1.00	0.89	0.88	0.93	1.12	0.90	0.87	0.90	0.88	0.95	0.76	0.82	0.78	0.79	0.91	0.92	0.63
COLORADO SPRINGS, CO	0.917	0.988	0.961	0.99	1.09	0.94	0.82	0.69	1.07	1.02	1.04	1.01	0.93	0.87	0.94	0.90	0.93	0.86	1.24	0.87	0.78	0.87	0.83	0.80	0.78	0.81	0.64
CORTEZ, CO	0.917	0.988	0.961	0.99	1.09	0.94	0.82	0.69	0.95	1.02	1.04	1.01	0.93	0.87	0.94	0.90	0.93	0.86	1.24	0.87	0.79	0.87	0.83	0.81	0.72	0.79	0.61
DENVER, CO	0.917	0.988	0.961	1.08	1.14	1.31	0.88	0.69	1.06	1.13	1.08	0.96	0.79	1.03	1.03	0.99	0.96	0.98	1.36	0.95	0.83	0.76	0.76	0.84	0.95	0.94	0.67
FITZSIMONS ARMY MC, CO	0.917	0.988	0.961	1.08	1.10	0.85	0.93	1.16	1.15	1.06	1.07	0.95	0.89	0.96	1.10	0.96	1.00	0.98	1.35	0.91	0.85	0.84	0.78	0.80	0.84	0.90	0.66
FLORENCE, CO	0.917	0.988	0.961	0.91	0.93	0.90	0.82	0.76	0.84	0.87	0.95	0.83	0.91	0.97	0.87	0.83	0.96	0.88	0.94	0.96	0.79	0.75	0.87	0.81	0.72	0.79	0.61
FORT CARSON, CO	0.917	0.988	0.961	0.99	1.09	0.94	0.82	0.69	1.07	1.02	1.04	1.01	0.93	0.87	0.94	0.90	0.93	0.86	1.24	0.87	0.78	0.87	0.83	0.80	0.78	0.81	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		Conversion Factor GAAFs By Physician CPT Code Group																						
		Work Expense	Practice Expense	Inpatient Visits	Office/Home/Urgent Care Visits	Therapeutic Injections	Allergy Testing	Allergy Immunotherapy	Misc. Medical	ER Visits & Observa. 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
FORT COLLINS, CO	0.917	0.988	0.961	0.99	1.07	0.97	0.95	0.84	1.13	0.88	1.00	0.89	0.88	0.93	1.12	0.90	0.87	0.90	0.88	0.95	0.76	0.82	0.78	0.79	0.91	0.92	0.63
FORT LYON, CO	0.917	0.988	0.961	0.99	1.09	0.94	0.82	0.69	0.95	1.02	1.04	1.01	0.93	0.87	0.94	0.90	0.93	0.86	1.24	0.87	0.79	0.87	0.83	0.81	0.72	0.79	0.61
FORT MORGAN, CO	0.917	0.988	0.961	0.91	0.93	0.90	0.82	0.76	1.09	0.87	0.95	0.83	0.91	0.97	0.87	0.83	0.96	0.88	0.94	0.96	0.76	0.75	0.87	0.79	0.91	0.92	0.63
GRAND JUNCTION, CO	0.917	0.988	0.961	0.91	0.93	0.90	0.82	0.76	0.84	0.87	0.95	0.83	0.91	0.97	0.87	0.83	0.96	0.88	0.94	0.96	0.79	0.75	0.87	0.81	0.72	0.79	0.61
GREELEY, CO	0.917	0.988	0.961	0.99	1.07	0.97	0.95	0.84	1.01	0.88	1.00	0.89	0.88	0.93	1.12	0.90	0.87	0.90	0.88	0.95	0.78	0.82	0.78	0.83	0.87	0.98	0.66
LA JUNTA, CO	0.917	0.988	0.961	0.99	1.09	0.94	0.82	0.69	0.95	1.02	1.04	1.01	0.93	0.87	0.94	0.90	0.93	0.86	1.24	0.87	0.79	0.87	0.83	0.81	0.72	0.79	0.61
MONTROSE, CO	0.917	0.988	0.961	0.91	0.93	0.90	0.82	0.76	0.84	0.87	0.95	0.83	0.91	0.97	0.87	0.83	0.96	0.88	0.94	0.96	0.79	0.75	0.87	0.81	0.72	0.79	0.61
PUEBLO, CO	0.917	0.988	0.961	0.99	1.09	0.94	0.82	0.69	0.95	1.02	1.04	1.01	0.93	0.87	0.94	0.90	0.93	0.86	1.24	0.87	0.79	0.87	0.83	0.81	0.72	0.79	0.61
BRIDGEPORT, CT	0.917	1.050	1.182	1.02	1.04	0.68	0.86	1.03	0.97	0.93	0.98	1.03	0.90	0.64	0.96	1.17	1.08	1.12	0.92	0.96	1.02	1.35	0.99	1.26	1.16	1.05	0.87
DANBURY, CT	0.917	1.050	1.182	1.01	1.09	1.01	0.90	1.19	0.96	1.15	1.04	1.01	0.84	0.95	1.02	1.19	0.95	1.17	1.00	1.03	1.18	1.13	1.02	1.36	1.39	1.24	1.08
HARTFORD, CT	0.917	1.050	1.182	0.88	1.02	0.92	0.92	0.91	0.96	0.84	0.91	0.97	0.88	0.73	0.89	1.07	0.89	1.11	0.84	0.99	0.96	1.16	1.01	1.46	1.09	1.01	0.89
NEW HAVEN, CT	0.917	1.050	1.182	1.02	1.04	0.68	0.86	1.03	1.05	0.93	0.98	1.03	0.90	0.64	0.96	1.17	1.08	1.12	0.92	0.96	1.18	1.35	0.99	1.36	1.39	1.24	1.08
NEW LONDON, CT	0.917	1.050	1.182	0.80	0.96	0.70	1.10	1.05	0.90	0.83	0.92	0.94	0.82	0.65	0.82	1.09	0.86	0.95	0.98	0.99	1.01	0.97	0.97	1.26	1.16	1.05	0.87
NEWINGTON, CT	0.917	1.050	1.182	0.88	1.02	0.92	0.92	0.91	0.96	0.84	0.91	0.97	0.88	0.73	0.89	1.07	0.89	1.11	0.84	0.99	0.96	1.16	1.01	1.46	1.09	1.01	0.89
NORWICH, CT	0.917	1.050	1.182	0.80	0.96	0.70	1.10	1.05	0.90	0.83	0.92	0.94	0.82	0.65	0.82	1.09	0.86	0.95	0.98	0.99	1.01	0.97	0.97	1.26	1.16	1.05	0.87
TORRINGTON, CT	0.917	1.050	1.182	0.80	0.96	0.70	1.10	1.05	0.90	0.83	0.92	0.94	0.82	0.65	0.82	1.09	0.86	0.95	0.98	0.99	1.01	0.97	0.97	1.26	1.16	1.05	0.87
WATERBURY, CT	0.917	1.050	1.182	0.80	0.96	0.70	1.10	1.05	0.90	0.83	0.92	0.94	0.82	0.65	0.82	1.09	0.86	0.95	0.98	0.99	1.01	0.97	0.97	1.26	1.16	1.05	0.87
WEST HAVEN, CT	0.917	1.050	1.182	1.02	1.04	0.68	0.86	1.03	1.05	0.93	0.98	1.03	0.90	0.64	0.96	1.17	1.08	1.12	0.92	0.96	1.18	1.35	0.99	1.36	1.39	1.24	1.08
WILLIMANTIC, CT	0.917	1.050	1.182	0.80	0.96	0.70	1.10	1.05	0.90	0.83	0.92	0.94	0.82	0.65	0.82	1.09	0.86	0.95	0.98	0.99	1.01	0.97	0.97	1.26	1.16	1.05	0.87
WINDHAM, CT	0.917	1.050	1.182	0.80	0.96	0.70	1.10	1.05	0.90	0.83	0.92	0.94	0.82	0.65	0.82	1.09	0.86	0.95	0.98	0.99	1.01	0.97	0.97	1.26	1.16	1.05	0.87
WASHINGTON, DC	0.917	1.051	1.177	1.16	1.18	1.12	0.95	0.78	1.08	1.01	1.11	1.11	1.04	0.97	1.03	1.11	0.80	1.03	1.19	1.15	1.06	0.97	1.13	1.21	1.31	1.19	1.11
DOVER AFB, DE	0.917	1.020	1.030	1.09	0.97	1.16	0.77	0.63	0.96	1.18	1.00	1.13	1.06	0.89	0.91	0.78	1.28	0.88	0.74	0.97	1.06	1.01	0.97	1.06	0.94	0.96	1.24
MILLSBORO, DE	0.917	1.020	1.030	1.09	0.97	1.16	0.77	0.63	0.96	1.18	1.00	1.13	1.06	0.89	0.91	0.78	1.28	0.88	0.74	0.97	1.06	1.01	0.97	1.06	0.94	0.96	1.24
NEW CASTLE, DE	0.917	1.020	1.030	1.09	0.97	1.16	0.77	0.63	0.96	1.18	1.00	1.13	1.06	0.89	0.91	0.78	1.28	0.88	0.74	0.97	1.06	1.01	0.97	1.06	0.94	0.96	1.24
OCEAN VIEW, DE	0.917	1.020	1.030	1.09	0.97	1.16	0.77	0.63	0.96	1.18	1.00	1.13	1.06	0.89	0.91	0.78	1.28	0.88	0.74	0.97	1.06	1.01	0.97	1.06	0.94	0.96	1.24
REHOBOTH, DE	0.917	1.020	1.030	1.09	0.97	1.16	0.77	0.63	0.96	1.18	1.00	1.13	1.06	0.89	0.91	0.78	1.28	0.88	0.74	0.97	1.06	1.01	0.97	1.06	0.94	0.96	1.24
SEAFORD, DE	0.917	1.020	1.030	1.09	0.97	1.16	0.77	0.63	0.96	1.18	1.00	1.13	1.06	0.89	0.91	0.78	1.28	0.88	0.74	0.97	1.06	1.01	0.97	1.06	0.94	0.96	1.24
WILMINGTON. DE	0.917	1.020	1.030	1.09	0.97	1.16	0.77	0.63	0.96	1.18	1.00	1.13	1.06	0.89	0.91	0.78	1.28	0.88	0.74	0.97	1.05	1.01	0.97	0.95	0.92	0.87	1.07
ARCADIA, FL	0.917	0.976	0.946	0.98	0.91	1.04	1.21	0.94	0.87	1.17	0.93	1.05	1.02	0.93	0.83	0.91	1.01	0.70	0.79	1.05	0.90	0.91	0.84	0.91	0.92	0.91	0.90
BARTOW, FL	0.917	0.976	0.946	0.98	0.91	1.04	1.21	0.94	0.87	1.17	0.93	1.05	1.02	0.93	0.83	0.91	1.01	0.70	0.79	1.05	0.90	0.91	0.84	0.91	0.92	0.91	0.90
BAY PINES, FL	0.917	0.976	0.946	0.86	0.87	0.91	0.97	0.89	0.84	1.22	0.88	1.02	0.86	0.96	0.94	0.85	0.81	0.88	0.81	1.05	0.91	0.99	0.77	1.04	0.95	0.92	0.80
BROOKSVILLE, FL	0.917	0.976	0.946	0.86	0.87	0.91	0.97	0.89	0.84	1.22	0.88	1.02	0.86	0.96	0.94	0.85	0.81	0.88	0.81	1.05	0.88	0.99	0.77	1.05	0.95	0.99	0.83
CECIL FIELD, FL	0.917	0.976	0.946	0.94	0.98	1.38	0.97	1.06	1.01	0.99	1.09	1.03	1.07	0.99	1.52	1.15	0.99	1.16	0.87	1.12	0.98	1.05	1.04	1.04	0.86	0.85	0.76
CLEARWATER, FL	0.917	0.976	0.946	0.86	0.87	0.91	0.97	0.89	0.84	1.22	0.88	1.02	0.86	0.96	0.94	0.85	0.81	0.88	0.81	1.05	0.88	0.99	0.77	1.05	0.95	0.99	0.83
DAYTONA BEACH, FL	0.917	0.976	0.946	0.90	0.88	0.96	0.97	1.08	0.82	1.12	0.89	0.81	0.90	0.92	1.53	0.91	0.97	1.14	0.82	1.08	0.88	0.86	0.77	0.96	0.80	0.80	0.76
EAST PASCO COUNTY, FL	0.917	0.976	0.946	0.86	0.87	0.91	0.97	0.89	0.84	1.22	0.88	1.02	0.86	0.96	0.94	0.85	0.81	0.88	0.81	1.05	0.88	0.99	0.77	1.05	0.95	0.99	0.83
FORT LAUDERDALE, FL	0.917	0.997	1.031	1.17	1.01	1.05	1.28	1.50	0.84	1.35	1.00	1.10	1.05	1.09	1.10	0.99	0.86	0.85	1.12	1.22	0.99	0.96	0.99	1.18	1.09	1.08	1.06
FORT MYERS, FL	0.917	0.997	1.031	0.88	0.88	0.75	0.95	0.91	0.82	0.83	0.88	0.95	0.87	0.97	0.82	0.94	0.82	0.84	0.81	0.97	0.86	0.97	0.77	1.18	0.84	0.87	0.84
FORT PIERCE, FL	0.917	0.976	0.946	0.98	0.91	1.04	1.21	0.94	0.82	1.17	0.93	1.05	1.02	0.93	0.83	0.91	1.01	0.70	0.79	1.05	0.97	0.91	0.84	1.13	0.91	0.91	0.83
FORT WALTON BEACH, FL	0.917	0.976	0.946	0.90	0.95	0.99	0.92	1.17	0.71	1.37	0.92	0.92	0.83	0.97	0.94	0.87	0.85	0.96	0.74	0.91	0.86	0.79	0.88	0.95	0.76	0.73	0.72
GAINESVILLE, FL	0.917	0.976	0.946	0.90	0.88	0.96	0.97	1.08	0.94	1.12	0.89	0.81	0.90	0.92	1.53	0.91	0.97	1.14	0.82	1.08	0.84	0.86	0.77	1.01	0.84	0.88	0.70
HOMESTEAD, FL	0.917	1.016	1.082	1.09	0.97	1.05	1.48	1.62	0.91	1.20	0.98	1.06	1.07	1.06	1.19	1.10	0.98	0.81	0.96	1.27	0.93	0.93	1.13	1.27	1.01	1.04	0.82
JACKSONVILLE, FL	0.917	0.976	0.946	0.94	0.98	1.38	0.97	1.06	1.01	0.99	1.09	1.03	1.07	0.99	1.52	1.15	0.99	1.16	0.87	1.12	0.98	1.05	1.04	1.04	0.86	0.85	0.76

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		Conversion Factor GAAFs By Physician CPT Code Group																							
		Work Expense	Practice Expense	Inpatient Visits	Office/Home/Urgent Care Visits	Therapeutic Injections	Allergy Testing	Allergy Immunotherapy	Misc. Medical	ER Visits & Observa. 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
KEY LARGO, FL	0.917	1.016	1.082	1.09	0.97	1.05	1.48	1.62	0.91	1.20	0.98	1.06	1.07	1.06	1.19	1.10	0.98	0.81	0.96	1.27	0.93	0.93	1.13	1.27	1.01	1.04	0.82
KEY WEST, FL	0.917	1.016	1.082	1.09	0.97	1.05	1.48	1.62	0.91	1.20	0.98	1.06	1.07	1.06	1.19	1.10	0.98	0.81	0.96	1.27	0.93	0.93	1.13	1.27	1.01	1.04	0.82
KISSIMMEE, FL	0.917	0.976	0.946	0.93	0.95	1.02	1.36	1.41	0.91	0.96	0.92	1.00	1.00	0.99	1.02	0.98	0.89	0.84	0.84	0.95	0.90	1.03	0.88	0.91	0.92	0.91	0.90
LAKE CITY, FL	0.917	0.976	0.946	0.93	0.91	1.37	0.74	1.00	0.77	1.00	0.93	1.05	0.97	0.97	1.29	0.92	1.09	1.14	0.85	0.98	0.89	0.88	0.86	0.96	0.80	0.80	0.76
LAKE WALES, FL	0.917	0.976	0.946	0.98	0.91	1.04	1.21	0.94	0.87	1.17	0.93	1.05	1.02	0.93	0.83	0.91	1.01	0.70	0.79	1.05	0.90	0.91	0.84	0.91	0.92	0.91	0.90
LAKELAND, FL	0.917	0.976	0.946	0.98	0.91	1.04	1.21	0.94	0.87	1.17	0.93	1.05	1.02	0.93	0.83	0.91	1.01	0.70	0.79	1.05	0.90	0.91	0.84	0.91	0.92	0.91	0.90
LEESBURG, FL	0.917	0.976	0.946	0.93	0.95	1.02	1.36	1.41	0.91	0.96	0.92	1.00	1.00	0.99	1.02	0.98	0.89	0.84	0.84	0.95	0.90	1.03	0.88	0.91	0.92	0.91	0.90
MANATEE COUNTY, FL	0.917	0.976	0.946	0.83	0.90	0.80	0.92	1.08	0.81	0.91	0.87	1.01	0.94	1.04	0.80	0.84	0.78	0.87	0.86	0.96	0.88	0.96	0.77	1.20	0.93	0.98	0.80
MIAMI, FL	0.917	1.016	1.082	1.36	1.15	1.14	1.08	1.15	1.09	1.18	1.12	1.07	1.10	1.18	1.26	1.11	1.05	1.00	0.95	1.45	1.03	1.20	1.09	1.22	1.10	1.15	0.85
NAPLES, FL	0.917	0.997	1.031	0.88	0.88	0.75	0.95	0.91	0.82	0.83	0.88	0.95	0.87	0.97	0.82	0.94	0.82	0.84	0.81	0.97	0.86	0.97	0.77	1.18	0.84	0.87	0.84
NORTH PINELLAS CO., FL	0.917	0.976	0.946	1.07	0.93	1.08	0.79	1.01	0.90	1.07	0.97	1.02	0.99	0.96	0.90	0.93	0.82	0.74	1.03	0.97	0.91	1.09	1.00	1.04	0.95	0.92	0.80
OAKLAND PARK, FL	0.917	0.997	1.031	1.17	1.01	1.05	1.28	1.50	0.84	1.35	1.00	1.10	1.05	1.09	1.10	0.99	0.86	0.85	1.12	1.22	0.99	0.96	0.99	1.18	1.09	1.08	1.06
OCALA, FL	0.917	0.976	0.946	0.86	0.87	0.91	0.97	0.89	0.96	1.22	0.88	1.02	0.86	0.96	0.94	0.85	0.81	0.88	0.81	1.05	0.85	0.99	0.77	1.01	0.84	0.88	0.70
OKEECHOBEE CO., FL	0.917	0.976	0.946	0.98	0.91	1.04	1.21	0.94	0.82	1.17	0.93	1.05	1.02	0.93	0.83	0.91	1.01	0.70	0.79	1.05	0.97	0.91	0.84	1.13	0.91	0.91	0.83
ORLANDO, FL	0.917	0.976	0.946	1.06	1.01	0.97	1.09	0.93	0.98	1.09	0.98	0.96	1.10	0.98	1.06	1.00	0.99	1.03	0.81	1.00	1.01	0.95	0.88	1.17	0.98	0.97	0.96
PALM BAY, FL	0.917	0.976	0.946	0.93	0.95	1.02	1.36	1.41	0.86	0.96	0.92	1.00	1.00	0.99	1.02	0.98	0.89	0.84	0.84	0.95	0.97	1.03	0.88	1.13	0.91	0.91	0.83
PANAMA CITY, FL	0.917	0.976	0.946	0.90	0.92	0.89	1.14	0.95	0.80	0.92	0.92	0.90	0.97	1.00	1.29	0.87	0.81	1.10	0.84	0.93	0.88	0.91	0.87	0.98	0.84	0.82	0.84
PEMBROKE PINES, FL	0.917	0.997	1.031	1.14	1.02	1.14	1.61	1.72	0.97	1.25	1.02	1.12	1.15	1.12	1.25	1.14	1.06	0.85	0.99	1.33	1.00	0.98	1.13	1.27	1.08	1.12	0.89
PENSACOLA, FL	0.917	0.976	0.946	0.90	0.95	0.99	0.92	1.17	0.71	1.37	0.92	0.92	0.83	0.97	0.94	0.87	0.85	0.96	0.74	0.91	0.86	0.79	0.88	0.95	0.76	0.73	0.72
PORT CHARLOTTE, FL	0.917	0.976	0.946	0.93	0.93	0.84	1.07	0.99	0.89	0.88	0.93	1.01	0.95	1.05	0.88	0.98	0.91	0.90	0.85	1.02	0.93	1.03	0.77	1.18	0.91	0.95	0.92
PORT RICHEY, FL	0.917	0.976	0.946	0.86	0.87	0.91	0.97	0.89	0.84	1.22	0.88	1.02	0.86	0.96	0.94	0.85	0.81	0.88	0.81	1.05	0.88	0.99	0.77	1.05	0.95	0.99	0.83
PUTNAM COUNTY, FL	0.917	0.976	0.946	0.90	0.88	0.96	0.97	1.08	0.82	1.12	0.89	0.81	0.90	0.92	1.53	0.91	0.97	1.14	0.82	1.08	0.88	0.86	0.77	0.96	0.80	0.80	0.76
RIVIERA BEACH, FL	0.917	0.997	1.031	0.94	0.97	0.98	0.86	1.04	0.76	1.15	0.92	1.06	0.96	1.02	1.16	0.97	0.95	0.83	1.11	1.02	1.00	1.01	0.89	1.11	1.08	1.09	0.89
SAINT PETERSBURG, FL	0.917	0.976	0.946	1.07	0.93	1.08	0.79	1.01	0.90	1.07	0.97	1.02	0.99	0.96	0.90	0.93	0.82	0.74	1.03	0.97	0.91	1.09	1.00	1.04	0.95	0.92	0.80
SANFORD, FL	0.917	0.976	0.946	0.95	0.93	1.05	0.92	0.94	1.15	1.13	0.86	0.95	0.98	1.00	0.99	0.87	0.92	0.94	0.83	0.91	0.95	0.85	0.90	1.00	0.87	0.91	0.81
SARASOTA, FL	0.917	0.976	0.946	0.83	0.90	0.80	0.92	1.08	0.81	0.91	0.87	1.01	0.94	1.04	0.80	0.84	0.78	0.87	0.86	0.96	0.88	0.96	0.77	1.20	0.93	0.98	0.80
SOUTH PALM BEACH CO., FL	0.917	0.997	1.031	0.94	0.97	0.98	0.86	1.04	0.76	1.15	0.92	1.06	0.96	1.02	1.16	0.97	0.95	0.83	1.11	1.02	1.00	1.01	0.89	1.11	1.08	1.09	0.89
SOUTH SAINT PETERSBURG, FL	0.917	0.976	0.946	1.07	0.93	1.08	0.79	1.01	0.90	1.07	0.97	1.02	0.99	0.96	0.90	0.93	0.82	0.74	1.03	0.97	0.91	1.09	1.00	1.04	0.95	0.92	0.80
TALLAHASSEE, FL	0.917	0.976	0.946	0.90	0.92	0.89	1.14	0.95	0.80	0.92	0.92	0.90	0.97	1.00	1.29	0.87	0.81	1.10	0.84	0.93	0.88	0.91	0.87	0.98	0.84	0.82	0.84
TAMPA, FL	0.917	0.976	0.946	1.07	0.93	1.08	0.79	1.01	0.90	1.07	0.97	1.02	0.99	0.96	0.90	0.93	0.82	0.74	1.03	0.97	0.99	1.09	1.00	1.34	0.95	0.91	0.88
WEST PALM BEACH, FL	0.917	0.997	1.031	0.94	0.97	0.98	0.86	1.04	0.76	1.15	0.92	1.06	0.96	1.02	1.16	0.97	0.95	0.83	1.11	1.02	1.00	1.01	0.89	1.11	1.08	1.09	0.89
ALBANY, GA	0.917	0.971	0.896	1.00	1.01	1.12	1.06	0.68	0.94	0.99	1.02	0.97	1.12	0.94	0.95	0.86	1.17	0.84	0.81	0.97	1.06	1.07	0.89	0.99	0.93	0.90	0.92
ATLANTA (DECATUR), GA	0.917	1.007	1.032	0.99	0.97	1.10	0.98	0.58	0.98	0.90	0.93	0.96	0.86	1.02	0.88	0.92	0.84	0.82	0.81	0.97	0.99	0.99	1.04	1.17	1.06	1.02	0.96
ATLANTA (MIDTOWN), GA	0.917	1.007	1.032	1.09	1.06	1.12	0.98	0.58	1.04	1.11	1.05	1.04	0.98	0.90	0.83	0.95	0.95	1.01	0.89	1.12	1.06	1.24	1.04	1.19	1.06	1.04	0.97
AUGUSTA, GA	0.917	0.971	0.896	1.04	1.03	0.94	1.41	1.46	0.95	1.13	1.00	0.93	1.06	0.98	0.83	0.80	1.15	0.75	0.67	0.88	1.03	1.12	0.87	1.15	1.01	1.10	1.06
COLUMBUS, GA	0.917	0.971	0.896	1.06	1.00	1.00	1.30	0.90	1.03	0.96	0.99	1.02	1.12	1.05	0.83	0.93	0.94	0.96	0.81	1.01	1.06	1.02	1.00	0.99	0.93	0.90	0.92
DUBLIN, GA	0.917	0.971	0.896	1.06	1.00	1.00	1.30	0.90	1.05	0.96	0.99	1.02	1.12	1.05	0.83	0.93	0.94	0.96	0.81	1.01	1.07	1.02	1.00	1.05	1.01	1.05	0.92
FORT GORDON, GA	0.917	0.971	0.896	1.04	1.03	0.94	1.41	1.46	0.95	1.13	1.00	0.93	1.06	0.98	0.83	0.80	1.15	0.75	0.67	0.88	1.03	1.12	0.87	1.15	1.01	1.10	1.06
MACON, GA	0.917	0.971	0.896	1.06	1.00	1.00	1.30	0.90	1.05	0.96	0.99	1.02	1.12	1.05	0.83	0.93	0.94	0.96	0.81	1.01	1.07	1.02	1.00	1.05	1.01	1.05	0.92
NORTHEAST CORRIDOR, GA	0.917	0.971	0.896	0.96	0.94	1.58	1.11	0.59	0.87	1.04	0.95	0.92	0.90	0.97	1.06	0.89	1.08	0.83	0.78	1.15	1.07	1.12	0.90	1.07	1.09	1.06	1.01
SAVANNAH, GA	0.917	0.971	0.896	1.00	1.01	1.12	1.06	0.68	0.89	0.99	1.02	0.97	1.12	0.94	0.95	0.86	1.17	0.84	0.81	0.97	1.03	1.07	0.89	1.15	1.01	1.10	1.06
VALDOSTA, GA	0.917	0.971	0.896	0.98	0.91	0.97	1.13	0.73	0.99	1.00	1.02	1.01	1.02	0.96	0.81	0.83	0.98	0.83	0.69	0.94	1.06	0.97	0.78	0.99	0.93	0.90	0.92
GUAM, GU	0.917	0.999	1.202	1.17	1.11	0.71	0.91	1.52	0.78	2.02	1.12	1.00	0.90	0.84	0.88	1.25	1.27	0.90	0.74	1.11	1.06	0.90	0.98	0.95	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		Conversion Factor GAAFs By Physician CPT Code Group																						
		Work Expense	Practice Expense	Inpatient Visits	Office/Home/Urgent Care Visits	Therapeutic Injections	Allergy Testing	Allergy Immunotherapy	Misc. Medical	ER Visits & Observa. 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
HILO, HI	0.917	0.999	1.202	1.17	1.11	0.71	0.91	1.52	0.78	2.02	1.12	1.00	0.90	0.84	0.88	1.25	1.27	0.90	0.74	1.11	1.06	0.90	0.98	0.95	0.68	0.80	0.84
HONOLULU, HI	0.917	0.999	1.202	1.17	1.11	0.71	0.91	1.52	0.78	2.02	1.12	1.00	0.90	0.84	0.88	1.25	1.27	0.90	0.74	1.11	1.06	0.90	0.98	0.95	0.68	0.80	0.84
KAILUA KONA, HI	0.917	0.999	1.202	1.17	1.11	0.71	0.91	1.52	0.78	2.02	1.12	1.00	0.90	0.84	0.88	1.25	1.27	0.90	0.74	1.11	1.06	0.90	0.98	0.95	0.68	0.80	0.84
LIHUE, HI	0.917	0.999	1.202	1.17	1.11	0.71	0.91	1.52	0.78	2.02	1.12	1.00	0.90	0.84	0.88	1.25	1.27	0.90	0.74	1.11	1.06	0.90	0.98	0.95	0.68	0.80	0.84
WAILUKU, HI	0.917	0.999	1.202	1.17	1.11	0.71	0.91	1.52	0.78	2.02	1.12	1.00	0.90	0.84	0.88	1.25	1.27	0.90	0.74	1.11	1.06	0.90	0.98	0.95	0.68	0.80	0.84
BETTENDORF, IA	0.917	0.959	0.880	0.88	0.91	0.86	1.16	1.09	0.86	0.80	0.93	0.81	0.81	0.88	0.90	0.87	0.99	0.84	0.61	0.89	0.92	1.04	0.78	0.75	0.81	0.80	0.74
CEDAR RAPIDS, IA	0.917	0.959	0.880	0.96	0.96	0.73	0.96	0.85	0.98	0.83	1.01	0.89	0.93	0.92	0.89	1.10	0.98	0.99	0.69	1.05	0.92	0.91	0.74	0.75	0.81	0.80	0.74
DES MOINES, IA	0.917	0.959	0.880	0.96	0.96	0.73	0.96	0.85	1.01	0.83	1.01	0.89	0.93	0.92	0.89	1.10	0.98	0.99	0.69	1.05	0.91	0.91	0.74	0.77	0.90	0.85	0.72
DUBUQUE, IA	0.917	0.959	0.880	1.45	0.99	0.85	0.91	0.93	0.83	0.78	1.13	0.87	0.96	0.96	0.81	0.95	1.19	0.82	0.61	0.96	0.92	0.89	0.84	0.75	0.81	0.80	0.74
FORT DODGE, IA	0.917	0.959	0.880	0.90	0.92	0.95	0.96	1.13	0.88	0.77	0.97	0.94	0.95	1.03	0.80	0.92	1.11	0.77	0.82	0.80	0.80	0.89	0.90	0.70	0.70	0.78	0.72
IOWA CITY, IA	0.917	0.959	0.880	1.45	0.99	0.85	0.91	0.93	0.83	0.78	1.13	0.87	0.96	0.96	0.81	0.95	1.19	0.82	0.61	0.96	1.03	0.89	0.84	0.98	0.81	0.80	0.73
KNOXVILLE, IA	0.917	0.959	0.880	0.92	0.94	0.57	1.08	0.79	0.91	0.86	0.94	0.88	0.84	0.96	0.78	1.00	1.02	0.79	0.69	0.94	0.88	0.88	0.91	0.70	0.76	0.74	0.68
MARSHALLTOWN, IA	0.917	0.959	0.880	0.92	0.94	0.57	1.08	0.79	0.91	0.86	0.94	0.88	0.84	0.96	0.78	1.00	1.02	0.79	0.69	0.94	0.88	0.88	0.91	0.70	0.76	0.74	0.68
MASON CITY, IA	0.917	0.959	0.880	0.90	0.92	0.95	0.96	1.13	0.96	0.77	0.97	0.94	0.95	1.03	0.80	0.92	1.11	0.77	0.82	0.80	0.95	0.89	0.90	0.83	0.96	0.94	0.73
OTTUMWA, IA	0.917	0.959	0.880	0.88	0.91	0.86	1.16	1.09	0.83	0.80	0.93	0.81	0.81	0.88	0.90	0.87	0.99	0.84	0.61	0.89	0.80	1.04	0.78	0.70	0.70	0.78	0.72
SIOUX CITY, IA	0.917	0.959	0.880	0.90	0.92	0.95	0.96	1.13	0.90	0.77	0.97	0.94	0.95	1.03	0.80	0.92	1.11	0.77	0.82	0.80	0.86	0.89	0.90	0.70	0.76	0.74	0.68
WATERLOO, IA	0.917	0.959	0.880	1.45	0.99	0.85	0.91	0.93	0.83	0.78	1.13	0.87	0.96	0.96	0.81	0.95	1.19	0.82	0.61	0.96	0.92	0.89	0.84	0.75	0.81	0.80	0.74
BOISE, ID	0.917	0.961	0.887	1.03	0.99	1.01	0.71	0.63	0.94	0.99	1.04	0.85	0.90	0.92	0.93	0.89	0.98	0.85	0.80	0.90	0.90	0.88	0.74	0.77	0.76	0.83	0.70
MOSCOW, ID	0.917	0.961	0.887	1.03	0.99	1.01	0.71	0.63	0.94	0.99	1.04	0.85	0.90	0.92	0.93	0.89	0.98	0.85	0.80	0.90	0.90	0.88	0.74	0.77	0.76	0.83	0.70
POCATELLO, ID	0.917	0.961	0.887	0.96	0.97	0.73	0.59	0.71	0.87	0.75	1.07	0.76	0.92	0.82	0.82	0.94	1.17	0.78	0.81	0.91	0.90	0.85	0.80	0.77	0.76	0.83	0.70
TWIN FALLS, ID	0.917	0.961	0.887	1.03	0.99	1.01	0.71	0.63	0.94	0.99	1.04	0.85	0.90	0.92	0.93	0.89	0.98	0.85	0.80	0.90	0.90	0.88	0.74	0.77	0.76	0.83	0.70
AURORA, IL	0.917	1.007	1.080	0.95	0.89	0.86	1.16	0.85	0.87	1.06	0.95	0.96	0.83	0.98	0.75	0.89	0.85	0.75	0.71	0.91	1.06	0.88	1.04	1.07	0.97	0.97	0.98
BELLEVILLE, IL	0.917	0.988	0.930	0.74	0.81	0.69	1.04	0.84	0.75	0.93	0.78	0.91	0.98	0.89	0.79	0.87	0.97	0.71	0.77	0.93	0.92	0.89	0.92	0.92	0.88	0.91	0.95
CARMI, IL	0.917	0.964	0.885	0.81	0.81	0.70	1.05	0.84	0.86	0.94	0.85	0.91	0.88	0.91	0.78	0.77	1.00	0.74	0.61	0.97	1.03	0.90	0.88	0.89	0.83	0.98	0.95
CHICAGO HEIGHTS, IL	0.917	1.028	1.084	0.97	0.89	0.81	0.85	0.82	0.85	1.05	0.93	0.90	0.91	0.93	0.72	0.79	0.71	0.72	0.76	0.89	1.03	0.87	1.09	1.07	0.93	0.94	0.95
CHICAGO, IL	0.917	1.028	1.084	1.11	1.03	1.38	1.51	0.93	0.99	1.05	1.06	1.00	1.00	1.11	1.00	0.98	0.95	0.89	0.87	1.02	1.18	1.05	1.19	1.23	1.13	1.08	1.07
DANVILLE, IL	0.917	0.964	0.885	1.09	1.01	1.03	1.07	0.99	1.06	1.18	1.06	1.05	1.11	1.11	0.84	0.89	0.88	0.83	0.85	1.00	1.03	0.99	1.09	0.89	0.83	0.98	0.95
DECATUR, IL	0.917	0.964	0.885	0.86	0.87	0.82	1.07	0.78	0.83	1.06	0.96	0.94	0.94	0.93	0.75	0.84	0.90	0.63	0.73	0.98	0.90	0.88	0.93	0.77	0.82	0.85	0.96
EAST SAINT LOUIS, IL	0.917	0.988	0.930	0.74	0.81	0.69	1.04	0.84	0.75	0.93	0.78	0.91	0.98	0.89	0.79	0.87	0.97	0.71	0.77	0.93	0.92	0.89	0.92	0.92	0.88	0.91	0.95
ELGIN, IL	0.917	1.007	1.080	1.01	0.95	1.07	1.11	0.86	0.95	0.96	0.95	0.95	0.89	1.02	0.87	0.94	0.78	0.87	0.82	0.90	1.08	0.89	1.05	1.11	1.00	1.00	0.95
EVANSTON, IL	0.917	1.028	1.084	0.99	0.93	1.05	1.09	0.85	0.95	0.94	0.93	0.93	0.87	1.01	0.86	0.93	0.76	0.85	0.81	0.88	1.01	0.87	1.05	1.18	0.98	0.95	0.96
GALESBURG, IL	0.917	0.964	0.885	0.86	0.87	0.82	1.07	0.78	0.85	1.06	0.96	0.94	0.94	0.93	0.75	0.84	0.90	0.63	0.73	0.98	0.95	0.88	0.93	0.80	0.81	0.86	0.80
GURNEE, IL	0.917	1.007	1.080	1.01	0.95	1.07	1.11	0.86	0.97	0.96	0.95	0.95	0.89	1.02	0.87	0.94	0.78	0.87	0.82	0.90	1.04	0.89	1.05	1.18	1.02	0.98	1.00
HINES, IL	0.917	1.028	1.084	0.99	0.93	1.05	1.09	0.85	0.93	0.94	0.93	0.93	0.87	1.01	0.86	0.93	0.76	0.85	0.81	0.88	1.05	0.87	1.05	1.11	0.97	0.97	0.91
JOLIET, IL	0.917	1.007	1.080	0.99	0.91	0.83	0.87	0.83	0.87	1.07	0.95	0.92	0.93	0.95	0.74	0.81	0.73	0.73	0.77	0.91	1.06	0.89	1.09	1.07	0.97	0.97	0.98
LASALLE COUNTY, IL	0.917	0.964	0.885	0.86	0.87	0.82	1.07	0.78	0.85	1.06	0.96	0.94	0.94	0.93	0.75	0.84	0.90	0.63	0.73	0.98	0.95	0.88	0.93	0.80	0.81	0.86	0.80
MANTENO, IL	0.917	0.964	0.885	0.86	0.87	0.82	1.07	0.78	0.77	1.06	0.96	0.94	0.94	0.93	0.75	0.84	0.90	0.63	0.73	0.98	1.05	0.88	0.93	0.89	0.81	0.88	0.87
MARION, IL	0.917	0.964	0.885	0.78	0.85	0.74	1.13	0.89	0.90	0.97	0.81	0.96	1.05	0.94	0.83	0.91	1.06	0.75	0.80	0.97	1.03	0.94	0.92	0.89	0.83	0.98	0.95
MOLINE, IL	0.917	0.964	0.885	0.87	0.95	0.68	1.13	1.42	0.92	0.97	0.93	1.04	0.94	1.00	1.01	1.04	0.74	0.90	0.75	0.95	0.95	0.71	0.82	0.80	0.81	0.86	0.80
MOUNT VERNON, IL	0.917	0.964	0.885	0.81	0.81	0.70	1.05	0.84	0.86	0.94	0.85	0.91	0.88	0.91	0.78	0.77	1.00	0.74	0.61	0.97	1.03	0.90	0.88	0.89	0.83	0.98	0.95
NORTH CHICAGO, IL	0.917	1.007	1.080	1.01	0.95	1.07	1.11	0.86	0.97	0.96	0.95	0.95	0.89	1.02	0.87	0.94	0.78	0.87	0.82	0.90	1.04	0.89	1.05	1.18	1.02	0.98	1.00
OAK LAWN, IL	0.917	1.028	1.084	0.97	0.89	0.81	0.85	0.82	0.85	1.05	0.93	0.90	0.91	0.93	0.72	0.79	0.71	0.72	0.76	0.89	1.03	0.87	1.09	1.07	0.93	0.94	0.95
OAK PARK, IL	0.917	1.028	1.084	0.77	0.83	0.54	0.89	1.17	0.78	0.86	0.82	0.89	0.77	0.84	0.87	0.92	0.59	0.77	0.67	0.85	1.03	0.62	0.82	1.07	0.93	0.94	0.95

Table H. — Physician GAAFs (Geographic Area Adjustment Factors) For RVUs (Relative Value Units) and Conversion Factors; By VA Facility Location — Continued

		RVU GAAFs		Conversion Factor GAAFs By Physician CPT Code Group																							
VA Facility Location	Medicare Work Adjuster	Work Expense	Practice Expense	Inpatient Visits	Office/Home/Urgent Care Visits	Therapeutic Injections	Allergy Testing	Allergy Immunotherapy	Misc. Medical	ER Visits & Observa. 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
OSWEGO, IL	0.917	0.964	0.885	1.06	1.00	1.06	1.43	1.01	1.01	1.16	1.06	1.09	1.00	1.15	0.86	0.99	1.03	0.86	0.78	1.00	1.21	0.98	1.04	1.07	1.10	1.11	1.14
PEORIA, IL	0.917	0.964	0.885	0.99	1.00	0.84	1.38	0.78	0.89	1.03	0.99	0.98	1.02	0.93	0.85	0.90	0.94	0.69	0.80	0.90	0.95	0.98	0.92	0.80	0.81	0.86	0.80
QUINCY, IL	0.917	0.964	0.885	0.86	0.87	0.82	1.07	0.78	0.83	1.06	0.96	0.94	0.94	0.93	0.75	0.84	0.90	0.63	0.73	0.98	0.90	0.88	0.93	0.77	0.82	0.85	0.96
ROCKFORD, IL	0.917	0.964	0.885	1.06	1.00	1.06	1.43	1.01	0.93	1.16	1.06	1.09	1.00	1.15	0.86	0.99	1.03	0.86	0.78	1.00	1.05	0.98	1.04	0.89	0.81	0.88	0.87
SPRINGFIELD, IL	0.917	0.964	0.885	0.99	1.00	0.84	1.38	0.78	0.84	1.03	0.99	0.98	1.02	0.93	0.85	0.90	0.94	0.69	0.80	0.90	0.98	0.98	0.92	0.92	0.94	0.98	1.02
WOODLAWN, IL	0.917	1.028	1.084	1.11	1.03	1.38	1.51	0.93	0.99	1.05	1.06	1.00	1.00	1.11	1.00	0.98	0.95	0.89	0.87	1.02	1.18	1.05	1.19	1.23	1.13	1.08	1.07
CROWN POINT, IN	0.917	0.982	0.917	1.08	0.95	1.24	1.60	0.78	0.98	1.09	1.08	1.00	1.10	0.95	0.83	0.86	1.05	0.76	0.88	0.91	1.11	1.08	1.03	1.03	0.81	0.84	1.03
EVANSVILLE, IN	0.917	0.982	0.917	0.92	0.87	1.13	1.09	0.66	1.06	0.86	0.88	1.22	0.96	0.85	0.63	0.83	0.71	0.72	0.81	1.20	0.96	0.90	0.90	0.73	0.76	0.88	0.86
FORT WAYNE, IN	0.917	0.982	0.917	1.01	0.92	1.03	0.95	0.76	0.92	1.03	0.97	1.01	1.02	0.94	0.83	0.84	0.93	0.73	0.76	0.85	0.99	1.00	0.81	0.76	0.71	0.74	0.87
HIGHLAND, IN	0.917	0.982	0.917	1.08	0.95	1.24	1.60	0.78	0.98	1.09	1.08	1.00	1.10	0.95	0.83	0.86	1.05	0.76	0.88	0.91	1.11	1.08	1.03	1.03	0.81	0.84	1.03
INDIANAPOLIS, IN	0.917	0.982	0.917	1.09	1.01	1.24	1.01	0.76	1.05	0.90	1.02	1.01	1.22	1.02	0.82	0.87	1.13	0.80	0.80	0.98	1.06	1.09	1.03	0.86	0.75	0.83	0.80
LAFAYETTE, IN	0.917	0.982	0.917	0.97	0.88	0.97	1.21	0.99	0.86	0.94	0.89	1.02	1.11	0.96	0.74	0.91	1.01	0.88	0.85	0.98	1.11	0.94	0.97	1.03	0.81	0.84	1.03
LAWRENCEBURG, IN	0.917	0.982	0.917	0.89	0.86	0.90	1.09	0.64	0.77	1.14	0.89	1.00	0.93	0.89	0.66	0.83	1.13	0.66	0.73	0.92	0.96	0.88	0.88	0.74	0.68	0.68	0.92
MARION, IN	0.917	0.982	0.917	0.95	0.89	1.13	0.98	0.67	0.92	0.97	0.87	0.85	1.04	1.00	0.70	0.91	0.91	0.68	0.93	1.04	0.99	0.95	0.98	0.88	0.66	0.75	0.85
MUNCIE, IN	0.917	0.982	0.917	0.95	0.89	1.13	0.98	0.67	0.92	0.97	0.87	0.85	1.04	1.00	0.70	0.91	0.91	0.68	0.93	1.04	0.99	0.95	0.98	0.88	0.66	0.75	0.85
NEW ALBANY, IN	0.917	0.982	0.917	0.89	0.88	0.70	0.95	0.57	0.91	1.10	0.81	0.91	0.90	1.01	0.82	0.80	1.03	0.70	0.80	0.92	0.95	0.74	1.05	0.73	0.76	0.88	0.86
RICHMOND, IN	0.917	0.982	0.917	0.95	0.89	1.13	0.98	0.67	0.92	0.97	0.87	0.85	1.04	1.00	0.70	0.91	0.91	0.68	0.93	1.04	0.99	0.95	0.98	0.88	0.66	0.75	0.85
SOUTH BEND, IN	0.917	0.982	0.917	0.92	0.81	0.98	1.01	0.80	0.87	1.02	0.95	0.93	0.91	0.93	0.68	0.76	0.96	0.67	0.69	0.90	0.87	0.90	0.83	0.67	0.65	0.72	0.78
TERRE HAUTE, IN	0.917	0.982	0.917	0.97	0.88	0.97	1.21	0.99	0.86	0.94	0.89	1.02	1.11	0.96	0.74	0.91	1.01	0.88	0.85	0.98	0.96	0.94	0.97	0.74	0.68	0.68	0.92
ABILENE, KS	0.917	0.964	0.895	0.89	0.89	0.94	1.10	0.81	0.90	1.08	0.93	0.91	1.04	1.03	0.78	0.93	1.03	0.74	0.95	0.84	0.88	1.03	0.95	0.77	0.81	0.78	0.68
DODGE CITY, KS	0.917	0.964	0.895	0.86	0.88	0.91	0.99	0.96	0.87	0.70	0.89	0.78	1.03	0.91	0.80	1.07	0.90	0.59	0.67	0.75	0.86	0.93	0.92	0.79	0.75	0.79	0.64
EMPORIA, KS	0.917	0.964	0.895	0.90	0.83	0.97	1.48	0.71	0.78	1.04	0.86	0.87	0.94	1.07	0.91	0.87	0.98	0.70	0.73	0.71	0.88	0.84	0.85	0.77	0.81	0.78	0.68
GARDEN CITY, KS	0.917	0.964	0.895	0.86	0.88	0.91	0.99	0.96	0.87	0.70	0.89	0.78	1.03	0.91	0.80	1.07	0.90	0.59	0.67	0.75	0.86	0.93	0.92	0.79	0.75	0.79	0.64
HAYS, KS	0.917	0.964	0.895	0.86	0.88	0.91	0.99	0.96	0.87	0.70	0.89	0.78	1.03	0.91	0.80	1.07	0.90	0.59	0.67	0.75	0.86	0.93	0.92	0.79	0.75	0.79	0.64
HOLTON, KS	0.917	0.964	0.895	0.90	0.83	0.97	1.48	0.71	0.80	1.04	0.86	0.87	0.94	1.07	0.91	0.87	0.98	0.70	0.73	0.71	0.86	0.84	0.85	0.79	0.75	0.79	0.64
JUNCTION CITY, KS	0.917	0.964	0.895	0.90	0.83	0.97	1.48	0.71	0.80	1.04	0.86	0.87	0.94	1.07	0.91	0.87	0.98	0.70	0.73	0.71	0.86	0.84	0.85	0.79	0.75	0.79	0.64
KANSAS CITY, KS	0.917	0.964	0.895	0.90	0.88	0.79	1.48	0.88	0.88	0.87	0.94	0.90	0.97	0.95	0.75	0.91	0.95	0.64	0.81	0.92	0.96	0.93	0.89	0.97	0.97	0.91	0.80
LEAVENWORTH, KS	0.917	0.964	0.895	0.90	0.83	0.97	1.48	0.71	0.78	1.04	0.86	0.87	0.94	1.07	0.91	0.87	0.98	0.70	0.73	0.71	0.88	0.84	0.85	0.77	0.81	0.78	0.68
LIBERAL, KS	0.917	0.964	0.895	0.86	0.88	0.91	0.99	0.96	0.87	0.70	0.89	0.78	1.03	0.91	0.80	1.07	0.90	0.59	0.67	0.75	0.86	0.93	0.92	0.79	0.75	0.79	0.64
MCPHERSON, KS	0.917	0.964	0.895	0.89	0.89	0.94	1.10	0.81	0.90	1.08	0.93	0.91	1.04	1.03	0.78	0.93	1.03	0.74	0.95	0.84	0.88	1.03	0.95	0.77	0.81	0.78	0.68
PITTSBURG, KS	0.917	0.964	0.895	0.89	0.89	0.94	1.10	0.81	0.90	1.08	0.93	0.91	1.04	1.03	0.78	0.93	1.03	0.74	0.95	0.84	0.88	1.03	0.95	0.77	0.81	0.78	0.68
PRATT, KS	0.917	0.964	0.895	0.89	0.89	0.94	1.10	0.81	0.95	1.08	0.93	0.91	1.04	1.03	0.78	0.93	1.03	0.74	0.95	0.84	0.87	1.03	0.95	0.83	0.77	0.80	0.70
SALINA, KS	0.917	0.964	0.895	0.89	0.89	0.94	1.10	0.81	0.90	1.08	0.93	0.91	1.04	1.03	0.78	0.93	1.03	0.74	0.95	0.84	0.88	1.03	0.95	0.77	0.81	0.78	0.68
SENACA, KS	0.917	0.964	0.895	0.90	0.83	0.97	1.48	0.71	0.80	1.04	0.86	0.87	0.94	1.07	0.91	0.87	0.98	0.70	0.73	0.71	0.86	0.84	0.85	0.79	0.75	0.79	0.64
TOPEKA, KS	0.917	0.964	0.895	0.90	0.88	0.79	1.48	0.88	0.86	0.87	0.94	0.90	0.97	0.95	0.75	0.91	0.95	0.64	0.81	0.92	0.87	0.93	0.89	0.83	0.77	0.80	0.70
WICHITA, KS	0.917	0.964	0.895	0.89	0.89	0.94	1.10	0.81	0.95	1.08	0.93	0.91	1.04	1.03	0.78	0.93	1.03	0.74	0.95	0.84	0.87	1.03	0.95	0.83	0.77	0.80	0.70
BOWLING GREEN, KY	0.917	0.971	0.871	0.87	0.89	0.73	0.88	0.43	0.94	0.94	0.91	0.90	0.92	1.02	0.75	1.00	0.89	0.79	0.70	1.11	0.93	1.09	0.93	0.78	0.76	0.81	0.85
COVINGTON, KY	0.917	0.971	0.871	0.86	0.87	1.06	1.41	0.64	0.92	0.90	0.94	0.91	0.84	0.92	0.84	0.84	0.84	0.74	0.80	0.95	1.00	0.87	0.88	0.79	0.79	0.79	0.82
CYNTHIANA, KY	0.917	0.971	0.871	0.86	0.87	1.06	1.41	0.64	0.92	0.90	0.94	0.91	0.84	0.92	0.84	0.84	0.84	0.74	0.80	0.95	1.00	0.87	0.88	0.79	0.79	0.79	0.82
DANVILLE, KY	0.917	0.971	0.871	0.86	0.87	1.06	1.41	0.64	1.02	0.90	0.94	0.91	0.84	0.92	0.84	0.84	0.84	0.74	0.80	0.95	0.94	0.87	0.88	0.85	0.85	0.91	0.91
FORT CAMPBELL, KY	0.917	0.971	0.871	0.98	0.90	0.98	0.90	0.68	0.96	0.92	0.86	0.83	1.00	0.95	0.74	0.90	0.93	0.77	0.86	0.84	0.90	0.86	0.87	0.89	0.79	0.79	0.96
FORT KNOX, KY	0.917	0.971	0.871	0.95	1.03	1.02	0.90	0.93	1.09	1.05	1.02	0.94	0.95	0.87	0.97	1.03	0.90	0.94	0.90	1.10	0.94	1.03	0.91	0.85	0.85	0.91	0.91
FRANKFORT, KY	0.917	0.971	0.871	0.95	1.03	1.02	0.90	0.93	1.09	1.05	1.02	0.94	0.95	0.87	0.97	1.03	0.90	0.94	0.90	1.10	0.94	1.03	0.91	0.85	0.85	0.91	0.91

Table H. — Physician GAAFs (Geographic Area Adjustment Factors) For RVUs (Relative Value Units) and Conversion Factors; By VA Facility Location — Continued

		RVU GAAFs		Conversion Factor GAAFs By Physician CPT Code Group																						
VA Facility Location	Medicare Work Adjuster	Work Expense	Practice Expense	Inpatient Visits	Office/Home/Urgent Care Visits	Therapeutic Injections	Allergy Testing	Allergy Immunotherapy	Misc. Medical	ER Visits & Observa. 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
GRAYSON, KY	0.917	0.971	0.871	0.94	0.94	1.02	1.15	0.61	1.02	0.88	0.95	1.05	1.15	0.95	0.85	0.91	1.01	1.00	0.95	1.05	1.00	1.00	1.06	0.79	0.79	0.79	0.82
HARRODSBURG, KY	0.917	0.971	0.871	0.86	0.87	1.06	1.41	0.64	0.89	0.90	0.94	0.91	0.84	0.92	0.84	0.84	0.84	0.74	0.80	0.95	0.90	0.87	0.88	0.89	0.79	0.79	0.96
HOPKINSVILLE, KY	0.917	0.971	0.871	0.98	0.90	0.98	0.90	0.68	0.96	0.92	0.86	0.83	1.00	0.95	0.74	0.90	0.93	0.77	0.86	0.84	0.90	0.86	0.87	0.89	0.79	0.79	0.96
LEXINGTON, KY	0.917	0.971	0.871	0.95	1.03	1.02	0.90	0.93	0.99	1.05	1.02	0.94	0.95	0.87	0.97	1.03	0.90	0.94	0.90	1.10	1.00	1.03	0.91	0.79	0.79	0.79	0.82
LOUISVILLE, KY	0.917	0.971	0.871	0.93	0.99	1.32	0.90	0.62	0.92	0.95	0.92	0.95	0.98	0.93	0.92	0.93	0.81	0.79	0.83	0.98	0.94	0.91	0.98	0.99	0.91	0.82	0.88
MAYSVILLE, KY	0.917	0.971	0.871	0.86	0.87	1.06	1.41	0.64	0.92	0.90	0.94	0.91	0.84	0.92	0.84	0.84	0.84	0.74	0.80	0.95	1.00	0.87	0.88	0.79	0.79	0.79	0.82
MOREHEAD, KY	0.917	0.971	0.871	0.86	0.87	1.06	1.41	0.64	0.89	0.90	0.94	0.91	0.84	0.92	0.84	0.84	0.84	0.74	0.80	0.95	0.90	0.87	0.88	0.89	0.79	0.79	0.96
MOUNT STERLING, KY	0.917	0.971	0.871	0.86	0.87	1.06	1.41	0.64	0.89	0.90	0.94	0.91	0.84	0.92	0.84	0.84	0.84	0.74	0.80	0.95	0.90	0.87	0.88	0.89	0.79	0.79	0.96
OWENSBORO, KY	0.917	0.971	0.871	0.87	0.89	0.73	0.88	0.43	0.94	0.94	0.91	0.90	0.92	1.02	0.75	1.00	0.89	0.79	0.70	1.11	0.93	1.09	0.93	0.78	0.76	0.81	0.85
PADUCAH, KY	0.917	0.971	0.871	0.98	0.90	0.98	0.90	0.68	0.96	0.92	0.86	0.83	1.00	0.95	0.74	0.90	0.93	0.77	0.86	0.84	0.90	0.86	0.87	0.89	0.79	0.79	0.96
PRESTONSBURG, KY	0.917	0.971	0.871	0.94	0.94	1.02	1.15	0.61	1.02	0.88	0.95	1.05	1.15	0.95	0.85	0.91	1.01	1.00	0.95	1.05	1.00	1.00	1.06	0.79	0.79	0.79	0.82
RAVENNA, KY	0.917	0.971	0.871	0.86	0.87	1.06	1.41	0.64	1.02	0.90	0.94	0.91	0.84	0.92	0.84	0.84	0.84	0.74	0.80	0.95	0.94	0.87	0.88	0.85	0.85	0.91	0.91
RICHMOND, KY	0.917	0.971	0.871	0.86	0.87	1.06	1.41	0.64	1.02	0.90	0.94	0.91	0.84	0.92	0.84	0.84	0.84	0.74	0.80	0.95	0.94	0.87	0.88	0.85	0.85	0.91	0.91
SOMERSET, KY	0.917	0.971	0.871	0.86	0.87	1.06	1.41	0.64	1.02	0.90	0.94	0.91	0.84	0.92	0.84	0.84	0.84	0.74	0.80	0.95	0.94	0.87	0.88	0.85	0.85	0.91	0.91
VERSAILLES, KY	0.917	0.971	0.871	0.86	0.87	1.06	1.41	0.64	0.89	0.90	0.94	0.91	0.84	0.92	0.84	0.84	0.84	0.74	0.80	0.95	0.90	0.87	0.88	0.89	0.79	0.79	0.96
ALEXANDRIA, LA	0.917	0.969	0.876	1.07	0.98	1.36	1.53	0.90	0.96	0.94	1.02	0.98	1.08	1.12	0.76	0.96	1.32	0.68	1.23	1.05	0.97	1.04	0.91	0.99	0.76	0.79	0.83
BATON ROUGE, LA	0.917	0.969	0.876	1.04	0.88	0.91	1.13	0.58	0.88	0.93	0.90	1.04	1.02	1.05	0.69	0.85	0.79	0.67	1.39	0.89	0.93	0.87	0.80	0.95	0.78	0.81	0.83
COVINGTON, LA	0.917	0.969	0.876	1.03	0.91	0.87	1.40	0.66	0.94	1.00	1.07	1.01	1.12	0.96	0.75	0.81	0.91	0.59	1.42	0.98	1.03	0.96	0.94	1.12	0.78	0.88	0.90
HOUMA, LA	0.917	0.969	0.876	1.03	0.91	0.87	1.40	0.66	0.89	1.00	1.07	1.01	1.12	0.96	0.75	0.81	0.91	0.59	1.42	0.98	0.99	0.96	0.94	0.96	0.78	0.78	0.87
JENNINGS, LA	0.917	0.969	0.876	1.04	0.89	1.24	1.92	0.54	0.98	1.00	1.05	0.97	0.98	0.98	0.76	0.78	0.81	0.70	1.19	1.01	0.99	0.90	0.81	0.96	0.78	0.78	0.87
LAFAYETTE, LA	0.917	0.969	0.876	1.04	0.89	1.24	1.92	0.54	0.98	1.00	1.05	0.97	0.98	0.98	0.76	0.78	0.81	0.70	1.19	1.01	0.99	0.90	0.81	0.96	0.78	0.78	0.87
LAKE CHARLES, LA	0.917	0.969	0.876	0.96	0.88	0.95	0.88	0.53	0.90	0.84	0.98	1.01	1.03	0.94	0.79	1.09	0.81	0.66	1.24	1.06	0.99	0.84	0.80	0.96	0.78	0.78	0.87
MONROE, LA	0.917	0.969	0.876	1.07	0.98	1.36	1.53	0.90	0.96	0.94	1.02	0.98	1.08	1.12	0.76	0.96	1.32	0.68	1.23	1.05	0.97	1.04	0.91	0.99	0.76	0.79	0.83
MORGAN CITY, LA	0.917	0.969	0.876	1.03	0.91	0.87	1.40	0.66	0.89	1.00	1.07	1.01	1.12	0.96	0.75	0.81	0.91	0.59	1.42	0.98	0.99	0.96	0.94	0.96	0.78	0.78	0.87
NEW ORLEANS, LA	0.917	0.999	0.948	1.10	0.97	0.82	1.04	0.76	1.01	1.12	0.96	1.01	0.96	0.93	0.77	0.95	1.06	0.66	1.13	0.95	1.02	0.93	0.97	1.09	0.76	0.80	0.78
SHREVEPORT, LA	0.917	0.969	0.876	1.07	0.98	1.36	1.53	0.90	0.96	0.94	1.02	0.98	1.08	1.12	0.76	0.96	1.32	0.68	1.23	1.05	0.97	1.04	0.91	0.99	0.76	0.79	0.83
BEDFORD, MA	0.917	1.040	1.205	0.85	0.95	1.02	0.85	1.04	0.85	0.79	0.84	0.96	0.83	0.53	1.23	0.90	0.84	1.12	0.64	0.81	0.94	0.85	0.96	1.11	1.01	0.98	0.90
BOSTON, MA	0.917	1.040	1.205	0.93	1.08	1.11	0.85	1.23	0.92	0.87	0.90	1.03	0.75	0.52	1.38	0.96	1.02	1.20	0.71	0.88	0.98	0.81	0.91	1.30	1.01	0.98	0.81
BROCKTON, MA	0.917	1.011	1.089	0.98	1.14	1.22	0.94	1.34	0.99	0.91	0.95	1.10	0.82	0.57	1.48	1.01	1.11	1.28	0.75	0.92	0.94	0.85	0.91	1.01	1.06	0.88	1.06
CHICOPEE, MA	0.917	1.011	1.089	0.89	1.01	1.13	0.94	1.13	0.92	0.83	0.88	1.02	0.91	0.57	1.32	0.95	0.91	1.20	0.68	0.85	0.95	0.90	0.96	1.11	0.99	0.89	0.97
FRAMINGHAM, MA	0.917	1.040	1.205	0.85	0.95	1.02	0.85	1.04	0.85	0.79	0.84	0.96	0.83	0.53	1.23	0.90	0.84	1.12	0.64	0.81	0.94	0.85	0.96	1.11	1.01	0.98	0.90
GREENFIELD, MA	0.917	1.011	1.089	0.83	0.98	0.80	0.94	1.22	0.82	0.69	0.80	0.87	0.94	0.63	1.47	0.89	0.97	1.16	0.73	0.83	1.00	0.77	0.79	1.11	1.07	1.03	0.96
HAVERHILL, MA	0.917	1.011	1.089	0.96	1.06	0.97	1.59	1.31	0.94	0.79	0.95	1.11	0.88	0.59	1.48	1.05	1.24	1.42	0.69	0.89	1.05	0.98	0.89	1.14	1.07	1.03	1.01
HOLYOKE, MA	0.917	1.011	1.089	0.89	1.01	1.13	0.94	1.13	0.92	0.83	0.88	1.02	0.91	0.57	1.32	0.95	0.91	1.20	0.68	0.85	0.95	0.90	0.96	1.11	0.99	0.89	0.97
HYANNIS, MA	0.917	1.011	1.089	0.83	0.98	0.80	0.94	1.22	0.82	0.69	0.80	0.87	0.94	0.63	1.47	0.89	0.97	1.16	0.73	0.83	0.94	0.77	0.79	1.01	1.06	0.88	1.06
LOWELL, MA	0.917	1.040	1.205	0.91	1.00	0.88	1.45	1.19	0.88	0.75	0.90	1.04	0.81	0.54	1.38	1.00	1.14	1.33	0.65	0.85	0.99	0.93	0.89	1.14	1.01	0.98	0.95
LYNN, MA	0.917	1.011	1.089	0.86	1.02	0.99	0.92	2.25	0.85	0.88	0.88	1.08	0.87	0.56	1.50	1.00	1.04	1.33	0.71	0.87	1.05	0.96	0.99	1.14	1.07	1.03	1.01
NEW BEDFORD, MA	0.917	1.011	1.089	0.83	0.99	0.88	0.82	1.59	0.98	0.79	0.84	1.02	0.98	0.49	1.12	1.04	1.16	1.17	0.83	0.87	0.97	0.92	0.88	1.10	1.06	0.89	1.16
NORTHAMPTON, MA	0.917	1.011	1.089	0.89	1.01	1.13	0.94	1.13	0.92	0.83	0.88	1.02	0.91	0.57	1.32	0.95	0.91	1.20	0.68	0.85	0.95	0.90	0.96	1.11	0.99	0.89	0.97
PITTSFIELD, MA	0.917	1.011	1.089	0.80	0.87	0.70	0.73	1.24	0.82	0.60	0.90	1.01	0.74	0.86	1.04	0.97	0.88	1.16	0.70	0.85	0.95	0.82	0.83	1.11	0.99	0.89	0.97
PLYMOUTH, MA	0.917	1.011	1.089	0.83	0.99	0.88	0.82	1.59	0.98	0.79	0.84	1.02	0.98	0.49	1.12	1.04	1.16	1.17	0.83	0.87	0.95	0.92	0.88	1.01	1.06	0.88	1.06
SOUTH SHORE, MA	0.917	1.040	1.205	0.93	1.08	1.11	0.85	1.23	0.92	0.87	0.90	1.03	0.75	0.52	1.38	0.96	1.02	1.20	0.71	0.88	0.98	0.81	0.91	1.30	1.01	0.98	0.81
SPRINGFIELD, MA	0.917	1.011	1.089	0.85	1.02	0.73	0.94	1.14	0.86	0.84	0.86	1.24	0.81	0.62	1.01	0.99	1.16	1.12	0.87	0.83	0.99	0.90	0.90	1.21	1.01	0.96	0.95

Table H. — Physician GAAFs (Geographic Area Adjustment Factors) For RVUs (Relative Value Units) and Conversion Factors; By VA Facility Location — Continued

		RVU GAAFs		Conversion Factor GAAFs By Physician CPT Code Group																							
VA Facility Location	Medicare Work Adjuster	Work Expense	Practice Expense	Inpatient Visits	Office/Home/Urgent Care Visits	Therapeutic Injections	Allergy Testing	Allergy Immunotherapy	Misc. Medical	ER Visits & Observa. 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
WASHINGTON, MA	0.917	1.011	1.089	0.80	0.87	0.70	0.73	1.24	0.82	0.60	0.90	1.01	0.74	0.86	1.04	0.97	0.88	1.16	0.70	0.85	0.95	0.82	0.83	1.11	0.99	0.89	0.97
WEST ROXBURY, MA	0.917	1.040	1.205	0.93	1.08	1.11	0.85	1.23	0.92	0.87	0.90	1.03	0.75	0.52	1.38	0.96	1.02	1.20	0.71	0.88	0.98	0.81	0.91	1.30	1.01	0.98	0.81
WORCESTER, MA	0.917	1.011	1.089	0.85	1.02	0.73	0.94	1.14	0.86	0.84	0.86	1.24	0.81	0.62	1.01	0.99	1.16	1.12	0.87	0.83	0.99	0.90	0.90	1.21	1.01	0.96	0.95
BALTIMORE, MD	0.917	1.020	1.038	1.22	1.07	0.99	0.96	0.72	0.97	0.99	1.05	1.06	0.98	0.94	0.90	0.95	1.18	0.85	0.84	1.01	1.07	1.12	1.01	1.12	1.12	1.08	1.24
CAMBRIDGE, MD	0.917	0.984	0.969	0.92	0.90	0.95	0.92	0.91	0.78	1.12	0.90	0.92	0.93	0.83	0.81	0.78	1.12	0.86	0.84	1.00	0.91	0.85	0.82	0.86	1.03	1.03	0.89
CHARLOTTE HALL, MD	0.917	0.984	0.969	1.10	1.07	1.21	0.86	1.00	1.07	1.12	1.01	1.09	1.09	1.04	0.89	0.98	1.09	0.88	0.91	0.98	1.15	1.13	0.88	1.10	1.32	1.22	1.23
CUMBERLAND, MD	0.917	0.984	0.969	0.87	0.93	0.96	0.81	0.89	0.86	1.27	0.92	0.92	0.96	0.88	0.92	0.99	0.86	0.95	0.81	0.95	0.95	0.93	0.72	1.08	1.05	0.94	1.16
ELKTON, MD	0.917	0.984	0.969	0.92	0.90	0.95	0.92	0.91	0.78	1.12	0.90	0.92	0.93	0.83	0.81	0.78	1.12	0.86	0.84	1.00	1.10	0.85	0.82	1.06	0.98	1.00	1.30
FORT HOWARD, MD	0.917	1.020	1.038	1.00	0.99	0.97	0.96	0.81	0.96	1.10	0.99	0.96	1.06	0.98	0.97	0.89	1.00	0.77	0.89	1.00	1.12	1.19	0.92	1.03	1.16	1.17	1.18
HAGERSTOWN, MD	0.917	0.984	0.969	0.87	0.93	0.96	0.81	0.89	0.86	1.27	0.92	0.92	0.96	0.88	0.92	0.99	0.86	0.95	0.81	0.95	0.95	0.93	0.72	1.08	1.05	0.94	1.16
MILLINGTON, MD	0.917	0.984	0.969	0.92	0.90	0.95	0.92	0.91	0.78	1.12	0.90	0.92	0.93	0.83	0.81	0.78	1.12	0.86	0.84	1.00	0.91	0.85	0.82	0.86	1.03	1.03	0.89
PERRY POINT, MD	0.917	0.984	0.969	0.92	0.90	0.95	0.92	0.91	0.78	1.12	0.90	0.92	0.93	0.83	0.81	0.78	1.12	0.86	0.84	1.00	1.10	0.85	0.82	1.06	0.98	1.00	1.30
SILVER SPRING, MD	0.917	1.051	1.177	1.05	1.03	0.94	0.82	0.76	1.10	1.04	0.96	0.93	1.02	0.96	0.95	1.01	0.82	0.91	0.85	0.99	1.01	1.17	1.04	1.10	1.16	1.08	1.07
BANGOR, ME	0.917	0.962	0.925	0.99	1.00	0.66	1.21	0.91	1.10	0.87	0.98	0.98	0.93	0.87	1.43	1.07	1.01	1.09	0.79	1.10	0.96	1.08	0.96	0.96	0.88	0.92	0.85
CARIBOU, ME	0.917	0.962	0.925	0.89	0.89	1.17	0.97	1.08	1.07	1.01	0.91	1.04	0.86	0.79	1.04	0.86	1.01	0.82	0.85	0.94	0.96	0.91	1.10	0.83	0.88	0.98	0.83
LEWISTON, ME	0.917	0.962	0.925	0.96	1.04	1.47	1.21	1.13	0.97	1.14	0.93	1.00	0.92	0.75	1.42	0.83	1.10	1.05	0.83	0.95	0.96	0.94	0.97	0.96	0.88	0.92	0.85
PORTLAND, ME	0.917	0.980	1.032	0.94	0.95	0.60	1.09	0.83	1.07	0.83	0.94	0.93	0.85	0.80	1.34	1.02	0.92	1.02	0.75	1.06	0.90	1.03	0.96	0.83	0.84	0.93	0.78
RUMFORD (WESTERN), ME	0.917	0.962	0.925	0.96	1.04	1.47	1.21	1.13	0.97	1.14	0.93	1.00	0.92	0.75	1.42	0.83	1.10	1.05	0.83	0.95	0.96	0.94	0.97	0.96	0.88	0.92	0.85
SANFORD, ME	0.917	0.980	1.032	0.93	0.87	1.18	1.01	0.73	0.98	1.06	0.86	0.89	0.71	0.82	1.01	0.85	0.94	0.97	0.89	1.04	0.90	0.88	0.86	0.83	0.84	0.93	0.78
TOGUS, ME	0.917	0.962	0.925	0.89	0.89	1.17	0.97	1.08	1.02	1.01	0.91	1.04	0.86	0.79	1.04	0.86	1.01	0.82	0.85	0.94	0.96	0.91	1.10	0.96	0.88	0.92	0.85
ANN ARBOR, MI	0.917	1.043	1.030	0.75	0.83	0.57	0.91	0.79	0.74	0.90	0.74	1.03	0.80	0.84	0.90	0.83	0.80	0.84	0.87	0.72	0.72	0.96	0.77	0.74	0.75	0.70	0.61
BATTLE CREEK, MI	0.917	0.997	0.937	0.85	0.87	0.76	0.82	0.74	0.85	0.88	0.80	0.94	0.89	0.81	0.74	0.93	0.78	0.76	0.76	0.85	0.76	0.83	0.78	0.85	0.70	0.69	0.58
BENTON HARBOR, MI	0.917	0.997	0.937	0.85	0.87	0.76	0.82	0.74	0.85	0.88	0.80	0.94	0.89	0.81	0.74	0.93	0.78	0.76	0.76	0.85	0.76	0.83	0.78	0.85	0.70	0.69	0.58
DETROIT, MI	0.917	1.043	1.030	0.83	0.91	0.71	0.83	0.72	0.72	0.94	0.81	1.30	0.73	0.78	0.97	1.07	0.79	0.94	0.98	0.90	0.74	0.73	0.82	0.79	0.75	0.70	0.72
FLINT, MI	0.917	0.997	0.937	0.80	0.88	0.73	0.70	1.02	0.71	0.86	0.78	1.02	0.76	0.78	0.78	0.91	0.95	0.98	0.86	0.93	0.75	0.88	0.84	0.85	0.80	0.75	0.64
GAYLORD, MI	0.917	0.997	0.937	0.91	0.91	0.86	0.98	0.83	0.81	0.91	0.89	0.97	0.92	0.73	0.70	1.00	0.96	0.87	0.71	0.80	0.76	0.87	0.99	0.69	0.66	0.64	0.70
GRAND RAPIDS, MI	0.917	0.997	0.937	0.85	0.87	0.76	0.82	0.74	0.85	0.88	0.80	0.94	0.89	0.81	0.74	0.93	0.78	0.76	0.76	0.85	0.76	0.83	0.78	0.69	0.66	0.64	0.70
HANCOCK, MI	0.917	0.997	0.937	0.91	0.91	0.86	0.98	0.83	0.81	0.91	0.89	0.97	0.92	0.73	0.70	1.00	0.96	0.87	0.71	0.80	0.81	0.87	0.99	0.76	0.85	0.74	0.55
IRON MOUNTAIN, MI	0.917	0.997	0.937	0.91	0.91	0.86	0.98	0.83	0.81	0.91	0.89	0.97	0.92	0.73	0.70	1.00	0.96	0.87	0.71	0.80	0.81	0.87	0.99	0.76	0.85	0.74	0.55
JACKSON, MI	0.917	0.997	0.937	0.76	0.80	0.57	0.77	0.72	0.83	0.90	0.76	0.89	0.84	0.77	0.73	0.80	0.75	0.83	0.83	0.85	0.76	0.76	0.82	0.85	0.70	0.69	0.58
LANSING, MI	0.917	0.997	0.937	0.76	0.80	0.57	0.77	0.72	0.83	0.90	0.76	0.89	0.84	0.77	0.73	0.80	0.75	0.83	0.83	0.85	0.76	0.76	0.82	0.69	0.66	0.64	0.70
LINCOLN PARK, MI	0.917	1.043	1.030	0.75	0.83	0.57	0.91	0.79	0.74	0.90	0.74	1.03	0.80	0.84	0.90	0.83	0.80	0.84	0.87	0.72	0.72	0.96	0.77	0.74	0.75	0.70	0.61
MARQUETTE, MI	0.917	0.997	0.937	0.91	0.91	0.86	0.98	0.83	0.81	0.91	0.89	0.97	0.92	0.73	0.70	1.00	0.96	0.87	0.71	0.80	0.81	0.87	0.99	0.76	0.85	0.74	0.55
MENOMINEE, MI	0.917	0.997	0.937	0.91	0.91	0.86	0.98	0.83	0.81	0.91	0.89	0.97	0.92	0.73	0.70	1.00	0.96	0.87	0.71	0.80	0.81	0.87	0.99	0.76	0.85	0.74	0.55
MUSKEGON, MI	0.917	0.997	0.937	0.85	0.87	0.76	0.82	0.74	0.85	0.88	0.80	0.94	0.89	0.81	0.74	0.93	0.78	0.76	0.76	0.85	0.76	0.83	0.78	0.85	0.70	0.69	0.58
OSCODA, MI	0.917	0.997	0.937	0.76	0.80	0.57	0.77	0.72	0.83	0.90	0.76	0.89	0.84	0.77	0.73	0.80	0.75	0.83	0.83	0.85	0.75	0.76	0.82	0.85	0.80	0.75	0.64
PONTIAC, MI	0.917	1.043	1.030	0.72	0.80	1.20	0.73	0.83	0.80	0.94	0.73	1.03	0.81	0.81	0.84	0.91	0.80	0.83	0.84	0.79	0.74	0.98	0.77	0.79	0.75	0.70	0.72
SAGINAW, MI	0.917	0.997	0.937	0.80	0.88	0.73	0.70	1.02	0.71	0.86	0.78	1.02	0.76	0.78	0.78	0.91	0.95	0.98	0.86	0.93	0.75	0.88	0.84	0.85	0.80	0.75	0.64
SAULT SAINTE MARIE, MI	0.917	0.997	0.937	0.91	0.91	0.86	0.98	0.83	0.81	0.91	0.89	0.97	0.92	0.73	0.70	1.00	0.96	0.87	0.71	0.80	0.76	0.87	0.99	0.69	0.66	0.64	0.70
TRAVERSE CITY, MI	0.917	0.997	0.937	0.76	0.80	0.57	0.77	0.72	0.83	0.90	0.76	0.89	0.84	0.77	0.73	0.80	0.75	0.83	0.83	0.85	0.81	0.76	0.82	0.76	0.85	0.74	0.55
YALE, MI	0.917	0.997	0.937	0.78	0.88	1.42	0.87	0.93	0.90	1.02	0.80	1.16	0.94	0.90	0.93	0.98	0.94	0.92	0.91	0.86	0.82	1.08	0.77	0.74	0.87	0.81	0.72
BRAINERD, MN	0.917	0.990	0.966	1.05	1.02	0.53	1.08	0.86	0.75	0.95	1.15	0.89	0.90	0.94	0.97	0.87	0.84	0.96	0.68	1.06	0.80	0.90	0.88	0.72	0.73	0.71	0.72
FERGUS FALLS, MN	0.917	0.990	0.966	1.03	1.06	0.67	1.29	1.50	0.85	0.83	1.08	0.81	1.10	1.17	0.81	0.73	1.06	0.81	0.70	1.20	0.91	0.85	1.06	0.65	0.82	0.00	0.73

Table H. — Physician GAAFs (Geographic Area Adjustment Factors) For RVUs (Relative Value Units) and Conversion Factors; By VA Facility Location — Continued

		RVU GAAFs		Conversion Factor GAAFs By Physician CPT Code Group																						
VA Facility Location	Medicare Work Adjuster	Work Expense	Practice Expense	Inpatient Visits	Office/Home/Urgent Care Visits	Therapeutic Injections	Allergy Testing	Allergy Immunotherapy	Misc. Medical	ER Visits & Observa. 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
HIBBING, MN	0.917	0.990	0.966	1.07	1.04	0.68	1.20	1.23	0.99	0.72	1.06	0.92	0.74	0.88	0.76	0.89	0.98	0.84	0.83	0.96	0.93	0.83	0.97	0.67	0.70	0.85	0.68
MANKATO, MN	0.917	0.990	0.966	1.00	1.03	1.00	1.15	1.00	0.96	0.92	1.03	0.85	0.84	0.99	1.04	0.88	0.81	0.91	0.85	1.07	0.81	0.93	0.99	0.63	0.72	0.81	0.78
MINNEAPOLIS, MN	0.917	0.990	0.966	1.09	1.10	0.77	0.84	1.05	0.98	0.98	1.14	0.94	0.87	0.97	0.97	0.94	0.93	0.94	0.86	1.08	0.90	1.00	0.99	0.76	0.75	0.79	0.63
OWATONNA, MN	0.917	0.990	0.966	1.00	1.03	1.00	1.15	1.00	0.96	0.92	1.03	0.85	0.84	0.99	1.04	0.88	0.81	0.91	0.85	1.07	0.93	0.93	0.99	0.67	0.70	0.85	0.68
SAINT CLOUD, MN	0.917	0.990	0.966	1.05	1.02	0.53	1.08	0.86	0.75	0.95	1.15	0.89	0.90	0.94	0.97	0.87	0.84	0.96	0.68	1.06	0.80	0.90	0.88	0.72	0.73	0.71	0.72
SAINT PAUL, MN	0.917	0.990	0.966	1.02	1.04	0.79	0.89	0.72	0.81	1.11	1.08	0.91	0.90	1.03	0.91	0.87	0.88	0.84	1.02	0.98	0.90	0.87	0.93	0.76	0.75	0.79	0.63
VIRGINIA, MN	0.917	0.990	0.966	1.07	1.04	0.68	1.20	1.23	0.99	0.72	1.06	0.92	0.74	0.88	0.76	0.89	0.98	0.84	0.83	0.96	0.93	0.83	0.97	0.67	0.70	0.85	0.68
WORTHINGTON, MN	0.917	0.990	0.966	1.00	1.03	1.00	1.15	1.00	0.96	0.92	1.03	0.85	0.84	0.99	1.04	0.88	0.81	0.91	0.85	1.07	0.81	0.93	0.99	0.63	0.72	0.81	0.78
BELTON/RICH-GEB AFB, MO	0.917	0.946	0.831	0.93	0.93	0.99	0.99	0.76	0.95	1.15	0.93	0.97	0.98	1.09	0.94	0.95	1.25	0.78	0.84	0.94	0.95	1.03	0.90	0.92	0.92	0.87	0.80
BRANSON, MO	0.917	0.946	0.831	0.92	0.87	0.81	1.22	1.81	0.79	0.86	0.93	0.90	0.92	0.97	0.79	0.80	0.95	0.75	0.67	1.00	0.89	0.90	0.88	0.75	1.12	1.15	1.04
CAPE GIRARDEAU, MO	0.917	0.946	0.831	0.95	0.91	0.98	0.91	0.49	0.84	0.67	0.89	0.99	0.98	0.92	0.81	0.83	0.94	0.72	0.71	0.78	0.90	1.12	0.85	0.74	0.71	0.72	0.70
COLUMBIA, MO	0.917	0.946	0.831	0.94	0.93	0.99	1.22	0.95	0.94	0.94	0.93	1.06	1.05	1.03	0.86	1.05	1.03	0.80	0.79	0.98	0.90	0.97	0.93	0.86	0.79	0.76	0.71
FORT LEONARD WOOD, MO	0.917	0.946	0.831	0.92	0.87	0.81	1.22	1.81	0.79	0.86	0.93	0.90	0.92	0.97	0.79	0.80	0.95	0.75	0.67	1.00	0.89	0.90	0.88	0.75	1.12	1.15	1.04
GRAND VIEW, MO	0.917	0.989	0.949	0.86	0.86	0.88	0.88	0.68	0.87	1.07	0.87	0.90	0.87	0.99	0.86	0.89	1.12	0.72	0.78	0.88	0.88	0.96	0.90	0.92	0.85	0.81	0.74
KANSAS CITY, MO	0.917	0.989	0.949	0.95	0.93	1.07	1.03	0.74	0.90	1.04	0.95	0.97	1.00	0.93	0.87	0.97	1.06	0.70	0.81	0.84	0.88	0.95	0.94	0.92	0.85	0.81	0.74
KIRKSVILLE, MO	0.917	0.946	0.831	0.92	0.85	1.17	0.85	0.75	0.90	0.91	0.90	0.86	0.96	1.01	0.96	0.85	0.77	0.62	0.64	0.92	0.90	0.94	0.90	0.75	1.12	1.15	1.04
MEXICO, MO	0.917	0.946	0.831	0.94	0.93	0.99	1.22	0.95	0.94	0.94	0.93	1.06	1.05	1.03	0.86	1.05	1.03	0.80	0.79	0.98	0.90	0.97	0.93	0.86	0.79	0.76	0.71
MOUNT VERNON, MO	0.917	0.946	0.831	0.92	0.87	0.81	1.22	1.81	0.79	0.86	0.93	0.90	0.92	0.97	0.79	0.80	0.95	0.75	0.67	1.00	0.89	0.90	0.88	0.75	1.12	1.15	1.04
NEVADA, MO	0.917	0.946	0.831	0.92	0.87	0.81	1.22	1.81	0.76	0.86	0.93	0.90	0.92	0.97	0.79	0.80	0.95	0.75	0.67	1.00	0.90	0.90	0.88	0.86	0.79	0.76	0.71
POPLAR BLUFF, MO	0.917	0.946	0.831	0.92	0.85	1.17	0.85	0.75	0.85	0.91	0.90	0.86	0.96	1.01	0.96	0.85	0.77	0.62	0.64	0.92	0.90	0.94	0.90	0.74	0.71	0.72	0.70
SAINT CHARLES, MO	0.917	0.995	0.944	0.87	0.86	0.88	1.09	0.85	0.88	0.88	0.86	0.98	0.94	0.93	0.79	0.98	0.92	0.74	0.73	0.92	0.92	0.90	0.93	0.90	0.88	0.85	0.90
SAINT JAMES, MO	0.917	0.946	0.831	0.92	0.87	0.81	1.22	1.81	0.79	0.86	0.93	0.90	0.92	0.97	0.79	0.80	0.95	0.75	0.67	1.00	0.89	0.90	0.88	0.75	1.12	1.15	1.04
SAINT JOSEPH, MO	0.917	0.946	0.831	0.93	0.93	0.99	0.99	0.76	0.93	1.15	0.93	0.97	0.98	1.09	0.94	0.95	1.25	0.78	0.84	0.94	0.89	1.03	0.90	0.86	0.79	0.76	0.71
SAINT LOUIS, MO	0.917	0.995	0.944	0.99	0.93	1.10	1.03	0.91	0.95	0.99	0.94	1.03	0.93	0.97	0.87	1.01	1.17	0.85	0.73	0.88	0.97	1.04	1.02	1.03	0.88	0.85	0.85
SEDALIA, MO	0.917	0.946	0.831	0.92	0.87	0.81	1.22	1.81	0.76	0.86	0.93	0.90	0.92	0.97	0.79	0.80	0.95	0.75	0.67	1.00	0.90	0.90	0.88	0.86	0.79	0.76	0.71
WEST PLAINS, MO	0.917	0.946	0.831	0.92	0.87	0.81	1.22	1.81	0.79	0.86	0.93	0.90	0.92	0.97	0.79	0.80	0.95	0.75	0.67	1.00	0.89	0.90	0.88	0.75	1.12	1.15	1.04
BILOXI, MS	0.917	0.957	0.845	0.92	0.87	0.94	0.99	0.83	0.98	0.84	0.88	0.99	1.02	0.98	0.85	0.88	1.10	0.64	1.06	0.90	0.96	0.83	0.94	0.81	0.81	0.80	0.82
DURANT, MS	0.917	0.957	0.845	0.92	0.87	0.94	0.99	0.83	0.98	0.84	0.88	0.99	1.02	0.98	0.85	0.88	1.10	0.64	1.06	0.90	0.92	0.83	0.94	0.90	0.78	0.80	1.00
GREENVILLE, MS	0.917	0.957	0.845	0.86	0.84	0.82	1.28	0.75	0.99	0.86	0.89	0.94	0.93	1.14	0.73	0.76	0.91	0.61	0.75	0.90	0.93	0.91	0.87	0.89	0.77	0.81	0.80
GULFPORT, MS	0.917	0.957	0.845	0.92	0.87	0.94	0.99	0.83	0.98	0.84	0.88	0.99	1.02	0.98	0.85	0.88	1.10	0.64	1.06	0.90	0.96	0.83	0.94	0.81	0.81	0.80	0.82
HATTIESBURG, MS	0.917	0.957	0.845	0.91	0.88	1.02	1.20	0.68	0.80	1.01	0.92	1.01	0.94	0.94	0.77	0.82	0.97	0.70	0.79	1.08	0.91	0.98	0.92	0.88	0.72	0.74	0.89
JACKSON, MS	0.917	0.957	0.845	0.91	0.88	1.02	1.20	0.68	0.88	1.01	0.92	1.01	0.94	0.94	0.77	0.82	0.97	0.70	0.79	1.08	0.92	0.98	0.92	0.90	0.78	0.80	1.00
MERIDIAN, MS	0.917	0.957	0.845	0.86	0.84	0.82	1.28	0.75	0.99	0.86	0.89	0.94	0.93	1.14	0.73	0.76	0.91	0.61	0.75	0.90	0.96	0.91	0.87	0.81	0.81	0.80	0.82
SMITHVILLE, MS	0.917	0.957	0.845	0.89	0.88	1.32	1.72	0.66	0.89	1.00	0.94	1.06	0.94	1.04	0.81	0.80	0.91	0.92	0.90	0.89	0.96	0.87	0.90	0.81	0.81	0.80	0.82
ANACONDA, MT	0.917	0.952	0.871	0.89	0.91	0.60	0.71	0.62	0.79	0.86	0.92	0.80	0.86	0.85	0.79	0.87	0.81	0.88	0.59	1.02	0.84	0.84	0.78	0.76	0.85	0.98	0.68
BILLINGS, MT	0.917	0.952	0.871	0.91	1.04	0.81	0.99	1.04	0.77	0.93	0.98	1.00	1.09	0.81	0.72	0.89	1.01	0.75	0.72	0.83	0.90	0.92	0.86	0.81	0.83	0.84	0.75
BOZEMAN, MT	0.917	0.952	0.871	0.89	0.91	0.60	0.71	0.62	0.79	0.86	0.92	0.80	0.86	0.85	0.79	0.87	0.81	0.88	0.59	1.02	0.84	0.84	0.78	0.76	0.85	0.98	0.68
BROWNING, MT	0.917	0.952	0.871	0.92	0.94	0.85	0.91	1.10	0.79	0.81	0.96	0.87	0.99	0.92	0.79	0.98	1.10	0.83	0.69	0.95	0.84	0.85	0.85	0.76	0.85	0.98	0.68
COLUMBIA FALLS, MT	0.917	0.952	0.871	0.89	0.91	0.60	0.71	0.62	0.79	0.86	0.92	0.80	0.86	0.85	0.79	0.87	0.81	0.88	0.59	1.02	0.84	0.84	0.78	0.76	0.85	0.98	0.68
FORT HARRISON, MT	0.917	0.952	0.871	0.92	0.94	0.85	0.91	1.10	0.79	0.81	0.96	0.87	0.99	0.92	0.79	0.98	1.10	0.83	0.69	0.95	0.84	0.85	0.85	0.76	0.85	0.98	0.68
GALLATIN VALLEY, MT	0.917	0.952	0.871	0.89	0.91	0.60	0.71	0.62	0.79	0.86	0.92	0.80	0.86	0.85	0.79	0.87	0.81	0.88	0.59	1.02	0.84	0.84	0.78	0.76	0.85	0.98	0.68
GREAT FALLS, MT	0.917	0.952	0.871	0.92	0.94	0.85	0.91	1.10	0.79	0.81	0.96	0.87	0.99	0.92	0.79	0.98	1.10	0.83	0.69	0.95	0.84	0.85	0.85	0.76	0.85	0.98	0.68
LAME DEER, MT	0.917	0.952	0.871	0.89	0.91	0.60	0.71	0.62	0.79	0.86	0.92	0.80	0.86	0.85	0.79	0.87	0.81	0.88	0.59	1.02	0.84	0.84	0.78	0.76	0.85	0.98	0.68

Table H. — Physician GAAFs (Geographic Area Adjustment Factors) For RVUs (Relative Value Units) and Conversion Factors; By VA Facility Location — Continued

		RVU GAAFs		Conversion Factor GAAFs By Physician CPT Code Group																							
VA Facility Location	Medicare Work Adjuster	Work Expense	Practice Expense	Inpatient Visits	Office/Home/Urgent Care Visits	Therapeutic Injections	Allergy Testing	Allergy Immunotherapy	Misc. Medical	ER Visits & Observa. 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
LIBBY, MT	0.917	0.952	0.871	0.89	0.91	0.60	0.71	0.62	0.79	0.86	0.92	0.80	0.86	0.85	0.79	0.87	0.81	0.88	0.59	1.02	0.84	0.84	0.78	0.76	0.85	0.98	0.68
MILES CITY, MT	0.917	0.952	0.871	0.92	0.94	0.85	0.91	1.10	0.79	0.81	0.96	0.87	0.99	0.92	0.79	0.98	1.10	0.83	0.69	0.95	0.84	0.85	0.85	0.76	0.85	0.98	0.68
MISSOULA, MT	0.917	0.952	0.871	0.92	0.94	0.85	0.91	1.10	0.73	0.81	0.96	0.87	0.99	0.92	0.79	0.98	1.10	0.83	0.69	0.95	0.90	0.85	0.85	0.81	0.83	0.84	0.75
WHITEFISH, MT	0.917	0.952	0.871	0.89	0.91	0.60	0.71	0.62	0.79	0.86	0.92	0.80	0.86	0.85	0.79	0.87	0.81	0.88	0.59	1.02	0.84	0.84	0.78	0.76	0.85	0.98	0.68
WOLF POINT, MT	0.917	0.952	0.871	0.92	0.94	0.85	0.91	1.10	0.79	0.81	0.96	0.87	0.99	0.92	0.79	0.98	1.10	0.83	0.69	0.95	0.84	0.85	0.85	0.76	0.85	0.98	0.68
ASHEVILLE, NC	0.917	0.971	0.921	0.94	0.99	1.21	1.27	0.65	0.89	1.00	0.97	0.84	0.90	0.82	0.86	0.78	0.76	0.94	0.80	0.96	0.99	0.96	0.94	0.91	0.90	0.92	0.86
CHARLOTTE, NC	0.917	0.971	0.921	1.19	1.23	1.24	1.06	0.82	1.07	1.10	1.20	1.01	1.03	0.95	0.90	0.97	1.02	1.02	0.73	0.92	1.09	1.12	0.98	0.88	0.84	0.96	0.83
DURHAM, NC	0.917	0.971	0.921	1.27	1.10	1.33	1.27	0.65	1.12	1.08	1.17	0.90	1.00	0.83	0.84	0.97	1.03	0.96	0.78	1.01	1.06	1.25	0.99	0.98	0.87	1.03	0.89
FAYETTEVILLE, NC	0.917	0.971	0.921	1.12	1.04	0.94	1.21	0.80	0.99	1.08	1.01	0.88	0.99	0.77	0.76	0.82	0.86	0.88	0.73	0.92	1.01	1.03	1.04	0.79	0.88	0.91	0.85
FRANKLIN, NC	0.917	0.971	0.921	0.92	0.91	1.49	1.27	0.64	0.89	0.83	0.94	0.82	0.88	0.78	0.76	0.85	0.91	0.89	0.68	0.83	0.99	0.98	0.88	0.91	0.90	0.92	0.86
GOLDSBORO, NC	0.917	0.971	0.921	1.11	1.00	1.02	1.13	0.68	1.03	0.99	1.04	0.88	1.06	0.97	0.90	0.88	1.15	1.02	0.87	0.99	1.01	1.22	0.97	0.98	0.92	0.93	0.91
GREENSBORO, NC	0.917	0.971	0.921	1.01	1.02	1.07	1.13	0.63	0.93	0.88	1.00	0.88	0.87	0.67	0.90	0.87	0.98	0.94	0.87	0.81	1.01	0.98	1.03	0.79	0.88	0.91	0.85
GREENVILLE, NC	0.917	0.971	0.921	1.27	1.10	1.33	1.27	0.65	1.07	1.08	1.17	0.90	1.00	0.83	0.84	0.97	1.03	0.96	0.78	1.01	1.00	1.25	0.99	0.85	0.89	0.99	0.89
HICKORY, NC	0.917	0.971	0.921	0.94	0.99	1.21	1.27	0.65	0.89	1.00	0.97	0.84	0.90	0.82	0.86	0.78	0.76	0.94	0.80	0.96	0.99	0.96	0.94	0.91	0.90	0.92	0.86
JACKSONVILLE, NC	0.917	0.971	0.921	1.12	1.04	0.94	1.21	0.80	0.96	1.08	1.01	0.88	0.99	0.77	0.76	0.82	0.86	0.88	0.73	0.92	1.01	1.03	1.04	0.98	0.92	0.93	0.91
RALEIGH, NC	0.917	0.971	0.921	1.27	1.10	1.33	1.27	0.65	1.12	1.08	1.17	0.90	1.00	0.83	0.84	0.97	1.03	0.96	0.78	1.01	1.01	1.25	0.99	0.98	0.92	0.93	0.91
SALISBURY, NC	0.917	0.971	0.921	1.06	1.02	1.28	1.23	0.69	1.00	1.03	1.08	0.88	0.89	0.82	0.89	0.87	1.05	0.90	0.68	1.00	1.01	1.03	0.92	1.03	0.82	0.91	0.85
WILMINGTON, NC	0.917	0.971	0.921	1.12	1.04	0.94	1.21	0.80	0.99	1.08	1.01	0.88	0.99	0.77	0.76	0.82	0.86	0.88	0.73	0.92	1.01	1.03	1.04	0.79	0.88	0.91	0.85
WINSTON-SALEM, NC	0.917	0.971	0.921	1.28	1.16	0.97	1.13	0.64	0.94	1.06	1.09	0.92	1.04	0.72	0.89	0.99	0.75	0.93	0.81	0.96	1.06	1.15	0.86	0.98	0.87	1.03	0.89
BISMARCK, ND	0.917	0.951	0.869	1.07	1.04	0.81	1.46	1.21	0.93	0.88	1.03	0.91	1.07	0.98	0.86	0.99	0.94	0.74	0.82	1.24	0.84	0.93	1.02	0.61	0.86	0.85	0.77
FARGO, ND	0.917	0.951	0.869	1.20	1.04	0.83	0.94	1.10	0.94	0.89	1.09	0.95	1.23	1.08	0.84	1.09	1.03	0.75	0.84	1.21	0.86	1.01	1.06	0.55	0.87	0.79	0.72
GRAFTON, ND	0.917	0.951	0.869	1.11	1.04	0.91	1.06	1.08	0.92	0.84	1.07	0.87	0.95	0.76	0.86	0.99	1.15	0.75	0.72	1.26	0.84	0.94	1.01	0.61	0.86	0.85	0.77
MINOT, ND	0.917	0.951	0.869	1.11	1.04	0.91	1.06	1.08	0.92	0.84	1.07	0.87	0.95	0.76	0.86	0.99	1.15	0.75	0.72	1.26	0.84	0.94	1.01	0.61	0.86	0.85	0.77
ALLIANCE, NE	0.917	0.950	0.873	0.84	0.82	0.55	0.53	1.23	0.97	0.76	0.86	0.84	0.69	0.89	0.78	0.83	0.97	0.67	0.65	0.93	0.79	1.00	0.81	0.62	0.66	0.69	0.67
BEATRICE, NE	0.917	0.950	0.873	0.81	0.85	0.83	1.20	0.66	0.92	0.69	0.90	0.86	0.90	0.95	0.77	0.83	0.88	0.65	0.67	0.77	0.72	1.02	0.82	0.66	0.62	0.69	0.58
BELLEVUE, NE	0.917	0.950	0.873	0.90	0.89	1.21	1.05	0.88	0.95	0.90	0.96	1.17	0.77	1.00	0.94	0.88	1.14	0.85	0.83	0.90	0.83	0.91	0.76	0.72	0.75	0.79	0.69
GERING, NE	0.917	0.950	0.873	0.84	0.82	0.55	0.53	1.23	0.97	0.76	0.86	0.84	0.69	0.89	0.78	0.83	0.97	0.67	0.65	0.93	0.79	1.00	0.81	0.62	0.66	0.69	0.67
GRAND ISLAND, NE	0.917	0.950	0.873	0.84	0.82	0.55	0.53	1.23	0.97	0.76	0.86	0.84	0.69	0.89	0.78	0.83	0.97	0.67	0.65	0.93	0.79	1.00	0.81	0.62	0.66	0.69	0.67
KEARNEY, NE	0.917	0.950	0.873	0.84	0.82	0.55	0.53	1.23	0.97	0.76	0.86	0.84	0.69	0.89	0.78	0.83	0.97	0.67	0.65	0.93	0.79	1.00	0.81	0.62	0.66	0.69	0.67
LINCOLN, NE	0.917	0.950	0.873	0.90	0.93	0.84	0.91	0.59	0.84	0.70	0.92	0.84	0.75	0.93	0.99	0.90	0.83	0.70	0.65	0.78	0.77	1.06	0.86	0.68	0.65	0.73	0.69
NORFOLK, NE	0.917	0.950	0.873	0.79	0.81	1.10	1.16	1.16	0.80	0.70	0.92	0.81	0.76	0.92	0.69	0.80	1.17	0.66	0.77	0.69	0.72	1.14	0.73	0.66	0.62	0.69	0.58
NORTH PLATTE, NE	0.917	0.950	0.873	0.79	0.81	1.10	1.16	1.16	0.80	0.70	0.92	0.81	0.76	0.92	0.69	0.80	1.17	0.66	0.77	0.69	0.72	1.14	0.73	0.66	0.62	0.69	0.58
OMAHA, NE	0.917	0.950	0.873	0.90	0.89	1.21	1.05	0.88	0.95	0.90	0.96	1.17	0.77	1.00	0.94	0.88	1.14	0.85	0.83	0.90	0.83	0.91	0.76	0.72	0.75	0.79	0.69
RUSHVILLE, NE	0.917	0.950	0.873	0.84	0.82	0.55	0.53	1.23	0.97	0.76	0.86	0.84	0.69	0.89	0.78	0.83	0.97	0.67	0.65	0.93	0.79	1.00	0.81	0.62	0.66	0.69	0.67
SCOTTSBLUFF, NE	0.917	0.950	0.873	0.84	0.82	0.55	0.53	1.23	0.97	0.76	0.86	0.84	0.69	0.89	0.78	0.83	0.97	0.67	0.65	0.93	0.79	1.00	0.81	0.62	0.66	0.69	0.67
SIDNEY, NE	0.917	0.950	0.873	0.79	0.81	1.10	1.16	1.16	0.80	0.70	0.92	0.81	0.76	0.92	0.69	0.80	1.17	0.66	0.77	0.69	0.72	1.14	0.73	0.66	0.62	0.69	0.58
BERLIN, NH	0.917	0.988	1.034	0.93	0.94	0.70	0.76	0.95	0.97	0.83	0.90	0.94	0.81	0.76	0.90	0.89	0.72	1.00	0.78	0.84	0.87	0.74	0.70	0.95	0.94	0.90	0.75
KEENE, NH	0.917	0.988	1.034	0.99	0.96	0.77	0.79	0.96	0.87	0.93	0.95	0.98	0.92	0.70	1.08	0.99	0.91	1.07	0.87	0.84	0.87	0.80	0.92	0.95	0.94	0.90	0.75
LITTLETON, NH	0.917	0.988	1.034	0.93	0.94	0.70	0.76	0.95	0.97	0.83	0.90	0.94	0.81	0.76	0.90	0.89	0.72	1.00	0.78	0.84	0.87	0.74	0.70	0.95	0.94	0.90	0.75
MANCHESTER, NH	0.917	0.988	1.034	0.99	0.96	0.77	0.79	0.96	0.87	0.93	0.95	0.98	0.92	0.70	1.08	0.99	0.91	1.07	0.87	0.84	0.87	0.80	0.92	0.95	0.94	0.90	0.75
PORTSMOUTH, NH	0.917	0.988	1.034	0.93	0.94	0.70	0.76	0.95	0.97	0.83	0.90	0.94	0.81	0.76	0.90	0.89	0.72	1.00	0.78	0.84	0.87	0.74	0.70	0.95	0.94	0.90	0.75
TILTON, NH	0.917	0.988	1.034	0.93	0.94	0.70	0.76	0.95	0.97	0.83	0.90	0.94	0.81	0.76	0.90	0.89	0.72	1.00	0.78	0.84	0.87	0.74	0.70	0.95	0.94	0.90	0.75
BLACKWOOD, NJ	0.917	1.029	1.104	0.96	0.88	1.05	1.09	0.91	1.03	1.09	0.91	1.14	1.08	1.02	0.94	0.90	1.11	0.77	1.22	1.10	1.10	1.18	1.00	1.10	0.98	0.96	1.08

Table H. — Physician GAAFs (Geographic Area Adjustment Factors) For RVUs (Relative Value Units) and Conversion Factors; By VA Facility Location — Continued

		RVU GAAFs		Conversion Factor GAAFs By Physician CPT Code Group																							
VA Facility Location	Medicare Work Adjuster	Work Expense	Practice Expense	Inpatient Visits	Office/Home/Urgent Care Visits	Therapeutic Injections	Allergy Testing	Allergy Immunotherapy	Misc. Medical	ER Visits & Observa. 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
BRICK, NJ	0.917	1.029	1.104	0.95	0.95	0.90	0.93	0.99	0.91	1.08	0.90	1.07	0.93	1.04	0.89	0.91	0.93	1.00	1.17	1.05	1.12	1.17	1.11	1.15	1.19	1.17	1.12
CAPE MAY, NJ	0.917	1.029	1.104	0.96	0.88	1.05	1.09	0.91	1.03	1.09	0.91	1.14	1.08	1.02	0.94	0.90	1.11	0.77	1.22	1.10	1.10	1.18	1.00	1.10	0.98	0.96	1.08
EAST ORANGE, NJ	0.917	1.058	1.203	0.98	1.00	1.07	1.25	1.09	0.93	1.03	0.95	1.12	0.96	1.02	0.90	0.98	0.97	1.04	1.09	1.17	1.17	1.11	1.06	1.33	1.27	1.17	1.02
ELIZABETH, NJ	0.917	1.058	1.203	0.92	0.91	0.98	0.93	1.11	0.90	1.03	0.91	0.99	0.85	1.02	0.81	0.93	0.96	0.84	1.01	1.02	1.11	0.95	1.04	1.21	1.27	1.14	1.09
FORT DIX, NJ	0.917	1.029	1.104	0.95	0.95	0.90	0.93	0.99	0.91	1.08	0.90	1.07	0.93	1.04	0.89	0.91	0.93	1.00	1.17	1.05	1.15	1.17	1.11	1.20	1.20	1.11	1.07
HACKENSACK, NJ	0.917	1.058	1.203	0.98	1.03	1.08	1.05	1.22	0.91	0.92	0.95	1.10	0.97	0.89	0.88	1.08	1.03	0.96	1.30	1.14	1.17	1.00	1.17	1.33	1.27	1.17	1.02
JAMESBURG, NJ	0.917	1.058	1.203	0.91	0.94	0.84	1.30	1.18	0.92	1.01	0.92	1.01	0.92	1.00	0.82	0.91	0.98	0.89	1.01	1.17	1.11	1.00	1.06	1.21	1.27	1.14	1.09
JERSEY CITY, NJ	0.917	1.058	1.203	0.98	1.00	1.07	1.25	1.09	0.95	1.03	0.95	1.12	0.96	1.02	0.90	0.98	0.97	1.04	1.09	1.17	1.18	1.11	1.06	1.47	1.27	1.25	1.16
LINWOOD, NJ	0.917	1.029	1.104	0.96	0.88	1.05	1.09	0.91	1.03	1.09	0.91	1.14	1.08	1.02	0.94	0.90	1.11	0.77	1.22	1.10	1.10	1.18	1.00	1.10	0.98	0.96	1.08
LYONS, NJ	0.917	1.058	1.203	0.98	1.00	1.07	1.25	1.09	0.95	1.03	0.95	1.12	0.96	1.02	0.90	0.98	0.97	1.04	1.09	1.17	1.18	1.11	1.06	1.47	1.27	1.25	1.16
NEW BRUNSWICK, NJ	0.917	1.058	1.203	0.91	0.94	0.84	1.30	1.18	0.92	1.01	0.92	1.01	0.92	1.00	0.82	0.91	0.98	0.89	1.01	1.17	1.11	1.00	1.06	1.21	1.27	1.14	1.09
NEWARK, NJ	0.917	1.058	1.203	1.09	1.02	1.20	1.47	1.36	0.94	1.05	1.00	1.06	0.88	0.90	0.86	1.06	1.01	0.95	1.14	1.15	1.18	1.09	1.04	1.47	1.27	1.25	1.16
SALEM CITY, NJ	0.917	1.029	1.104	0.96	0.88	1.05	1.09	0.91	1.03	1.09	0.91	1.14	1.08	1.02	0.94	0.90	1.11	0.77	1.22	1.10	1.10	1.18	1.00	1.10	0.98	0.96	1.08
TRENTON, NJ	0.917	1.029	1.104	0.95	0.95	0.90	0.93	0.99	0.91	1.08	0.90	1.07	0.93	1.04	0.89	0.91	0.93	1.00	1.17	1.05	1.15	1.17	1.11	1.20	1.20	1.11	1.07
VENTNOR, NJ	0.917	1.029	1.104	0.95	0.95	0.90	0.93	0.99	0.89	1.08	0.90	1.07	0.93	1.04	0.89	0.91	0.93	1.00	1.17	1.05	1.10	1.17	1.11	1.10	0.98	0.96	1.08
VINELAND, NJ	0.917	1.029	1.104	0.95	0.95	0.90	0.93	0.99	0.89	1.08	0.90	1.07	0.93	1.04	0.89	0.91	0.93	1.00	1.17	1.05	1.10	1.17	1.11	1.10	0.98	0.96	1.08
ALBUQUERQUE, NM	0.917	0.974	0.907	0.96	1.11	1.00	1.06	1.00	1.03	0.97	1.07	1.18	1.06	1.03	0.83	1.43	1.17	0.94	0.86	0.88	0.92	0.94	0.71	0.93	0.70	0.81	0.71
ARTESIA, NM	0.917	0.974	0.907	0.91	0.92	1.03	0.87	0.82	0.96	0.85	0.93	0.96	1.13	1.16	0.88	0.83	0.93	0.74	0.92	1.01	0.87	1.10	0.92	0.85	0.85	0.88	0.75
CLAYTON, NM	0.917	0.974	0.907	0.92	0.98	0.99	0.74	0.65	0.92	0.97	1.01	0.99	0.99	1.16	0.97	0.94	0.88	0.97	0.99	0.76	0.87	1.00	0.80	0.85	0.85	0.88	0.75
CLOVIS, NM	0.917	0.974	0.907	0.91	0.92	1.03	0.87	0.82	0.96	0.85	0.93	0.96	1.13	1.16	0.88	0.83	0.93	0.74	0.92	1.01	0.87	1.10	0.92	0.85	0.85	0.88	0.75
ESPANOLA, NM	0.917	0.974	0.907	0.92	0.98	0.99	0.74	0.65	0.92	0.97	1.01	0.99	0.99	1.16	0.97	0.94	0.88	0.97	0.99	0.76	0.87	1.00	0.80	0.85	0.85	0.88	0.75
FARMINGTON, NM	0.917	0.974	0.907	0.92	0.98	0.99	0.74	0.65	0.92	0.97	1.01	0.99	0.99	1.16	0.97	0.94	0.88	0.97	0.99	0.76	0.87	1.00	0.80	0.85	0.85	0.88	0.75
GALLUP, NM	0.917	0.974	0.907	0.92	0.98	0.99	0.74	0.65	0.92	0.97	1.01	0.99	0.99	1.16	0.97	0.94	0.88	0.97	0.99	0.76	0.87	1.00	0.80	0.85	0.85	0.88	0.75
HOBBS, NM	0.917	0.974	0.907	0.91	0.92	1.03	0.87	0.82	0.96	0.85	0.93	0.96	1.13	1.16	0.88	0.83	0.93	0.74	0.92	1.01	0.87	1.10	0.92	0.85	0.85	0.88	0.75
LAS CRUCES, NM	0.917	0.974	0.907	0.91	0.92	1.03	0.87	0.82	1.04	0.85	0.93	0.96	1.13	1.16	0.88	0.83	0.93	0.74	0.92	1.01	0.92	1.10	0.92	0.93	0.70	0.81	0.71
LAS VEGAS, NM	0.917	0.974	0.907	0.92	0.98	0.99	0.74	0.65	0.99	0.97	1.01	0.99	0.99	1.16	0.97	0.94	0.88	0.97	0.99	0.76	0.92	1.00	0.80	0.93	0.70	0.81	0.71
RATON, NM	0.917	0.974	0.907	0.92	0.98	0.99	0.74	0.65	0.99	0.97	1.01	0.99	0.99	1.16	0.97	0.94	0.88	0.97	0.99	0.76	0.92	1.00	0.80	0.93	0.70	0.81	0.71
SANTA FE, NM	0.917	0.974	0.907	0.92	0.98	0.99	0.74	0.65	0.92	0.97	1.01	0.99	0.99	1.16	0.97	0.94	0.88	0.97	0.99	0.76	0.87	1.00	0.80	0.85	0.85	0.88	0.75
SANTA ROSA, NM	0.917	0.974	0.907	0.92	0.98	0.99	0.74	0.65	0.92	0.97	1.01	0.99	0.99	1.16	0.97	0.94	0.88	0.97	0.99	0.76	0.87	1.00	0.80	0.85	0.85	0.88	0.75
SILVER CITY, NM	0.917	0.974	0.907	0.91	0.92	1.03	0.87	0.82	1.04	0.85	0.93	0.96	1.13	1.16	0.88	0.83	0.93	0.74	0.92	1.01	0.92	1.10	0.92	0.93	0.70	0.81	0.71
TRUTH OR CONSEQUENCES, NM	0.917	0.974	0.907	0.91	0.92	1.03	0.87	0.82	1.04	0.85	0.93	0.96	1.13	1.16	0.88	0.83	0.93	0.74	0.92	1.01	0.92	1.10	0.92	0.93	0.70	0.81	0.71
ELY, NV	0.917	1.006	1.030	1.09	1.09	0.95	0.96	0.95	0.97	0.98	1.18	0.96	1.03	0.87	0.92	1.03	0.95	0.95	1.05	1.09	0.93	1.04	0.96	0.92	0.72	0.72	0.68
HENDERSON, NV	0.917	1.006	1.030	1.05	0.98	0.81	1.06	0.88	0.93	0.99	1.10	0.97	0.96	0.83	0.87	0.88	1.04	0.74	0.91	0.93	1.07	0.99	0.89	1.31	0.80	0.90	1.02
LAS VEGAS, NV	0.917	1.006	1.030	1.09	1.09	0.95	0.96	0.95	0.97	0.98	1.18	0.96	1.03	0.87	0.92	1.03	0.95	0.95	1.05	1.09	1.08	1.04	0.96	1.31	0.80	0.90	1.02
MESQUITE, NV	0.917	1.006	1.030	1.05	0.98	0.81	1.06	0.88	0.93	0.99	1.10	0.97	0.96	0.83	0.87	0.88	1.04	0.74	0.91	0.93	1.07	0.99	0.89	1.31	0.80	0.90	1.02
RENO, NV	0.917	1.006	1.030	0.87	0.91	1.38	0.81	0.69	0.77	1.10	0.98	0.95	0.77	0.74	0.68	1.02	0.83	0.73	0.80	0.89	0.93	1.09	0.85	0.92	0.72	0.72	0.68
ALBANY, NY	0.917	1.000	0.957	0.93	1.03	0.86	1.01	1.09	1.01	0.97	0.90	1.01	0.91	1.00	1.19	1.05	0.99	1.07	0.77	0.97	0.98	1.17	0.97	1.00	1.05	0.95	0.96
AMSTERDAM, NY	0.917	1.000	0.957	0.80	0.96	1.19	1.29	1.34	0.90	0.97	0.85	1.09	0.77	0.91	0.96	0.96	1.03	0.93	0.72	1.17	0.96	1.07	1.00	0.89	1.07	1.02	1.01
ATTICA, NY	0.917	1.000	0.957	0.67	0.76	1.00	0.86	1.01	0.84	0.99	0.77	0.78	0.84	0.74	0.81	0.91	0.74	0.82	0.60	0.96	0.84	0.99	0.80	0.73	0.83	0.75	0.64
AUBURN, NY	0.917	1.000	0.957	0.90	0.90	0.80	0.88	0.94	0.99	0.86	0.89	1.00	0.96	0.86	0.85	0.92	0.86	0.78	0.64	1.09	1.03	1.03	0.93	1.15	1.04	1.03	0.88
BABYLON, NY	0.917	1.068	1.234	0.97	1.07	0.98	1.16	1.33	0.97	1.04	1.01	1.13	0.88	1.00	0.93	1.01	0.87	1.18	0.81	1.09	1.32	1.12	1.15	1.54	1.52	1.52	1.37
BATAVIA, NY	0.917	1.000	0.957	0.67	0.76	1.00	0.86	1.01	0.84	0.99	0.77	0.78	0.84	0.74	0.81	0.91	0.74	0.82	0.60	0.96	0.84	0.99	0.80	0.73	0.83	0.75	0.64
BATH, NY	0.917	1.000	0.957	0.90	0.90	0.80	0.88	0.94	0.96	0.86	0.89	1.00	0.96	0.86	0.85	0.92	0.86	0.78	0.64	1.09	0.99	1.03	0.93	1.07	0.94	0.87	0.91

Table H. — Physician GAAFs (Geographic Area Adjustment Factors) For RVUs (Relative Value Units) and Conversion Factors; By VA Facility Location — Continued

		RVU GAAFs		Conversion Factor GAAFs By Physician CPT Code Group																						
VA Facility Location	Medicare Work Adjuster	Work Expense	Practice Expense	Inpatient Visits	Office/Home/Urgent Care Visits	Therapeutic Injections	Allergy Testing	Allergy Immunotherapy	Misc. Medical	ER Visits & Observa. 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
BINGHAMTON, NY	0.917	1.000	0.957	0.89	0.89	0.92	0.83	0.77	0.83	0.90	0.84	0.97	0.90	0.86	0.81	0.91	1.04	0.87	0.89	0.95	0.99	0.87	0.94	1.07	0.94	0.87	0.91
BRONX, NY	0.917	1.068	1.234	0.97	1.07	0.98	1.16	1.33	0.97	1.04	1.01	1.13	0.88	1.00	0.93	1.01	0.87	1.18	0.81	1.09	1.19	1.12	1.15	1.44	1.55	1.39	1.07
BROOKLYN, NY	0.917	1.068	1.234	0.95	1.11	1.02	1.21	1.38	1.04	0.90	0.99	1.20	1.01	1.04	0.98	0.99	0.90	0.99	0.78	0.91	1.23	0.91	1.06	1.51	1.67	1.53	1.19
BUFFALO, NY	0.917	1.000	0.957	0.76	0.84	0.73	0.93	1.03	0.77	0.92	0.84	0.86	0.83	0.74	0.82	0.91	0.88	0.87	0.70	0.88	0.80	0.84	0.89	0.89	0.86	0.78	0.50
CANANDAIGUA, NY	0.917	1.000	0.957	0.89	0.89	0.92	0.83	0.77	0.90	0.90	0.84	0.97	0.90	0.86	0.81	0.91	1.04	0.87	0.89	0.95	0.76	0.87	0.94	1.00	0.97	0.88	0.79
CARMEL, NY	0.917	1.011	1.083	1.13	1.17	1.01	1.42	1.33	1.07	0.92	1.06	1.22	0.95	1.12	1.10	1.17	1.01	1.32	0.86	1.37	1.34	1.26	1.05	1.44	1.75	1.57	1.22
CASTLE POINT, NY	0.917	1.011	1.083	0.85	0.96	0.97	1.25	1.17	0.89	1.03	0.92	1.02	0.83	0.95	0.93	0.85	1.03	0.91	0.77	1.01	1.08	1.15	0.97	1.19	1.41	1.31	1.21
CATSKILL, NY	0.917	1.011	1.083	0.85	0.96	0.97	1.25	1.17	0.89	1.03	0.92	1.02	0.83	0.95	0.93	0.85	1.03	0.91	0.77	1.01	1.08	1.15	0.97	1.19	1.41	1.31	1.21
CORNING, NY	0.917	1.000	0.957	0.90	0.90	0.80	0.88	0.94	0.96	0.86	0.89	1.00	0.96	0.86	0.85	0.92	0.86	0.78	0.64	1.09	0.99	1.03	0.93	1.07	0.94	0.87	0.91
CORTLAND, NY	0.917	1.000	0.957	0.90	0.90	0.80	0.88	0.94	0.99	0.86	0.89	1.00	0.96	0.86	0.85	0.92	0.86	0.78	0.64	1.09	1.03	1.03	0.93	1.15	1.04	1.03	0.88
DANSVILLE, NY	0.917	1.000	0.957	0.89	0.89	0.92	0.83	0.77	0.90	0.90	0.84	0.97	0.90	0.86	0.81	0.91	1.04	0.87	0.89	0.95	0.76	0.87	0.94	1.00	0.97	0.88	0.79
ELIZABETHTOWN, NY	0.917	1.000	0.957	0.87	0.94	0.99	0.95	1.28	0.84	0.91	0.84	1.06	0.86	0.88	0.87	0.83	1.00	0.87	0.72	1.05	1.05	0.98	1.09	1.08	1.03	0.94	0.91
GENESEO, NY	0.917	1.000	0.957	0.89	0.89	0.92	0.83	0.77	0.90	0.90	0.84	0.97	0.90	0.86	0.81	0.91	1.04	0.87	0.89	0.95	0.76	0.87	0.94	1.00	0.97	0.88	0.79
GENEVA, NY	0.917	1.000	0.957	0.89	0.89	0.92	0.83	0.77	0.90	0.90	0.84	0.97	0.90	0.86	0.81	0.91	1.04	0.87	0.89	0.95	0.76	0.87	0.94	1.00	0.97	0.88	0.79
GLENS FALLS, NY	0.917	1.000	0.957	0.87	0.94	0.99	0.95	1.28	0.96	0.91	0.84	1.06	0.86	0.88	0.87	0.83	1.00	0.87	0.72	1.05	0.98	0.98	1.09	1.00	1.05	0.95	0.96
GLOVERSVILLE, NY	0.917	1.000	0.957	0.80	0.96	1.19	1.29	1.34	0.90	0.97	0.85	1.09	0.77	0.91	0.96	0.96	1.03	0.93	0.72	1.17	0.96	1.07	1.00	0.89	1.07	1.02	1.01
HARLEM, NY	0.917	1.094	1.356	1.32	1.44	1.15	1.31	1.80	1.14	0.92	1.19	1.43	0.88	0.98	1.25	1.31	1.00	1.32	1.04	1.21	1.36	1.06	1.13	1.69	1.91	1.75	1.12
HARRIS, NY	0.917	1.011	1.083	1.03	1.12	1.03	1.36	1.54	0.92	1.01	1.07	1.28	0.99	0.99	1.02	1.27	0.98	1.28	0.79	1.17	0.96	1.09	1.01	1.08	0.94	0.86	0.82
HICKSVILLE, NY	0.917	1.068	1.234	0.97	1.07	0.98	1.16	1.33	0.97	1.04	1.01	1.13	0.88	1.00	0.93	1.01	0.87	1.18	0.81	1.09	1.32	1.12	1.15	1.54	1.52	1.52	1.37
HORSEHEADS, NY	0.917	1.000	0.957	0.90	0.90	0.80	0.88	0.94	0.96	0.86	0.89	1.00	0.96	0.86	0.85	0.92	0.86	0.78	0.64	1.09	0.99	1.03	0.93	1.07	0.94	0.87	0.91
HOUGHTON, NY	0.917	1.000	0.957	0.76	0.84	0.73	0.93	1.03	0.87	0.92	0.84	0.86	0.83	0.74	0.82	0.91	0.88	0.87	0.70	0.88	0.84	0.84	0.89	0.73	0.83	0.75	0.64
HUDSON, NY	0.917	1.011	1.083	0.85	0.96	0.97	1.25	1.17	0.89	1.03	0.92	1.02	0.83	0.95	0.93	0.85	1.03	0.91	0.77	1.01	1.08	1.15	0.97	1.19	1.41	1.31	1.21
ISLIP, NY	0.917	1.068	1.234	0.97	1.07	0.98	1.16	1.33	0.97	1.04	1.01	1.13	0.88	1.00	0.93	1.01	0.87	1.18	0.81	1.09	1.32	1.12	1.15	1.54	1.52	1.52	1.37
ITHACA, NY	0.917	1.000	0.957	0.90	0.90	0.80	0.88	0.94	0.96	0.86	0.89	1.00	0.96	0.86	0.85	0.92	0.86	0.78	0.64	1.09	0.99	1.03	0.93	1.07	0.94	0.87	0.91
JAMESTOWN, NY	0.917	1.000	0.957	0.76	0.84	0.73	0.93	1.03	0.87	0.92	0.84	0.86	0.83	0.74	0.82	0.91	0.88	0.87	0.70	0.88	0.84	0.84	0.89	0.73	0.83	0.75	0.64
KINGSTON, NY	0.917	1.011	1.083	0.85	0.96	0.97	1.25	1.17	0.89	1.03	0.92	1.02	0.83	0.95	0.93	0.85	1.03	0.91	0.77	1.01	1.08	1.15	0.97	1.19	1.41	1.31	1.21
LIBERTY, NY	0.917	1.011	1.083	1.03	1.12	1.03	1.36	1.54	0.92	1.01	1.07	1.28	0.99	0.99	1.02	1.27	0.98	1.28	0.79	1.17	0.96	1.09	1.01	1.08	0.94	0.86	0.82
LINDENHURST, NY	0.917	1.068	1.234	0.97	1.07	0.98	1.16	1.33	0.97	1.04	1.01	1.13	0.88	1.00	0.93	1.01	0.87	1.18	0.81	1.09	1.32	1.12	1.15	1.54	1.52	1.52	1.37
LITTLE FALLS, NY	0.917	1.000	0.957	1.17	1.01	1.10	1.11	1.08	1.07	1.14	0.94	1.20	0.99	0.93	0.95	0.96	0.99	0.91	1.02	0.97	1.03	1.10	0.95	1.15	1.04	1.03	0.88
LYNBROOK, NY	0.917	1.068	1.234	0.97	1.07	0.98	1.16	1.33	0.97	1.04	1.01	1.13	0.88	1.00	0.93	1.01	0.87	1.18	0.81	1.09	1.19	1.12	1.15	1.50	1.58	1.52	1.31
LYONS, NY	0.917	1.000	0.957	0.89	0.89	0.92	0.83	0.77	0.90	0.90	0.84	0.97	0.90	0.86	0.81	0.91	1.04	0.87	0.89	0.95	0.76	0.87	0.94	1.00	0.97	0.88	0.79
MASSENA, NY	0.917	1.000	0.957	0.87	0.94	0.99	0.95	1.28	0.84	0.91	0.84	1.06	0.86	0.88	0.87	0.83	1.00	0.87	0.72	1.05	1.07	0.98	1.09	1.11	1.14	1.08	1.01
MONTICELLO, NY	0.917	1.011	1.083	1.03	1.12	1.03	1.36	1.54	0.92	1.01	1.07	1.28	0.99	0.99	1.02	1.27	0.98	1.28	0.79	1.17	0.96	1.09	1.01	1.08	0.94	0.86	0.82
MONTROSE, NY	0.917	1.068	1.234	1.03	1.06	0.86	1.21	1.17	0.95	0.84	0.97	1.09	0.83	0.99	0.98	1.07	0.86	1.19	0.78	1.25	1.18	1.14	1.05	1.44	1.55	1.39	1.07
MOUNT SINAI, NY	0.917	1.068	1.234	0.97	1.07	0.98	1.16	1.33	0.97	1.04	1.01	1.13	0.88	1.00	0.93	1.01	0.87	1.18	0.81	1.09	1.32	1.12	1.15	1.54	1.52	1.52	1.37
NEW YORK, NY	0.917	1.094	1.356	1.32	1.44	1.15	1.31	1.80	1.14	0.92	1.19	1.43	0.88	0.98	1.25	1.31	1.00	1.32	1.04	1.21	1.36	1.06	1.13	1.69	1.91	1.75	1.12
NIAGARA FALLS, NY	0.917	1.000	0.957	0.67	0.76	1.00	0.86	1.01	0.84	0.99	0.77	0.78	0.84	0.74	0.81	0.91	0.74	0.82	0.60	0.96	0.84	0.99	0.80	0.73	0.83	0.75	0.64
NORTH TONAWANDA, NY	0.917	1.000	0.957	0.67	0.76	1.00	0.86	1.01	0.84	0.99	0.77	0.78	0.84	0.74	0.81	0.91	0.74	0.82	0.60	0.96	0.84	0.99	0.80	0.73	0.83	0.75	0.64
NORTHPORT, NY	0.917	1.068	1.234	0.97	1.07	0.98	1.16	1.33	0.97	1.04	1.01	1.13	0.88	1.00	0.93	1.01	0.87	1.18	0.81	1.09	1.32	1.12	1.15	1.54	1.52	1.52	1.37
OLEAN, NY	0.917	1.000	0.957	0.76	0.84	0.73	0.93	1.03	0.87	0.92	0.84	0.86	0.83	0.74	0.82	0.91	0.88	0.87	0.70	0.88	0.84	0.84	0.89	0.73	0.83	0.75	0.64
OSWEGO, NY	0.917	1.000	0.957	0.90	0.90	0.80	0.88	0.94	0.99	0.86	0.89	1.00	0.96	0.86	0.85	0.92	0.86	0.78	0.64	1.09	1.03	1.03	0.93	1.15	1.04	1.03	0.88
PATCHOQUE, NY	0.917	1.068	1.234	0.97	1.07	0.98	1.16	1.33	0.97	1.04	1.01	1.13	0.88	1.00	0.93	1.01	0.87	1.18	0.81	1.09	1.32	1.12	1.15	1.54	1.52	1.52	1.37
PENN YAN, NY	0.917	1.000	0.957	0.89	0.89	0.92	0.83	0.77	0.90	0.90	0.84	0.97	0.90	0.86	0.81	0.91	1.04	0.87	0.89	0.95	0.76	0.87	0.94	1.00	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

		RVU GAAFs		Conversion Factor GAAFs By Physician CPT Code Group																							
VA Facility Location	Medicare Work Adjuster	Work Expense	Practice Expense	Inpatient Visits	Office/Home/Urgent Care Visits	Therapeutic Injections	Allergy Testing	Allergy Immunotherapy	Misc. Medical	ER Visits & Observa. 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
PLAINVIEW, NY	0.917	1.068	1.234	0.97	1.07	0.98	1.16	1.33	0.97	1.04	1.01	1.13	0.88	1.00	0.93	1.01	0.87	1.18	0.81	1.09	1.32	1.12	1.15	1.54	1.52	1.52	1.37
PLATTSBURGH, NY	0.917	1.000	0.957	0.87	0.94	0.99	0.95	1.28	0.84	0.91	0.84	1.06	0.86	0.88	0.87	0.83	1.00	0.87	0.72	1.05	1.05	0.98	1.09	1.08	1.03	0.94	0.91
POMONA, NY	0.917	1.068	1.234	0.94	1.02	0.88	1.16	1.35	0.91	0.92	0.97	1.14	0.87	0.88	0.91	1.16	0.84	1.15	0.73	1.07	1.11	0.98	1.01	1.48	1.37	1.39	1.32
PORT JERVIS, NY	0.917	1.011	1.083	1.03	1.12	1.03	1.36	1.54	0.92	1.01	1.07	1.28	0.99	0.99	1.02	1.27	0.98	1.28	0.79	1.17	0.96	1.09	1.01	1.08	0.94	0.86	0.82
RENSSELAER COUNTY, NY	0.917	1.000	0.957	0.80	0.96	1.19	1.29	1.34	0.90	0.97	0.85	1.09	0.77	0.91	0.96	0.96	1.03	0.93	0.72	1.17	0.96	1.07	1.00	0.89	1.07	1.02	1.01
RIVERHEAD, NY	0.917	1.068	1.234	0.78	0.99	0.74	1.04	1.18	0.82	0.81	0.91	1.22	0.87	0.89	0.97	1.02	0.90	0.99	0.78	0.97	0.96	0.86	0.95	1.19	1.24	1.16	1.06
ROCHESTER, NY	0.917	1.000	0.957	0.89	0.89	0.92	0.83	0.77	0.90	0.90	0.84	0.97	0.90	0.86	0.81	0.91	1.04	0.87	0.89	0.95	0.76	0.87	0.94	1.00	0.97	0.88	0.79
ROCKLAND COUNTY, NY	0.917	1.068	1.234	0.94	1.02	0.88	1.16	1.35	0.91	0.92	0.97	1.14	0.87	0.88	0.91	1.16	0.84	1.15	0.73	1.07	1.11	0.98	1.01	1.48	1.37	1.39	1.32
ROME, NY	0.917	1.000	0.957	1.17	1.01	1.10	1.11	1.08	1.07	1.14	0.94	1.20	0.99	0.93	0.95	0.96	0.99	0.91	1.02	0.97	1.03	1.10	0.95	1.15	1.04	1.03	0.88
SAINT ALBANS, NY	0.917	1.058	1.237	0.97	1.07	0.98	1.16	1.34	1.04	1.04	1.02	1.14	0.88	1.00	0.93	1.02	0.88	1.19	0.81	1.10	1.30	1.13	1.15	1.49	1.69	1.53	1.55
SARATOGA, NY	0.917	1.000	0.957	0.80	0.96	1.19	1.29	1.34	0.90	0.97	0.85	1.09	0.77	0.91	0.96	0.96	1.03	0.93	0.72	1.17	0.96	1.07	1.00	0.89	1.07	1.02	1.01
SAYVILLE, NY	0.917	1.068	1.234	0.97	1.07	0.98	1.16	1.33	0.97	1.04	1.01	1.13	0.88	1.00	0.93	1.01	0.87	1.18	0.81	1.09	1.32	1.12	1.15	1.54	1.52	1.52	1.37
SCHENECTADY, NY	0.917	1.000	0.957	0.80	0.96	1.19	1.29	1.34	0.90	0.97	0.85	1.09	0.77	0.91	0.96	0.96	1.03	0.93	0.72	1.17	0.96	1.07	1.00	0.89	1.07	1.02	1.01
SENECA FALLS, NY	0.917	1.000	0.957	0.90	0.90	0.80	0.88	0.94	0.99	0.86	0.89	1.00	0.96	0.86	0.85	0.92	0.86	0.78	0.64	1.09	1.03	1.03	0.93	1.15	1.04	1.03	0.88
SIDNEY, NY	0.917	1.011	1.083	0.84	0.83	0.79	0.71	0.68	0.75	0.85	0.79	0.89	0.79	0.78	0.75	0.86	0.91	0.80	0.85	0.90	0.96	0.82	0.94	1.08	0.94	0.86	0.82
SOMERS, NY	0.917	1.068	1.234	1.03	1.06	0.86	1.21	1.17	0.95	0.84	0.97	1.09	0.83	0.99	0.98	1.07	0.86	1.19	0.78	1.25	1.18	1.14	1.05	1.44	1.55	1.39	1.07
SONYEA, NY	0.917	1.000	0.957	0.89	0.89	0.92	0.83	0.77	0.90	0.90	0.84	0.97	0.90	0.86	0.81	0.91	1.04	0.87	0.89	0.95	0.76	0.87	0.94	1.00	0.97	0.88	0.79
STATEN ISLAND, NY	0.917	1.068	1.234	1.03	1.06	0.86	1.21	1.17	1.04	0.84	0.97	1.09	0.83	0.99	0.98	1.07	0.86	1.19	0.78	1.25	1.23	1.14	1.05	1.51	1.67	1.53	1.19
SYRACUSE, NY	0.917	1.000	0.957	1.17	1.01	1.10	1.11	1.08	1.04	1.14	0.94	1.20	0.99	0.93	0.95	0.96	0.99	0.91	1.02	0.97	1.07	1.10	0.95	1.11	1.14	1.08	1.01
UTICA, NY	0.917	1.000	0.957	0.87	0.94	0.99	0.95	1.28	0.87	0.91	0.84	1.06	0.86	0.88	0.87	0.83	1.00	0.87	0.72	1.05	1.03	0.98	1.09	1.15	1.04	1.03	0.88
WATERTOWN, NY	0.917	1.000	0.957	0.87	0.94	0.99	0.95	1.28	0.84	0.91	0.84	1.06	0.86	0.88	0.87	0.83	1.00	0.87	0.72	1.05	1.07	0.98	1.09	1.11	1.14	1.08	1.01
WELLSVILLE, NY	0.917	1.000	0.957	0.90	0.90	0.80	0.88	0.94	0.96	0.86	0.89	1.00	0.96	0.86	0.85	0.92	0.86	0.78	0.64	1.09	0.99	1.03	0.93	1.07	0.94	0.87	0.91
WHITE PLAINS, NY	0.917	1.068	1.234	0.97	1.15	1.16	1.12	1.68	0.99	0.91	1.00	1.11	0.90	1.08	1.15	1.13	0.90	1.10	0.81	1.17	1.18	0.95	1.11	1.44	1.55	1.39	1.07
YONKERS, NY	0.917	1.068	1.234	0.78	0.99	0.74	1.04	1.18	0.82	0.81	0.91	1.22	0.87	0.89	0.97	1.02	0.90	0.99	0.78	0.97	1.19	0.86	0.95	1.44	1.55	1.39	1.07
AKRON, OH	0.917	0.991	0.940	0.81	0.86	0.78	0.82	0.76	0.84	1.16	0.83	0.94	0.73	0.86	0.80	0.83	0.87	0.74	0.92	0.93	0.94	0.86	0.94	0.94	0.78	0.78	0.95
ASHTABULA, OH	0.917	0.991	0.940	0.89	0.91	0.90	1.42	0.79	0.90	1.13	0.94	0.99	1.24	1.00	0.80	0.88	0.84	0.76	1.00	0.85	1.02	0.91	0.96	1.01	0.75	0.76	1.03
ATHENS, OH	0.917	0.991	0.940	0.88	0.83	0.98	0.80	0.81	0.88	0.84	0.90	0.92	1.00	0.86	0.79	0.86	0.86	0.74	0.77	0.88	0.96	0.89	0.92	0.86	0.72	0.77	0.90
BATAVIA, OH	0.917	0.991	0.940	0.80	0.83	1.10	1.26	0.74	0.70	0.99	0.88	0.91	0.74	0.92	0.78	0.85	0.85	0.87	0.88	0.88	0.93	0.76	0.88	0.78	0.70	0.71	0.86
CANTON, OH	0.917	0.991	0.940	0.88	0.92	0.63	1.19	0.67	0.74	0.88	0.90	0.91	1.04	0.89	0.76	0.91	0.74	0.74	0.91	0.94	0.97	0.98	0.84	0.90	0.73	0.80	0.93
CHILLICOTHE, OH	0.917	0.991	0.940	0.93	0.86	1.06	1.03	0.78	0.95	0.90	0.91	0.96	1.00	0.94	0.80	0.84	0.87	0.76	0.87	0.91	0.98	0.97	0.96	0.85	0.71	0.71	0.88
CINCINNATI, OH	0.917	0.991	0.940	0.88	0.90	0.88	1.28	0.86	0.85	0.89	0.90	1.00	0.83	0.95	0.79	0.87	0.81	0.80	0.93	0.99	0.93	0.86	0.88	0.76	0.73	0.74	0.87
CLEVELAND, OH	0.917	0.991	0.940	1.33	1.06	1.10	1.58	0.90	0.93	1.00	1.21	1.07	1.09	1.04	0.92	0.96	0.94	0.82	0.92	1.00	1.11	1.13	0.96	1.00	0.81	0.78	0.96
COLUMBUS, OH	0.917	0.991	0.940	0.92	0.94	0.93	0.82	0.58	0.87	0.93	0.92	0.94	1.00	0.92	0.84	0.92	0.83	0.78	0.83	0.99	1.02	1.00	0.90	0.93	0.71	0.79	0.88
DAYTON, OH	0.917	0.991	0.940	0.93	0.86	1.06	1.03	0.78	0.95	0.90	0.91	0.96	1.00	0.94	0.80	0.84	0.87	0.76	0.87	0.91	0.98	0.97	0.96	0.85	0.71	0.71	0.88
EAST LIVERPOOL, OH	0.917	0.991	0.940	0.84	0.83	1.09	1.03	0.77	1.01	1.03	0.84	0.99	0.90	0.93	0.79	0.79	0.86	0.67	0.92	0.94	0.97	0.97	0.94	0.90	0.73	0.80	0.93
HILLSBORO, OH	0.917	0.991	0.940	0.80	0.83	1.10	1.26	0.74	0.70	0.99	0.88	0.91	0.74	0.92	0.78	0.85	0.85	0.87	0.88	0.88	0.93	0.76	0.88	0.78	0.70	0.71	0.86
LANCASTER, OH	0.917	0.991	0.940	0.88	0.83	0.98	0.80	0.81	0.88	0.84	0.90	0.92	1.00	0.86	0.79	0.86	0.86	0.74	0.77	0.88	0.96	0.89	0.92	0.86	0.72	0.77	0.90
LIMA, OH	0.917	0.991	0.940	0.87	0.80	1.15	1.16	0.67	0.77	0.91	0.82	0.91	0.89	0.91	0.79	0.77	0.97	0.67	0.73	0.93	0.99	1.03	0.90	0.80	0.71	0.78	0.90
LORAIN, OH	0.917	0.991	0.940	0.89	0.91	0.90	1.42	0.79	0.90	1.13	0.94	0.99	1.24	1.00	0.80	0.88	0.84	0.76	1.00	0.85	1.02	0.91	0.96	1.01	0.75	0.76	1.03
MANSFIELD, OH	0.917	0.991	0.940	0.83	0.80	0.94	0.80	0.68	0.88	0.96	0.90	0.89	1.07	0.86	0.79	0.91	0.74	0.64	0.87	0.91	0.99	0.86	0.89	0.80	0.71	0.78	0.90
MARIETTA, OH	0.917	0.991	0.940	0.88	0.83	0.98	0.80	0.81	0.88	0.84	0.90	0.92	1.00	0.86	0.79	0.86	0.86	0.74	0.77	0.88	0.96	0.89	0.92	0.86	0.72	0.77	0.90
MEDINA, OH	0.917	0.991	0.940	0.81	0.86	0.78	0.82	0.76	0.82	1.16	0.83	0.94	0.73	0.86	0.80	0.83	0.87	0.74	0.92	0.93	0.97	0.86	0.94	0.90	0.73	0.80	0.93
MIDDLETOWN, OH	0.917	0.991	0.940	0.80	0.83	1.10	1.26	0.74	0.70	0.99	0.88	0.91	0.74	0.92	0.78	0.85	0.85	0.87	0.88	0.88	0.93	0.76	0.88	0.78	0.70	0.71	0.86

Table H. — Physician GAAFs (Geographic Area Adjustment Factors) For RVUs (Relative Value Units) and Conversion Factors; By VA Facility Location — Continued

		RVU GAAFs		Conversion Factor GAAFs By Physician CPT Code Group																							
VA Facility Location	Medicare Work Adjuster	Work Expense	Practice Expense	Inpatient Visits	Office/Home/Urgent Care Visits	Therapeutic Injections	Allergy Testing	Allergy Immunotherapy	Misc. Medical	ER Visits & Observa. 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
PAINESVILLE, OH	0.917	0.991	0.940	0.89	0.91	0.90	1.42	0.79	0.90	1.13	0.94	0.99	1.24	1.00	0.80	0.88	0.84	0.76	1.00	0.85	1.02	0.91	0.96	1.01	0.75	0.76	1.03
PORTSMOUTH, OH	0.917	0.991	0.940	0.93	0.86	1.06	1.03	0.78	0.95	0.90	0.91	0.96	1.00	0.94	0.80	0.84	0.87	0.76	0.87	0.91	0.98	0.97	0.96	0.85	0.71	0.71	0.88
RAVENNA, OH	0.917	0.991	0.940	0.81	0.86	0.78	0.82	0.76	0.82	1.16	0.83	0.94	0.73	0.86	0.80	0.83	0.87	0.74	0.92	0.93	0.97	0.86	0.94	0.90	0.73	0.80	0.93
SAINT CLAIRSVILLE, OH	0.917	0.991	0.940	0.84	0.83	1.09	1.03	0.77	1.01	1.03	0.84	0.99	0.90	0.93	0.79	0.79	0.86	0.67	0.92	0.94	0.97	0.97	0.94	0.90	0.73	0.80	0.93
SANDUSKY, OH	0.917	0.991	0.940	0.83	0.80	0.94	0.80	0.68	0.88	0.96	0.90	0.89	1.07	0.86	0.79	0.91	0.74	0.64	0.87	0.91	0.99	0.86	0.89	0.80	0.71	0.78	0.90
SPRINGFIELD, OH	0.917	0.991	0.940	0.87	0.80	1.15	1.16	0.67	0.79	0.91	0.82	0.91	0.89	0.91	0.79	0.77	0.97	0.67	0.73	0.93	0.92	1.03	0.90	0.78	0.70	0.71	0.86
TOLEDO, OH	0.917	0.991	0.940	0.89	0.87	0.84	0.82	0.72	0.85	1.05	0.91	1.01	1.00	0.88	0.73	0.87	0.83	0.84	0.92	0.98	0.93	0.82	0.91	0.90	0.75	0.76	0.94
TROY, OH	0.917	0.991	0.940	0.87	0.80	1.15	1.16	0.67	0.79	0.91	0.82	0.91	0.89	0.91	0.79	0.77	0.97	0.67	0.73	0.93	0.92	1.03	0.90	0.78	0.70	0.71	0.86
WASHINGTON CTHS, OH	0.917	0.991	0.940	0.88	0.83	0.98	0.80	0.81	0.88	0.84	0.90	0.92	1.00	0.86	0.79	0.86	0.86	0.74	0.77	0.88	0.96	0.89	0.92	0.86	0.72	0.77	0.90
WELLSTON, OH	0.917	0.991	0.940	0.93	0.86	1.06	1.03	0.78	0.95	0.90	0.91	0.96	1.00	0.94	0.80	0.84	0.87	0.76	0.87	0.91	0.98	0.97	0.96	0.85	0.71	0.71	0.88
YOUNGSTOWN, OH	0.917	0.991	0.940	0.84	0.83	1.09	1.03	0.77	1.01	1.03	0.84	0.99	0.90	0.93	0.79	0.79	0.86	0.67	0.92	0.94	0.94	0.97	0.94	0.81	0.69	0.75	0.85
ZANESVILLE, OH	0.917	0.991	0.940	0.79	0.81	0.84	0.98	0.93	0.85	0.89	0.89	0.85	0.86	0.85	0.73	0.84	0.83	0.67	0.74	0.80	0.96	0.84	0.85	0.86	0.72	0.77	0.90
ADA, OK	0.917	0.969	0.881	0.89	0.92	1.16	1.01	0.76	0.84	0.98	1.02	1.09	0.91	0.99	0.84	0.95	0.87	0.77	0.75	1.06	0.93	0.87	0.91	0.76	0.78	0.75	0.81
ALTUS, OK	0.917	0.969	0.881	0.90	0.97	0.92	0.78	1.53	0.86	0.92	0.97	1.12	0.75	0.91	0.84	0.89	1.11	0.80	1.03	1.08	0.93	0.97	0.88	0.76	0.78	0.75	0.81
ARDMORE, OK	0.917	0.969	0.881	0.89	0.92	1.16	1.01	0.76	0.89	0.98	1.02	1.09	0.91	0.99	0.84	0.95	0.87	0.77	0.75	1.06	0.89	0.87	0.91	0.74	0.72	0.78	0.73
CLINTON, OK	0.917	0.969	0.881	0.87	0.95	1.17	0.87	0.69	0.78	0.95	0.92	1.05	0.79	0.94	0.92	0.97	0.97	0.86	0.96	0.98	0.93	0.84	0.88	0.76	0.78	0.75	0.81
JAY; OK	0.917	0.969	0.881	0.89	0.92	1.16	1.01	0.76	0.89	0.98	1.02	1.09	0.91	0.99	0.84	0.95	0.87	0.77	0.75	1.06	0.89	0.87	0.91	0.74	0.72	0.78	0.73
JENKS, OK	0.917	0.969	0.881	0.87	0.95	1.17	0.87	0.69	0.83	0.95	0.92	1.05	0.79	0.94	0.92	0.97	0.97	0.86	0.96	0.98	0.89	0.84	0.88	0.74	0.72	0.78	0.73
LAWTON, OK	0.917	0.969	0.881	0.90	0.97	0.92	0.78	1.53	0.86	0.92	0.97	1.12	0.75	0.91	0.84	0.89	1.11	0.80	1.03	1.08	0.93	0.97	0.88	0.76	0.78	0.75	0.81
MCALESTER, OK	0.917	0.969	0.881	0.90	0.97	0.92	0.78	1.53	0.91	0.92	0.97	1.12	0.75	0.91	0.84	0.89	1.11	0.80	1.03	1.08	0.89	0.97	0.88	0.74	0.72	0.78	0.73
MUSKOGEE, OK	0.917	0.969	0.881	0.87	0.95	1.17	0.87	0.69	0.83	0.95	0.92	1.05	0.79	0.94	0.92	0.97	0.97	0.86	0.96	0.98	0.89	0.84	0.88	0.74	0.72	0.78	0.73
NORMAN, OK	0.917	0.969	0.881	0.89	0.92	1.16	1.01	0.76	0.84	0.98	1.02	1.09	0.91	0.99	0.84	0.95	0.87	0.77	0.75	1.06	0.93	0.87	0.91	0.76	0.78	0.75	0.81
OKLAHOMA CITY, OK	0.917	0.969	0.881	0.93	0.97	1.23	1.01	0.93	0.87	1.00	0.93	1.07	0.78	1.01	0.85	0.95	0.98	0.98	0.89	0.84	0.90	1.05	1.06	0.84	0.80	0.78	0.80
PONCA CITY, OK	0.917	0.969	0.881	0.87	0.95	1.17	0.87	0.69	0.78	0.95	0.92	1.05	0.79	0.94	0.92	0.97	0.97	0.86	0.96	0.98	0.93	0.84	0.88	0.76	0.78	0.75	0.81
POTEAU, OK	0.917	0.969	0.881	0.90	0.97	0.92	0.78	1.53	0.91	0.92	0.97	1.12	0.75	0.91	0.84	0.89	1.11	0.80	1.03	1.08	0.89	0.97	0.88	0.74	0.72	0.78	0.73
TALAHINA, OK	0.917	0.969	0.881	0.90	0.97	0.92	0.78	1.53	0.91	0.92	0.97	1.12	0.75	0.91	0.84	0.89	1.11	0.80	1.03	1.08	0.89	0.97	0.88	0.74	0.72	0.78	0.73
TULSA, OK	0.917	0.969	0.881	1.00	1.03	1.38	1.21	0.73	0.88	1.11	0.98	1.06	0.90	0.89	0.85	1.01	0.92	0.93	1.05	0.96	0.89	1.12	0.97	0.84	0.76	0.73	0.74
ASTORIA, OR	0.917	0.962	0.934	0.92	0.99	0.82	0.99	0.75	0.82	0.96	0.99	0.93	0.90	0.94	1.08	0.99	0.87	1.28	0.84	0.88	0.87	0.78	0.77	0.79	0.99	0.92	0.75
BANDON, OR	0.917	0.962	0.934	0.91	0.97	0.68	1.24	0.78	0.89	0.90	0.97	0.90	0.85	0.87	1.30	1.01	1.01	1.40	0.80	0.93	0.84	0.87	0.76	0.78	0.91	0.87	0.64
BEAVERTON, OR	0.917	0.997	1.011	0.87	0.94	0.76	0.92	0.70	0.78	0.91	0.94	0.88	0.84	0.89	1.02	0.94	0.81	1.21	0.80	0.84	0.82	0.74	0.77	0.79	0.94	0.88	0.71
BEND, OR	0.917	0.962	0.934	0.91	0.97	0.68	1.24	0.78	0.89	0.90	0.97	0.90	0.85	0.87	1.30	1.01	1.01	1.40	0.80	0.93	0.84	0.87	0.76	0.78	0.91	0.87	0.64
BROOKINGS, OR	0.917	0.962	0.934	0.91	0.97	0.68	1.24	0.78	0.89	0.90	0.97	0.90	0.85	0.87	1.30	1.01	1.01	1.40	0.80	0.93	0.84	0.87	0.76	0.78	0.91	0.87	0.64
EUGENE, OR	0.917	0.962	0.934	0.91	0.97	0.68	1.24	0.78	0.89	0.90	0.97	0.90	0.85	0.87	1.30	1.01	1.01	1.40	0.80	0.93	0.84	0.87	0.76	0.78	0.91	0.87	0.64
GRANTS PASS, OR	0.917	0.962	0.934	0.91	0.97	0.68	1.24	0.78	0.89	0.90	0.97	0.90	0.85	0.87	1.30	1.01	1.01	1.40	0.80	0.93	0.84	0.87	0.76	0.78	0.91	0.87	0.64
GRESHAM, OR	0.917	0.997	1.011	0.87	0.94	0.76	0.92	0.70	0.78	0.91	0.94	0.88	0.84	0.89	1.02	0.94	0.81	1.21	0.80	0.84	0.82	0.74	0.77	0.79	0.94	0.88	0.71
KLAMATH FALLS, OR	0.917	0.962	0.934	0.91	0.97	0.68	1.24	0.78	0.89	0.90	0.97	0.90	0.85	0.87	1.30	1.01	1.01	1.40	0.80	0.93	0.84	0.87	0.76	0.78	0.91	0.87	0.64
LAKE OSWEGO, OR	0.917	0.997	1.011	0.87	0.94	0.76	0.92	0.70	0.78	0.91	0.94	0.88	0.84	0.89	1.02	0.94	0.81	1.21	0.80	0.84	0.82	0.74	0.77	0.79	0.94	0.88	0.71
LINCOLN CITY, OR	0.917	0.962	0.934	0.92	0.99	0.82	0.99	0.75	0.82	0.96	0.99	0.93	0.90	0.94	1.08	0.99	0.87	1.28	0.84	0.88	0.84	0.78	0.77	0.78	0.91	0.87	0.64
PORTLAND, OR	0.917	0.997	1.011	0.94	1.00	1.02	1.02	0.91	0.86	0.96	1.00	0.87	0.82	0.84	1.23	0.95	0.91	1.52	1.09	0.91	0.82	0.81	0.76	0.79	0.94	0.88	0.71
ROSEBURG, OR	0.917	0.962	0.934	0.91	0.97	0.68	1.24	0.78	0.89	0.90	0.97	0.90	0.85	0.87	1.30	1.01	1.01	1.40	0.80	0.93	0.84	0.87	0.76	0.78	0.91	0.87	0.64
SALEM, OR	0.917	0.962	0.934	0.92	0.99	0.82	0.99	0.75	0.82	0.96	0.99	0.93	0.90	0.94	1.08	0.99	0.87	1.28	0.84	0.88	0.84	0.78	0.77	0.78	0.91	0.87	0.64
THE DALLES, OR	0.917	0.962	0.934	0.92	0.99	0.82	0.99	0.75	0.82	0.96	0.99	0.93	0.90	0.94	1.08	0.99	0.87	1.28	0.84	0.88	0.87	0.78	0.77	0.79	0.99	0.92	0.75
TILLAMOOK, OR	0.917	0.962	0.934	0.92	0.99	0.82	0.99	0.75	0.82	0.96	0.99	0.93	0.90	0.94	1.08	0.99	0.87	1.28	0.84	0.88	0.87	0.78	0.77	0.79	0.99	0.92	0.75

Table H. — Physician GAAFs (Geographic Area Adjustment Factors) For RVUs (Relative Value Units) and Conversion Factors; By VA Facility Location — Continued

		RVU GAAFs		Conversion Factor GAAFs By Physician CPT Code Group																						
VA Facility Location	Medicare Work Adjuster	Work Expense	Practice Expense	Inpatient Visits	Office/Home/Urgent Care Visits	Therapeutic Injections	Allergy Testing	Allergy Immunotherapy	Misc. Medical	ER Visits & Observa. 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
WHITE CITY, OR	0.917	0.962	0.934	0.91	0.97	0.68	1.24	0.78	0.89	0.90	0.97	0.90	0.85	0.87	1.30	1.01	1.01	1.40	0.80	0.93	0.84	0.87	0.76	0.78	0.91	0.87	0.64
ALIQUIPPA, PA	0.917	0.990	0.928	0.85	0.87	1.07	1.29	0.73	1.06	0.96	0.80	1.09	1.11	0.93	0.81	0.93	1.58	0.69	0.84	0.96	1.03	0.98	0.99	0.95	0.85	0.81	1.15
ALLENTOWN, PA	0.917	0.990	0.928	0.88	0.92	0.99	1.05	0.83	1.01	0.90	0.86	1.08	1.10	1.07	0.78	0.94	1.24	0.76	0.88	0.91	1.03	1.07	1.14	1.10	0.97	0.84	1.21
ALTOONA, PA	0.917	0.990	0.928	0.91	0.81	0.81	1.05	0.85	0.79	0.74	0.84	0.97	1.07	0.95	0.72	0.84	1.38	0.62	0.73	0.81	1.04	0.91	0.96	0.81	0.89	0.92	1.06
ARMSTRONG, PA	0.917	0.990	0.928	0.83	0.82	1.14	1.58	0.59	0.82	1.01	0.79	1.13	1.04	0.96	0.65	0.90	1.12	0.68	0.76	0.75	0.92	0.91	0.93	0.84	1.04	0.97	1.02
BLOOMSBURG, PA	0.917	0.990	0.928	1.15	0.88	0.72	0.86	0.80	0.74	0.85	0.90	0.94	1.12	0.94	0.74	0.90	1.53	0.73	0.74	0.84	1.03	0.98	0.84	0.86	0.86	0.89	1.31
BUTLER, PA	0.917	0.990	0.928	0.86	0.81	0.72	1.26	0.62	0.86	1.02	0.86	0.86	0.93	0.93	0.73	0.83	1.16	0.72	0.76	0.79	0.92	0.89	0.89	0.84	1.04	0.97	1.02
CAMP HILL, PA	0.917	0.990	0.928	0.92	0.84	0.80	1.61	0.89	0.86	0.89	0.86	0.93	1.10	0.90	0.71	0.85	1.20	0.67	0.66	0.75	0.96	1.00	0.77	0.93	0.79	0.72	1.04
CARBONDALE, PA	0.917	0.990	0.928	0.87	0.80	1.92	1.98	0.67	0.70	1.17	0.75	1.06	1.15	0.91	0.87	0.90	1.35	0.67	1.06	1.16	1.08	1.00	0.97	0.88	0.90	0.89	1.14
CLARION, PA	0.917	0.990	0.928	0.83	0.82	1.14	1.58	0.59	0.82	1.01	0.79	1.13	1.04	0.96	0.65	0.90	1.12	0.68	0.76	0.75	0.92	0.91	0.93	0.84	1.04	0.97	1.02
CLEARFIELD, PA	0.917	0.990	0.928	0.91	0.81	0.81	1.05	0.85	0.81	0.74	0.84	0.97	1.07	0.95	0.72	0.84	1.38	0.62	0.73	0.81	0.97	0.91	0.96	0.93	0.85	0.81	0.98
COATESVILLE, PA	0.917	1.025	1.090	0.88	0.87	0.81	1.01	0.91	0.91	1.13	0.82	0.96	1.08	0.86	0.80	0.91	1.10	0.73	0.70	0.77	0.97	0.91	1.25	1.04	0.95	0.85	0.95
CRAWFORD, PA	0.917	0.990	0.928	0.83	0.82	0.79	1.61	0.98	0.77	0.81	0.77	1.01	0.90	0.93	0.68	0.80	1.30	0.68	0.76	0.86	1.03	0.98	1.02	0.81	0.89	0.92	1.06
ERIE, PA	0.917	0.990	0.928	0.93	0.88	0.81	0.86	0.61	0.80	0.80	0.88	0.98	1.45	1.02	0.78	0.83	1.11	0.68	0.96	1.05	1.04	0.93	0.89	0.81	0.89	0.92	1.06
FAYETTE COUNTY, PA	0.917	0.990	0.928	0.85	0.87	1.07	1.29	0.73	0.98	0.96	0.80	1.09	1.11	0.93	0.81	0.93	1.58	0.69	0.84	0.96	0.97	0.98	0.99	0.93	0.85	0.81	0.98
GREENSBURG, PA	0.917	0.990	0.928	0.83	0.82	1.14	1.58	0.59	0.72	1.01	0.79	1.13	1.04	0.96	0.65	0.90	1.12	0.68	0.76	0.75	1.03	0.91	0.93	0.81	0.89	0.92	1.06
HARRISBURG, PA	0.917	0.990	0.928	1.15	0.88	0.72	0.86	0.80	0.74	0.85	0.90	0.94	1.12	0.94	0.74	0.90	1.53	0.73	0.74	0.84	0.96	0.98	0.84	0.93	0.79	0.72	1.04
JOHNSTOWN, PA	0.917	0.990	0.928	0.91	0.81	0.81	1.05	0.85	0.81	0.74	0.84	0.97	1.07	0.95	0.72	0.84	1.38	0.62	0.73	0.81	0.97	0.91	0.96	0.93	0.85	0.81	0.98
LANCASTER, PA	0.917	0.990	0.928	0.88	0.81	0.86	1.12	0.81	0.70	1.24	0.77	0.97	0.98	0.84	0.71	0.86	1.00	0.65	0.76	0.91	0.93	1.03	0.77	0.95	0.73	0.74	0.98
LAWRENCE, PA	0.917	0.990	0.928	0.83	0.82	0.79	1.61	0.98	0.87	0.81	0.77	1.01	0.90	0.93	0.68	0.80	1.30	0.68	0.76	0.86	1.03	0.98	1.02	0.95	0.85	0.81	1.15
LEBANON, PA	0.917	0.990	0.928	0.92	0.84	0.80	1.61	0.89	0.86	0.89	0.86	0.93	1.10	0.90	0.71	0.85	1.20	0.67	0.66	0.75	0.96	1.00	0.77	0.93	0.79	0.72	1.04
MCCANDLESS, PA	0.917	0.990	0.928	1.01	0.93	1.00	1.10	0.80	0.96	1.04	0.85	1.18	1.18	0.93	0.81	0.92	1.61	0.73	1.25	0.92	1.04	1.07	0.94	1.06	0.85	0.84	0.99
MCKEAN, PA	0.917	0.990	0.928	0.87	0.80	1.92	1.98	0.67	0.80	1.17	0.75	1.06	1.15	0.91	0.87	0.90	1.35	0.67	1.06	1.16	0.92	1.00	0.97	0.84	1.04	0.97	1.02
MCKEESPORT, PA	0.917	0.990	0.928	0.85	0.87	1.07	1.29	0.73	1.06	0.96	0.80	1.09	1.11	0.93	0.81	0.93	1.58	0.69	0.84	0.96	1.03	0.98	0.99	0.95	0.85	0.81	1.15
MERCER, PA	0.917	0.990	0.928	0.83	0.82	0.79	1.61	0.98	0.87	0.81	0.77	1.01	0.90	0.93	0.68	0.80	1.30	0.68	0.76	0.86	1.03	0.98	1.02	0.95	0.85	0.81	1.15
MONROEVILLE, PA	0.917	0.990	0.928	0.85	0.87	1.07	1.29	0.73	1.06	0.96	0.80	1.09	1.11	0.93	0.81	0.93	1.58	0.69	0.84	0.96	1.03	0.98	0.99	0.95	0.85	0.81	1.15
ORWIGSBURG, PA	0.917	0.990	0.928	0.98	0.81	0.67	0.80	0.69	0.85	1.14	0.83	0.95	1.06	0.94	0.66	0.84	1.40	0.62	1.31	1.06	1.04	0.93	1.02	0.86	0.86	0.89	1.31
PHILADELPHIA, PA	0.917	1.025	1.090	1.20	1.09	1.05	0.91	0.89	0.97	0.97	1.02	1.09	1.16	0.96	0.87	1.03	1.43	0.88	0.93	0.98	1.11	1.18	1.12	1.39	1.02	0.98	0.95
PITTSBURGH, PA	0.917	0.990	0.928	1.01	0.93	1.00	1.10	0.80	0.96	1.04	0.85	1.18	1.18	0.93	0.81	0.92	1.61	0.73	1.25	0.92	1.04	1.07	0.94	1.06	0.85	0.84	0.99
POTTSVILLE, PA	0.917	0.990	0.928	0.98	0.81	0.67	0.80	0.69	0.85	1.14	0.83	0.95	1.06	0.94	0.66	0.84	1.40	0.62	1.31	1.06	1.04	0.93	1.02	0.86	0.86	0.89	1.31
READING, PA	0.917	0.990	0.928	0.88	0.87	0.80	1.08	0.81	0.81	0.90	0.83	1.13	1.09	0.99	0.88	0.86	1.24	0.75	0.77	0.84	1.03	0.91	0.64	0.86	0.86	0.89	1.31
SAYRE, PA	0.917	0.990	0.928	0.91	0.92	0.96	1.12	0.98	0.83	1.18	0.92	1.15	1.20	0.95	0.79	1.12	1.41	0.70	0.90	0.89	1.08	0.88	0.97	0.88	0.90	0.89	1.14
SCHUYLKILL, PA	0.917	0.990	0.928	0.98	0.81	0.67	0.80	0.69	0.85	1.14	0.83	0.95	1.06	0.94	0.66	0.84	1.40	0.62	1.31	1.06	1.04	0.93	1.02	0.86	0.86	0.89	1.31
SCRANTON, PA	0.917	0.990	0.928	0.87	0.88	0.52	0.86	1.10	0.89	0.85	0.78	1.05	1.17	0.94	0.64	0.86	1.68	0.58	0.87	0.94	1.06	1.06	0.86	0.77	0.86	0.97	1.22
SHENANDOAH, PA	0.917	0.990	0.928	0.98	0.81	0.67	0.80	0.69	0.85	1.14	0.83	0.95	1.06	0.94	0.66	0.84	1.40	0.62	1.31	1.06	1.04	0.93	1.02	0.86	0.86	0.89	1.31
SPRINGFIELD, PA	0.917	1.025	1.090	0.91	0.89	1.03	0.91	1.02	0.92	1.06	0.84	1.17	1.05	0.94	0.86	0.98	1.19	0.77	1.16	0.93	1.01	1.00	1.08	1.13	0.96	0.88	1.01
STATE COLLEGE, PA	0.917	0.990	0.928	0.91	0.81	0.81	1.05	0.85	0.81	0.74	0.84	0.97	1.07	0.95	0.72	0.84	1.38	0.62	0.73	0.81	0.97	0.91	0.96	0.93	0.85	0.81	0.98
TOBYHANNA, PA	0.917	0.990	0.928	0.87	0.80	1.92	1.98	0.67	0.70	1.17	0.75	1.06	1.15	0.91	0.87	0.90	1.35	0.67	1.06	1.16	1.08	1.00	0.97	0.88	0.90	0.89	1.14
WASHINGTON, PA	0.917	0.990	0.928	0.85	0.87	1.07	1.29	0.73	1.06	0.96	0.80	1.09	1.11	0.93	0.81	0.93	1.58	0.69	0.84	0.96	0.93	0.98	0.99	0.84	1.04	0.97	1.02
WILKES-BARRE, PA	0.917	0.990	0.928	0.98	0.81	0.67	0.80	0.69	0.85	1.14	0.83	0.95	1.06	0.94	0.66	0.84	1.40	0.62	1.31	1.06	1.05	0.93	1.02	0.77	0.86	0.97	1.22
WILLIAMSPORT, PA	0.917	0.990	0.928	0.87	0.80	1.92	1.98	0.67	0.72	1.17	0.75	1.06	1.15	0.91	0.87	0.90	1.35	0.67	1.06	1.16	1.03	1.00	0.97	0.86	0.86	0.89	1.31
WILLOW GROVE, PA	0.917	1.025	1.090	0.91	0.89	1.03	0.91	1.02	0.92	1.06	0.84	1.17	1.05	0.94	0.86	0.98	1.19	0.77	1.16	0.93	1.01	1.00	1.08	1.13	0.96	0.88	1.01
YORK, PA	0.917	0.990	0.928	0.88	0.81	0.86	1.12	0.81	0.80	1.24	0.77	0.97	0.98	0.84	0.71	0.86	1.00	0.65	0.76	0.91	1.01	1.03	0.77	0.99	0.81	0.81	0.81

Table H. — Physician GAAFs (Geographic Area Adjustment Factors) For RVUs (Relative Value Units) and Conversion Factors; By VA Facility Location — Continued

		RVU GAAFs		Conversion Factor GAAFs By Physician CPT Code Group																							
VA Facility Location	Medicare Work Adjuster	Work Expense	Practice Expense	Inpatient Visits	Office/Home/Urgent Care Visits	Therapeutic Injections	Allergy Testing	Allergy Immunotherapy	Misc. Medical	ER Visits & Observa. 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
ARECIBO, PR	0.917	0.883	0.734	1.25	1.13	1.52	1.43	1.18	1.29	1.04	1.10	1.22	1.41	1.65	1.23	1.14	1.47	0.96	1.72	0.88	1.12	1.13	0.78	0.82	1.17	1.17	1.13
CEIBA, PR	0.917	0.883	0.734	1.25	1.13	1.52	1.43	1.18	1.29	1.04	1.10	1.22	1.41	1.65	1.23	1.14	1.47	0.96	1.72	0.88	1.12	1.13	0.78	0.82	1.17	1.17	1.13
FAJARDO, PR	0.917	0.883	0.734	1.25	1.13	1.52	1.43	1.18	1.29	1.04	1.10	1.22	1.41	1.65	1.23	1.14	1.47	0.96	1.72	0.88	1.12	1.13	0.78	0.82	1.17	1.17	1.13
MAYAGUEZ, PR	0.917	0.883	0.734	1.25	1.13	1.52	1.43	1.18	1.29	1.04	1.10	1.22	1.41	1.65	1.23	1.14	1.47	0.96	1.72	0.88	1.12	1.13	0.78	0.82	1.17	1.17	1.13
PONCE, PR	0.917	0.883	0.734	1.25	1.13	1.52	1.43	1.18	1.29	1.04	1.10	1.22	1.41	1.65	1.23	1.14	1.47	0.96	1.72	0.88	1.12	1.13	0.78	0.82	1.17	1.17	1.13
SAN JUAN, PR	0.917	0.883	0.734	1.25	1.13	1.52	1.43	1.18	1.29	1.04	1.10	1.22	1.41	1.65	1.23	1.14	1.47	0.96	1.72	0.88	1.12	1.13	0.78	0.82	1.17	1.17	1.13
CRANSTON, RI	0.917	1.019	1.072	0.89	1.00	0.77	1.37	0.99	0.83	0.77	0.90	1.17	0.73	0.63	1.01	0.97	1.22	1.03	0.84	0.86	0.96	1.01	0.93	1.09	1.02	0.85	0.97
PROVIDENCE, RI	0.917	1.019	1.072	0.89	1.00	0.77	1.37	0.99	0.83	0.77	0.90	1.17	0.73	0.63	1.01	0.97	1.22	1.03	0.84	0.86	0.96	1.01	0.93	1.09	1.02	0.85	0.97
CHARLESTON, SC	0.917	0.976	0.902	0.95	0.92	1.27	0.78	0.84	1.14	1.05	0.93	0.96	0.95	0.86	0.85	0.91	0.92	0.81	0.84	0.91	0.97	1.05	0.84	0.80	0.82	0.75	0.86
COLUMBIA, SC	0.917	0.976	0.902	0.95	0.95	1.08	1.06	0.79	1.18	0.96	0.97	0.95	1.01	0.91	0.91	0.86	0.92	0.90	0.74	0.79	0.96	0.96	0.88	0.85	0.86	0.75	1.02
FLORENCE, SC	0.917	0.976	0.902	0.95	0.92	1.27	0.78	0.84	1.17	1.05	0.93	0.96	0.95	0.86	0.85	0.91	0.92	0.81	0.84	0.91	0.93	1.05	0.84	0.88	0.86	0.76	0.85
GREENVILLE, SC	0.917	0.976	0.902	0.94	0.95	1.20	0.98	0.85	1.06	0.94	0.94	0.91	0.96	0.97	0.83	0.93	0.83	0.82	1.43	0.93	0.91	1.08	0.86	0.84	0.77	0.67	0.81
MYRTLE BEACH, SC	0.917	0.976	0.902	0.95	0.92	1.27	0.78	0.84	1.17	1.05	0.93	0.96	0.95	0.86	0.85	0.91	0.92	0.81	0.84	0.91	0.93	1.05	0.84	0.88	0.86	0.76	0.85
EAGLE BUTTE, SD	0.917	0.936	0.865	0.90	0.91	0.75	1.00	0.78	0.89	0.93	1.01	0.95	1.05	0.86	0.71	0.86	0.87	0.69	0.72	0.86	0.87	0.93	0.89	0.70	0.71	0.85	0.82
ELLSWORTH AFB, SD	0.917	0.936	0.865	0.90	0.91	0.75	1.00	0.78	0.80	0.93	1.01	0.95	1.05	0.86	0.71	0.86	0.87	0.69	0.72	0.86	0.96	0.93	0.89	0.70	0.76	0.86	0.78
FORT MEADE, SD	0.917	0.936	0.865	0.90	0.91	0.75	1.00	0.78	0.80	0.93	1.01	0.95	1.05	0.86	0.71	0.86	0.87	0.69	0.72	0.86	0.96	0.93	0.89	0.70	0.76	0.86	0.78
HOT SPRINGS, SD	0.917	0.936	0.865	0.90	0.91	0.75	1.00	0.78	0.80	0.93	1.01	0.95	1.05	0.86	0.71	0.86	0.87	0.69	0.72	0.86	0.96	0.93	0.89	0.70	0.76	0.86	0.78
KYLE, SD	0.917	0.936	0.865	0.90	0.91	0.75	1.00	0.78	0.80	0.93	1.01	0.95	1.05	0.86	0.71	0.86	0.87	0.69	0.72	0.86	0.96	0.93	0.89	0.70	0.76	0.86	0.78
MCLAUGHLIN, SD	0.917	0.936	0.865	0.90	0.91	0.75	1.00	0.78	0.89	0.93	1.01	0.95	1.05	0.86	0.71	0.86	0.87	0.69	0.72	0.86	0.87	0.93	0.89	0.70	0.71	0.85	0.82
PIERRE, SD	0.917	0.936	0.865	0.90	0.91	0.75	1.00	0.78	0.89	0.93	1.01	0.95	1.05	0.86	0.71	0.86	0.87	0.69	0.72	0.86	0.87	0.93	0.89	0.70	0.71	0.85	0.82
PINE RIDGE, SD	0.917	0.936	0.865	0.90	0.91	0.75	1.00	0.78	0.80	0.93	1.01	0.95	1.05	0.86	0.71	0.86	0.87	0.69	0.72	0.86	0.96	0.93	0.89	0.70	0.76	0.86	0.78
RAPID CITY, SD	0.917	0.936	0.865	0.90	0.91	0.75	1.00	0.78	0.80	0.93	1.01	0.95	1.05	0.86	0.71	0.86	0.87	0.69	0.72	0.86	0.96	0.93	0.89	0.70	0.76	0.86	0.78
ROSEBUD, SD	0.917	0.936	0.865	0.90	0.91	0.75	1.00	0.78	0.89	0.93	1.01	0.95	1.05	0.86	0.71	0.86	0.87	0.69	0.72	0.86	0.87	0.93	0.89	0.70	0.71	0.85	0.82
SIOUX FALLS, SD	0.917	0.936	0.865	1.03	1.01	0.99	0.88	0.71	0.94	0.94	1.12	0.90	1.16	0.80	0.90	1.04	0.98	0.70	0.77	1.14	1.03	0.89	0.81	0.77	0.84	0.87	0.87
WINNER, SD	0.917	0.936	0.865	0.90	0.91	0.75	1.00	0.78	0.89	0.93	1.01	0.95	1.05	0.86	0.71	0.86	0.87	0.69	0.72	0.86	0.87	0.93	0.89	0.70	0.71	0.85	0.82
ARNOLD AFB, TN	0.917	0.976	0.899	0.96	0.97	0.91	0.90	0.76	0.88	0.96	0.98	0.95	0.90	1.01	0.89	0.86	0.85	0.86	1.03	1.07	0.98	0.94	0.91	1.01	0.88	0.80	0.86
CHATTANOOGA, TN	0.917	0.976	0.899	1.00	0.99	1.02	0.76	0.54	1.04	0.91	1.01	1.00	0.99	0.96	0.84	0.92	0.87	1.00	0.78	1.09	1.04	0.99	0.89	1.04	0.88	0.87	1.03
CLARKSVILLE, TN	0.917	0.976	0.899	0.96	0.93	0.90	0.90	0.63	0.89	0.95	0.95	0.95	0.96	0.89	0.95	0.88	0.87	0.85	0.90	1.04	1.00	0.94	0.87	0.97	0.86	0.83	0.87
COOKEVILLE, TN	0.917	0.976	0.899	0.96	0.97	0.91	0.90	0.76	0.88	0.96	0.98	0.95	0.90	1.01	0.89	0.86	0.85	0.86	1.03	1.07	0.98	0.94	0.91	1.01	0.88	0.80	0.86
DOVER, TN	0.917	0.976	0.899	0.96	0.93	0.90	0.90	0.63	0.89	0.95	0.95	0.95	0.96	0.89	0.95	0.88	0.87	0.85	0.90	1.04	1.00	0.94	0.87	0.97	0.86	0.83	0.87
JOHNSON CITY, TN	0.917	0.976	0.899	0.96	0.97	0.91	0.90	0.76	0.88	0.96	0.98	0.95	0.90	1.01	0.89	0.86	0.85	0.86	1.03	1.07	0.96	0.94	0.91	0.94	0.81	0.82	0.77
KNOXVILLE, TN	0.917	0.976	0.899	0.96	0.97	0.91	0.90	0.76	0.93	0.96	0.98	0.95	0.90	1.01	0.89	0.86	0.85	0.86	1.03	1.07	0.99	0.94	0.91	0.97	0.90	0.90	0.89
MADISON, TN	0.917	0.976	0.899	0.96	0.93	0.90	0.90	0.63	0.89	0.95	0.95	0.95	0.96	0.89	0.95	0.88	0.87	0.85	0.90	1.04	1.00	0.94	0.87	0.97	0.86	0.83	0.87
MEMPHIS, TN	0.917	0.976	0.899	0.94	1.01	1.05	1.04	0.85	1.03	1.02	0.99	1.10	0.92	1.02	0.76	1.00	0.94	0.80	1.33	1.10	0.97	0.99	0.98	1.00	0.90	0.86	0.91
MOUNTAIN CITY, TN	0.917	0.976	0.899	0.96	0.97	0.91	0.90	0.76	0.88	0.96	0.98	0.95	0.90	1.01	0.89	0.86	0.85	0.86	1.03	1.07	0.96	0.94	0.91	0.94	0.81	0.82	0.77
MOUNTAIN HOME, TN	0.917	0.976	0.899	0.96	0.97	0.91	0.90	0.76	0.88	0.96	0.98	0.95	0.90	1.01	0.89	0.86	0.85	0.86	1.03	1.07	0.96	0.94	0.91	0.94	0.81	0.82	0.77
MURFREESBORO, TN	0.917	0.976	0.899	0.96	0.93	0.90	0.90	0.63	0.89	0.95	0.95	0.95	0.96	0.89	0.95	0.88	0.87	0.85	0.90	1.04	1.00	0.94	0.87	0.97	0.86	0.83	0.87
NASHVILLE, TN	0.917	0.976	0.899	1.05	1.06	0.90	0.84	0.65	1.03	0.98	1.12	1.05	0.88	0.95	1.07	0.98	0.89	1.02	0.91	1.08	1.08	0.87	0.93	1.17	0.94	0.90	0.98
TULLAHOMA, TN	0.917	0.976	0.899	0.96	0.97	0.91	0.90	0.76	0.88	0.96	0.98	0.95	0.90	1.01	0.89	0.86	0.85	0.86	1.03	1.07	0.98	0.94	0.91	1.01	0.88	0.80	0.86
ABILENE, TX	0.917	0.966	0.884	0.98	0.91	1.08	0.96	0.64	0.99	0.87	0.96	0.88	1.04	1.02	0.83	0.86	0.94	0.74	0.70	1.02	0.93	0.96	0.93	0.90	0.80	0.85	1.04
ALICE, TX	0.917	0.966	0.884	0.93	1.01	0.96	1.02	0.84	0.99	0.98	0.99	1.02	0.98	0.96	0.86	1.03	0.97	0.84	0.90	0.98	1.03	0.96	0.90	0.88	0.83	0.95	0.98
AMARILLO, TX	0.917	0.966	0.884	0.91	0.92	1.09	0.81	0.71	0.91	0.91	0.94	0.93	1.03	1.04	0.81	0.98	0.90	0.77	0.71	1.01	0.93	1.01	1.00	0.90	0.80	0.85	1.04
AUSTIN, TX	0.917	0.987	0.993	1.09	1.01	1.20	0.90	0.75	0.99	0.83	0.98	1.01	1.04	1.03	0.80	0.84	0.85	0.83	0.84	0.90	0.91	1.15	0.96	0.86	0.75	0.78	0.87

Table H. — Physician GAAFs (Geographic Area Adjustment Factors) For RVUs (Relative Value Units) and Conversion Factors; By VA Facility Location — Continued

		RVU GAAFs		Conversion Factor GAAFs By Physician CPT Code Group																						
VA Facility Location	Medicare Work Adjuster	Work Expense	Practice Expense	Inpatient Visits	Office/Home/Urgent Care Visits	Therapeutic Injections	Allergy Testing	Allergy Immunotherapy	Misc. Medical	ER Visits & Observa. 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
BEAUMONT, TX	0.917	0.993	0.896	1.02	0.95	1.28	1.01	0.91	0.90	1.05	0.96	0.96	1.06	0.97	0.80	0.87	0.87	0.91	0.82	1.02	0.92	1.03	0.99	0.90	0.88	0.91	0.83
BEEVILLE, TX	0.917	0.966	0.884	0.99	1.00	1.24	0.88	0.89	1.08	0.98	0.95	1.01	1.06	1.05	0.84	0.99	0.94	0.77	0.80	1.10	0.93	1.17	0.99	0.90	0.80	0.85	1.04
BIG SPRING, TX	0.917	0.966	0.884	0.98	0.91	1.08	0.96	0.64	1.02	0.87	0.96	0.88	1.04	1.02	0.83	0.86	0.94	0.74	0.70	1.02	0.97	0.96	0.93	0.92	0.82	0.86	0.89
BONHAM, TX	0.917	0.966	0.884	1.10	1.03	1.17	1.13	0.85	1.08	1.04	1.02	1.05	1.21	1.09	1.00	0.95	1.07	0.95	1.06	1.08	0.92	1.15	1.04	0.84	0.93	0.92	0.79
BROWNSVILLE, TX	0.917	0.966	0.884	1.03	0.96	0.84	0.81	0.82	1.00	1.09	0.98	1.01	1.09	1.16	0.84	0.84	0.87	0.85	0.73	0.99	1.03	1.06	1.05	0.88	0.83	0.95	0.98
BROWNWOOD, TX	0.917	0.966	0.884	0.98	0.91	1.08	0.96	0.64	0.99	0.87	0.96	0.88	1.04	1.02	0.83	0.86	0.94	0.74	0.70	1.02	0.93	0.96	0.93	0.90	0.80	0.85	1.04
BRYAN, TX	0.917	0.966	0.884	1.05	0.98	1.36	1.08	0.95	1.07	1.09	1.00	1.01	1.11	1.01	0.83	0.90	0.93	0.95	0.84	1.07	0.96	1.08	0.99	0.86	0.79	0.82	0.93
CHILDRESS, TX	0.917	0.966	0.884	0.98	0.91	1.08	0.96	0.64	0.99	0.87	0.96	0.88	1.04	1.02	0.83	0.86	0.94	0.74	0.70	1.02	0.93	0.96	0.93	0.90	0.80	0.85	1.04
CLEBURNE, TX	0.917	0.966	0.884	1.07	0.98	1.29	1.08	0.80	1.00	0.92	0.99	1.04	1.16	1.02	0.91	0.96	0.94	0.94	1.09	1.08	1.00	1.10	0.92	0.90	0.89	0.87	0.96
COPPERAS COVE, TX	0.917	0.966	0.884	1.16	1.24	0.87	1.30	0.98	1.11	0.99	1.26	0.95	1.22	1.19	1.45	0.94	1.29	0.90	0.87	1.12	0.96	1.16	1.15	0.86	0.79	0.82	0.93
CORPUS CHRISTI, TX	0.917	0.966	0.884	0.93	1.01	0.96	1.02	0.84	0.99	0.98	0.99	1.02	0.98	0.96	0.86	1.03	0.97	0.84	0.90	0.98	1.03	0.96	0.90	0.88	0.83	0.95	0.98
CORSICANA, TX	0.917	0.966	0.884	0.97	0.98	0.96	1.13	1.03	1.02	0.88	0.99	0.99	1.08	1.06	0.86	0.94	0.87	1.02	0.75	1.05	1.10	1.07	0.95	1.02	0.96	0.98	1.02
DALLAS, TX	0.917	1.011	1.014	1.10	1.07	1.19	0.88	0.69	1.15	1.13	1.09	0.98	1.08	0.97	0.91	0.93	1.06	0.93	0.73	0.99	1.01	1.05	1.14	1.10	0.90	0.90	0.87
DECATUR, TX	0.917	0.966	0.884	1.07	0.98	1.29	1.08	0.80	1.00	0.92	0.99	1.04	1.16	1.02	0.91	0.96	0.94	0.94	1.09	1.08	1.00	1.10	0.92	0.90	0.89	0.87	0.96
DEL RIO, TX	0.917	0.966	0.884	0.99	1.00	1.24	0.88	0.89	1.08	0.98	0.95	1.01	1.06	1.05	0.84	0.99	0.94	0.77	0.80	1.10	0.93	1.17	0.99	0.90	0.80	0.85	1.04
DENTON, TX	0.917	0.966	0.884	1.07	0.98	1.29	1.08	0.80	1.00	0.92	0.99	1.04	1.16	1.02	0.91	0.96	0.94	0.94	1.09	1.08	1.00	1.10	0.92	0.90	0.89	0.87	0.96
DIAMOND HILL, TX	0.917	0.988	0.972	1.02	0.94	1.18	0.98	0.73	0.94	0.88	0.94	0.98	1.07	0.95	0.86	0.92	0.86	0.88	1.04	1.04	0.93	1.05	0.92	0.96	0.82	0.81	0.75
EAGLE PASS, TX	0.917	0.966	0.884	0.99	1.00	1.24	0.88	0.89	1.08	0.98	0.95	1.01	1.06	1.05	0.84	0.99	0.94	0.77	0.80	1.10	0.93	1.17	0.99	0.90	0.80	0.85	1.04
EASTLAND, TX	0.917	0.966	0.884	0.98	0.91	1.08	0.96	0.64	0.99	0.87	0.96	0.88	1.04	1.02	0.83	0.86	0.94	0.74	0.70	1.02	0.93	0.96	0.93	0.90	0.80	0.85	1.04
EL PASO, TX	0.917	0.966	0.884	1.06	0.95	1.46	0.96	0.83	1.00	1.04	1.02	1.15	0.98	0.90	0.82	0.93	1.01	0.86	0.79	1.30	0.97	1.27	0.90	0.92	0.82	0.86	0.89
FORT STOCKTON, TX	0.917	0.966	0.884	0.98	0.91	1.08	0.96	0.64	1.02	0.87	0.96	0.88	1.04	1.02	0.83	0.86	0.94	0.74	0.70	1.02	0.97	0.96	0.93	0.92	0.82	0.86	0.89
FORT WORTH, TX	0.917	0.988	0.972	1.02	0.94	1.18	0.98	0.73	0.94	0.88	0.94	0.98	1.07	0.95	0.86	0.92	0.86	0.88	1.04	1.04	0.93	1.05	0.92	0.96	0.82	0.81	0.75
GALVESTON, TX	0.917	0.989	0.968	0.96	0.91	1.13	0.87	0.69	0.98	1.03	0.93	0.92	1.11	0.99	0.91	0.88	0.91	0.84	0.79	0.95	1.02	1.01	0.96	0.99	0.82	0.83	0.87
GEORGETOWN, TX	0.917	0.966	0.884	0.89	0.95	1.14	1.02	0.66	0.95	0.86	0.94	0.92	0.79	1.09	1.07	0.81	0.82	0.83	0.87	0.92	0.96	1.01	0.92	0.86	0.79	0.82	0.93
GREENVILLE, TX	0.917	0.966	0.884	1.10	1.03	1.17	1.13	0.85	1.08	1.04	1.02	1.05	1.21	1.09	1.00	0.95	1.07	0.95	1.06	1.08	0.92	1.15	1.04	0.84	0.93	0.92	0.79
HAMILTON, TX	0.917	0.966	0.884	1.16	1.24	0.87	1.30	0.98	1.11	0.99	1.26	0.95	1.22	1.19	1.45	0.94	1.29	0.90	0.87	1.12	0.96	1.16	1.15	0.86	0.79	0.82	0.93
HOUSTON, TX	0.917	1.021	1.006	1.09	0.98	1.11	0.91	0.68	1.02	1.06	1.02	1.00	0.99	0.98	0.83	0.96	0.90	0.84	1.03	0.94	1.02	1.08	1.04	1.01	0.87	0.87	0.92
KERRVILLE, TX	0.917	0.966	0.884	0.99	1.00	1.24	0.88	0.89	1.16	0.98	0.95	1.01	1.06	1.05	0.84	0.99	0.94	0.77	0.80	1.10	0.97	1.17	0.99	0.86	0.79	0.82	0.93
KINGSVILLE, TX	0.917	0.966	0.884	0.93	1.01	0.96	1.02	0.84	0.99	0.98	0.99	1.02	0.98	0.96	0.86	1.03	0.97	0.84	0.90	0.98	1.03	0.96	0.90	0.88	0.83	0.95	0.98
LAREDO, TX	0.917	0.966	0.884	0.99	1.00	1.24	0.88	0.89	1.16	0.98	0.95	1.01	1.06	1.05	0.84	0.99	0.94	0.77	0.80	1.10	0.97	1.17	0.99	0.86	0.79	0.82	0.93
LONGVIEW, TX	0.917	0.966	0.884	0.97	0.98	0.96	1.13	1.03	0.89	0.88	0.99	0.99	1.08	1.06	0.86	0.94	0.87	1.02	0.75	1.05	0.92	1.07	0.95	0.84	0.93	0.92	0.79
LUBBOCK, TX	0.917	0.966	0.884	1.00	0.93	1.12	0.69	0.66	0.99	0.94	0.94	1.02	1.02	1.11	0.66	0.98	0.99	0.74	0.79	1.05	0.97	1.05	0.90	0.92	0.82	0.86	0.89
LUFKIN, TX	0.917	0.966	0.884	0.97	0.98	0.96	1.13	1.03	0.89	0.88	0.99	0.99	1.08	1.06	0.86	0.94	0.87	1.02	0.75	1.05	0.97	1.07	0.95	0.90	0.95	0.98	0.89
MARLIN, TX	0.917	0.966	0.884	0.98	0.91	1.08	0.96	0.64	1.07	0.87	0.96	0.88	1.04	1.02	0.83	0.86	0.94	0.74	0.70	1.02	0.97	0.96	0.93	0.86	0.79	0.82	0.93
MCALLEN, TX	0.917	0.966	0.884	1.03	0.96	0.84	0.81	0.82	1.00	1.09	0.98	1.01	1.09	1.16	0.84	0.84	0.87	0.85	0.73	0.99	1.03	1.06	1.05	0.88	0.83	0.95	0.98
MCKINNEY, TX	0.917	0.966	0.884	1.10	1.03	1.17	1.13	0.85	1.21	1.04	1.02	1.05	1.21	1.09	1.00	0.95	1.07	0.95	1.06	1.08	1.10	1.15	1.04	1.02	0.96	0.98	1.02
MEMPHIS, TX	0.917	0.966	0.884	0.98	0.91	1.08	0.96	0.64	0.99	0.87	0.96	0.88	1.04	1.02	0.83	0.86	0.94	0.74	0.70	1.02	0.93	0.96	0.93	0.90	0.80	0.85	1.04
MIDLAND, TX	0.917	0.966	0.884	0.98	0.91	1.08	0.96	0.64	1.02	0.87	0.96	0.88	1.04	1.02	0.83	0.86	0.94	0.74	0.70	1.02	0.97	0.96	0.93	0.92	0.82	0.86	0.89
MONAHANS, TX	0.917	0.966	0.884	0.98	0.91	1.08	0.96	0.64	1.02	0.87	0.96	0.88	1.04	1.02	0.83	0.86	0.94	0.74	0.70	1.02	0.97	0.96	0.93	0.92	0.82	0.86	0.89
NEW BRAUNFELS, TX	0.917	0.966	0.884	0.99	1.00	1.24	0.88	0.89	1.08	0.98	0.95	1.01	1.06	1.05	0.84	0.99	0.94	0.77	0.80	1.10	0.93	1.17	0.99	0.90	0.80	0.85	1.04
ODESSA, TX	0.917	0.966	0.884	0.98	0.91	1.08	0.96	0.64	1.02	0.87	0.96	0.88	1.04	1.02	0.83	0.86	0.94	0.74	0.70	1.02	0.97	0.96	0.93	0.92	0.82	0.86	0.89
PALESTINE, TX	0.917	0.966	0.884	0.97	0.98	0.96	1.13	1.03	0.89	0.88	0.99	0.99	1.08	1.06	0.86	0.94	0.87	1.02	0.75	1.05	0.97	1.07	0.95	0.90	0.95	0.98	0.89
PLEASANT GROVE, TX	0.917	1.011	1.014	1.10	1.07	1.19	0.88	0.69	1.15	1.13	1.09	0.98	1.08	0.97	0.91	0.93	1.06	0.93	0.73	0.99	1.01	1.05	1.14	1.10	0.90	0.90	0.87

Table H. — Physician GAAFs (Geographic Area Adjustment Factors) For RVUs (Relative Value Units) and Conversion Factors; By VA Facility Location — Continued

		RVU GAAFs		Conversion Factor GAAFs By Physician CPT Code Group																						
VA Facility Location	Medicare Work Adjuster	Work Expense	Practice Expense	Inpatient Visits	Office/Home/Urgent Care Visits	Therapeutic Injections	Allergy Testing	Allergy Immunotherapy	Misc. Medical	ER Visits & Observa. 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
REESE, TX	0.917	0.966	0.884	1.00	0.93	1.12	0.69	0.66	0.99	0.94	0.94	1.02	1.02	1.11	0.66	0.98	0.99	0.74	0.79	1.05	0.97	1.05	0.90	0.92	0.82	0.86	0.89
SAN ANGELO, TX	0.917	0.966	0.884	0.91	0.92	1.09	0.81	0.71	0.94	0.91	0.94	0.93	1.03	1.04	0.81	0.98	0.90	0.77	0.71	1.01	0.97	1.01	1.00	0.92	0.82	0.86	0.89
SAN ANTONIO, TX	0.917	0.966	0.884	0.99	1.00	1.24	0.88	0.89	1.06	0.98	0.95	1.01	1.06	1.05	0.84	0.99	0.94	0.77	0.80	1.10	0.97	1.17	0.99	0.87	0.77	0.78	0.80
SAN MARCOS, TX	0.917	0.966	0.884	0.89	0.95	1.14	1.02	0.66	0.95	0.86	0.94	0.92	0.79	1.09	1.07	0.81	0.82	0.83	0.87	0.92	0.96	1.01	0.92	0.86	0.79	0.82	0.93
SEGUIN, TX	0.917	0.966	0.884	0.99	1.00	1.24	0.88	0.89	1.08	0.98	0.95	1.01	1.06	1.05	0.84	0.99	0.94	0.77	0.80	1.10	0.93	1.17	0.99	0.90	0.80	0.85	1.04
SOUTH BEXAR CO., TX	0.917	0.966	0.884	0.99	1.00	1.24	0.88	0.89	1.06	0.98	0.95	1.01	1.06	1.05	0.84	0.99	0.94	0.77	0.80	1.10	0.97	1.17	0.99	0.87	0.77	0.78	0.80
STAMFORD, TX	0.917	0.966	0.884	0.98	0.91	1.08	0.96	0.64	0.99	0.87	0.96	0.88	1.04	1.02	0.83	0.86	0.94	0.74	0.70	1.02	0.93	0.96	0.93	0.90	0.80	0.85	1.04
STEPHENVILLE, TX	0.917	0.966	0.884	0.98	0.91	1.08	0.96	0.64	0.99	0.87	0.96	0.88	1.04	1.02	0.83	0.86	0.94	0.74	0.70	1.02	0.93	0.96	0.93	0.90	0.80	0.85	1.04
STRATFORD, TX	0.917	0.966	0.884	0.98	0.91	1.08	0.96	0.64	0.99	0.87	0.96	0.88	1.04	1.02	0.83	0.86	0.94	0.74	0.70	1.02	0.93	0.96	0.93	0.90	0.80	0.85	1.04
TEMPLE, TX	0.917	0.966	0.884	1.16	1.24	0.87	1.30	0.98	1.11	0.99	1.26	0.95	1.22	1.19	1.45	0.94	1.29	0.90	0.87	1.12	0.96	1.16	1.15	0.86	0.79	0.82	0.93
TEXARKANA, T X	0.917	0.966	0.884	1.20	1.08	1.31	1.08	0.77	1.03	1.16	1.13	1.12	1.14	1.10	0.92	1.05	1.06	0.93	1.13	1.04	0.98	1.19	1.04	0.90	0.95	0.98	0.89
TYLER, TX	0.917	0.966	0.884	0.97	0.98	0.96	1.13	1.03	0.89	0.88	0.99	0.99	1.08	1.06	0.86	0.94	0.87	1.02	0.75	1.05	0.92	1.07	0.95	0.84	0.93	0.92	0.79
UVALDE, TX	0.917	0.966	0.884	0.99	1.00	1.24	0.88	0.89	1.08	0.98	0.95	1.01	1.06	1.05	0.84	0.99	0.94	0.77	0.80	1.10	0.93	1.17	0.99	0.90	0.80	0.85	1.04
VICTORIA, TX	0.917	0.966	0.884	0.89	0.95	1.14	1.02	0.66	0.95	0.86	0.94	0.92	0.79	1.09	1.07	0.81	0.82	0.83	0.87	0.92	0.96	1.01	0.92	0.86	0.79	0.82	0.93
WACO, TX	0.917	0.966	0.884	1.02	0.97	1.28	1.00	0.76	1.07	1.09	0.99	1.00	1.24	1.08	0.98	0.93	1.03	0.91	0.83	1.01	0.97	1.08	0.96	0.86	0.79	0.82	0.93
WICHITA FALLS, TX	0.917	0.966	0.884	1.10	1.03	1.17	1.13	0.85	1.14	1.04	1.02	1.05	1.21	1.09	1.00	0.95	1.07	0.95	1.06	1.08	0.93	1.15	1.04	0.90	0.80	0.85	1.04
WILLFORD HALL, TX	0.917	0.966	0.884	0.99	1.00	1.24	0.88	0.89	1.06	0.98	0.95	1.01	1.06	1.05	0.84	0.99	0.94	0.77	0.80	1.10	0.97	1.17	0.99	0.87	0.77	0.78	0.80
LAYTON, UT	0.917	0.978	0.900	0.95	0.84	0.84	0.87	0.58	0.77	0.86	0.94	0.84	0.92	0.95	0.86	0.85	0.82	0.81	0.85	0.87	0.74	0.83	0.72	0.63	0.64	0.68	0.62
OGDEN, UT	0.917	0.978	0.900	0.95	0.90	0.81	0.83	0.47	0.83	0.87	0.91	0.81	0.82	0.78	0.84	0.87	1.01	0.84	0.63	0.92	0.74	0.82	0.73	0.63	0.64	0.68	0.62
OREM, UT	0.917	0.978	0.900	0.95	0.84	0.84	0.87	0.58	0.77	0.86	0.94	0.84	0.92	0.95	0.86	0.85	0.82	0.81	0.85	0.87	0.74	0.83	0.72	0.63	0.64	0.68	0.62
PROVO, UT	0.917	0.978	0.900	0.95	0.84	0.84	0.87	0.58	0.77	0.86	0.94	0.84	0.92	0.95	0.86	0.85	0.82	0.81	0.85	0.87	0.74	0.83	0.72	0.63	0.64	0.68	0.62
ROOSEVELT, UT	0.917	0.978	0.900	0.95	0.84	0.84	0.87	0.58	0.77	0.86	0.94	0.84	0.92	0.95	0.86	0.85	0.82	0.81	0.85	0.87	0.74	0.83	0.72	0.63	0.64	0.68	0.62
SAINT GEORGE, UT	0.917	0.978	0.900	0.95	0.84	0.84	0.87	0.58	0.77	0.86	0.94	0.84	0.92	0.95	0.86	0.85	0.82	0.81	0.85	0.87	0.74	0.83	0.72	0.63	0.64	0.68	0.62
SALT LAKE CITY, UT	0.917	0.978	0.900	0.95	0.90	0.81	0.83	0.47	0.85	0.87	0.91	0.81	0.82	0.78	0.84	0.87	1.01	0.84	0.63	0.92	0.80	0.82	0.73	0.70	0.68	0.76	0.59
ALEXANDRIA, VA	0.917	1.051	1.177	1.00	1.04	0.98	0.76	0.87	1.06	1.01	0.98	1.02	0.93	0.94	0.82	0.99	0.89	0.89	0.83	0.94	1.01	0.81	1.06	1.04	1.17	1.11	1.06
COVINGTON, VA	0.917	0.986	0.940	0.92	0.90	0.83	0.86	0.51	0.83	0.93	0.91	0.95	0.99	0.90	0.97	0.84	1.15	0.78	0.72	0.81	0.91	1.01	1.04	0.73	0.82	0.75	0.80
DANVILLE, VA	0.917	0.986	0.940	0.95	0.93	0.94	1.05	0.60	0.88	0.98	0.91	0.90	0.96	0.83	0.96	0.81	0.81	0.75	0.77	0.87	0.90	0.92	0.85	0.73	0.79	0.72	0.83
FAIRFAX, VA	0.917	1.051	1.177	1.04	1.03	0.92	0.76	0.65	1.08	0.99	1.01	0.96	0.95	0.94	0.89	1.01	0.93	0.90	0.84	0.87	0.98	0.99	1.05	1.10	1.08	1.05	1.01
FREDERICKSBURG, VA	0.917	0.986	0.940	0.91	0.95	0.92	1.11	0.70	0.86	0.95	0.96	0.94	0.88	0.93	0.88	0.83	1.08	0.99	0.72	0.87	0.94	1.13	0.89	0.90	0.92	0.91	0.83
HAMPTON , VA	0.917	0.986	0.940	0.94	0.96	1.14	1.22	0.81	0.91	1.02	0.91	0.94	0.90	0.95	0.84	0.92	0.86	0.90	0.81	0.92	0.94	1.06	0.88	0.76	0.88	0.86	0.89
HILLSVILLE, VA	0.917	0.986	0.940	0.92	0.90	0.83	0.86	0.51	0.83	0.93	0.91	0.95	0.99	0.90	0.97	0.84	1.15	0.78	0.72	0.81	0.90	1.01	1.04	0.73	0.79	0.72	0.83
LANGLEY, VA	0.917	1.051	1.177	1.04	1.03	0.92	0.76	0.65	1.08	0.99	1.01	0.96	0.95	0.94	0.89	1.01	0.93	0.90	0.84	0.87	0.98	0.99	1.05	1.10	1.08	1.05	1.01
LYNCHBURG, VA	0.917	0.986	0.940	0.95	0.93	0.94	1.05	0.60	0.88	0.98	0.91	0.90	0.96	0.83	0.96	0.81	0.81	0.75	0.77	0.87	0.90	0.92	0.85	0.73	0.79	0.72	0.83
MARION, VA	0.917	0.986	0.940	0.92	0.90	0.83	0.86	0.51	0.83	0.93	0.91	0.95	0.99	0.90	0.97	0.84	1.15	0.78	0.72	0.81	0.90	1.01	1.04	0.73	0.79	0.72	0.83
MARTINSVILLE, VA	0.917	0.986	0.940	0.95	0.93	0.94	1.05	0.60	0.88	0.98	0.91	0.90	0.96	0.83	0.96	0.81	0.81	0.75	0.77	0.87	0.91	0.92	0.85	0.73	0.82	0.75	0.80
NORFOLK, VA	0.917	0.986	0.940	0.97	0.98	0.77	1.05	0.76	1.01	0.93	0.94	0.97	0.95	0.98	0.82	0.98	0.92	0.84	0.73	0.93	0.95	0.88	0.91	0.83	0.87	0.88	0.86
NORTON, VA	0.917	0.986	0.940	0.92	0.90	0.83	0.86	0.51	0.83	0.93	0.91	0.95	0.99	0.90	0.97	0.84	1.15	0.78	0.72	0.81	0.91	1.01	1.04	0.73	0.82	0.75	0.80
PETERSBURG, VA	0.917	0.986	0.940	0.91	0.95	0.92	1.11	0.70	0.86	0.95	0.96	0.94	0.88	0.93	0.88	0.83	1.08	0.99	0.72	0.87	0.95	1.13	0.89	0.76	0.88	0.86	0.89
PULASKI, VA	0.917	0.986	0.940	0.92	0.90	0.83	0.86	0.51	0.83	0.93	0.91	0.95	0.99	0.90	0.97	0.84	1.15	0.78	0.72	0.81	0.90	1.01	1.04	0.73	0.79	0.72	0.83
RICHMOND, VA	0.917	0.986	0.940	0.97	0.98	0.77	1.05	0.76	1.01	0.93	0.94	0.97	0.95	0.98	0.82	0.98	0.92	0.84	0.73	0.93	0.94	0.88	0.91	0.83	0.86	0.81	0.78
ROANOKE, VA	0.917	0.986	0.940	0.95	0.93	0.94	1.05	0.60	0.88	0.98	0.91	0.90	0.96	0.83	0.96	0.81	0.81	0.75	0.77	0.87	0.91	0.92	0.85	0.73	0.82	0.75	0.80
SALEM, VA	0.917	0.986	0.940	0.95	0.93	0.94	1.05	0.60	0.88	0.98	0.91	0.90	0.96	0.83	0.96	0.81	0.81	0.75	0.77	0.87	0.91	0.92	0.85	0.73	0.82	0.75	0.80
STUARTS DRAFT, VA	0.917	0.986	0.940	0.92	0.90	0.83	0.86	0.51	0.83	0.93	0.91	0.95	0.99	0.90	0.97	0.84	1.15	0.78	0.72	0.81	0.91	1.01	1.04	0.73	0.82	0.75	0.80

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	Office/Home/Urgent Care Visits	Therapeutic Injections	Allergy Testing	Allergy Immunotherapy	Misc. Medical	ER Visits & Observa. 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
TAZEWELL, VA	0.917	0.986	0.940	0.92	0.90	0.83	0.86	0.51	0.83	0.93	0.91	0.95	0.99	0.90	0.97	0.84	1.15	0.78	0.72	0.81	0.91	1.01	1.04	0.73	0.82	0.75	0.80
BENNINGTON, VT	0.917	0.974	0.986	0.86	0.93	1.08	0.75	0.89	1.11	0.80	0.89	0.94	0.77	0.75	0.80	0.87	1.20	0.93	0.73	0.87	0.96	1.02	0.94	1.03	0.78	0.85	0.84
BURLINGTON, VT	0.917	0.974	0.986	0.86	0.93	1.08	0.75	0.89	1.11	0.80	0.89	0.94	0.77	0.75	0.80	0.87	1.20	0.93	0.73	0.87	0.96	1.02	0.94	1.03	0.78	0.85	0.84
MONTPELIER, VT	0.917	0.974	0.986	0.83	0.85	0.75	0.91	1.20	0.89	0.90	0.86	1.02	0.71	0.74	0.79	0.88	1.13	0.81	0.73	0.83	0.95	0.76	0.83	1.03	0.78	0.85	0.84
NEWPORT, VT	0.917	0.974	0.986	0.83	0.85	0.75	0.91	1.20	0.89	0.90	0.86	1.02	0.71	0.74	0.79	0.88	1.13	0.81	0.73	0.83	0.95	0.76	0.83	1.03	0.78	0.85	0.84
NORTH TROY, VT	0.917	0.974	0.986	0.83	0.85	0.75	0.91	1.20	0.89	0.90	0.86	1.02	0.71	0.74	0.79	0.88	1.13	0.81	0.73	0.83	0.95	0.76	0.83	1.03	0.78	0.85	0.84
RUTLAND, VT	0.917	0.974	0.986	0.83	0.85	0.75	0.91	1.20	0.89	0.90	0.86	1.02	0.71	0.74	0.79	0.88	1.13	0.81	0.73	0.83	0.95	0.76	0.83	1.03	0.78	0.85	0.84
SAINT ALBANS, VT	0.917	0.974	0.986	0.86	0.93	1.08	0.75	0.89	1.11	0.80	0.89	0.94	0.77	0.75	0.80	0.87	1.20	0.93	0.73	0.87	0.96	1.02	0.94	1.03	0.78	0.85	0.84
SAINT JOHNSBURY, VT	0.917	0.974	0.986	0.83	0.85	0.75	0.91	1.20	0.89	0.90	0.86	1.02	0.71	0.74	0.79	0.88	1.13	0.81	0.73	0.83	0.95	0.76	0.83	1.03	0.78	0.85	0.84
WHITE RIVER JCT, VT	0.917	0.974	0.986	0.83	0.85	0.75	0.91	1.20	0.89	0.90	0.86	1.02	0.71	0.74	0.79	0.88	1.13	0.81	0.73	0.83	0.95	0.76	0.83	1.03	0.78	0.85	0.84
WILDER, VT	0.917	0.974	0.986	0.83	0.85	0.75	0.91	1.20	0.89	0.90	0.86	1.02	0.71	0.74	0.79	0.88	1.13	0.81	0.73	0.83	0.95	0.76	0.83	1.03	0.78	0.85	0.84
AMERICAN LAKE, WA	0.917	0.983	0.969	1.03	1.02	0.75	0.95	0.99	0.94	0.82	1.02	0.92	0.88	0.68	1.26	1.04	0.91	1.39	0.83	0.97	0.84	0.88	0.75	0.80	0.96	1.00	0.72
BELLINGHAM, WA	0.917	0.983	0.969	0.99	1.05	0.75	0.93	1.22	0.90	0.89	1.04	0.90	0.88	0.74	1.24	1.06	0.92	1.22	0.85	0.96	0.84	0.84	0.73	0.80	0.96	1.00	0.72
BREMERTON, WA	0.917	0.983	0.969	0.92	0.98	0.76	1.05	1.32	0.88	0.89	1.00	0.86	0.85	0.67	1.35	1.00	0.84	1.20	0.88	0.90	0.84	0.80	0.73	0.80	0.96	1.00	0.72
EAST WENATCHEE, WA	0.917	0.983	0.969	0.90	0.95	1.03	1.05	0.89	0.95	0.87	0.91	0.90	0.92	0.69	0.80	0.91	0.94	0.94	0.91	1.02	0.76	0.86	0.74	0.76	0.95	1.01	0.78
KITSAP COUNTY, WA	0.917	0.983	0.969	0.92	0.98	0.76	1.05	1.32	0.88	0.89	1.00	0.86	0.85	0.67	1.35	1.00	0.84	1.20	0.88	0.90	0.84	0.80	0.73	0.80	0.96	1.00	0.72
LONGVIEW, WA	0.917	0.983	0.969	0.92	0.98	0.76	1.05	1.32	0.84	0.89	1.00	0.86	0.85	0.67	1.35	1.00	0.84	1.20	0.88	0.90	0.76	0.80	0.73	0.76	0.95	1.01	0.78
LYNWOOD, WA	0.917	0.983	0.969	0.99	1.05	0.75	0.93	1.22	0.92	0.89	1.04	0.90	0.88	0.74	1.24	1.06	0.92	1.22	0.85	0.96	0.85	0.84	0.73	0.80	0.99	0.98	0.75
MADIGAN, WA	0.917	0.983	0.969	1.03	1.02	0.75	0.95	0.99	0.94	0.82	1.02	0.92	0.88	0.68	1.26	1.04	0.91	1.39	0.83	0.97	0.84	0.88	0.75	0.80	0.96	1.00	0.72
OLYMPIA, WA	0.917	0.983	0.969	1.03	1.02	0.75	0.95	0.99	0.89	0.82	1.02	0.92	0.88	0.68	1.26	1.04	0.91	1.39	0.83	0.97	0.76	0.88	0.75	0.76	0.95	1.01	0.78
PULLMAN, WA	0.917	0.983	0.969	0.90	0.95	1.03	1.05	0.89	0.95	0.87	0.91	0.90	0.92	0.69	0.80	0.91	0.94	0.94	0.91	1.02	0.79	0.86	0.74	0.81	0.84	0.85	0.68
RICHLAND, WA	0.917	0.983	0.969	0.90	0.95	1.03	1.05	0.89	0.95	0.87	0.91	0.90	0.92	0.69	0.80	0.91	0.94	0.94	0.91	1.02	0.79	0.86	0.74	0.81	0.84	0.85	0.68
SEATTLE, WA	0.917	1.006	1.079	1.10	1.04	0.75	0.97	0.77	0.94	0.91	1.06	0.86	0.81	0.63	1.16	1.03	0.93	1.06	0.93	0.92	0.84	0.85	0.76	0.94	0.97	0.98	0.72
SOUTH THURSTON CO., WA	0.917	0.983	0.969	1.03	1.02	0.75	0.95	0.99	0.89	0.82	1.02	0.92	0.88	0.68	1.26	1.04	0.91	1.39	0.83	0.97	0.76	0.88	0.75	0.76	0.95	1.01	0.78
SPOKANE, WA	0.917	0.983	0.969	0.90	0.95	1.03	1.05	0.89	0.95	0.87	0.91	0.90	0.92	0.69	0.80	0.91	0.94	0.94	0.91	1.02	0.79	0.86	0.74	0.81	0.84	0.85	0.68
TACOMA, WA	0.917	0.983	0.969	1.03	1.02	0.75	0.95	0.99	0.94	0.82	1.02	0.92	0.88	0.68	1.26	1.04	0.91	1.39	0.83	0.97	0.84	0.88	0.75	0.80	0.96	1.00	0.72
TOPPENISH, WA	0.917	0.983	0.969	0.92	0.98	0.76	1.05	1.32	0.84	0.89	1.00	0.86	0.85	0.67	1.35	1.00	0.84	1.20	0.88	0.90	0.79	0.80	0.73	0.81	0.84	0.85	0.68
TRI-CITIES AREA, WA	0.917	0.983	0.969	0.90	0.95	1.03	1.05	0.89	0.95	0.87	0.91	0.90	0.92	0.69	0.80	0.91	0.94	0.94	0.91	1.02	0.79	0.86	0.74	0.81	0.84	0.85	0.68
VANCOUVER, WA	0.917	0.983	0.969	0.92	0.98	0.76	1.05	1.32	0.84	0.89	1.00	0.86	0.85	0.67	1.35	1.00	0.84	1.20	0.88	0.90	0.76	0.80	0.73	0.76	0.95	1.01	0.78
WALLA WALLA, WA	0.917	0.983	0.969	0.90	0.95	1.03	1.05	0.89	0.95	0.87	0.91	0.90	0.92	0.69	0.80	0.91	0.94	0.94	0.91	1.02	0.79	0.86	0.74	0.81	0.84	0.85	0.68
YAKIMA, WA	0.917	0.983	0.969	0.92	0.98	0.76	1.05	1.32	0.84	0.89	1.00	0.86	0.85	0.67	1.35	1.00	0.84	1.20	0.88	0.90	0.79	0.80	0.73	0.81	0.84	0.85	0.68
APPLETON, WI	0.917	0.982	0.930	1.03	1.09	0.91	1.12	0.87	0.98	0.97	1.09	0.90	1.05	0.98	0.89	1.04	1.10	0.80	1.15	1.18	0.97	0.97	1.04	0.88	0.76	0.80	0.78
BARABOO, WI	0.917	0.982	0.930	0.95	0.98	0.82	1.36	1.15	0.83	0.95	1.02	0.91	0.92	0.89	0.88	0.81	1.02	0.87	1.14	1.01	0.97	0.88	0.96	0.88	0.76	0.80	0.78
BEAVER DAM, WI	0.917	0.982	0.930	0.95	0.98	0.82	1.36	1.15	0.83	0.95	1.02	0.91	0.92	0.89	0.88	0.81	1.02	0.87	1.14	1.01	0.97	0.88	0.96	0.88	0.76	0.80	0.78
CHIPPEWA FALLS, WI	0.917	0.982	0.930	0.95	1.04	0.97	0.63	1.18	0.73	1.00	0.97	0.86	0.85	0.97	0.91	0.87	0.94	0.93	1.07	1.07	0.99	0.83	1.04	0.95	0.81	0.86	0.83
EAU CLAIRE, WI	0.917	0.982	0.930	0.95	1.04	0.97	0.63	1.18	0.73	1.00	0.97	0.86	0.85	0.97	0.91	0.87	0.94	0.93	1.07	1.07	0.99	0.83	1.04	0.95	0.81	0.86	0.83
JANESVILLE, WI	0.917	0.982	0.930	0.95	0.98	0.82	1.36	1.15	0.80	0.95	1.02	0.91	0.92	0.89	0.88	0.81	1.02	0.87	1.14	1.01	1.07	0.88	0.96	0.93	0.90	0.97	0.79
LOYAL, WI	0.917	0.982	0.930	1.03	1.09	0.91	1.12	0.87	1.00	0.97	1.09	0.90	1.05	0.98	0.89	1.04	1.10	0.80	1.15	1.18	0.98	0.97	1.04	0.95	0.81	0.86	0.83
MADISON, WI	0.917	0.982	0.930	1.12	1.27	0.82	1.43	0.85	0.94	1.05	1.18	1.03	1.19	0.81	1.03	0.99	1.23	1.06	1.28	1.23	1.07	1.00	1.11	0.93	0.90	0.97	0.79
MARINETTE, WI	0.917	0.982	0.930	0.95	0.98	0.82	1.36	1.15	0.85	0.95	1.02	0.91	0.92	0.89	0.88	0.81	1.02	0.87	1.14	1.01	0.90	0.88	0.96	0.77	0.74	0.82	0.68
MILWAUKEE, WI	0.917	0.982	0.930	1.16	1.19	0.95	1.12	0.94	0.90	0.98	1.18	1.01	1.08	0.96	0.93	1.02	0.99	0.99	1.08	1.14	1.05	0.99	1.19	0.94	0.86	0.84	0.75
RHINELANDER, WI	0.917	0.982	0.930	1.03	1.09	0.91	1.12	0.87	0.98	0.97	1.09	0.90	1.05	0.98	0.89	1.04	1.10	0.80	1.15	1.18	1.10	0.97	1.04	0.96	0.82	0.92	0.94
SUPERIOR, WI	0.917	0.982	0.930	0.95	1.04	0.97	0.63	1.18	0.73	1.00	0.97	0.86	0.85	0.97	0.91	0.87	0.94	0.93	1.07	1.07	0.99	0.83	1.04	0.95	0.81	0.86	0.83

Table H. — Physician GAAFs (Geographic Area Adjustment Factors) For RVUs (Relative Value Units) and Conversion Factors; By VA Facility Location — Continued

		RVU GAAFs		Conversion Factor GAAFs By Physician CPT Code Group																						
VA Facility Location	Medicare Work Adjuster	Work Expense	Practice Expense	Inpatient Visits	Office/Home/Urgent Care Visits	Therapeutic Injections	Allergy Testing	Allergy Immunotherapy	Misc. Medical	ER Visits & Observa. 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
TOMAH, WI	0.917	0.982	0.930	1.07	1.12	0.81	1.09	0.93	0.87	0.93	1.06	0.88	1.03	0.88	0.82	0.95	1.19	0.87	1.16	0.96	1.10	1.06	1.08	0.96	0.82	0.92	0.94
UNION GROVE, WI	0.917	0.982	0.930	1.02	1.12	0.97	1.07	0.92	0.99	0.93	1.09	0.90	1.06	0.96	0.90	0.93	0.96	0.93	1.17	1.08	1.01	0.87	1.11	0.84	0.83	0.86	0.86
WAUSAU, WI	0.917	0.982	0.930	1.03	1.09	0.91	1.12	0.87	1.00	0.97	1.09	0.90	1.05	0.98	0.89	1.04	1.10	0.80	1.15	1.18	0.98	0.97	1.04	0.95	0.81	0.86	0.83
WAUTOMA, WI	0.917	0.982	0.930	1.03	1.09	0.91	1.12	0.87	0.98	0.97	1.09	0.90	1.05	0.98	0.89	1.04	1.10	0.80	1.15	1.18	0.97	0.97	1.04	0.88	0.76	0.80	0.78
BECKLEY, WV	0.917	0.964	0.852	0.88	0.91	0.86	1.15	0.72	1.03	0.93	0.95	1.05	0.96	1.10	0.85	0.90	1.01	0.68	0.93	0.97	1.04	1.04	0.99	0.94	1.05	0.98	0.87
CHARLESTON, WV	0.917	0.964	0.852	0.92	0.94	0.96	1.21	1.16	1.07	0.80	0.93	0.96	0.97	1.00	0.80	1.07	1.07	1.06	0.95	0.93	1.08	0.99	1.15	1.05	0.92	0.88	1.08
CLARKSBURG, WV	0.917	0.964	0.852	0.91	0.87	0.72	1.53	0.92	0.92	0.90	0.96	0.93	0.95	1.05	1.04	0.94	0.82	0.72	0.92	0.76	0.99	0.86	1.00	0.90	0.86	0.88	0.81
HUNTINGTON, WV	0.917	0.964	0.852	1.00	0.97	1.00	1.48	0.99	0.99	0.98	1.01	0.86	1.05	1.03	0.71	0.89	1.03	0.99	0.88	0.93	1.07	1.20	1.15	0.98	0.80	0.83	1.11
MARTINSBURG, WV	0.917	0.964	0.852	0.90	0.87	0.84	1.35	0.77	1.01	0.93	0.90	1.02	1.07	1.07	0.99	1.37	0.97	0.89	1.20	0.93	1.09	0.92	0.92	1.05	0.92	0.88	1.08
MORGANTOWN, WV	0.917	0.964	0.852	0.93	0.91	1.08	1.35	0.86	1.08	1.01	0.93	1.04	0.85	0.99	1.11	0.94	1.08	0.84	0.91	1.04	1.02	0.80	1.08	0.94	0.98	0.91	0.77
PARKERSBURG, WV	0.917	0.964	0.852	0.91	0.87	0.72	1.53	0.92	0.92	0.90	0.96	0.93	0.95	1.05	1.04	0.94	0.82	0.72	0.92	0.76	0.99	0.86	1.00	0.90	0.86	0.88	0.81
PARSONS, WV	0.917	0.964	0.852	0.91	0.87	0.72	1.53	0.92	0.92	0.90	0.96	0.93	0.95	1.05	1.04	0.94	0.82	0.72	0.92	0.76	1.04	0.86	1.00	0.94	1.05	0.98	0.87
PRINCETON, WV	0.917	0.964	0.852	1.00	0.97	1.00	1.48	0.99	0.97	0.98	1.01	0.86	1.05	1.03	0.71	0.89	1.03	0.99	0.88	0.93	1.04	1.20	1.15	0.94	1.05	0.98	0.87
WHEELING, WV	0.917	0.964	0.852	0.90	0.87	0.84	1.35	0.77	1.01	0.93	0.90	1.02	1.07	1.07	0.99	1.37	0.97	0.89	1.20	0.93	1.00	0.92	0.92	0.90	0.86	0.88	0.81
CASPER, WY	0.917	0.968	0.888	0.91	0.89	1.19	0.81	0.57	0.90	0.89	0.95	0.80	0.89	0.60	0.83	0.92	0.83	0.70	0.89	0.86	0.89	0.97	0.89	0.77	0.77	0.83	0.81
CHEYENNE, WY	0.917	0.968	0.888	0.97	0.95	0.83	0.89	0.67	0.93	0.95	1.04	0.86	0.84	0.56	0.83	0.93	0.90	0.68	0.80	0.96	0.89	0.91	0.84	0.77	0.77	0.83	0.81
NEWCASTLE, WY	0.917	0.968	0.888	0.91	0.89	1.19	0.81	0.57	0.90	0.89	0.95	0.80	0.89	0.60	0.83	0.92	0.83	0.70	0.89	0.86	0.89	0.97	0.89	0.77	0.77	0.83	0.81
RIVERTON, WY	0.917	0.968	0.888	0.97	0.95	0.83	0.89	0.67	0.93	0.95	1.04	0.86	0.84	0.56	0.83	0.93	0.90	0.68	0.80	0.96	0.89	0.91	0.84	0.77	0.77	0.83	0.81
ROCK SPRINGS, WY	0.917	0.968	0.888	0.91	0.89	1.19	0.81	0.57	0.90	0.89	0.95	0.80	0.89	0.60	0.83	0.92	0.83	0.70	0.89	0.86	0.89	0.97	0.89	0.77	0.77	0.83	0.81
SHERIDAN, WY	0.917	0.968	0.888	0.97	0.95	0.83	0.89	0.67	0.93	0.95	1.04	0.86	0.84	0.56	0.83	0.93	0.90	0.68	0.80	0.96	0.89	0.91	0.84	0.77	0.77	0.83	0.81

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April 27, 1999

Part III

Department of Transportation

Research and Special Programs Administration

49 CFR Part 171 et al.

Applicability of the Hazardous Materials Regulations to Loading, Unloading, and Storage; Proposed Rule

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 171, 173, 174, 175, 176, and 177

[Docket No. RSPA–98–4952 (HM–223)]

RIN 2137–AC68

Applicability of the Hazardous Materials Regulations to Loading, Unloading, and Storage

AGENCY: Research and Special Programs Administration, DOT.

ACTION: Supplemental advance notice of proposed rulemaking.

SUMMARY: On July 29, 1996, the Research and Special Programs Administration published an advance notice of proposed rulemaking inviting public comment on the applicability of the Hazardous Materials Regulations to loading, unloading, and storage of hazardous materials. We are continuing to evaluate this issue to determine the best way to promote safety in transportation and transportation-related activities. To assure that agency decisions are based on the best information available and take account of the views of all interested persons, we are issuing this supplemental advance notice of proposed rulemaking to highlight comments received and request additional information.

DATES: Submit comments by July 26, 1999. To the extent possible, we will consider comments received after this date in making our decision on a proposed rule.

ADDRESSES: Submit comments to the Dockets Management System, U.S. Department of Transportation, 400 Seventh Street, SW, Washington, D.C. 20590–0001. Comments should identify Docket Number RSPA–98–4952 and be submitted in two copies. If you wish to receive confirmation of receipt of your written comments, include a self-addressed, stamped postcard. You may also submit comments by e-mail to the following address: ''rules@rspa.dot.gov''. The Dockets Management System is located on the Plaza level of the Nassif Building at the Department of Transportation at the above address. You can review public dockets there between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. You can also review comments on-line at the DOT Dockets Management System web site at ''http://dms.dot.gov/.''

FOR FURTHER INFORMATION CONTACT: Susan Gorsky (202) 366–8553, Office of Hazardous Materials Standards, Research and Special Programs Administration; or Nancy Machado (202) 366–4400, Office of the Chief Counsel, Research and Special Programs Administration.

SUPPLEMENTARY INFORMATION:

I. Background

On July 29, 1996, the Research and Special Programs Administration (RSPA, ''we'') published an advance notice of proposed rulemaking (ANPRM) seeking comments on the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171–180) to loading, unloading, and storage of hazardous materials. We also hosted three public meetings at which interested persons were invited to present ideas, proposals, and recommendations on the applicability of the HMR. Representatives of the Environmental Protection Agency (EPA), the Occupational Safety and Health Administration (OSHA), and DOT's Federal Railroad Administration (FRA) participated in the public meetings. The reader is referred to the ANPRM (61 FR 39522) for background information and a detailed discussion of the issues.

In addition to DOT, EPA, and OSHA, more than 200 interested persons participated in the public meetings. They included representatives of shippers, carriers, warehouses, state and local public safety agencies, and building and fire code safety organizations. We also received over 100 written comments.

II. Summary of Issues and Analysis of Comments

The HMR are promulgated in accordance with the mandate in 49 U.S.C. 5103(b) that the Secretary of Transportation ''prescribe regulations for the safe transportation of hazardous materials in intrastate, interstate, and foreign commerce.'' ''Transportation'' is defined as ''the movement of property and loading, unloading, or storage incidental to the movement.'' 49 U.S.C. 5102(12). ''Commerce'' is defined, as ''trade or transportation in the jurisdiction of the United States between a place in a state or a place outside of the state; or that affects trade or transportation between a place in a state and a place outside of the state.'' 49 U.S.C. 5102(1).

The ANPRM noted that we have issued a number of interpretations, inconsistency rulings, and preemption determinations in response to requests from the public for clarification regarding the meaning of ''transportation in commerce'' and whether particular activities are covered by that term, and therefore, subject to regulation under the HMR. The ANPRM identified loading, unloading, storage, and handling of hazardous materials as areas of particular confusion and concern and asked a number of questions about how RSPA should regulate these activities.

Commenters to the ANPRM generally agree that RSPA needs to more clearly specify activities that are subject to the HMR to eliminate existing confusion and uncertainty. Commenters further agree that elimination of regulatory overlaps among Federal regulatory agencies and between the Federal agencies and state/local public safety agencies would eliminate potentially inconsistent and unnecessary regulation and would promote more efficient and effective compliance with and enforcement of safety standards.

Developing a clear statement of applicability of the HMR will not be an easy task. Ideally, such a statement should cover all activities performed by hazardous materials shippers, carriers, and consignees that directly affect transportation safety and should apply equally to both bulk and non-bulk shipments. It should provide the regulated community with a clear understanding of when the HMR apply and the effect such applicability has on the regulatory activities of other Federal regulatory agencies and state/local public safety agencies

Commenters generally agree that the following activities (which are subjects covered under DOT's preemption authority in 49 U.S.C. 5125(b)) should be subject to the HMR—classification of a hazardous material; preparation of a shipping paper, including emergency response information; selection of an appropriate packaging; marking and labeling of the package; and placarding of the transport vehicle. Similarly, commenters generally agree that activities related to the development of specifications for packagings authorized for transportation of hazardous materials, including all testing, retesting, reconditioning, and reuse requirements, should be subject to the HMR. These activities assure the integrity of hazardous materials packages during transportation and assist emergency responders in identifying and responding to specific hazards in the event of an unintentional release of material during transportation. Thus, commenters agree that RSPA should have exclusive regulatory authority in these areas.

Many commenters to the ANPRM propose to draw the boundaries for HMR applicability by answering two

critical questions: ''When does transportation begin?'' and ''When does transportation end?'' RSPA agrees that answering these questions would establish a simple framework for clarifying the applicability of the HMR to the regulated community and ultimately help clarify the relationships among various Federal, state, and local programs charged with protecting people and the environment from the risks of hazardous materials.

Commenters do not offer consistent answers to the questions ''When does transportation begin?'' and ''When does transportation end?'' However, three suggested approaches for developing answers do emerge: (1) Offeror (shipper) intent; (2) custody and control by a carrier; and (3) movement on public rights-of-way. These are discussed in more detail below. By focusing this ANPRM on these three approaches, however, we do not mean to suggest that we are not considering other approaches for determining the applicability of the HMR over hazardous materials transportation activities. For example, we may want to consider a combination of the three major approaches discussed here. We may want to develop an analysis that would distinguish activities that should be regulated under the HMR because they pose significant public safety risks from those that are adequately addressed by other Federal regulatory agencies or by state/local public safety agencies and from those that need not be regulated under the HMR because the public safety risk is limited or non-existent. Commenters are invited to discuss variations of the alternatives discussed below or to suggest new alternatives.

Following is a discussion of the three most commonly suggested approaches from commenters for answering the questions ''When does transportation begin?'' and ''When does transportation end?'' The discussion includes questions focused on the details of each approach. In answering the questions, please explain your responses and, when possible, provide examples of current practices that should or should not be considered subject to the HMR.

A. Offeror (Shipper) Intent

Applicability

An alliance of 16 associations (the Alliance) representing some of the nation's largest manufacturers, shippers, and transporters of hazardous materials suggests that a determination as to whether the HMR apply to a package containing hazardous materials should be based on an offeror's intent. A person's intent to offer a hazardous material for transportation in commerce would be shown by placing the hazardous material in a packaging preparatory to shipment. An offeror's intent to ship a hazardous material would establish whether it is subject to the HMR. Under this scenario, the Alliance suggests that the following functions would be subject to regulation by RSPA:

1. *Transportation begins with the offeror's intent to ship a hazardous material.*

2. *Functions performed at offeror's (shipper's) facility.*

- Loading of non-bulk packages by the offeror or carrier onto a transport vehicle, vessel, or aircraft.
- Loading of bulk packagings by the offeror or carrier, including monitoring or attendance of the loading function.
- In-plant movements of bulk packages or transport vehicles loaded and qualified for off-site transportation.
- Unlimited storage of packages awaiting pick-up at the offeror's facility, including loaded rail cars at plant sites.

3. *In-transit movement of shipment.*

- Parking or staging of transport vehicles, including rail cars, incidental to movement.
- Loading, unloading, and handling, such as transferring a package from a vessel, aircraft, or transport vehicle to a staging area or to another transport vehicle, aircraft, or vessel.
- Storage of packages awaiting shipment to their ultimate destination.

4. *Functions performed at destination facility.*

- Long-term storage of packages at distribution facilities.
- Unlimited storage awaiting unloading at destination facility, including loaded rail cars at plant sites.
- In-plant movements of bulk packages or transport vehicles loaded with non-bulk packages.
- Unloading of a bulk package or a transport vehicle, vessel or aircraft loaded with non-bulk packages.

5. *Transportation ends at the completion of unloading of the bulk package or transportation vehicle, vessel, or aircraft at the destination facility.*

On the issue of private versus for-hire carriers, the Alliance states that the type of carriage is irrelevant to the question of whether activities are covered by the HMR. The Alliance suggests that the key question for applicability of the HMR is whether the shipment is intended to be, is being, or has been offered for transportation. For this reason, the Alliance opposes setting specific time limits for completing unloading of bulk packages, after which the HMR would not apply. Similarly, the Alliance rejects the idea of determining the applicability of the HMR based on a shipment being under ''active shipping papers.'' The Alliance also states that public accessibility to an originating, in-transit, or destination facility should have no bearing on the question of whether in-plant movements of hazardous materials should be subject to the HMR. Finally, the Alliance advocates RSPA regulation of unlimited storage of hazardous materials, including on leased track, if the hazardous material is intended to be or had previously been offered for transportation under the HMR.

Implications for Regulatory Overlap Among Federal Regulatory Agencies

The Alliance asserts that where there is an intent to offer for transport or to transport a hazardous material in an authorized package or transport vehicle, it should be presumed to be subject to the HMR. RSPA should broadly exercise its exclusive authority to establish rules governing storage, movement, and handling of hazardous materials in transportation as the Alliance would define it. The Alliance suggests that questions concerning shared or overlapping jurisdiction among RSPA, EPA, and OSHA should be resolved by examining each agency's ''preeminent authority.'' In the Alliance's view, RSPA's preeminent authority is to establish uniform Federal transportation safety standards, OSHA's preeminent authority is for worker safety and health, and EPA's preeminent authority is for environmental protection. The Alliance suggests that RSPA should consider the appropriate boundaries of agency jurisdiction each time a new regulatory activity is proposed. Each activity would be considered separately, in consultation between or among the affected agencies, and the agency with the preeminent authority for that activity would regulate it, if regulation is necessary. Thus, OSHA would ensure that work practices are performed safely under existing rules, and EPA would assure that accidental releases of hazardous materials to the environment are properly handled. If there are gaps in the HMR, the Alliance suggests that RSPA should incorporate applicable regulations or standards of other Federal agencies into the HMR.

Implications for State/Local Regulation of Hazardous Materials

With reference to state and local regulation of hazardous materials transportation, the Alliance is very concerned about the need for national uniformity in hazardous materials regulation. The Alliance is particularly concerned that storage of hazardous

materials incidental to transportation not be subject to multiple regulatory regimes. The Alliance notes that RSPA is the Federal agency with expertise in the design of transportation equipment intended to carry hazardous materials and asserts that no other government entity, whether Federal, state, or local, has or should have jurisdiction to regulate transportation equipment at any point while it is in transportation, including storage incidental to transportation. Further, the absence of regulation concerning specific activities within RSPA's jurisdiction should not be construed as an invitation for regulation by state or local authorities. Any gaps in the HMR concerning activities that affect transportation should be filled by RSPA regulation. Any activity affecting transportation where regulation by states or local governments could present an obstacle to RSPA's responsibility to promulgate uniform Federal hazardous materials transportation safety standards should be regulated by RSPA.

Questions Pertaining to Defining ''Transportation in Commerce'' by Offeror Intent

A1. *Applicability.* The Alliance suggests that the applicability of the HMR to a hazardous material would be determined by an offeror's intent to transport. Evidence of ''intent'' would be placing a hazardous material inside a packaging and handling it according to the HMR.

A1(i). When specifically does transportation of a hazardous material begin? Upon selection of a packaging for the material; upon preparation of a package, including marking and labeling, for shipment; or upon preparation of shipping papers for the package?

A1(ii). How should the HMR distinguish between packages containing hazardous materials that are intended for transportation and packages of hazardous materials that are not intended for transportation? Provide specific examples, if possible.

A1(iii). If a hazardous material has been placed in a DOT specification packaging, does this constitute an intent to offer the package for transportation?

A1(iv). Should a properly marked and labeled package for which shipping papers have not been prepared be subject to the HMR? Why or why not?

A1(v). Are there additional indicia of intent that RSPA should use to determine when a hazardous material is in transportation? Provide specific examples, if possible.

A1(vi). Are there any Federal or state agency precedents for applying regulations according to intent-based criteria? If so, please provide specific examples.

A1(vii). How would the concept of ''intent'' be enforced? For example, should DOT take enforcement action at any time that it finds a DOT specification package containing a hazardous material that does not fully conform to the requirements of the HMR? Should it take enforcement action when it finds any package that does not fully conform to the requirements of the HMR?

A1(viii). At what specific point or points could a shipper be in violation of the HMR?

A2. *Loading and unloading.* Under the scenario suggested by the Alliance, all loading and unloading operations would be subject to the HMR.

A2(i). Should the HMR cover loading and unloading of non-bulk packages to and from a transport vehicle? Why or why not?

A2(ii). Should loading and unloading of intermodal bulk containers be subject to the same regulations as loading and unloading of cargo tanks and tanks cars? Why or why not?

A2(iii). Should cargo tanks that are detached from their motive power be subject to the same regulations for unloading as cargo tanks that remain attached to their motive power? Why or why not?

A2(iv). Should the HMR cover unloading of cargo tanks or tank cars into manufacturing processes? Why or why not?

A2(v). Once it has been unloaded, should a bulk packaging containing a residue of a hazardous material continue to be subject to the HMR? If so, to what extent?

A3. *Storage.* Under the Alliance's proposal, shipments could be held in storage incidental to transportation indefinitely, whether at the shipper facility, the consignee facility, or at an in-transit facility.

A3(i). Is it appropriate to consider hazardous materials held in storage to be in transportation and, thus, subject to regulation under the HMR solely because such materials are packaged in conformance with the HMR? Why or why not?

A3(ii). To what extent should the storage of packages prior to loading on a transport vehicle be subject to the HMR? For example, should the HMR prescribe requirements for fire safety for warehousing of packages, worker safety standards for workers who handle packages after they have been filled, or operational standards for use of mechanical package handling equipment?

A3(ii). Under this proposal, should there be a time limit on storage, after which the material is no longer subject to the HMR? If so, what is a reasonable time limit? If not, why not?

A3(iii). Under this proposal, should a time limit on storage at originating or destination facilities be different from a time limit for in-transit storage facilities? Why or why not?

A3(iv). What other objective criteria could RSPA use to determine when a hazardous materials shipment is in storage incidental to transportation?

A3(v). Under this proposal, should different standards apply to hazardous materials stored in bulk packages, intermodal bulk containers (IBCs), and non-bulk packages? Why or why not?

A3(vi). Should the HMR distinguish between hazardous materials held in storage at a warehouse throughbilled for subsequent distribution to future customers and hazardous materials held by a wholesaler awaiting a future sale?

A3(vii). If packages held in storage are subject to the HMR, should the HMR also include standards for the warehouses or facilities where packages are stored?

A3(viii). Should a package held in storage that contains a residue of a hazardous material be subject to the requirements of the HMR? Why or why not?

A4. *Regulation by other federal/state/local agencies.* Determining the applicability of the HMR according to a shipper's intent, thereby permitting hazardous materials shipments to be held in unlimited storage subject to regulation by the HMR at originating, in-transit, and destination facilities, could preclude regulation by other Federal agencies or by state or local governments.

A4(i). Should hazardous materials shipments held in storage that is subject to regulation under the HMR be excepted from regulation by other Federal agencies or by state and local governments? Why or why not? If yes, how should the health and safety interests of other Federal agencies and state and local governments be addressed?

A4(ii). Should shipments held in storage be excepted from community right-to-know and risk management laws? Should shipments held in storage be excepted from the requirements of local fire codes or zoning laws? Why or why not? If yes, how should the health and safety interests of state and local governments be addressed?

A4(iii). What role, if any, should state/local public safety agencies have in regulating storage subject to regulation by the HMR? Should state/

local ordinances addressing storage facilities be subject to preemption by RSPA? Why or why not? If yes, how should state/local governments prepare for emergencies that may occur at storage facilities?

A4(iv). How is storage incidental to transportation different from storage generally? Are the risks to facility employees or to the surrounding communities less for hazardous materials shipments stored in DOT-authorized containers?

A5. *Preemption.* Commenters assert that the absence of RSPA regulation governing an activity affecting transportation does not mean that state or local governments are free to regulate the activity. When should the absence of an RSPA regulation preclude state or local regulation of an activity?

A6. *Rail storage on leased tracks.* Should materials stored on tracks owned by a railroad and leased to a shipper or consignee be regulated to the same degree as when the shipment is being transported by the rail carrier? Why or why not?

B. Carrier Custody and Control

Applicability.

Some commenters representing various hazardous materials shippers, carriers, and state and local law enforcement and safety agencies suggest that applicability of the HMR should be limited to the period when a hazardous material is received and accepted for transportation by a carrier until it is delivered to and accepted at its final destination. Under this scenario, proponents suggest that the following functions would be subject to regulation by DOT:

1. *Transportation begins when a package is accepted by a carrier and under its control.*

2. *Functions performed at offeror's facility.*

- Loading of non-bulk packages by the carrier onto a vessel, aircraft, or transport vehicle.
- Loading of bulk packagings by the carrier, including monitoring or attendance of the loading process.
- Carrier movements within the shipper facility.

3. *In-transit movement of shipment.*

- Parking or staging of transport vehicles, including rail cars, incidental to movement.
- Loading, unloading, and handling, such as moving a package from a vessel, aircraft, or transport vehicle to a staging area or to another vessel, aircraft, or transport vehicle.
- Storage of packages awaiting shipment to their known ultimate destination.

4. *Functions performed at destination facility.*

- Carrier movements within the consignee's facility.
- Unloading of bulk packages or of non-bulk packages from aircraft, vessels, or transport vehicles by carrier personnel.

5. *Transportation ends when the carrier delivers the shipment or package to its final destination and it is accepted by the consignee.*

Commenters who believe that carrier custody and control of a hazardous materials shipment should determine whether the shipment is subject to the HMR agree that whether the carrier is for-hire or private should be irrelevant. Rather, these commenters believe that the key question is the activity in which the carrier is engaged.

On the issue of public accessibility, commenters favoring the carrier-custody-and-control approach generally agree that public accessibility to an originating or destination facility should have no bearing on the question of whether in-plant movements of hazardous materials should be subject to the HMR. However, one commenter does suggest that the extent of public accessibility may bear on how loading or unloading functions are regulated. The commenter implies that loading or unloading conducted in facilities accessible to the general public, such as retail gas stations, shopping centers, or industrial parks, should be regulated more stringently than loading or unloading conducted at facilities where public access is limited or prohibited, such as chemical plants, refineries, or petroleum tank farms.

On the issue of setting specific time limits for unloading and storage incidental to transportation, most of the commenters who favor the carrier-custody-and-control approach agree that RSPA should not set a specific time limit for completing unloading. For these commenters, the issue is who is performing loading or unloading functions. Loading or unloading by carrier personnel would be covered by the HMR; loading or unloading by consignor/consignee personnel would not. However, some of these commenters suggest that loading and unloading of cargo tanks and tank cars should be regulated under the HMR, whether or not a carrier is involved.

The commenters who believe carrier custody and control of a hazardous materials shipment should determine whether it is subject to the HMR generally reject using the concept of ''active shipping papers.'' Most are unclear as to what is meant by the term and equally uncertain as to how it could be defined. These commenters also oppose application of the HMR to storage of rail cars because storage on private property should not be subject to the HMR.

Implications for Regulatory Overlap Among Federal Regulatory Agencies

The commenters who favor the carrier-custody-and-control approach do not have a uniform view on designating areas of regulatory responsibility among RSPA, OSHA, and EPA. Some suggest that RSPA should negotiate Memoranda of Understanding with OSHA and/or EPA to set forth specific, separate areas of responsibility. Others note that RSPA does not exercise all of its jurisdiction with respect to handling criteria for hazardous materials and suggest that RSPA should screen the rules of other agencies and incorporate into the HMR those that can be used effectively in transportation settings. These commenters suggest several examples—requiring notice to local governments, contingency plans, and other performance-based measures to ensure due diligence in handling hazardous materials—where RSPA should consider incorporating the regulations of other Federal agencies into the HMR.

Implications for State/Local Regulation of Hazardous Materials

Again, the commenters who favor the carrier-custody-and-control approach do not present consistent views on state and local government regulation of activities affecting hazardous materials in transportation. Some agree with the Alliance comments cited above that national uniformity of hazardous materials transportation regulation is critical. They urge RSPA to clearly define the point at which a shipment is offered for transportation and the circumstances under which a shipment is considered in storage incidental to transportation. Others suggest that RSPA should recognize the right of state and local governments to protect the health and safety of its citizens through regulations that may be more stringent than the HMR.

Questions Pertaining to Defining ''Transportation in Commerce'' in Terms of Carrier Custody and Control

B1. *Applicability of the HMR.*

B1(i). If transportation begins once a carrier accepts and assumes control of a package, at what point should a shipment handled by a private carrier be subject to the HMR? Why? What objective criteria can RSPA use to determine when a shipment has been ''accepted'' by a private carrier?

B1(ii). At what point should a package handled by a for-hire carrier be subject to the HMR? Why? What objective criteria can RSPA use to determine when a shipment has been ''accepted'' by a for-hire carrier?

B2. *Loading and unloading by carriers.* Under this scenario, only those loading or unloading operations conducted by carriers would be subject to regulation by RSPA.

B2(i). Should loading or unloading by a for-hire carrier be distinguished from loading or unloading by a private carrier? Why or why not?

B2(ii). Do safety considerations change depending on which entity performs loading or unloading? If so, how?

B3. *Loading and unloading by shippers or consignees.* Under this scenario, carrier loading or unloading operations would be subject to the HMR while shipper loading and consignee unloading would not.

B3(i). What distinguishes loading or unloading by a carrier from loading and unloading by shippers and consignees?

B3(ii). Do safety considerations change depending on which entity performs the operations? If so, how?

B4. *Loading and unloading of bulk and non-bulk shipments.*

B4(i). Should loading and unloading of bulk shipments to/from cargo tanks or tank cars be regulated more stringently than loading and unloading of non-bulk packages? Why or why not?

B4(ii). If yes, should shipper loading and consignee unloading of bulk shipments be subject to regulation by RSPA? Why or why not?

B5. *Loading and unloading at publicly accessible facilities.* Should loading or unloading operations conducted at publicly accessible facilities on or near public rights-of-way be regulated more stringently than loading or unloading at private facilities at which there is no public access? Why or why not?

B6. *Worker safety.*

B6(i). Should hazmat employees and non-hazmat employees performing the identical function (e.g., the unloading of hazardous materials from a cargo tank) be subject to identical worker safety standards? If so, under which Federal agency's regulations—RSPA or OSHA? Why?

B6(ii). Should new or additional regulatory emphasis be placed on the safety of transportation workers, in particular the operators of motor vehicles who are directed by their carrier employers to perform functions, such as the loading and unloading of cargo tanks, that were performed by shippers and consignees in the past?

B7. *Empty packages.* Once it has been unloaded by a carrier, should a bulk packaging containing a residue of a hazardous material continue to be subject to the HMR? If so, to what extent?

C. Movement on Public Rights-of-Way

Applicability

Some commenters from state and local public safety agencies suggest that the HMR should apply only to movements of hazardous materials on public rights-of-way. The HMR would cease to apply once the shipment left the public right-of-way and arrived at its destination. One industry commenter offers a variation of this proposal, suggesting that the HMR should apply only to the time period when hazardous materials are being shipped ''by means available to the public or on public rights-of-way.'' Using movement on public rights-of-way as the defining criterion for applicability of the HMR, proponents suggest that the following functions would be subject to regulation by RSPA:

1. *Transportation begins when the shipment exits the offeror facility and enters a public right-of-way.*

2. *In-transit movement of shipment.*

- Parking or staging of transport vehicles, including rail cars, incidental to movement.
- Loading, unloading, and handling, such as moving a package from a vessel, aircraft, or transport vehicle to a staging area or to another vessel, aircraft, or transport vehicle.
- Storage of packages awaiting shipment to their ultimate destination.

3. *Transportation ends when the shipment leaves the public right-of-way and arrives at its destination.*

On the issue of private versus for-hire carriers, commenters who suggest applying the HMR only to movements on public rights-of-way generally agree that the nature of the carrier should be irrelevant to the question of whether its activities are covered by the HMR. For these commenters, the key question is whether the activity occurs on private property or a public right-of-way. For the most part, these commenters do not believe that loading, unloading, or storage should be subject to the HMR because the activity occurs on private property rather than a public right-of-way. However, on the issue of setting specific time limits to define unloading and storage that are incidental to transportation, some of these commenters agree that setting a time limit by which loading should be completed—7 days, for example—would be helpful in determining whether a material is subject to the HMR. Others suggest that storage in excess of ''a couple of days'' should not be viewed as storage incidental to transportation in commerce.

Implications for Regulatory Overlap Among Federal Regulatory Agencies

Commenters who want to limit the application of the HMR to movements of hazardous materials on public rights-of-way also state that DOT should have primary Federal regulatory jurisdiction only when a hazardous material is being moved on public rights-of-way. These commenters assert that it is generally recognized that DOT should have sole jurisdiction over movement on public thoroughfares of hazardous materials from their point of origin to their destination and, further, that DOT should have sole jurisdiction over container design, including all equipment attached to the container, and marking and labeling of the container. These commenters state that the area in need of clarification is when DOT will have sole jurisdiction at a fixed facility and when other agencies will have shared or joint jurisdiction at fixed facilities. These commenters suggest that OSHA should have primary jurisdiction over manufacture, loading, storage, unloading, and use of hazardous material; and EPA should have primary jurisdiction only where an actual or potential release threatens the environment.

Implications for State/Local Regulation of Hazardous Materials

Commenters representing state and local public safety agencies who favor applying the HMR only to movements on public rights-of-way assert that state or local government agencies should have the freedom to impose safety regulations to respond to localized conditions or needs. These commenters suggest that, just as EPA has a role in protecting the environment from unintentional releases of hazardous materials at fixed facilities or in transportation and OSHA has responsibility whenever worker safety is at stake, they should be permitted to regulate certain activities along with RSPA and other Federal agencies. These commenters believe that the concept of shared jurisdiction over a specific activity among Federal, state, and local agencies should be an explicit point recognized in the HMR.

In cases of overlapping jurisdiction, these commenters suggest the agency with regulations that are in place to protect life and safety should have precedence; in such cases, RSPA's preemption authority should be waived.

For loading and unloading activities, these commenters believe that DOT should focus primarily on the vehicle and vehicle container, while the facility and the environment around the vehicle container should be the responsibility of other agencies. Thus, these commenters suggest that the environment surrounding the loading or unloading activity, including spill control, drainage, water access, grounding and bonding, secondary containment, treatment systems, detection/monitoring systems, alarm systems, and related issues should be the responsibility of EPA, OSHA, and/or local public safety agencies.

Questions Pertaining to Defining ''Transportation in Commerce'' as Movements on Public Rights of Way

C1. *Applicability of the HMR.* What objective criteria should RSPA use to determine when a hazardous materials shipment is moving on a public right-of-way?

C2. *Movements on private rights-of-way.* If the HMR apply only to movements of hazardous materials on public rights-of-way, how should the HMR apply to movements of hazardous materials on private rights-of-way, such as railroad property?

C3. *Operations adjacent to public rights-of-way.* If the HMR apply only to movements of hazardous materials on public rights-of-way, how should the HMR apply to loading, unloading, or storage of hazardous materials adjacent to public rights-of-way, such as gasoline stations, shopping centers, or industrial parks?

C4. *Unloading.* Current requirements of the HMR concerning unloading are intended to provide, in part, protection to the general public in instances where individuals and their private property are exposed to risks, e.g., bulk deliveries of petroleum products to homes, schools and retail outlets.

C4(i). Should the HMR be revised to specifically except these unloading requirements? If not, to what extent should the HMR address transportation-related functions that occur beyond the bounds of ''public rights of way?'

C4(ii). If a state, local jurisdiction, or Indian tribe elects not to apply its own standard of safety, should the HMR contain a default provision that specifies minimal requirements?

III. Supplemental ANPRM Comment Period

We are continuing to evaluate this issue to determine the best way to promote safety in transportation and transportation-related activities. However, because most comments to the ANPRM were submitted at least two years ago, we are issuing this supplemental ANPRM to assure that we have the benefit of the most recent information available and that we hear from a broad spectrum of interested organizations and individuals. If you submitted comments in response to the 1996 ANPRM, you may supplement or update your comments. If you did not submit comments in response to the 1996 ANPRM, you may do so until July 26, 1999. Your comments may address the issues outlined in the 1996 ANPRM or the questions listed in this supplemental ANPRM. You should explain the reason for any change you recommend. In particular, we encourage you to submit proposed regulatory text that would accomplish your objectives.

The 1996 ANPRM is available as part of the public docket established for this rulemaking under Docket No. RSPA–98–4952. You can view the 1996 ANPRM by accessing the DOT Dockets Management System web site at ''http://dms.dot.gov/.'' If you do not have Internet access, you can call the Hazardous Materials Information Center at 1–800–467–4922 to obtain a copy.

Issued in Washington, DC on April 20, 1999 under authority delegated in 49 CFR Part 106.

Alan I. Roberts,

Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration.

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federal register

Tuesday
April 27, 1999

Part IV

Department of the Treasury

Customs Service

19 CFR Part 111
Customs Brokers; Proposed Rule

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR PART 111

RIN 1515–AC34

Customs Brokers

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to revise Part 111 of the Customs Regulations, which governs the licensing and conduct of customs brokers in the performance of customs business on behalf of others. The proposed revision includes changes to the regulatory texts to reflect amendments to the underlying statutory authority enacted as part of the Customs Modernization provisions of the North American Free Trade Agreement Implementation Act. The proposed revision also includes changes to reflect the recent reorganization of Customs as well as changes to improve the content, layout and clarity of the regulatory texts.

DATES: Comments must be received on or before June 28, 1999.

ADDRESSES: Written comments (preferably in triplicate) may be addressed to the Regulations Branch, Office of Regulations and Rulings, U.S. Customs Service, 1300 Pennsylvania Avenue N.W., Washington, D.C. 20229. Comments submitted may be inspected at the Regulations Branch, Office of Regulations and Rulings, U.S. Customs Service, 1300 Pennsylvania Avenue N.W., 3rd Floor, Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Operational Aspects: Bruce Ingalls, Office of Field Operations (202–927–1082).

Legal Aspects: Jerry Laderberg, Office of Regulations and Rulings (202–927–2320).

SUPPLEMENTARY INFORMATION:

Background

Section 641 of the Tariff Act of 1930, as amended (19 U.S.C. 1641), provides that a person must hold a valid customs broker's license and permit in order to transact customs business on behalf of others, sets forth standards for the issuance of broker's licenses and permits, provides for disciplinary action against brokers in the form of suspension or revocation of such licenses and permits or assessment of monetary penalties, and provides for the assessment of monetary penalties against other persons for conducting customs business without the required broker's license. Section 641 also authorizes the Secretary of the Treasury to prescribe rules and regulations relating to the customs business of brokers as may be necessary to protect importers and the revenue of the United States and to carry out the provisions of section 641.

The regulations issued under the authority of section 641 are set forth in Part 111 of the Customs Regulations (19 CFR Part 111). Part 111 includes detailed rules regarding the licensing of, and granting of permits to, persons desiring to transact customs business as customs brokers, including the qualifications required of applicants and the procedures for applying for licenses and permits. Part 111 also prescribes recordkeeping and other duties and responsibilities of brokers, sets forth in detail the grounds and procedures for the revocation or suspension of broker licenses and permits and for the assessment of monetary penalties, and sets forth fee payment requirements applicable to brokers under section 641 and 19 U.S.C. 58c(a)(7).

On December 8, 1993, amendments to certain Customs and navigation laws became effective as the result of enactment of the North American Free Trade Agreement Implementation Act (''the Act''), Public Law 103–182, 107 Stat. 2057. Title VI of the Act set forth Customs Modernization provisions that included, in section 648, certain amendments to section 641 of the Tariff Act of 1930. The substantive amendments to section 641 are as follows:

1. In the definition of ''customs business'' in section 641(a)(2), a second sentence was added that provides that customs business ''also includes the preparation of documents or forms in any format and the electronic transmission of documents, invoices, bills, or parts thereof, intended to be filed with the Customs Service in furtherance of [the customs business activities listed in the first sentence], whether or not signed or filed by the preparer, or activities relating to such preparation, but does not include the mere electronic transmission of data received for transmission to Customs.''

2. Section 641(c)(1) was amended by adding a provision for the issuance of a national permit for the conduct of such customs business as the Secretary of the Treasury prescribes by regulation.

3. A new subsection (c)(4) was added to provide that when electronic filing (including remote location filing) of entry information with Customs at any location is implemented by the Secretary of the Treasury pursuant to the provisions of the National Customs Automation Program (''the NCAP,'' which was established by section 631 of the Act and is codified at 19 U.S.C. 1411–1414), a licensed broker may appoint another licensed broker who holds a permit in a Customs district to act on its behalf as its subagent in that district if such activity relates to the filing of information that is permitted to be filed electronically. New subsection (c)(4) also provides that the broker who appoints a subagent remains liable for all obligations arising under bond and for all duties, taxes and fees, and for any other liabilities imposed by law, and cannot delegate such liability to the subagent.

4. Section 641(d)(2)(B), which sets forth the procedures for the suspension or revocation of a broker's license or permit, was amended to increase to 30 days the period within which a hearing is to be held after written notice of a hearing is provided to the broker.

5. Finally, section 641(f) was amended to provide: that the Secretary of the Treasury may not prohibit customs brokers from limiting their liability to other persons in the conduct of customs business; that for purposes of any provision of the Tariff Act of 1930 pertaining to recordkeeping, all data required to be retained by a customs broker may be kept on microfilm, optical disc, magnetic tapes, disks or drums, video files or any other electrically generated medium; and that, pursuant to such regulations as the Secretary of the Treasury shall prescribe, the conversion of data to such storage medium may be accomplished at any time subsequent to the relevant customs transaction and the data may be retained in a centralized basis according to such broker's business system.

On September 27, 1995, Customs published the following documents in the **Federal Register** as a result of changes in the Customs Headquarters and field organizational structure:

1. T.D. 95–77 (60 FR 50008) amended the Customs Regulations on an interim basis. The amendments included extensive changes to §§ 101.1, 101.3 and 101.4 (19 CFR 101.1, 101.3 and 101.4) to reflect the changes to the basic Customs field organization, involving the elimination of regions and districts for most purposes so that ports of entry would constitute the foundation of the Customs field structure and would be empowered with most of the functions and authority that had been held in the district and regional offices and also involving the designation of some ports as service ports having a full range of cargo processing functions, including inspection, entry, collection, and

verification. T.D. 95–77 also included amendments to Parts 4, 19, 24, 103, 111, 112, 113, 118, 122, 127, 141, 142, 146 and 174 of the Customs Regulations (19 CFR Parts 4, 19, 24, 103, 111, 112, 113, 118, 122, 127, 141, 142, 146 and 174) to reflect these organizational changes. The background portion of T.D. 95–77 pointed out that districts and regions would still exist as geographical descriptions for limited purposes such as for broker permits and certain cartage and lighterage purposes, and T.D. 95–77 therefore set forth certain additional regulatory changes in order to reflect this fact; these changes included the addition of definitions for ''district,'' ''district director'' and ''region'' in § 111.1 (19 CFR 111.1) to enable the current statutory broker licensing and permitting schemes to operate. (The background portion of T.D. 95–77 also noted that the Customs reorganization included the creation of twenty Customs Management Centers and five Strategic Trade Centers for which no regulatory changes were being made because these new organizational entities will not have direct contact with the public.)

2. T.D. 95–78 (60 FR 50020) also amended the Customs Regulations on an interim basis and involved nomenclature changes. The T.D. 95–78 changes were set forth in a table format in numerical order by section affected and in most cases involved the replacement of outdated references with new references to reflect the new Customs Headquarters and field organizational structure. The majority of these changes involved replacing ''district'' with ''port'' and replacing ''district director'' with ''port director,'' or some variation thereof. The T.D. 95–78 changes involved almost every part within Chapter I of the Customs Regulations (19 CFR Chapter I) and included a large number of changes to Part 111.

3. A general notice (60 FR 49971) informed the public of the geographic areas covered for purposes of Customs broker permits and for certain cartage and lighterage purposes where the word ''district'' appears in the Customs Regulations. This notice was a consequence of the publication of T.D. 95–77 and T.D. 95–78 and, in particular, of the T.D. 95–77 regulatory changes made in order to retain the concept of a ''district'' for certain Customs broker and cartage and lighterage purposes. This general notice consisted of a table, arranged by State or other geographic location, setting forth in the left column a list of service ports (each of which represents a ''district'') and in the right column the ports of entry within each such ''district.''

With regard to the changes to section 641 made by section 648 of the Act, Customs has determined that a number of those changes should be reflected in Part 111. Specifically, the regulations should be amended as follows: (1) to reflect the change to the section 641(a)(2) definition of ''customs business;'' (2) to provide for the issuance of national permits as authorized under amended section 641(c)(1); (3) to reflect the 30-day period within which a suspension or revocation hearing is to be held under amended section 641(d)(2)(B); (4) to implement the amended section 641(f) proscription against prohibiting a broker from limiting its liability to other persons; and (5) to reflect the amended section 641(f) recordkeeping provisions. With regard to the appointment of subagents as authorized under amended section 641(c)(4), Customs believes that it would be premature to amend Part 111 at this time; rather, it would be preferable to address this issue at such time as related NCAP test procedures have been concluded, appropriate programming enhancements have become operational, and appropriate regulatory proposals have been formulated.

Customs has also performed a general review of Part 111 to determine whether other regulatory changes should be made. Based on that review, Customs has identified a number of other areas where significant improvement could be made to the existing regulatory texts. These improvements include: (1) the elimination of obsolete or otherwise unnecessary provisions; (2) the addition of new provisions where the regulations appear to be incomplete or are otherwise in need of clarification; (3) further textual changes arising out of the reorganization of Customs that were not fully addressed in the district/port terminology changes made by T.D. 95–77 and T.D. 95–78, including some changes to those previously-published changes and particularly in order to clarify certain procedural aspects of the regulations (for example, where to file permit applications and broker status reports and where to pay permit user fees); and (4) a large number of nonsubstantive, editorial changes to improve the precision and clarity of the regulations, ranging from the reorganization or complete redrafting of existing texts to minor word changes within a particular regulatory provision.

In the light of the number and breadth of the changes outlined above, Customs believes that the proposed changes should be presented in the context of a complete revision of Part 111. With the exception of minor wording or other editorial-type changes that do not appear to warrant specific mention, the changes reflected in the proposed revision of Part 111 set forth in this document are discussed in more detail below.

Discussion of Proposed Amendments

Section 111.1

The following proposed changes have been made to this definitions section:

1. References to ''Commissioner'' have been replaced by references to ''Assistant Commissioner'' throughout Part 111, and a definition of ''Assistant Commissioner'' has been added to clarify that each such use of this term refers to the Assistant Commissioner, Office of Field Operations.

2. Two sentences have been added at the end of the definition of ''customs business'' to reflect the change to the section 641(a)(2) definition effected by section 648 of the Act as discussed above.

3. In the first sentence of the definition of ''district'' (added by T.D. 95–77 as discussed above), the words ''other than a national permit'' have been added after ''permit'' in order to avoid an inconsistency with the national permit concept reflected in new § 111.19(f) (which is discussed below), and the words ''issued under this part'' have been removed because they are no longer necessary in view of the proposed new definition of ''permit'' discussed below. In addition, the second sentence has been modified to refer to publication of the listing of districts and ports ''periodically'' (rather than ''on or before October 1, 1995, and whenever updated'') since the date mentioned in the present text no longer serves a useful purpose.

4. The definition of ''district director'' (added by T.D. 95–77 as discussed above) has been removed because this term is not used in revised Part 111.

5. A definition of ''employee'' has been added to ensure that this term will have the same meaning wherever used in Part 111 (for example, for determining whether a license is required under § 111.3(b) and for purposes of providing required employee information under § 111.28(b)).

6. A definition of ''permit'' has been added. This new definition refers to any permit issued to a broker under § 111.19 and applies to both district permits and national permits (the latter are addressed in new § 111.19(f) discussed below).

7. The definition of ''records'' conforms to the final rule published in the **Federal Register** (63 FR 32916) on

June 16, 1998, involving a revision of the Customs Regulations pertaining to recordkeeping requirements principally in order to implement statutory changes made by sections 614 and 615 of the Act as well as the change made by section 648 of the Act to section 641(f) as discussed above. Changes for the same reason are also reflected in the texts of §§ 111.21 and 111.23, and in the treatment of § 111.22, as set forth below.

8. A definition of ''responsible supervision and control'' has been added. Customs believes that this definition is needed because the expression is used in multiple sections in Part 111 (that is, in §§ 111.11, 111.13, 111.19 and 111.28). The proposed definition is based on paragraph (d) of present § 111.11, which would be eliminated.

Section 111.2

Section 111.2, which sets forth the basic circumstances in which a license and district permit are required, has been considerably expanded and divided into two paragraphs: paragraph (a) pertains to licenses and paragraph (b) pertains to permits. The specific organizational and substantive changes reflected in the revised text of this section are as follows:

1. Paragraph (a)(1) repeats the basic license requirement statement contained in the first sentence of present § 111.2 but with the addition of a cross-reference to paragraph (a)(2), which sets forth exceptions to the general rule.

2. Present § 111.3, regarding specific types of transactions not requiring a broker's license, has been moved to § 111.2 as new paragraph (a)(2) because, for purposes of organizational clarity, Customs believes it is preferable in this case to have those exception provisions immediately following the general statement to which they relate. In addition, the following textual changes are reflected in this new § 111.2(a)(2) text:

a. The second sentence of present § 111.3(b)(2), which refers to filing the required statement ''at each port within the district,'' has not been included in the corresponding new § 111.2(a)(2)(ii)(A)(*2*) because it adds nothing not already covered by the first sentence. In addition, the present text has been modified to not require the filing of the statement if the broker is operating within a district under a paragraph (b)(2) exception to the district permit rule because compliance with such a requirement would be problematic, particularly in the case of transactions initiated from a remote location.

b. Present § 111.3(e) (new § 111.2(a)(2)(v)) has been revised to refer to ''noncommercial'' shipments or merchandise (rather than ''informal'' entry) and by replacing the language regarding § 143.26 and 19 U.S.C. 1498 with a simple proviso regarding meeting the requirements of § 141.33. Customs believes that the revised text more accurately reflects the circumstances intended to be covered by this provision.

c. A subparagraph (vi) has been added to the new § 111.2(a)(2) text to cover foreign trade zone activities not involving the transfer of merchandise to the customs territory of the United States.

3. The permit provisions of new paragraph (b) reflect the same structure as that described above for the license provisions of new paragraph (a). Thus, paragraph (b)(1) repeats the basic district permit requirement statement contained in the second sentence of present § 111.2 but with the addition of a cross-reference to new paragraph (b)(2) which sets forth exceptions to the general rule. The new § 111.2(b)(2) exceptions to the district permit rule involve the following:

a. Paragraph (b)(2)(i) would allow a broker who files entries for a client at other locations covered by a district permit to place the broker's employee at the client's premises for the purpose of performing customs business (other than filing entries or other documents with Customs) solely on behalf of that client even though the broker does not have a permit for the district in which the client's premises are located.

b. Paragraph (b)(2)(ii) would allow a broker to file a manual drawback claim, and represent a client regarding such a claim, at the drawback office that has been designated by Customs for the purpose of filing drawback claims even though the broker does not have a permit for the district where that drawback office is located. The electronic filing of drawback claims in a district for which a broker does not have a permit may be done only pursuant to a national permit issued to that broker.

c. Paragraph (b)(2)(iii) describes the basic circumstances under which a national permit may be used in lieu of obtaining a district permit, with a cross-reference to new § 111.19(f) that sets forth the procedures for obtaining such a national permit. These new national permit provisions, which are intended to implement section 641(c)(1) as amended by section 648 of the Act as discussed above, are explained in more detail below in the discussion of new § 111.19(f).

d. Finally, paragraph (b)(2)(iv) would allow a broker to orally or in writing or electronically represent an importer of record before Customs after an entry of merchandise filed by another broker (as agent and not as importer of record) has been completed and accepted by Customs even though that broker does not have a permit for the district where the representations are to be made, provided that the broker has a national permit and provided that the broker, if requested by Customs, submits evidence of the broker's right to represent the client. This provision is intended to provide brokers with more flexibility in responding to their clients' needs on a national basis once an entry has come under the jurisdiction of Customs. The text reflects the view of Customs that a broker should be able to follow up with Customs on any matter arising out of an entry filing or regarding the merchandise covered by an entry without being constrained by the need to have a district permit covering the location where the representations on behalf of the client are made.

Section 111.3

As a consequence of the transfer of the text of this section to § 111.2, this section has been designated as ''reserved.''

Section 111.5

In paragraph (a), which concerns the general right of a broker who represents a client in the importation or exportation of merchandise to represent the client before Treasury Department agencies, the exception language at the end regarding representation in a district where the broker does not have a permit has been removed because exceptions to the district permit rule are covered by new § 111.2(b)(2).

Section 111.11

The basic requirements for an individual broker's license under paragraph (a) have been modified as follows: in subparagraph (a)(1), to require that the individual be a citizen of the United States ''on the date of submission of the application;'' in subparagraph (a)(2), to require that the individual attain the age of 21 ''prior to the date of submission of the application;'' and in subparagraph (a)(4), to provide that the individual must have attained a passing grade on a written examination ''taken within the 3-year period before submission of the application.'' The changes in subparagraphs (a)(1) and (a)(2) are intended to add necessary precision by more clearly defining the time at which these basic requirements must be met.

Revised subparagraph (a)(4) is intended to achieve several objectives. First, as in the case of the other paragraph (a) criteria, it makes the taking and passing of the examination a condition precedent to the submission of a license application to Customs (a failure to pass the examination would no longer result in the denial of a license application because no application would exist at that point in time). Second, prescribing a 3-year period in which to submit a license application after passing the examination gives an individual more flexibility concerning where and when the application is submitted (thus, the examination could be taken and passed in one district and the application could be submitted later to a port director within another district at any time within the 3-year period). Third, drawing a distinction between the examination process and the application submission process makes it possible to provide for a separate fee payment for each process in the simplified § 111.96(a) fee structure discussed below. Fourth, the revision will enhance administrative efficiency by eliminating the need for Customs to process license applications that may never result in the issuance of a license because the applicant has not passed the required examination.

In addition, for the reasons stated above in connection with the proposed addition of the definition of ''responsible supervision and control'' in § 111.1, paragraph (d) has been removed.

Section 111.12

The following changes have been made to this section which sets forth license application procedures:

1. Paragraph (a) reflects the following changes: the third sentence has been modified to refer to a ''$200 application'' fee in order to reflect changes to the fee provisions of § 111.96(a) that are discussed below; in the fourth sentence, after the reference to ''one or more States,'' the words ''at a port'' have been removed because they are unnecessary and potentially confusing; the fifth sentence, which concerns the time for submitting an application for an individual's license, has been modified to reflect the 3-year period specified in § 111.11(a)(4); the sixth sentence has been modified (also as a consequence of the § 111.11(a)(4) changes) to provide that the port director may also require a copy of the notification that the individual passed the examination (see the discussion of § 111.13(e) below) and by removing at the end the words ''or after the applicant obtains a passing score on the written examination;'' and a new sentence has been added at the end to permit the port director to refuse to accept the filing of an application that, on its face, demonstrates noncompliance with one or more of the basic requirements of § 111.11 (for example, the application is filed more than 3 years after the individual passed the written examination), in which case the application and fee would be returned to the filer without further action.

2. Also as a consequence of the § 111.11(a)(4) changes, paragraph (c), which concerns application withdrawals, has been modified by removing the reference to providing notice before the date of the written examination and by revising the remaining text. Revised paragraph (c) provides that any license application may be withdrawn by written notice at any time prior to issuance of the license but also specifically precludes a refund of the $200 application fee because a refund no longer would be necessary or appropriate in the new regulatory context.

Section 111.13

The following changes have been made to this section which concerns written examinations for individual licenses:

1. Throughout the section all references to an ''applicant'' have been removed or have been modified (for example, to read ''individual'' or ''examinee'' or ''prospective applicant'') to reflect that under the § 111.11(a)(4) and related changes a written examination will always precede the filing of a license application.

2. In paragraph (b), which concerns the date and place of the examination, a new sentence has been added after the first sentence to require written notice of an individual's intent to take the examination, and payment of the $200 examination fee, at least 30 calendar days prior to the scheduled examination date. The advance notice is necessary in order for Customs to ensure that an adequate facility will be available to accommodate all prospective examinees, and payment of the fee at that time is necessary because the examination fee would no longer be part of the application fee under the § 111.11(a)(4) and related textual changes discussed above (see also the new paragraph (d) examination fee refund provision discussed below). In addition, in order to afford procedural flexibility to Customs when appropriate, the first sentence no longer refers to examinations ''at each district office'' and the last sentence provides for giving notice of the exact time and place but without implying that notice will be given individually to each prospective examinee.

3. Paragraph (c), which concerns special examinations, has been modified to provide for a separate written request for a special examination (rather than in connection with the filing of a license application) in order to reflect the separation of the examination and application processes as discussed above. In addition, a sentence has been added at the end to provide that the license applicant shall be responsible for all additional costs incurred by Customs in connection with the special examination that exceed the $200 examination fee and to require reimbursement to Customs of such additional costs before the examination is given.

4. Paragraph (d), which addresses a prospective examinee's failure to appear for the examination, has been modified to reflect the separation of the examination and application processes. Thus, the modified text no longer provides for denial of an application for failure to appear but rather simply provides for a refund of the $200 examination fee if the prospective examinee notifies the port director at least 2 working days prior to a regularly scheduled examination that he will not appear. However, the modified text precludes any refund in the case of a paragraph (c) special examination, because Customs believes that the person who specifically requested the special treatment should remain responsible for the costs to Customs resulting from the request.

5. The heading and text of paragraph (e) have been revised to refer to notice of the examination result (rather than license application denial) as a consequence of the separation of the examination and application processes. The revised text provides for written notice to each examinee and is intended in particular to ensure that an examinee who attained a passing grade would be able to present appropriate written proof of meeting the § 111.11(a)(4) criterion when filing a license application in another district within the prescribed 3-year period. Revised paragraph (e) also clarifies that failure to pass the examination precludes the filing of a license application but does not preclude the examinee from taking an examination at a later date.

6. A new paragraph (f) has been added to set forth an administrative appeal procedure for an individual who failed to pass the written examination and wishes to challenge that result.

Section 111.14

The texts of paragraphs (a) and (b) have been merged into one new paragraph (a) entitled ''referral of application for investigation'' in order to eliminate unnecessarily repetitive text, with paragraphs (c) through (e) redesignated as paragraphs (b) through (d). In addition, in paragraph (d) (redesignated as paragraph (c)), the first sentence regarding the ''return'' of the application with the investigative report and recommendation has been removed since it is archaic and unnecessary and the wording of the paragraph heading has been revised accordingly.

Section 111.15

The following changes have been made to this section, which concerns the procedures for issuing licenses:

1. In the first sentence, the words ''and has paid all applicable fees prescribed in § 111.96(a)'' have been added at the end of the opening clause to clarify that other license application fees must be paid by individual applicants in addition to the $200 fee that must accompany the application under § 111.12(a).

2. The last sentence regarding maintenance and availability of an alphabetical list of brokers licensed at each port has been removed since it is inconsistent with the current national license concept (see also the below discussion of the proposed changes to § 111.19(e)).

Section 111.19

The following changes have been made to this section, which concerns the issuance of permits:

1. Paragraph (a) has been modified to provide that, in the case of a permit issued concurrently with a license, the permit is issued with reference to the district ''in which the port'' through which the license application was submitted ''is located''. This change reflects the operational reality arising out of the Customs reorganization as discussed above, under which the ports now operate as the basic organizational units for public access and other purposes, including the submission of applications for broker licenses and permits. Similar clarifying wording changes are reflected elsewhere in Part 111.

2. The first sentence of paragraph (b) has been modified to provide for submission of a district permit application in the form of a letter to the director of the port at which the applicant intends to conduct customs business. The regulations would no longer provide for submission of a permit application on Customs Form 3124 (which was designed for license application purposes and thus is not suitable in a permit context). The remaining paragraph (b) text has been replaced by a new final sentence that specifies seven classes of documents or other information that must be submitted with the application.

3. Existing paragraph (c) has been modified to more clearly identify the fees that must accompany the permit application (that is, the § 111.96(b) district and national permit application fee and the § 111.96(c) annual user fee). In addition, a new second sentence has been added to clarify that the annual user fee must be paid when an initial permit is issued concurrently with a license under paragraph (a).

4. Paragraph (d) has been divided into two subparagraphs. New subparagraph (d)(1) sets forth general principles regarding the exercise of responsible supervision and control over the customs business conducted in a district for which a permit is granted; the text reflects the substance of the first two sentences of present paragraph (d) but does not retain the ''[o]n or after October 31, 1987'' reference in the second sentence since this reference is no longer necessary. New subparagraph (d)(2) sets forth rules permitting an exception to the at-least-one-individual-broker-per-district rule and reflects the substance of the remainder of present paragraph (d) except for the following: the word ''region'' has been replaced by the words ''larger geographical area'' to avoid a circular effect when the § 111.1 definition of ''region'' is applied; and a sentence has been added at the end to provide that a written decision on a waiver under this subparagraph will be issued by the Office of Field Operations and must specify the region covered by a waiver.

5. The following changes have been made to paragraph (e): the first two sentences have been removed because the present procedure of notifying other port directors of a permit application and obtaining their comments is unnecessarily cumbersome and time-consuming; the last two sentences have been replaced by two new sentences that provide for issuance of a written decision on the permit application, set forth a specific legal standard for issuance of a permit, and require that the port director refer the matter to Customs Headquarters for instructions if the port director believes that the permit should not be issued; and a new sentence has been added at the end to require that each port director maintain and make available to the public an alphabetical list of all brokers permitted through his port.

6. Present paragraph (f) (which allows the port director to require an investigation if additional facts are deemed necessary) no longer appears to be appropriate or necessary and has been replaced by a new paragraph (f) covering the issuance of national permits to reflect the change to section 641(c)(1) made by section 648 of the Act (see also the references to the national permit exception to the district permit rule in new §§ 111.2(b)(2) (ii) and (iii) as discussed above and set forth below). New paragraph (f) provides that a broker must have a national permit in order to transact customs business under the NCAP within a district for which the broker does not have a district permit. The text requires that the broker be an NCAP participant and in this regard refers specifically to the electronic filing of entries from a remote location and to the electronic filing of drawback claims as well as more generally to the transaction of other customs business pursuant to an NCAP component that is in operation. In referring both to specific NCAP components and to NCAP components in a more general sense, the text is not intended to limit or otherwise define the scope or operation of the NCAP but rather is intended only to prescribe, consistent with the broad authority set forth in section 641(c)(1) as mentioned above, the circumstances in which the conduct of customs business by a broker would require a national permit. Finally, new paragraph (f) provides for an application in the form of a letter addressed to Customs Headquarters and sets forth five classes of documents or other information that must accompany the application, including evidence that the application fee and user fee required under §§ 111.96 (b) and (c) have been paid.

7. A new paragraph (g) has been added to set forth procedures regarding the administrative and judicial review of a denial of a permit. This new text is intended in part to reflect the right to judicial review of a permit denial under section 641(e)(1) and is based on the license denial review provisions of § 111.17 (but without provision for review by the Secretary of the Treasury, which does not appear to be necessary or appropriate in a permit context).

Sections 111.21 Through 111.23

Sections 111.21 and 111.23 reflect, and § 111.22 has been reserved without accompanying text as a result of, the changes made to these sections in the recordkeeping final rule document mentioned above in connection with the § 111.1 definition of ''records.'' In

addition, in § 111.23, a number of additional editorial changes have been included as a consequence of those recordkeeping final rule document changes, and subparagraphs (b)(2)(i) and (ii) thereof have been further revised to refer to ''each'' address or location for consolidated records in order to not preclude the use of multiple consolidated locations.

Section 111.24

The phrase '', their surety on a particular entry,'' has been added to the text after ''such clients.'' This change is intended to ensure that disclosure to a surety will not automatically constitute a violation of the confidentiality principle embodied in § 111.24. The change is not intended to mandate disclosure to a surety, and is not intended to represent the view of Customs regarding the propriety of disclosure to sureties in all cases, because Customs believes that the issue of whether records or information are properly disclosable by one party to another should be treated as a private matter to be resolved by the parties. In addition, the phrase ''the port director,'' has been added after the reference to the special agent in charge in order to more completely reflect operational realities in the field. Finally, the words ''officers or'' have been added before ''agents of the United States.''

Section 111.25

Similar to the approach reflected in the recordkeeping changes to §§ 111.1, 111.21 and 111.23, this section, which concerns the availability of broker records, has been revised (1) to clarify that there is a distinction between records that are peculiar to Part 111 and other records that brokers are responsible for under Part 163, and (2) to provide that the records peculiar to Part 111 shall be made available to Customs ''upon reasonable notice.'' In addition, the words ''or other authorized Customs officers'' have been added in the second sentence to reflect that authority within Customs to examine such records is not restricted to regulatory auditors and special agents.

Section 111.26

The reference in this section to ''§§ 162.1a through 162.1i'' has been replaced by a reference to ''part 163 of this chapter'' as a consequence of the recordkeeping changes.

Section 111.27

The second and third sentences have been removed because (1) the second sentence (which concerns inspection of records to protect importers and the revenue of the United States) is adequately reflected in other provisions and (2) the third sentence (which specifies where a report of findings is to be submitted within Customs) relates solely to internal agency management practices and procedures that are not normally the subject of a regulation.

Section 111.28

The following changes have been made to this section:

1. Paragraph (b), which concerns employee information, has been reorganized so that paragraph (b)(1) will cover all current employees, including new employees. In addition, in paragraph (b)(1)(i) as set forth below, which contains general rules for providing current employee information to Customs and thus corresponds to present paragraph (b)(1), a new sentence has been added after the first sentence to specify more clearly when the initial list of employees is to be submitted to the port director.

2. A new paragraph (d) has been added to provide that, in the case of a broker for which ownership shares are not publicly traded, the broker must give immediate written notice to the Assistant Commissioner, and to each director of a port through which a permit has been granted to the broker, if the ownership of the broker changes, including a change in ownership that results in the addition of a new principal to the organization (but not a mere shift in ownership interest among principals already of record with Customs). The new paragraph also contains provision for a background investigation of a new principal and ultimately for the initiation of license suspension or revocation proceedings if the investigation of the new principal uncovers information upon which a denial of a license application could have been based and the relationship is not terminated to the satisfaction of the port director.

Section 111.30

The following changes have been made to this section:

1. In paragraph (a), which concerns notice of a change of a broker's address, the requirement for notice to the Commissioner has been removed to eliminate a duplicate collection and reduce the reporting burden (a similar change also has been made in the introductory texts of paragraphs (b) and (e) of this section), and the remaining requirement has been modified to require notice to each director of an affected port. In addition, a new sentence has been added at the end of paragraph (a) to provide that an individual broker not actively engaged in transacting business as a broker must provide notice of a change in his non-business mailing address in the paragraph (d) triennial status report. Customs believes that such notice is necessary for Customs to be able to contact the broker for purposes of administering Part 111.

2. In paragraph (b), which concerns notice of a change in a partnership, association, or corporate broker, the words ''or any other change in the legal nature of the organization'' have been added at the end of paragraph (b)(2).

3. Paragraph (d), which concerns the triennial status report, has been divided into four subparagraphs. Paragraph (d)(1) sets forth general provisions and corresponds to the first six sentences of present paragraph (d); the only substantive change concerns provision for submission of the report only to the port through which the broker's license was issued (rather than to Customs Headquarters and with a copy to each port where the broker has been granted a permit). Paragraph (d)(2) sets forth provisions applicable to individual brokers and paragraphs (d)(2) (i) and (ii) correspond to the seventh and eighth sentences of present paragraph (d); paragraph (d)(2)(iii) is new and requires statements of continued compliance with §§ 111.11 and 111.19 (which Customs believes must be administered as ongoing standards) and about conduct that could constitute grounds for suspension or revocation under § 111.53 (the standards for which are continuously applicable to all brokers). Paragraph (d)(3) sets forth provisions applicable to partnership, association and corporate brokers, corresponds to the ninth sentence of present paragraph (d), and contains the additional requirement that the report be signed by a licensed member or officer of the organization. Paragraph (d)(4) concerns the failure to file timely and corresponds to the remaining text of present paragraph (d) but with the following changes of note: provision is made for issuance of the notice of suspension by the port director (rather than by the Commissioner) as a consequence of the change incorporated in new subparagraph (d)(1); and, in the next to the last sentence, reference is made to revocation of the broker's license ''by operation of law'' if the broker fails to file the report within the prescribed 60-day period.

Section 111.36

The following changes have been made to this section, which concerns relations with unlicensed persons:

1. Paragraph (a) has been divided into two paragraphs (a) and (b), with a separate heading for each. New paragraph (a) incorporates the substance of the second sentence of present paragraph (a) and new paragraph (b) incorporates the substance of the first sentence of present paragraph (a). In addition, under new paragraph (a), the broker may choose to transmit a copy of the entry (in lieu of a copy of his bill for services rendered), and the words ''or unless the importer has in writing waived transmittal of the copy of the entry or bill for services rendered'' have been added at the end.

2. Present paragraph (b) has been redesignated as paragraph (c) with the following changes: in paragraphs (c)(1), (c)(2), and (c)(3), the words ''or other party in interest'' have been added after ''importer'' to cover cases in which the broker is the importer of record but not the true party in interest; and the words ''unless this requirement is waived in writing by the importer or other party in interest'' have been added at the end of paragraph (c)(2)(i).

Section 111.42

This section has been reorganized into two paragraphs. The text of all the present paragraphs of the section are consolidated into paragraph (a), except for the last sentence of paragraph (e). Paragraph (a) provides restrictions on the actions of a broker with any person who is notoriously disreputable or whose license has been suspended, cancelled ''with prejudice,'' or revoked. The last sentence of present paragraph (e) is set forth as a separate new paragraph (b) to reflect that it operates as a general exception to the restrictions set forth in proposed paragraph (a).

Section 111.43

This section, which concerns the display of broker licenses and permits, no longer has significant practical utility and has been removed.

Section 111.44

This section, which precludes a broker from limiting the broker's liability to a client with regard to the conduct of his brokerage business, has been removed to reflect the prohibition added to section 641(f) by section 648 of the Act as discussed above.

Section 111.45

The following changes have been made to this section which concerns revocation of a license or permit by operation of law:

1. The words ''[o]n or after October 31, 1987'' at the beginning of paragraph (b) have been removed as unnecessary.

2. A new paragraph (d) has been added to clarify a broker's ongoing duty to exercise responsible supervision and control over the conduct of its brokerage business and to otherwise comply with Part 111, and to underscore a broker's potential exposure to disciplinary sanctions for failure to do so, even during the 120-day period referred to in paragraph (a) or during the 180-day period referred to in paragraph (b).

Section 111.51

In paragraph (b), which concerns the cancellation of a license or permit with prejudice, an exception regarding a right of appeal has been added at the end of the second sentence because the exercise of such a right would be entirely inconsistent with the context reflected in the first sentence.

Section 111.53

The following changes have been made to this section, which concerns grounds for disciplinary action against brokers:

1. The section heading has been modified by removing the words ''or monetary penalty in lieu thereof,'' to align on the change to the introductory text of this section as discussed below.

2. The introductory text has been modified to state that the appropriate ''port director'' (rather than ''Customs official'') may ''initiate proceedings for the suspension* * *or revocation'' (rather than ''suspend'' or ''revoke''). The first change conforms to the use of ''port director'' elsewhere in Subpart D and the second change reflects the fact that under the statute the actual suspension or revocation action is taken by the Secretary of the Treasury. In addition, the words ''or assess a monetary penalty in lieu of suspension or revocation'' have been removed from the introductory text, to reflect the fact that for Subpart D (and contrary to monetary penalties under Subpart E) the statute allows the assessment of a monetary penalty only as an alternatively imposed sanction arising out of the initiation of suspension or revocation proceedings. The grounds for disciplinary action set forth in paragraphs (a)-(f) of this section technically relate to only suspension or revocation proceedings, and the assessment of monetary penalties arises in a Subpart D context only in connection with the final decision taken by the Secretary of the Treasury under § 111.74 after initiation of such proceedings.

3. In paragraph (b)(3), the words ''(infractions set forth in this subparagraph may form the basis for an action to suspend or revoke only)'' have been removed as unnecessary in the light of the removal of all references to monetary penalties.

4. A new paragraph (g) has been added to refer to a broker who no longer meets the applicable requirements of § 111.11 and § 111.19. Customs believes that this standard is necessary and appropriate because, as already suggested above in connection with the changes to § 111.30(d), §§ 111.11 and 111.19 include standards that constitute ongoing requirements (rather than merely one-time application criteria).

Section 111.54

This section, which was intended to clarify the meaning of ''appropriate officer of the Customs'' as used in 19 U.S.C. 1641(d)(2), has been removed because (1) the expression defined in the regulation appears in the statute neither in exactly the same words nor in the context of suspension or revocation actions (19 U.S.C. 1641(d)(2)(A) uses the expression ''appropriate customs officer'' but only in the context of monetary penalties which are covered under Subpart E of Part 111) and (2) the section does not otherwise serve any useful purpose.

Section 111.57

This section has been revised to simply provide in one paragraph for a determination by the Assistant Commissioner whether or not charges should be preferred and for notice to the port director of this decision, without the present paragraph (b) requirement of submission of a proposed statement of charges because it already is adequately covered by § 111.56.

Section 111.64

The following changes have been made to paragraph (a) of this section, which concerns service of the notice of hearing:

1. At the beginning of the first sentence, the words ''[w]ithin 10 days'' have been removed because this time frame for service is overly restrictive and is not required by statute.

2. In the second sentence, the figure ''15'' has been replaced by ''30'' to reflect the change to section 641(d)(2)(B) made by section 648 of the Act regarding the number of days within which a hearing must be held.

Section 111.73

This text of this section, which permits a decision based on a partial proof of charges, has been incorporated into the text of § 111.74 to which it is more appropriate since it also concerns the decision on disciplinary action taken by the Secretary of the Treasury.

Section 111.74

In addition to the insertion of a new first sentence to reflect present § 111.73, the following changes have been made to this section:

1. In the second sentence, the words ''or permit'' have been added after ''license'' in two places in order to correct an omission in scope in the present text. In addition, the words ''except in a case described in § 111.53(b)(3)'' have been added to the second sentence to reflect the exception contained in the introductory text of section 641(d)(1).

2. In the third sentence, the words ''[i]f no appeal from the Secretary's order is filed'' have been added at the beginning. In addition, the third sentence has been changed to provide that the Secretary's order shall become effective 60 calendar days after the Assistant Commissioner issues written ''notification of'' the order (rather than after issuance of the order by the Secretary).

3. The fourth sentence has been changed to provide that payment of an assessed monetary penalty must be tendered within ''60'' calendar days ''after the effective date'' of the order (rather than within 120 days of the issuance of the order) in order to align with the 60-day period specified in the case of suspension or revocation actions.

Section 111.76

The following changes have been made to this section, which concerns reopening a disciplinary case:

1. In paragraph (a), the words ''[p]rovided that no appeal is filed in accordance with § 111.75'' have been added at the beginning in order to preclude concurrent administrative and judicial proceedings.

2. In paragraph (b), a new sentence has been added at the end to clarify the status of an existing order of the Secretary during the pendency of proceedings under this section.

Section 111.80

This section, which clarifies the applicability of Part 111 in broker disciplinary cases that were instituted prior to the broker statute amendments of 1984, is longer necessary and has been removed.

Section 111.91

In paragraph (a), a proviso has been added at the end to clarify that under section 641 imposition of monetary penalties under this section and institution of suspension or revocation proceedings under Subpart D are mutually exclusive actions when applied to the same violation of a broker.

Section 111.92

The last sentence, which requires that a monetary penalty notice involving more than $10,000 be referred to Customs Headquarters, has been removed since it is neither necessary nor reflective of current Customs procedures.

Section 111.95

This section has been revised to simply refer to the filing of supplemental petitions for relief in accordance with Part 171 and without making a distinction between determinations over $1,000 and determinations involving lesser amounts.

Section 111.96

The following changes have been made to this section:

1. In paragraph (a), which concerns fees pertaining to the license issuance process, the first sentence has been modified to refer only to the processing of a license application and to prescribe a $200 fee that would apply to all individual or organization applicants. The remainder of the paragraph has been modified to cover fees that are only required to be paid by individuals: a $200 fee before taking a written examination under § 111.13, and a fingerprint check and processing fee after an individual's license application is submitted to Customs. These changes in the paragraph (a) fee structure are intended (1) to reflect the distinction between the examination process and the application process as discussed above in connection with the modification of § 111.11(a)(4), (2) to indicate more clearly which conditions apply only to individuals, and (3) to eliminate the need to refund $100 if an examinee receives a failing grade on the examination (because Customs believes that a refund would be appropriate only in the circumstance covered by modified § 111.13(d)).

2. In paragraph (c), which concerns the $125 annual permit user fee, references to a ''national permit'' have been added to clarify that the fee applies to a permit issued under § 111.19(f). In addition, as in the case of § 111.19(c), the text has been modified to clarify that the fee is payable upon issuance of a district permit for which an application was not submitted (that is, when an initial district permit is issued concurrently with a license under § 111.19(a)).

Comments

Before adopting this proposed regulation as a final rule, consideration will be given to any written comments timely submitted to Customs, including comments on the clarity of this proposed rule and how it may be made easier to understand. Comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), § 1.4 of the Treasury Department Regulations (31 CFR 1.4), and § 103.11(b) of the Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Branch, Office of Regulations and Rulings, U.S. Customs Service, 1300 Pennsylvania Avenue, N.W., 3rd Floor, Washington, D.C.

Executive Order 12866

This document does not meet the criteria for a ''significant regulatory action'' as specified in E.O. 12866.

Regulatory Flexibility Act

Pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), it is certified that, if adopted, the proposed amendments will not have a significant economic impact on a substantial number of small entities. The regulatory amendments primarily represent a clarification of existing statutory and regulatory requirements. Accordingly, the proposed amendments are not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

Paperwork Reduction Act

The collections of information contained in this notice of proposed rulemaking have been submitted to the Office of Management and Budget (OMB) for review in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507).

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

The collections of information that are republished and referenced in §§ 111.12, 111.13, 111.17, 111.19, and 111.28 of these proposed regulations have previously been reviewed and approved by OMB and assigned control number 1515–0076. The information to be collected is necessary for the issuance of customs broker licenses and permits and for monitoring the performance of brokers in the conduct of customs business.

The new collections of information in these proposed regulations are in

§§ 111.30, 111.36, 111.60, and 111.76. The information to be collected is necessary for monitoring the performance of brokers in the conduct of customs business and in connection with the institution of disciplinary actions against brokers. The likely respondents are individuals, partnerships, associations, and corporations, including individuals and such organizations that are licensed brokers.

Estimated total annual reporting and/or recordkeeping burden: 1500 hours.

Estimated average annual burden per respondent/recordkeeper: 1 hour.

Estimated number or respondents and/or recordkeepers: 1500.

Estimated annual number of responses: 1500.

Comments on the collection of information should be sent to the Office of Management and Budget, Attention: Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, D.C. 20503. A copy should also be sent to Customs at the address set forth previously. Comments should be submitted within the time frame that comments are due regarding the substance of the proposal.

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the information collection burden; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the information collection burden on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start up costs and costs of operations, maintenance, and purchase of services to provide information.

Drafting information: The principal author of this document was Francis W. Foote, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices participated in its development.

List of Subjects in 19 CFR Part 111

Administrative practice and procedure, Brokers, Customs duties and inspection, Imports, Licensing, Penalties, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

For the reasons stated above, it is proposed to revise Part 111 of the Customs Regulations (19 CFR Part 111) as set forth below.

PART 111—CUSTOMS BROKERS

Sec.
111.0 Scope.

Subpart A—General Provisions

111.1 Definitions.
111.2 License and district permit required.
111.3 [Reserved]
111.4 Transacting customs business without a license.
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Authority: 19 U.S.C. 66, 1202 (General Note 20, Harmonized Tariff Schedule of the United States), 1624, 1641. Section 111.3 also issued under 19 U.S.C. 1484, 1498; Section 111.96 also issued under 19 U.S.C. 58c, 31 U.S.C. 9701.

§ 111.0 Scope.

This part sets forth regulations providing for the licensing of, and granting of permits to, persons desiring to transact customs business as customs brokers, the qualifications required of applicants, and the procedures for applying for licenses and permits. This part also prescribes the duties and responsibilities of brokers, the grounds and procedures for disciplining brokers, including the assessment of monetary penalties, and the revocation or suspension of licenses.

Subpart A—General Provisions

§ 111.1 Definitions.

When used in this part, the following terms shall have the meanings indicated:

Assistant Commissioner. ''Assistant Commissioner'' means the Assistant Commissioner, Office of Field Operations, United States Customs Service, Washington, DC.

Broker. ''Broker'' means a customs broker.

Customs broker. ''Customs broker'' means a person who is licensed under this part to transact customs business on behalf of others.

Customs business. ''Customs business'' means those activities involving transactions with Customs concerning the entry and admissibility of merchandise, its classification and valuation, the payment of duties, taxes, or other charges assessed or collected by Customs on merchandise by reason of its importation, and the refund, rebate, or drawback of such duties, taxes, or other charges. ''Customs business'' also includes the preparation, and activities relating to the preparation, of documents in any format and the electronic transmission of documents and parts thereof intended to be filed with Customs in furtherance of any other customs business activity, whether or not signed or filed by the preparer. However, ''customs business'' does not include the mere electronic transmission of data received for transmission to Customs.

District. ''District'' means the geographic area covered by a customs broker permit other than a national permit. A listing of each district, and the ports thereunder, will be published periodically.

Employee. ''Employee'' means a person who meets the common law definition of employee and is in the service of a customs broker.

Freight forwarder. ''Freight forwarder'' means a person engaged in the business of dispatching shipments in foreign commerce between the United States, its territories or possessions, and foreign countries, and handling the formalities incident to such shipments, on behalf of other persons.

Officer of an association or corporation. ''Officer of an association or corporation'' means a person who has been elected, appointed, or designated as an officer of an association or corporation in accordance with statute and the articles of incorporation, articles of agreement, charter, or bylaws of the association or corporation.

Permit. ''Permit'' means any permit issued to a broker under § 111.19.

Person. ''Person'' includes individuals, partnerships, associations, and corporations.

Records. ''Records'' means documents, data and information referred to in, and required to be made or maintained under, this part and any other records, as defined in § 163.1(a) of this chapter, that are required to be maintained by a broker under part 163 of this chapter.

Region. ''Region'' means the geographic area covered by a waiver issued pursuant to § 111.19(d).

Responsible supervision and control. ''Responsible supervision and control'' means that degree of supervision and control necessary to ensure the proper transaction of the customs business of a broker, including actions necessary to ensure that an employee of a broker provides substantially the same quality of service in handling customs transactions that the broker is required to provide. While the determination of what is necessary to perform and maintain responsible supervision and control will vary depending upon the circumstances in each instance, factors which Customs will consider include, but are not limited to: The training required of employees of the broker; the issuance of written instructions and guidelines to employees of the broker; the volume and type of business of the broker; the reject rate for the various customs transactions; the maintenance of current editions of the Customs Regulations, the Harmonized Tariff Schedule of the United States, and Customs issuances; the availability of an individually licensed broker for necessary consultation with employees of the broker; the frequency of supervisory visits of an individually licensed broker to another office of the broker that does not have a resident individually licensed broker; the frequency of audits and reviews by an individually licensed broker of the customs transactions handled by employees of the broker; the extent to which the individually licensed broker who qualifies the district permit is involved in the operation of the brokerage; and any circumstance which indicates that an individually licensed broker has a real interest in the operations of a broker.

Treasury Department or any representative thereof. ''Treasury Department of any representative thereof'' means any office, officer, or employee of the U.S. Department of the Treasury, wherever located.

§ 111.2 License and district permit required.

(a) *License*—(1) *General.* Except as otherwise provided in paragraph (a)(2) of this section, a person shall obtain the license provided for in this part in order to transact customs business as a broker.

(2) *Transactions for which license is not required*—(i) *For one's own account.* An importer or exporter transacting customs business solely on his own account and in no sense on behalf of another is not required to be licensed, nor are his authorized regular employees or officers who act only for him in the transaction of such business.

(ii) *As employee of broker*—(A) *General.* An employee of a broker, acting solely for his employer, is not required to be licensed where:

(*1*) *Authorized to sign documents.* The broker has authorized the employee to sign documents pertaining to customs business on his behalf, and has executed a power of attorney for that purpose. The broker is not required to file the power of attorney with the port director, but shall provide proof of its existence to Customs upon request. Only employees who are residents of the United States may be authorized to sign such documents; or

(*2*) *Authorized to transact other business.* The broker has filed with the port director a statement identifying the employee as authorized to transact customs business on his behalf. However, no such statement will be necessary when the broker is transacting customs business under an exception to the district permit rule.

(B) *Broker supervision; withdrawal of authority.* Where an employee has been given authority under paragraph (a)(2)(ii) of this section, the broker must exercise such supervision of the employee as will ensure proper conduct on the part of the employee in the transaction of customs business, and the broker will be held strictly responsible for the acts or omissions of such an employee within the scope of his employment and for any other acts or omissions of the employee which, through the exercise of reasonable care and diligence, the broker should have foreseen. The broker shall promptly notify the port director if authority granted to an employee under paragraph (a)(2)(ii) of this section is withdrawn. The withdrawal of authority shall be effective upon receipt by the port director.

(iii) *Marine transactions.* A person transacting business in connection with entry or clearance of vessels or other regulation of vessels under the navigation laws is not required to be licensed as a broker.

(iv) *Transportation in bond.* Any carrier bringing merchandise to the port of arrival or any bonded carrier transporting merchandise for another may make entry for such merchandise for transportation in bond without being a broker.

(v) *Noncommercial shipments.* An individual entering noncommercial merchandise for another party is not required to be a broker, provided that the requirements of § 141.33 of this chapter are met.

(vi) *Foreign trade zone activities.* A foreign trade zone operator or user need not be licensed as a broker in order to engage in activities within a zone that do not involve the transfer of merchandise to the customs territory of the United States.

(b) *District permit*—(1) *General.* Except as otherwise provided in paragraph (b)(2) of this section, a separate permit (see § 111.19) is required for each district in which a broker conducts customs business.

(2) *Exceptions to district permit rule*—(i) *Employee working in client's facility.* When a broker places an employee in the facility of a client for whom the broker is filing entries at one or more other locations covered by a district permit issued to the broker, and provided that the employee's activities are limited to customs business in support of that broker and on behalf of that client but do not involve the filing of entries or other documents with Customs, the broker need not obtain a permit for the district within which the client's facility is located.

(ii) *Manual filing of drawback claims.* A broker granted a permit for one district may manually file drawback claims at the drawback office that has been designated by Customs for the purpose of filing such claims, and may represent his client before that office in matters concerning those drawback claims, even though the broker does not have a permit for the district in which that drawback office is located. The electronic filing of drawback claims in a district for which a broker does not have a permit may be done only pursuant to a national permit issued to the broker (see paragraph (b)(2)(iii) of this section).

(iii) *National permit.* A broker who is a participant in the National Customs Automation Program (NCAP) may electronically file entries for merchandise from a remote location and may electronically transact other customs business that is provided for and operational under the NCAP even though such entry is filed, or such other customs business is transacted, within a district for which the broker does not have a district permit, provided that the broker has a national permit issued under § 111.19(f) for such purpose.

(iv) *Representations after entry acceptance.* After an entry of merchandise filed with Customs has been completed and accepted, and except when a broker files that entry as importer of record, another broker who did not file the entry, but who has been appointed by the importer of record, may orally or in person or in writing or electronically represent the importer of record before Customs on any issue arising out of that entry or concerning the merchandise covered by that entry even though the broker does not have a permit for the district within which those representations are made, provided that the broker has been issued a national permit (see paragraph (b)(2)(iii) of this section and § 111.19(f)) and provided that, if requested by Customs, the broker submits appropriate evidence of his right to represent the client on the matter at issue.

§ 111.3 [Reserved]

§ 111.4 Transacting customs business without a license.

Any person who intentionally transacts customs business, other than as provided in § 111.2(a)(2), without holding a valid broker's license, shall be liable for a monetary penalty for each such transaction as well as for each violation of any other provision of 19 U.S.C. 1641. The penalty shall be assessed in accordance with subpart E of this part.

§ 111.5 Representation before Government agencies.

(a) *Agencies within the Treasury Department.* A broker who represents a client in the importation or exportation of merchandise may represent the client before the Treasury Department or any representative thereof on any matter concerning such merchandise.

(b) *Agencies not within the Treasury Department.* In order to represent a client before any agency not within the Treasury Department, a broker shall comply with any regulations of such agency governing the appearance of representatives before it.

Subpart B—Procedure To Obtain License or Permit

§ 111.11 Basic requirements for a license.

(a) *Individual.* In order to obtain a broker's license, an individual must:

(1) Be a citizen of the United States on the date of submission of the application referred to in § 111.12(a) and not an officer or employee of the United States Government;

(2) Attain the age of 21 prior to the date of submission of the application referred to in § 111.12(a);

(3) Be of good moral character; and

(4) Have established, by attaining a passing (75 percent or higher) grade on a written examination taken within the 3-year period before submission of the application referred to in § 111.12(a), that he has sufficient knowledge of customs and related laws, regulations and procedures, bookkeeping, accounting, and all other appropriate matters to render valuable service to importers and exporters.

(b) *Partnership.* In order to obtain a broker's license, a partnership must:

(1) Have at least one member of the partnership who is a broker; and

(2) Establish that it will have an office within the district in which its customs transactions will be performed by a member of the partnership who is a broker or by an employee under the responsible supervision and control of such a licensed member.

(c) *Association or corporation.* In order to obtain a broker's license, an association or corporation must:

(1) Be empowered under its articles of association or articles of incorporation to transact customs business as a broker;

(2) Have at least one officer who is a broker; and

(3) Establish that it will have an office within the district in which its customs transactions will be performed by an officer of the association or corporation who is a broker or by an employee under the responsible supervision and control of such a licensed officer.

§ 111.12 Application for license.

(a) *Submission of application and fee.* An application for a broker's license shall be submitted in duplicate to the director of the port where the applicant intends to do business. The application shall be under oath and executed on Customs Form 3124. The application shall be accompanied by the $200 application fee prescribed in § 111.96(a) and one copy of the appropriate attachment required by the application form (Articles of Agreement or an affidavit signed by all partners, Articles of Agreement of the association, or the Articles of Incorporation). If the applicant proposes to operate under a trade or fictitious name in one or more States, evidence of the applicant's authority to use the name in each such State must accompany the application. An application for an individual license must be submitted within the 3-year period after the applicant took and passed the written examination referred to in §§ 111.11(a)(4) and 111.13. The port director may require an individual

applicant to provide a copy of the notification that he passed the written examination (see § 111.13(e)) and shall require the applicant to submit fingerprints on Standard Form 87 at the time of filing the application. The port director may reject an application as improperly filed if the application, on its face, demonstrates that one or more of the basic requirements set forth in § 111.11 have not been met at the time of filing, in which case the application and fee will be returned to the filer without further action.

(b) *Posting notice of application.* Following receipt of the application, the port director shall post a notice that the application has been filed. The notice shall be posted conspicuously for at least 2 consecutive weeks in the customhouse at the port and similarly at any other port where the applicant also proposes to maintain an office. The notice shall give the name and address of the applicant and, if the applicant is a partnership, association, or corporation, the names of the members or officers thereof who are licensed as brokers. The notice shall invite written comments or information regarding the issuance of the license.

(c) *Withdrawal of application.* An applicant for a broker's license may withdraw the application at any time prior to issuance of the license by providing written notice of the withdrawal to the port director. However, withdrawal of the application does not entitle the applicant to a refund of the $200 application fee.

§ 111.13 Written examination for individual license.

(a) *Scope of examination.* The written examination for an individual broker's license shall be designed to determine the individual's knowledge of customs and related laws, regulations and procedures, bookkeeping, accounting, and all other appropriate matters necessary to render valuable service to importers and exporters. The examination will be prepared and graded at Customs Headquarters, Washington, D.C.

(b) *Date and place of examination.* Written examinations will be given on the first Monday in April and October. An individual who intends to take the written examination must so advise the port director in writing at least 30 calendar days prior to the scheduled examination date and must remit the $200 examination fee prescribed in § 111.96(a) at that time. The port director shall give notice of the exact time and place for the examination.

(c) *Special examination.* If a partnership, association, or corporation loses the required member or officer having an individual broker's license (see §§ 111.11(b)(1) and (c)(2)) and its license would be revoked by operation of law under the provisions of 19 U.S.C. 1641(b)(5) and § 111.45(a) before the next scheduled written examination, Customs may authorize a special written examination for a prospective applicant for an individual license who would serve as the required licensed member or officer. Customs may also authorize a special written examination for an individual for purposes of continuing the business of a sole proprietorship broker. A special written examination for an individual may also be authorized by Customs if a brokerage firm loses the individual broker who was exercising responsible supervision and control over an office in another district (see § 111.19(d)) and the permit for that additional district would be revoked by operation of law under the provisions of 19 U.S.C. 1641(c)(3) and § 111.45(b) before the next scheduled written examination. A request for a special written examination must be submitted to the port director in writing and must describe the circumstances giving rise to the need for the examination; if the request is granted, the port director will notify the prospective examinee of the exact time and place for the examination. If the individual attains a passing grade on the special written examination, the application for the license may be submitted in accordance with § 111.12. The examinee shall be responsible for all additional costs incurred by Customs in preparing and administering the special examination that exceed the $200 examination fee prescribed in § 111.96(a), and such additional costs shall be reimbursed to Customs before the examination is given.

(d) *Failure to appear for examination.* If a prospective examinee advises the port director at least 2 working days prior to the date of a regularly scheduled written examination that he will not appear for the examination, the port director shall refund the $200 examination fee referred to in paragraph (b) of this section; however, no refund of the examination fee or additional reimbursed costs will be made in the case of a special written examination provided for under paragraph (c) of this section.

(e) *Notice of examination result.* Customs will provide to each examinee written notice of the result of the examination taken under this section. A failure of an examinee to attain a passing grade on the examination shall preclude the submission of an application under § 111.12 but shall not preclude the examinee from taking an examination again at a later date in accordance with paragraph (b) of this section.

(f) *Appeal of failing grade on examination.* If an examinee fails to attain a passing grade on the examination taken under this section, the examinee may challenge that result by filing a written appeal with Trade Compliance, Office of Field Operations, U.S. Customs Service, Washington, DC 20229 within 60 calendar days after the date of the written notice provided for in paragraph (e) of this section. Customs will provide to the examinee written notice of the decision on the appeal. If the Customs decision on the appeal affirms the result of the examination, the examinee may request review of the decision on the appeal by writing to the Secretary of the Treasury within 60 calendar days after the date of the notice of that decision.

§ 111.14 Investigation of the license applicant.

(a) *Referral of application for investigation.* The port director shall immediately refer an application for an individual, partnership, association, or corporation license to the special agent in charge or other entity designated by Headquarters for investigation and report.

(b) *Scope of investigation.* An investigation under this section shall ascertain facts relevant to the question of whether the applicant is qualified and shall cover, but need not be limited to:

(1) The accuracy of the statements made in the application;

(2) The business integrity of the applicant; and

(3) When the applicant is an individual (including a member of a partnership or an officer of an association or corporation), the character and reputation of the applicant.

(c) *Referral to Headquarters.* The port director shall forward the originals of the application and the report of investigation to the Assistant Commissioner. The port director shall also submit his recommendation for action on the application.

(d) *Additional investigation or examination.* The Assistant Commissioner may require further investigation to be conducted if additional facts are deemed necessary to pass upon the application. The Assistant Commissioner may also require the applicant (or in the case of a partnership, association, or corporation, one or more of its members or officers) to appear in person before

him or before one or more representatives of the Assistant Commissioner for the purpose of undergoing additional written or oral examination into the applicant's qualifications for a license.

§ 111.15 Issuance of license.

If the Assistant Commissioner finds that the applicant is qualified and has paid all applicable fees prescribed in § 111.96(a), he will issue a license. A license for an individual who is a member of a partnership or an officer of an association or corporation will be issued in the name of the individual licensee and not in his capacity as a member or officer of the organization with which he is connected. The license shall be forwarded to the port director, who shall deliver it to the licensee.

§ 111.16 Denial of license.

(a) *Notice of denial.* If the Assistant Commissioner determines that the application for a license should be denied for any reason, notice of denial shall be given by him to the applicant and to the director of the port at which the application was filed. The notice of denial shall state the reasons why the license was not issued.

(b) *Grounds for denial.* The grounds sufficient to justify denial of an application for a license shall include, but need not be limited to:

(1) Any cause which would justify suspension or revocation of the license of a broker under the provisions of § 111.53;

(2) The failure to meet any requirement set forth in § 111.11;

(3) A failure to establish the business integrity and good character of the applicant;

(4) Any willful misstatement of pertinent facts in the application for the license;

(5) Any conduct which would be deemed unfair in commercial transactions by accepted standards; or

(6) A reputation imputing to the applicant criminal, dishonest, or unethical conduct, or a record of such conduct.

§ 111.17 Review of the denial of a license.

(a) *By the Assistant Commissioner.* Upon the denial of an application for a license, the applicant may file with the Assistant Commissioner, in writing, a request that further opportunity be given for the presentation of information or arguments in support of the application by personal appearance, or in writing, or both. This request must be received by the Assistant Commissioner within 60 calendar days of the denial.

(b) *By the Secretary.* Upon the decision of the Assistant Commissioner affirming the denial of an application for a license, the applicant may file with the Secretary of the Treasury, in writing, a request for such additional review as the Secretary shall deem appropriate. This request must be received by the Secretary within 60 calendar days of the Assistant Commissioner's affirmation of the denial of the application for a license.

(c) *By the Court of International Trade.* Upon a decision of the Secretary of the Treasury affirming the denial of an application for a license, the applicant may appeal the decision to the Court of International Trade, provided that the appeal action is commenced within 60 calendar days after the date of entry of the Secretary's decision.

§ 111.18 Reapplication for license.

An applicant who has been denied a license may reapply at any time by complying with the provisions of § 111.12.

§ 111.19 Permits.

(a) *General.* Each person granted a broker's license under this part shall be concurrently issued a permit for the district in which the port through which the application was submitted is located and without the payment of the $100 fee required by § 111.96(b), if it is shown to the satisfaction of the port director that the person intends to transact customs business within such district and the person otherwise complies with the requirements of this part.

(b) *Submission of application for initial permit or permit for additional district.* A broker who intends to conduct customs business at a port within another district for which he does not have a permit, or a broker who was not concurrently granted a permit with the broker's license under paragraph (a) of this section, and except as otherwise provided in paragraph (f) of this section, shall submit an application for a permit in a letter to the director of the port at which he intends to conduct customs business. Each application for a permit for an additional district shall set forth or attach the following:

(1) The applicant's broker license number and date of issuance;

(2) The address where the applicant's office will be located within the additional district and the telephone number of that office;

(3) A copy of a document which reserves the applicant's business name with the state or local government;

(4) The name of the individual broker who will exercise responsible supervision and control over the customs business transacted in the additional district;

(5) A list of all other districts for which the applicant has a permit to transact customs business;

(6) The place where the applicant's brokerage records will be retained and the names of the applicant's recordkeeping officer and back-up recordkeeping officer (see §§ 111.21 and 111.23); and

(7) A list of all identifiable persons who will be employed by the applicant in the additional district, together with the specific employee information prescribed in § 111.28(b)(1)(i) for each such prospective employee.

(c) *Fees.* Each application for a permit under paragraph (b) or (f) of this section shall be accompanied by the $100 and $125 fees specified in §§ 111.96(b) and (c). The $125 fee specified in § 111.96(c) also must be paid in connection with the issuance of an initial permit concurrently with a license under paragraph (a) of this section.

(d) *Responsible supervision and control*—(1) *General.* The applicant for a permit for an additional district shall have a place of business at the port where the application is filed, or shall have made firm arrangements satisfactory to the port director to establish such a place of business, and shall exercise responsible supervision and control over that place of business once the permit is granted. Except as otherwise provided in paragraph (d)(2) of this section, the applicant shall employ in each district for which a permit is granted at least one individual broker to exercise responsible supervision and control over the customs business conducted in the district.

(2) *Exception to district rule.* If the applicant can demonstrate to the satisfaction of Customs that he regularly employs at least one individual broker in a larger geographical area in which the district is located and that adequate procedures exist for such individual broker to exercise responsible supervision and control over the customs business conducted in the district, Customs may waive the requirement for an individual broker in that district. A request for a waiver under this paragraph, supported by information on the volume and type of customs business conducted, or planned to be conducted, and supported by evidence demonstrating that the applicant is able to exercise responsible supervision and control through the individual broker employed in the larger geographical area, shall be sent to the port director in the district in which the waiver is sought. The port director

shall review the request for a waiver and make recommendations which will be sent to the Office of Field Operations, Customs Headquarters for review and decision. A written decision on the waiver request shall be issued by the Office of Field Operations and, if the waiver is granted, the decision letter shall specify the region covered by the waiver.

(e) *Action on application; list of permitted brokers.* The port director who receives the application shall issue a written decision on the permit application and shall issue the permit if the applicant meets the requirements of paragraphs (b), (c), and (d) of this section. If the port director is of the opinion that the permit should not be issued, he shall submit his written reasons for that opinion to the Office of Field Operations, Customs Headquarters, for appropriate instructions on whether to grant or deny the permit. Each port director shall maintain and make available to the public an alphabetical list of brokers permitted through his port.

(f) *National permit.* A broker must be a participant in the National Customs Automation Program (NCAP) under section 411, *et seq.*, Tariff Act of 1930, as amended (19 U.S.C. 1411 *et seq.*), and must have a national permit in order to electronically file entries from a remote location (that is, a location other than the place designated in the entry for examination), or in order to electronically file drawback claims or transact other customs business pursuant to an NCAP component that is in operation, whenever such entry or drawback claim is filed or such other customs business is transacted within a district for which the broker does not have a district permit. An application for a national permit under this paragraph shall be in the form of a letter addressed to the Office of Field Operations, U.S. Customs Service, Washington, DC 20229, and shall:

(1) Identify the applicant's broker license number and date of issuance;

(2) Set forth the address and telephone number of the office designated by the applicant as the office of record for purposes of administration of the provisions of this part in respect of all activities of the applicant conducted under the national permit. That office will be noted in the national permit when issued;

(3) Set forth the name, broker license number, office address, and telephone number of the individual broker who will exercise responsible supervision and control over the activities of the applicant conducted under the national permit;

(4) Include a statement that the applicant meets all applicable requirements for remote location filing or other NCAP participation set forth in this chapter; and

(5) Attach a receipt or other evidence showing that the fees specified in §§ 111.96(b) and (c) have been paid at the port having jurisdiction over, or nearest to, the office of record identified under paragraph (f)(2) of this section.

(g) *Review of the denial of a permit*—(1) *By the Assistant Commissioner.* Upon the denial of an application for a permit under this section, the applicant may file with the Assistant Commissioner, in writing, a request that further opportunity be given for the presentation of information or arguments in support of the application by personal appearance, or in writing, or both. This request must be received by the Assistant Commissioner within 60 calendar days of the denial.

(2) *By the Court of International Trade.* Upon a decision of the Assistant Commissioner affirming the denial of an application for a permit under this section, the applicant may appeal the decision to the Court of International Trade, provided that the appeal action is commenced within 60 calendar days after the date of entry of the Assistant Commissioner's decision.

Subpart C—Duties and Responsibilities of Customs Brokers

§ 111.21 Record of transactions.

(a) Each broker shall keep current in a correct, orderly, and itemized manner records of account reflecting all his financial transactions as a broker. He shall keep and maintain on file copies of all his correspondence and other records relating to his customs business.

(b) Each broker shall comply with the provisions of this part and part 163 of this chapter when maintaining records that reflect on his transactions as a broker.

(c) Each broker shall designate a knowledgeable company employee to be the contact for Customs for broker-wide customs business and financial recordkeeping requirements.

§ 111.22 [Reserved]

§ 111.23 Retention of records.

(a) *Place and period of retention*—(1) *Place.* Records shall be retained by a broker in accordance with the provisions of this part and part 163 of this chapter within the broker district that covers the Customs port to which they relate unless the broker chooses to consolidate records at one or more other locations, and provides advance notice of such consolidation to Customs, in accordance with paragraph (b) of this section.

(2) *Period.* The records described in paragraph (a)(1) of this section, other than powers of attorney, shall be retained for at least 5 years after the date of entry. Powers of attorney shall be retained until revoked, and revoked powers of attorney and letters of revocation shall be retained for 5 years after the date of revocation or for 5 years after the date the client ceases to be an ''active client'' as defined in § 111.29(b)(2)(ii), whichever period is later. When merchandise is withdrawn from a bonded warehouse, copies of papers relating to the withdrawal shall be retained for 5 years from the date of withdrawal of the last merchandise withdrawn under the entry.

(b) *Notification of consolidated records*—(1) *Applicability.* Subject to the requirements of paragraph (b)(2) of this section, the option of maintaining records on a consolidated system basis is generally available to brokers who have been granted permits to do business in more than one district.

(2) *Form and content of notice.* If consolidated storage is desired by the broker, he must submit a written notice addressed to the Director, Regulatory Audit Division, U.S. Customs Service, 909 S.E. First Avenue, Miami, Florida 33131. The written notice shall include:

(i) Each address at which the broker intends to maintain the consolidated records. Each such location must be within a district where the broker has been granted a permit;

(ii) A detailed statement describing all the records to be maintained at each consolidated location, the methodology of record maintenance, a description of any automated data processing to be applied, and a list of all the broker's customs business activity locations; and

(iii) An agreement that there will be no change in the records, the manner of recordkeeping, or the location at which they will be maintained, unless the Director, Regulatory Audit Division, in Miami is first notified.

§ 111.24 Records confidential.

The records referred to in this part and pertaining to the business of the clients serviced by the broker shall be considered confidential, and the broker shall not disclose their contents or any information connected therewith to any persons other than such clients, their surety on a particular entry, and the Field Director, Regulatory Audit Division, the special agent in charge, the port director, or other duly accredited officers or agents of the United States, except on subpoena by a court of competent jurisdiction.

§ 111.25 Records shall be available.

During the period of retention, the broker shall maintain the records referred to in this part in such manner that they may readily be examined. Records required to be made or maintained under the provisions of this part shall be made available upon reasonable notice for inspection, copying, reproduction or other official use by Customs regulatory auditors or special agents or other authorized Customs officers within the prescribed period of retention or within any longer period of time during which they remain in the possession of the broker. Records subject to the requirements of part 163 of this chapter shall be made available to Customs in accordance with the provisions of that part.

§ 111.26 Interference with examination of records.

Except in accordance with the provisions of part 163 of this chapter, a broker shall not refuse access to, conceal, remove, or destroy the whole or any part of any record relating to his transactions as a broker which is being sought, or which the broker has reasonable grounds to believe may be sought, by the Treasury Department or any representative thereof, nor shall he otherwise interfere, or attempt to interfere, with any proper and lawful efforts to procure or reproduce information contained in such records.

§ 111.27 Audit or inspection of records.

The Field Director, Regulatory Audit Division, shall make such audit or inspection of the records required by this subpart to be kept and maintained by a broker as may be necessary to enable the port director and other proper officials of the Treasury Department to determine whether or not the broker is complying with the requirements of this part.

§ 111.28 Responsible supervision.

(a) *General.* Every individual broker operating as a sole proprietor and every licensed member of a partnership that is a broker and every licensed officer of an association or corporation that is a broker shall exercise responsible supervision and control over the transaction of the customs business of such sole proprietorship, partnership, association, or corporation.

(b) *Employee information.*

(1) *Current employees*—(i) General. Each broker shall submit, in writing, to the director of each port at which the broker intends to transact customs business, a list of the names of persons currently employed at that port. The list of employees shall be submitted upon issuance of a permit for an additional district under § 111.19, or upon the opening of an office at a port within a district for which the broker already has a permit, and before the broker begins to transact customs business as a broker at the port. For each such employee, the broker also shall provide the current home address, last prior home address, social security number, date and place of birth, and, if the employee has been employed by the broker for less than 3 years, the name and address of each former employer and dates of employment for the 3-year period preceding current employment with the broker. After the initial submission, the list shall be updated and submitted with the status report required by § 111.30(d).

(ii) *New employees.* In the case of a new employee, the broker shall submit to the port director the written information required under paragraph (b)(1)(i) of this section within 10 calendar days after the new employee has been employed by the broker for 30 consecutive days.

(2) *Terminated employees.* Within 30 calendar days after the termination of employment of any person employed longer than 30 consecutive days, the broker shall submit the name of the terminated employee, in writing, to the director of the port at which the person was employed.

(3) *Broker's responsibility.* Notwithstanding a broker's responsibility for providing the information required in paragraph (b)(1) of this section, in the absence of culpability by the broker, Customs will not hold him responsible for the accuracy of such information when provided to the broker by the employee.

(c) *Termination of qualifying member or officer.* In the case of an individual broker who is a qualifying member of a partnership for purposes of § 111.11(b)(1) or who is a qualifying officer of an association or corporation for purposes of § 111.11(c)(2), that individual broker shall immediately provide written notice to the Assistant Commissioner when his employment as a qualifying member or officer terminates and shall send a copy of the written notice to the director of each port through which a permit has been granted to the partnership, association, or corporation.

(d) *Change in ownership.* If the ownership of a broker changes and ownership shares in the broker are not publicly traded, the broker shall immediately provide written notice of that fact to the Assistant Commissioner and shall send a copy of the written notice to the director of each port through which a permit has been granted to the broker. When the change in ownership results in the addition of a new principal to the organization, Customs reserves the right to conduct a background investigation on the new principal. The port director will notify the broker if Customs objects to the new principal, and the broker will be given a reasonable period of time to remedy the situation. If the investigation uncovers information which would have been the basis for a denial of an application for a broker's license and the principal's interest in the broker is not terminated to the satisfaction of the port director, suspension or revocation proceedings may be initiated under subpart D of this part. For purposes of this paragraph, a ''principal'' means any person having at least a 5 percent capital, beneficiary or other direct or indirect interest in a broker or in the business of a broker.

§ 111.29 Diligence in correspondence and paying monies.

(a) *Due diligence by broker.* Each broker shall exercise due diligence in making financial settlements, in answering correspondence, and in preparing or assisting in the preparation and filing of records relating to any customs business matter handled by him as a broker. Payment of duty, tax, or other debt or obligation owing to the Government for which the broker is responsible, or for which the broker has received payment from a client, shall be made to the Government on or before the date that payment is due. Payments received by a broker from a client after the due date shall be transmitted to the Government within 5 working days from receipt by the broker. Each broker shall provide a written statement to a client accounting for funds received for the client from the Government, or received from a client where no payment to the Government has been made, or received from a client in excess of the Governmental or other charges properly payable as part of the client's customs business, within 60 calendar days of receipt. No written statement is required if there is actual payment of such funds by a broker.

(b) *Notice to client of method of payment*—(1) All brokers shall provide their clients with the following written notification:

If you are the importer of record, payment to the broker will not relieve you of liability for Customs charges (duties, taxes, or other debts owed Customs) in the event the charges are not paid by the broker. Therefore, if you pay by check, Customs charges may be paid with a separate check payable to the ''U.S. Customs Service'' which shall be delivered to Customs by the broker.

(2) The written notification set forth in paragraph (b)(1) of this section shall be provided by brokers as follows:

(i) On, or attached to, any power of attorney provided by the broker to a client for execution on or after September 27, 1982; and

(ii) To each active client no later than February 28, 1983, and at least once at any time within each 12-month period thereafter. An active client means a client from whom a broker has obtained a power of attorney and for whom the broker has transacted customs business on at least two occasions within the 12-month period preceding notification.

§ 111.30 Notification of change of business address, organization, name, or location of business records; status report; termination of brokerage business.

(a) *Change of address.* When a broker changes his business address, he shall immediately give written notice of his new address to each director of a port that is affected by the change of address. In addition, if an individual broker is not actively engaged in transacting business as a broker and changes his non-business mailing address, he shall give written notice of the new address in the status report required by paragraph (d) of this section.

(b) *Change in an organization.* A partnership, association, or corporation broker shall immediately provide written notice of any of the following to the director of each port through which it has been granted a permit:

(1) The date on which a licensed member or officer ceases to be the qualifying member or officer for purposes of § 111.11(b)(1) or (c)(2), and the name of the broker who will succeed as the qualifying member or officer; and

(2) Any change in the Articles of Agreement, Charter, or Articles of Incorporation relating to the transaction of customs business, or any other change in the legal nature of the organization.

(c) *Change in name.* A broker who changes his name, or who proposes to operate under a trade or fictitious name in one or more States within the district in which he has been granted a permit and is authorized by State law to do so, shall submit to the Office of Field Operations, U.S. Customs Service, Washington, DC 20229, evidence of his authority to use such name. The name shall not be used until the approval of Headquarters has been received. In the case of a trade or fictitious name, the broker shall affix his own name in conjunction with each signature of the trade or fictitious name when signing customs documents.

(d) *Status report*—(1) *General.* Each broker shall file a written status report with Customs on February 1, 1979, and on February 1 of each third year thereafter. The report shall be accompanied by the fee prescribed in § 111.96(d) and shall be addressed to the director of the port through which the broker's license was issued. A report received during the month of February will be considered filed timely. No form or particular format is required.

(2) *Individual.* Each individual broker shall state in the report required under paragraph (d)(1) of this section whether he is actively engaged in transacting business as a broker. If he is so actively engaged, he shall also:

(i) State the name under which, and the address at which, his business is conducted if he is a sole proprietor;

(ii) State the name and address of his employer if he is employed by another broker, unless his employer is a partnership, association or corporation broker for which he is a qualifying member or officer for purposes of § 111.11(b)(1) or (c)(2); and

(iii) State whether or not he still meets the applicable requirements of § 111.11 and § 111.19 and has not engaged in any conduct that could constitute grounds for suspension or revocation under § 111.53.

(3) *Partnership, association or corporation.* Each corporation, partnership or association broker shall state in the report required under paragraph (d)(1) of this section the name under which its business as a broker is being transacted, its business address, the names and addresses of the licensed members of the partnership or licensed officers of the association or corporation who qualify it for a license under § 111.11(b)(1) or (c)(2), and whether it is actively engaged in transacting business as a broker, and the report shall be signed by such a licensed member or officer.

(4) *Failure to file timely.* If a broker fails to file the report required under paragraph (d)(1) of this section by March 1 of the reporting year, the broker's license is suspended by operation of law on that date. By March 31 of the reporting year, the port director shall transmit written notice of the suspension to the broker by certified mail, return receipt requested, at the address reflected in Customs records. If the broker files the required report and pays the required fee within 60 calendar days of the date of the notice of suspension, the license shall be reinstated. If the broker does not file the required report within that 60-day period, the broker's license is revoked by operation of law without prejudice to the filing of an application for a new license. Notice of the revocation shall be published in the Customs Bulletin.

(e) *Custody of records.* Upon the permanent termination of a brokerage business, written notification of the name and address of the party having legal custody of the brokerage business records shall be provided to the director of each port where the broker was transacting business within each district for which a permit has been issued to the broker. Such notification shall be the responsibility of:

(1) The individual broker, upon the permanent termination of his brokerage business;

(2) Each member of a partnership who holds an individual broker's license, upon the permanent termination of a partnership brokerage business; or

(3) Each association or corporate officer who holds an individual broker's license, upon the permanent termination of an association or corporate brokerage business.

§ 111.31 Conflict of interest.

(a) *Former officer or employee of U.S. Government.* A broker who was formerly an officer or employee in U.S. Government service shall not represent a client before the Treasury Department or any representative thereof in any matter to which the broker gave personal consideration or gained knowledge of the facts while in U.S. Government service, except as provided in 18 U.S.C. 207.

(b) *Relations with former officer or employee of U.S. Government.* A broker shall not knowingly assist, accept assistance from, or share fees with a person who has been employed by a client in a matter pending before the Treasury Department or any representative thereof to which matter such person gave personal consideration or gained personal knowledge of the facts or issues thereof while in U.S. Government service.

(c) *Importations by broker or employee.* A broker who is an importer himself shall not act as broker for an importer who imports merchandise of the same general character as that imported by the broker unless the client has full knowledge of the facts. The same restriction shall apply if a broker's employee is an importer.

§ 111.32 False information.

A broker shall not file or procure or assist in the filing of any claim, or of any document, affidavit, or other papers, known by such broker to be false. Nor shall a broker knowingly give, or solicit or procure the giving of, any false or misleading information or

testimony in any matter pending before the Treasury Department or any representative thereof.

§ 111.33 Government records.

A broker shall not procure or attempt to procure, directly or indirectly, information from Government records or other Government sources of any kind to which access is not granted by proper authority.

§ 111.34 Undue influence upon Government employees.

A broker shall not influence or attempt to influence the conduct of any representative of the Treasury Department in any matter pending before the Treasury Department or any representative thereof by the use of duress or a threat or false accusation, or by the offer of any special inducement or promise of advantage, or by bestowing any gift or favor or other thing of value.

§ 111.35 Acceptance of fees from attorneys.

With respect to customs transactions, a broker shall not demand or accept from any attorney (whether directly or indirectly, including, for example, from a client as a part of any arrangement with an attorney) on account of any case litigated in any court of law or on account of any other legal service rendered by an attorney any fee or remuneration in excess of an amount measured by or commensurate with the time, effort and skill expended by the broker in performing his services.

§ 111.36 Relations with unlicensed persons.

(a) *Employment by unlicensed person other than importer.* When a broker is employed for the transaction of customs business by an unlicensed person who is not the actual importer, the broker shall transmit to the actual importer either a copy of his bill for services rendered or a copy of the entry, unless the merchandise was purchased for delivery on an all-free basis (duty and brokerage charges paid by the unlicensed person) or unless the importer has in writing waived transmittal of the copy of the entry or bill for services rendered.

(b) *Service to others not to benefit unlicensed person.* Except as otherwise provided in paragraph (c) of this section, a broker shall not enter into any agreement with an unlicensed person to transact Customs business for others in such manner that the fees or other benefits resulting from the services rendered for others inure to the benefit of the unlicensed person.

(c) *Relations with a freight forwarder.* A broker may compensate a freight forwarder for services rendered in obtaining brokerage business, subject to the following conditions:

(1) The importer or other party in interest is notified in advance by the forwarder or broker of the name of the broker selected by the forwarder for the handling of his Customs transactions;

(2) The broker transmits directly to the importer or other party in interest:

(i) A true copy of his brokerage charges if the fees and charges are to be collected by or through the forwarder, unless this requirement is waived in writing by the importer or other party in interest; or

(ii) A statement of his brokerage charges and an itemized list of any charges to be collected for the account of the freight forwarder if the fees and charges are to be collected by or through the broker;

(3) No part of the agreement of compensation between the broker and the forwarder, nor any action taken pursuant thereto, forbids or prevents direct communication between the importer or other party in interest and the broker; and

(4) In making the agreement and in all actions taken pursuant thereto, the broker shall remain subject to all other provisions of this part.

§ 111.37 Misuse of license or permit.

A broker shall not allow his license, permit or name to be used by or for any unlicensed person (including a broker whose license or permit is under suspension), other than his own employees authorized to act for him, in the solicitation, promotion or performance of any customs business or transaction.

§ 111.38 False representation to procure employment.

A broker shall not knowingly use false or misleading representations to procure employment in any customs matter. Nor shall a broker represent to a client or prospective client that he can obtain any favors from the Treasury Department or any representative thereof.

§ 111.39 Advice to client.

(a) *Withheld or false information.* A broker shall not withhold information relative to any customs business from a client who is entitled to the information. Moreover, a broker shall exercise due diligence to ascertain the correctness of any information which he imparts to a client, and he shall not knowingly impart to a client false information relative to any customs business.

(b) *Error or omission by client.* If a broker knows that a client has not complied with the law or has made an error in, or omission from, any document, affidavit, or other paper which the law requires such client to execute, he shall advise the client promptly of such noncompliance, error, or omission.

(c) *Illegal plans.* A broker shall not knowingly suggest to a client or prospective client any illegal plan for evading payment of any duty, tax, or other debt or obligation owing to the U.S. Government.

§ 111.40 Protests.

A broker shall not act on behalf of any person, or attempt to represent any person, in respect of any protest unless he is authorized to do so in accordance with § 174.3 of this chapter.

§ 111.41 Endorsement of checks.

A broker shall not endorse or accept, without authority of his client, any U.S. Government draft, check, or warrant drawn to the order of such client.

§ 111.42 Relations with person who is notoriously disreputable or whose license is under suspension, canceled ''with prejudice,'' or revoked.

(a) *General.* Except as otherwise provided in paragraph (b) of this section, a broker shall not knowingly and directly or indirectly:

(1) Accept employment to effect a Customs transaction as associate, correspondent, officer, employee, agent, or subagent from any person who is notoriously disreputable or whose broker license was revoked for any cause or is under suspension or was cancelled ''with prejudice;''

(2) Assist in the furtherance of any customs business or transactions of any person described in paragraph (a)(1) of this section;

(3) Employ, or accept assistance in the furtherance of any customs business or transactions from, any person described in paragraph (a)(1) of this section, without the approval of the Assistant Commissioner (see § 111.79);

(4) Share fees with any person described in paragraph (a)(1) of this section; or

(5) Permit any person described in paragraph (a)(1) of this section to participate, directly or indirectly and whether through ownership or otherwise, in the promotion, control, or direction of the business of the broker.

(b) *Client exception.* Nothing in this section shall prohibit a broker from transacting customs business on behalf of a bona fide importer or exporter who may be notoriously disreputable or whose broker license is under suspension or was cancelled ''with prejudice'' or revoked.

§ 111.43 [Reserved]

§ 111.44 [Reserved]

§ 111.45 Revocation by operation of law.

(a) *License.* If a broker that is a partnership, association, or corporation fails to have, during any continuous period of 120 days, at least one member of the partnership or at least one officer of the association or corporation who holds a valid individual broker's license, such failure shall, in addition to any other sanction that may be imposed under this part, result in the revocation by operation of law of the license and any permits issued to the partnership, association, or corporation. The Assistant Commissioner will notify the broker in writing of an impending revocation by operation of law under this section 30 calendar days before the revocation is due to occur.

(b) *Permit.* If a broker who has been granted a permit for an additional district fails, for any continuous period of 180 days, to employ within that district (or region, if an exception has been granted pursuant to § 111.19(d)) at least one person who holds a valid individual broker's license, such failure shall, in addition to any other sanction that may be imposed under this part, result in the revocation of the permit by operation of law.

(c) *Notification.* If the license or an additional permit of a partnership, association, or corporation is revoked by operation of law under paragraph (a) or (b) of this section, the Assistant Commissioner will notify the organization of the revocation. If an additional permit of an individual broker is revoked by operation of law under paragraph (b) of this section, the Assistant Commissioner will notify the broker. Notice of any revocation under this section will be published in the Customs Bulletin.

(d) *Applicability of other sanctions.* Notwithstanding the operation of paragraph (a) or (b) of this section, each broker still has a continuing obligation to exercise responsible supervision and control over the conduct of its brokerage business and to otherwise comply with the provisions of this part. Any failure on the part of a broker to meet that continuing obligation during the 120 or 180-day period referred to in paragraph (a) or (b) of this section, or during any shorter period of time, may result in the initiation of suspension or revocation proceedings or the assessment of a monetary penalty under subpart D or subpart E of this part.

Subpart D—Cancellation, Suspension, or Revocation of License or Permit, or Monetary Penalty in Lieu Thereof

§ 111.50 General.

This subpart sets forth provisions relating to cancellation, suspension, or revocation of a license or a permit, or assessment of a monetary penalty in lieu thereof, under section 641(d)(2)(B), Tariff Act of 1930, as amended (19 U.S.C. 1641(d)(2)(B)). The provisions relating to assessment of a monetary penalty under sections 641 (b)(6) and (d)(2)(A), Tariff Act of 1930, as amended (19 U.S.C. 1641 (b)(6) and (d)(2)(A)), are set forth in subpart E of this part.

§ 111.51 Cancellation of license or permit.

(a) *Without prejudice.* The Assistant Commissioner may cancel a broker's license or permit ''without prejudice'' upon written application by the broker if the Assistant Commissioner determines that the application for cancellation was not made in order to avoid proceedings for the suspension or revocation of the license or permit. If the Assistant Commissioner determines that the application for cancellation was made in order to avoid such proceedings, he may cancel the license or permit ''without prejudice'' only with authorization from the Secretary of the Treasury.

(b) *With prejudice.* The Assistant Commissioner may cancel a broker's license or permit ''with prejudice'' when specifically requested to do so by the broker. The effect of a cancellation ''with prejudice'' is in all respects the same as if the license or permit had been revoked for cause by the Secretary except that it shall not give rise to a right of appeal.

§ 111.52 Voluntary suspension of license or permit.

The Assistant Commissioner may accept a broker's written voluntary offer of suspension of the broker's license or permit for a specific period of time under such terms and conditions as the parties may agree.

§ 111.53 Grounds for suspension or revocation of license or permit.

The appropriate Customs officer may initiate proceedings for the suspension, for a specific period of time, or revocation of the license or permit of any broker for any of the following reasons:

(a) The broker has made or caused to be made in any application for any license or permit under this part, or report filed with Customs, any statement which was, at the time and in light of the circumstances under which it was made, false or misleading with respect to any material fact, or has omitted to state in any application or report any material fact which was required;

(b) The broker has been convicted, at any time after the filing of an application for a license under § 111.12, of any felony or misdemeanor which:

(1) Involved the importation or exportation of merchandise;

(2) Arose out of the conduct of customs business; or

(3) Involved larceny, theft, robbery, extortion, forgery, counterfeiting, fraudulent concealment, embezzlement, fraudulent conversion, or misappropriation of funds;

(c) The broker has violated any provision of any law enforced by Customs or the rules or regulations issued under any such provision;

(d) The broker has counseled, commanded, induced, procured, or knowingly aided or abetted the violations by any other person of any provision of any law enforced by Customs or the rules or regulations issued under any such provision;

(e) The broker has knowingly employed, or continues to employ, any person who has been convicted of a felony, without written approval of such employment from the Assistant Commissioner;

(f) The broker has, in the course of customs business, with intent to defraud, in any manner willfully and knowingly deceived, misled or threatened any client or prospective client; or

(g) The broker no longer meets the applicable requirements of § 111.11 and § 111.19.

§ 111.54 [Reserved]

§ 111.55 Investigation of complaints.

Every complaint or charge against a broker which may be the basis for disciplinary action shall be forwarded for investigation to the special agent in charge of the area in which the broker is located. The special agent in charge shall submit a report on the investigation to the director of the port and send a copy of it to the Assistant Commissioner.

§ 111.56 Review of report on investigation.

The port director shall review the report of investigation to determine if there is sufficient basis to recommend that charges be preferred against the broker. He shall then submit his recommendation with supporting reasons to the Assistant Commissioner for final determination together with a proposed statement of charges when recommending that charges be preferred.

§ 111.57 Determination by Assistant Commissioner.

The Assistant Commissioner shall make a determination on whether or not charges should be preferred, and he shall notify the port director of his decision.

§ 111.58 Content of statement of charges.

Any statement of charges referred to in this subpart shall give a plain and concise, but not necessarily detailed, description of the facts claimed to constitute grounds for suspension or revocation of the license or permit. The statement of charges also shall specify the sanction being proposed (that is, suspension of the license or permit or revocation of the license or permit), but if a suspension is proposed the charges need not state a specific period of time for which suspension is proposed. A statement of charges which fairly informs the broker of the charges against him so that he is able to prepare his response shall be deemed sufficient. Different means by which a purpose might have been accomplished, or different intents with which acts might have been done, so as to constitute grounds for suspension or revocation of the license may be alleged in the alternative under a single count in the statement of charges.

§ 111.59 Preliminary proceedings.

(a) *Opportunity to participate.* The port director shall advise the broker of his opportunity to participate in preliminary proceedings with an opportunity to avoid formal proceedings against his license or permit.

(b) *Notice of preliminary proceedings.* The port director shall serve upon the broker, in the manner set forth in § 111.63, written notice that:

(1) Transmits a copy of the proposed statement of charges;

(2) Informs the broker that formal proceedings are available to him;

(3) Informs the broker that sections 554 and 558, Title 5, United States Code, will be applicable if formal proceedings are necessary;

(4) Invites the broker to show cause why formal proceedings should not be instituted;

(5) Informs the broker that he may make submissions and demonstrations of the character contemplated by the cited statutory provisions;

(6) Invites any negotiation for settlement of the complaint or charge that the broker deems it desirable to enter into;

(7) Advises the broker of his right to be represented by counsel;

(8) Specifies the place where the broker may respond in writing; and

(9) Advises the broker that the response must be received within 30 calendar days of the date of the notice.

§ 111.60 Request for additional information.

If, in order to prepare his response, the broker desires additional information as to the time and place of the alleged misconduct, or the means by which it was committed, or any other more specific information concerning the alleged misconduct, he may request such information in writing. The broker's request shall set forth in what respect the proposed statement of charges leaves him in doubt and shall describe the particular language of the proposed statement of charges as to which additional information is needed. If in the opinion of the port director such information is reasonably necessary to enable the broker to prepare his response, he shall furnish the broker with such information.

§ 111.61 Decision on preliminary proceedings.

The port director shall prepare a summary of any oral presentations made by the broker or his attorney and forward it to the Assistant Commissioner together with a copy of each paper filed by the broker. The port director shall also give to the Assistant Commissioner his recommendation on action to be taken as a result of the preliminary proceedings. If the Assistant Commissioner determines that the broker has satisfactorily responded to the proposed charges and that further proceedings are not warranted, he shall so inform the port director who shall notify the broker. If no response is filed by the broker or if the Assistant Commissioner determines that the broker has not satisfactorily responded to all of the proposed charges, he shall so advise the port director and instruct him to prepare, sign, and serve a notice of charges and the statement of charges. If one or more of the charges in the proposed statement of charges was satisfactorily answered by the broker in the preliminary proceedings, the Assistant Commissioner shall instruct the port director to omit those charges from the statement of charges.

§ 111.62 Contents of notice of charges.

The notice of charges shall inform the broker that:

(a) Sections 554 and 558, Title 5, United States Code, are applicable to the formal proceedings;

(b) The broker may be represented by counsel;

(c) The broker will have the right to cross-examine witnesses;

(d) Within 10 calendar days after service of this notice, the broker will be notified of the time and place of a hearing on the charges; and

(e) Prior to the hearing on the charges, the broker may file, in duplicate with the port director, a verified answer to the charges.

§ 111.63 Service of notice and statement of charges.

(a) *Individual.* The port director shall serve the notice of charges and the statement of charges against an individual broker as follows:

(1) By delivery to the broker personally;

(2) By certified mail addressed to the broker, with demand for a return card signed solely by the addressee;

(3) By any other means which the broker may have authorized in a written communication to the port director; or

(4) If attempts to serve the broker by the methods prescribed in paragraphs (a)(1) through (a)(3) of this section are unsuccessful, the port director may serve the notice and statement by leaving them with the person in charge of the broker's office.

(b) *Partnership, association or corporation.* The port director shall serve the notice of charges and the statement of charges against a partnership, association, or corporation broker as follows:

(1) By delivery to any member of the partnership personally or to any officer of the association or corporation personally;

(2) By certified mail addressed to any member of the partnership or to any officer of the association or corporation, with demand for a return card signed solely by the addressee;

(3) By any other means which the broker may have authorized in a written communication to the port director; or

(4) If attempts to serve the broker by the methods prescribed in paragraphs (b)(1) through (b)(3) of this section are unsuccessful, the port director may serve the notice and statement by leaving them with the person in charge of the broker's office.

(c) *Certified mail; evidence of service.* When the service under this section is by certified mail, the receipt of the return card duly signed shall be satisfactory evidence of service.

§ 111.64 Service of notice of hearing and other papers.

(a) *Notice of hearing.* After service of the notice and statement of charges, the port director shall serve upon the broker and his attorney if known, by one of the methods set forth in § 111.63 or by ordinary mail, a written notice of the

time and place of the hearing. The hearing shall be scheduled to take place within 30 calendar days after service of the notice of hearing.

(b) *Other papers.* Other papers relating to the hearing may be served by one of the methods set forth in § 111.63 or by ordinary mail or upon the broker's attorney.

§ 111.65 Extension of time for hearing.

If the broker or his attorney requests in writing a delay in the hearing for good cause, the hearing officer designated pursuant to § 111.67(a) may reschedule the hearing and in such a case shall notify the broker or his attorney in writing of the extension and the new time for the hearing.

§ 111.66 Failure to appear.

If the broker or his attorney fails to appear for a scheduled hearing, the hearing officer designated pursuant to § 111.67(a) shall proceed with the hearing as scheduled and shall hear evidence submitted by the parties. The provisions of this part shall apply as though the broker were present, and the Secretary of the Treasury may issue an order of suspension of the license or permit for a specified period of time or revocation of the license or permit, or of assessment of a monetary penalty in lieu thereof, in accordance with § 111.74 if he finds such action to be in order.

§ 111.67 Hearing.

(a) *Hearing officer.* The hearing officer shall be an administrative law judge appointed pursuant to 5 U.S.C. 3105.

(b) *Rights of the broker.* The broker or his attorney shall have the right to examine all exhibits offered at the hearing and shall have the right to cross-examine witnesses and to present witnesses who shall be subject to cross-examination by the Government representatives.

(c) *Interrogatories.* Upon the written request of either party, the hearing officer may permit deposition upon oral or written interrogatories to be taken before any officer duly authorized to administer oaths for general purposes or in customs matters. The other party to the hearing shall be given a reasonable time in which to prepare cross-interrogatories and, if the deposition is oral, shall be permitted to cross-examine the witness. The deposition shall become part of the hearing record.

(d) *Transcript of record.* The port director shall provide a competent reporter to make a record of the hearing. When the record of the hearing has been transcribed by the reporter, the port director shall deliver a copy of the transcript of record to the hearing officer, the broker and the Government representative without charge.

(e) *Government representatives.* The Assistant Commissioner shall designate one or more persons to represent the Government at the hearing.

§ 111.68 Proposed findings and conclusions.

The hearing officer shall allow the parties a reasonable period of time after delivery of the transcript of record in which to submit proposed findings and conclusions and supporting reasons therefor as contemplated by 5 U.S.C. 557(c).

§ 111.69 Recommended decision by hearing officer.

After review of the proposed findings and conclusions submitted by the parties pursuant to § 111.68, the hearing officer shall make his recommended decision in the case and certify the entire record to the Secretary of the Treasury. The hearing officer's recommended decision shall conform to the requirements of 5 U.S.C. 557.

§ 111.70 Additional submissions.

Upon receipt of the record, the Secretary of the Treasury will afford the parties a reasonable opportunity to make such additional submissions as permitted under 5 U.S.C. 557(c) or as otherwise required by the circumstances of the case.

§ 111.71 Immaterial mistakes.

The Secretary of the Treasury will disregard an immaterial misnomer of a third person, an immaterial mistake in the description of any person, thing, or place, or ownership of any property, any other immaterial mistake in the statement of charges, or a failure to prove immaterial allegations in the description of the broker's conduct.

§ 111.72 Dismissal subject to new proceedings.

If the Secretary of the Treasury finds that the evidence produced at the hearing indicates that a proper disposition of the case cannot be made on the basis of the charges preferred, he may instruct the port director to serve appropriate charges as a basis for new proceedings to be conducted in accordance with the procedures set forth in this subpart.

§ 111.73 [Reserved]

§ 111.74 Decision and notice of suspension or revocation or monetary penalty.

If the Secretary of the Treasury finds that one or more of the charges in the statement of charges is not sufficiently proved, he may base a suspension, revocation, or monetary penalty action on any remaining charges if the facts alleged in the charges are established by the evidence. If the Secretary of the Treasury, in the exercise of his discretion and based solely on the record, issues an order suspending a broker's license or permit for a specified period of time or revoking a broker's license or permit or, except in a case described in § 111.53(b)(3), assessing a monetary penalty in lieu of suspension or revocation, the Assistant Commissioner shall promptly provide written notification of the order to the broker and, unless an appeal from the Secretary's order is filed by the broker (see § 111.75), the Assistant Commissioner shall publish a notice of the suspension or revocation, or the assessment of a monetary penalty in lieu thereof, in the **Federal Register** and in the Customs Bulletin. If no appeal from the Secretary's order is filed, an order of suspension or revocation or assessment of a monetary penalty shall become effective 60 calendar days after issuance of written notification of the order unless the Secretary finds that a more immediate effective date is in the national or public interest. If a monetary penalty is assessed and no appeal from the Secretary's order is filed, payment of the penalty shall be tendered within 60 calendar days after the effective date of the order, and, if payment is not tendered within that 60-day period, the license or permit of the broker shall immediately be suspended until payment is made.

§ 111.75 Appeal from the Secretary's decision.

An appeal from the order of the Secretary of the Treasury suspending or revoking a license or permit, or assessing a monetary penalty in lieu thereof, may be filed by the broker in the Court of International Trade as provided in section 641(e), Tariff Act of 1930, as amended (19 U.S.C. 1641(e)). The commencement of such proceedings shall, unless specifically ordered by the Court, operate as a stay of the Secretary's order.

§ 111.76 Reopening the case.

(a) *Grounds for reopening.* Provided that no appeal is filed in accordance with § 111.75, a person whose license or permit has been suspended or revoked, or against whom a monetary penalty has been assessed in lieu of suspension or revocation, may make written application in duplicate to the Assistant Commissioner to reopen the case and have the order of suspension or revocation or monetary penalty assessment set aside or modified on the

ground that new evidence has been discovered or on the ground that important evidence is now available which could not be produced at the original hearing by the exercise of due diligence. The application shall set forth the precise character of the evidence to be relied upon and shall state the reasons why the applicant was unable to produce it when the original charges were heard.

(b) *Procedure.* The Assistant Commissioner shall forward the application, together with his recommendation for action thereon, to the Secretary of the Treasury. The Secretary may grant or deny the application to reopen the case and may order the taking of additional testimony before the Assistant Commissioner. The Assistant Commissioner shall notify the applicant of the Secretary's decision. If the Secretary grants the application and orders a hearing, the Assistant Commissioner shall set a time and place for such hearing and give due written notice thereof to the applicant. The procedures governing the new hearing and recommended decision of the hearing officer shall be the same as those governing the original proceeding. The original order of the Secretary shall remain in effect pending conclusion of the new proceedings and issuance of a new order under § 111.77.

§ 111.77 Notice of vacated or modified order.

If, pursuant to § 111.76 or for any other reason, the Secretary of the Treasury issues an order vacating or modifying an earlier order under § 111.74 suspending or revoking a broker's license or permit, or assessing a monetary penalty in lieu thereof, the Assistant Commissioner shall notify the broker in writing and shall publish a notice of the new order in the **Federal Register** and in the Customs Bulletin.

§ 111.78 Reprimands.

If a broker fails to observe and fulfill the duties and responsibilities of a broker as set forth in this part but such failure is not sufficiently serious to warrant initiation of suspension or revocation proceedings, Headquarters, or the port director with the approval of Headquarters, may serve the broker with a written reprimand. Such a reprimand, and the facts on which it is based, may be considered in connection with any future disciplinary proceeding that may be instituted against the broker in question.

§ 111.79 Employment of broker who has lost license.

Five years after the revocation or cancellation ''with prejudice'' of a license, the ex-broker may petition the Assistant Commissioner for authorization to assist, or accept employment with, a broker. Such a petition shall not be approved unless the Assistant Commissioner is satisfied that the petitioner has refrained from all activities described in § 111.42 and that the petitioner's conduct has been exemplary during the period of disability. The Assistant Commissioner shall also give consideration to the gravity of the misconduct which gave rise to the petitioner's disability. In any case in which such misconduct led to pecuniary loss to the Government or to any person, the Assistant Commissioner shall also take into account whether the petitioner has made restitution of such loss.

§ 111.80 [Reserved]

§ 111.81 Settlement and compromise.

The Assistant Commissioner, with the approval of the Secretary of the Treasury, may settle and compromise any disciplinary proceeding which has been instituted under this subpart according to the terms and conditions agreed to by the parties including, but not limited to, the assessment of a monetary penalty in lieu of any proposed suspension or revocation of a broker's license or permit.

Subpart E—Monetary Penalty and Payment of Fees

§ 111.91 Grounds for imposition of a monetary penalty; maximum penalty.

Customs may assess a monetary penalty or penalties as follows:

(a) In the case of a broker, in an amount not to exceed an aggregate of $30,000 for one or more of the reasons set forth in §§ 111.53(a) through (f) other than those listed in § 111.53(b)(3), and provided that no license or permit suspension or revocation proceeding has been instituted against the broker under subpart D of this part for any of the same reasons; or

(b) In the case of a person who is not a broker, in an amount not to exceed $10,000 for each transaction or violation referred to in § 111.4 and in an amount not to exceed an aggregate of $30,000 for all such transactions or violations.

§ 111.92 Notice of monetary penalty.

If assessment of a monetary penalty under § 111.91 is contemplated, Customs shall issue a written notice which advises the broker or other person of the allegations or complaints against him and explains that the broker or other person has a right to respond to the allegations or complaints in writing within 30 calendar days of the date of mailing of the notice. The port director has discretion to provide additional time for good cause.

§ 111.93 Petition for relief from monetary penalty.

A broker or other person who receives a notice issued under § 111.92 may file a petition for relief from the monetary penalty in accordance with the procedures set forth in part 171 of this chapter.

§ 111.94 Decision on monetary penalty.

Customs shall follow the procedures set forth in part 171 of this chapter in considering any petition for relief filed under § 111.93. After Customs has considered the allegations or complaints set forth in the notice issued under § 111.92 and any timely response made thereto by the broker or other person, the Fines, Penalties, and Forfeitures Officer shall issue a written decision to the broker or other person setting forth the final determination and the findings of fact and conclusions of law on which the determination is based. If the final determination is that the broker or other person is liable for a monetary penalty, the broker or other person shall pay the monetary penalty, or make arrangements for payment thereof, within 60 calendar days of the date of the written decision. If payment or arrangements for payment are not timely made, Customs shall refer the matter to the Department of Justice for institution of appropriate judicial proceedings.

§ 111.95 Supplemental petition for relief from monetary penalty.

A decision of the Fines, Penalties, and Forfeitures Officer with regard to any petition filed in accordance with part 171 of this chapter may be the subject of a supplemental petition for relief. Any supplemental petition also must be filed in accordance with the provisions of part 171 of this chapter.

§ 111.96 Fees.

(a) *License fee; examination fee; fingerprint fee.* Each applicant for a broker's license pursuant to § 111.12 shall pay a fee of $200 to defray the costs to Customs in processing the application. Each individual who intends to take the written examination provided for in § 111.13 shall pay a $200 examination fee before taking the examination. An individual who submits an application for a license shall also pay a fingerprint check and processing fee; the port director shall inform the applicant of the current

Federal Bureau of Investigation fee for conducting fingerprint checks and the Customs fingerprint processing fee, the total of which must be paid to Customs before further processing of the application will occur.

(b) *Permit fee.* Each application for a permit pursuant to § 111.19, including an application for reinstatement of a permit that was revoked by operation of law or otherwise, shall be accompanied by a fee of $100 to defray the costs of processing the application.

(c) *User fee.* Payment of an annual user fee of $125 is required for each permit, including a national permit under § 111.19(f), granted to an individual, partnership, association, or corporate broker. The user fee is payable when an initial district permit is issued concurrently with a license under § 111.19(a), or upon filing the application for the permit under § 111.19(b) or (f), and for each subsequent calendar year at the port through which the broker was granted the permit or at the port referred to in § 111.19(f)(5) in the case of a national permit. The user fee shall be paid by the due date as published annually in the **Federal Register**, and shall be remitted in accordance with the procedures set forth in § 24.22(i) of this chapter. When a broker submits an application for a permit or is issued an initial district permit under § 111.19, the full $125 user fee shall be remitted with the application or when the initial district permit is issued, regardless of the point during the calendar year at which the application is submitted or the initial district permit is issued. If a broker fails to pay the annual user fee by the published due date, the appropriate port director shall notify the broker in writing of the failure to pay and shall revoke the permit to operate. The notice will constitute revocation of the permit.

(d) *Status report fee.* The status report required under § 111.30(d) shall be accompanied by a fee of $100 to defray the costs of administering the reporting requirement.

(e) *Method of payment.* All fees prescribed under this section shall be paid by check or money order payable to the United States Customs Service.

Raymond W. Kelly,

Commissioner of Customs.

Approved: March 11, 1999.

John P. Simpson,

Deputy Assistant Secretary of the Treasury.

[FR Doc. 99–10127 Filed 4–26–99; 8:45 am]

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federal register

Tuesday
April 27, 1999

Part V

Federal Trade Commission

16 CFR Part 312

Children's Online Privacy Protection Rule; Proposed Rule

FEDERAL TRADE COMMISSION

16 CFR PART 312

Children's Online Privacy Protection Rule

AGENCY: Federal Trade Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: In this document, the Federal Trade Commission (the ''Commission'' or ''FTC'') issues a Notice of Proposed Rulemaking to implement the Children's Online Privacy Protection Act of 1998 (''the Act''). Section 1303(b) of the Act directs the FTC to promulgate rules, not later than 1 year after the date of the enactment of the Act, to prohibit unfair and deceptive acts and practices in connection with the collection and use of personal information from and about children on the Internet.

DATES: Written comments must be submitted on or before June 11, 1999. The Commission has reserved July 20, 1999 for a workshop on the proposed rule, if the comments submitted indicate that a workshop would be necessary or helpful. If a workshop is held, the Commission will issue a **Federal Register** Notice listing the topics to be covered.

ADDRESSES: Written comments should be submitted to: Secretary, Federal Trade Commission, Room H–159, 600 Pennsylvania Avenue, NW, Washington, DC 20580. The Commission requests that commenters submit the original plus five copies, if feasible. To enable prompt review and public access, comments also should be submitted, if possible, in electronic form, on either a 5¼ or a 3½ inch computer disk, with a disk label stating the name of the commenter and the name and version of the word processing program used to create the document. (Programs based on DOS or Windows are preferred. Files from other operating systems should be submitted in ASCII text format.) Alternatively, the Commission will accept comments submitted to the following e-mail address <KidsRule@ftc.gov>. Individual members of the public filing comments need not submit multiple copies or comments in electronic form. All submissions should be captioned: ''Children's Online Privacy Protection Rule—Comment, P994504.'' Rebuttal comments should be submitted following the same procedures as those stated above. Comments will be posted on the Commission's website: <http://www.ftc.gov>.

To the extent that the notice requirements of the proposed rule constitute ''collections of information'' under the Paperwork Reduction Act, comments on such requirements should also be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503, Attention: Desk Officer for FTC.

FOR FURTHER INFORMATION CONTACT: Toby Milgrom Levin, (202) 326–3156, Loren G. Thompson, (202) 326–2049, or Jill Samuels, (202) 326–2066, Division of Advertising Practices, Bureau of Consumer Protection, Federal Trade Commission, 601 Pennsylvania Ave., NW, Washington, DC 20580.

SUPPLEMENTARY INFORMATION:

Section A. Background

1. Children's Online Privacy Protection Act of 1998

On October 21, 1998, Congress enacted and the President signed into law the Children's Online Privacy Protection Act of 1998 (''the Act''),[1] to prohibit unfair and deceptive acts and practices in connection with the collection and use of personally identifiable information from and about children on the Internet. The goals of the Act are: (1) To enhance parental involvement in a child's online activities in order to protect the privacy of children in the online environment; (2) to help protect the safety of children in online fora such as chat rooms, home pages, and pen-pal services in which children may make public postings of identifying information; (3) to maintain the security of children's personal information collected online; and (4) to limit the collection of personal information from children without parental consent.[2]

Section 1303 of the Act directs the FTC to adopt regulations prohibiting unfair and deceptive acts and practices in connection with the collection and use of personal information from and about children on the Internet. Section 1303(b) sets forth a series of privacy protections to prevent unfair and deceptive online information collection from or about children. The Act specifies that operators of websites directed to children or who knowingly collect personal information from children (1) provide parents notice of their information practices; (2) obtain prior parental consent for the collection, use and/or disclosure of personal information from children (with certain limited exceptions for the collection of online contact information, e.g., an e-mail address); (3) provide a parent, upon request, with the ability to review the personal information collected from his/her child; (4) provide a parent with the opportunity to prevent the further use of personal information that has already been collected, or the future collection of personal information from that child; (5) limit collection of personal information for a child's online participation in a game, prize offer, or other activity to information that is reasonably necessary for the activity; and (6) establish and maintain reasonable procedures to protect the confidentiality, security, and integrity of the personal information collected.[3]

The Act authorizes the Commission to bring enforcement actions for violations of the final Rule in the same manner as for other rules defining unfair and deceptive acts or practices under section 5 of the Federal Trade Commission Act.[4] In addition, section 1305 of the Act authorizes state attorneys general to enforce compliance with the final Rule by filing actions in federal court after serving prior written notice upon the Commission when feasible.

Section B. Overview of the Proposed Rule

The Internet offers children unprecedented opportunities for learning, recreation, and communication in ways scarcely imagined a decade ago. Children are actively engaged in a wide variety of online activities. They communicate

[1] Title XIII, Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, Pub. L.105–277, 112 Stat. 2681, _____ (October 21, 1998) reprinted at 144 Cong. Rec. H11240–42 (Oct. 19, 1998). Since the Act has not yet been codified, citations used in this notice are to the section numbers designated in Title XIII of the Omnibus Act.

[2] 144 Cong. Rec. S12741 (Oct. 7, 1998) (Statement of Sen. Bryan). In the three years prior to the Act's passage, the Commission sought to educate industry, the public and itself about the issues raised by the online collection of personal information from children and adult consumers. In June 1996 and June 1997, the Commission held public workshops to learn how the rapidly developing online marketplace was affecting consumers' privacy. In March 1998, the Commission conducted an extensive survey of commercial websites, including 212 children's websites, to learn the extent to which they were disclosing their information practices, and, with regard to the children's websites, the extent to which they were providing for parental notice of and consent to the collection and disclosure of children's personal information. The Commission reported the results of its survey to Congress in June 1998, and recommended that Congress enact legislation to protect children's privacy online. (Federal Trade Commission, Privacy Online: A Report to Congress, June 1998.) The Commission's survey found that few children's websites were disclosing their information practices or providing for parental consent.

[3] Supra note 1.

[4] Section 1306(d) of the Act provides that the rule shall be treated as a rule issued under § 18 (a)(1)(B) of the FTC Act (15 U.S.C. 57a (a)(1)(B)).

with one another in online chat rooms and bulletin boards, through online pen-pal services, and by posting personal home pages. They participate in games and contests sponsored by websites, and they use the Internet to access information on all manner of subjects.

Despite its obvious attraction for children, the Internet is also a medium in which children can be placed at risk. As they use the Internet, children, like others, are often asked to provide a wide variety of personal information about themselves. Websites and online services collect this information by such means as registration pages, order forms, contests, surveys, chat rooms, and bulletin boards. In general, they have collected this information, and have in some instances shared it with third parties, without notice to children or their parents. In addition, public posting of children's personal information makes it available to anyone on the Internet, including those who would harm children.

The proposed Rule is designed to assist parents in controlling the flow of their children's personal information on the Internet. It contains a general requirement that operators of websites or online services directed to children (''operators'') not condition children's participation in online activities on the provision of more personal information than is reasonably necessary to participate in the activity. This will prevent operators from using popular games and activities as a means of obtaining children's information.

Operators are also required to post prominent links on their websites to a notice of how they collect and use personal information from children. In most circumstances, the proposed Rule requires operators to notify parents that they wish to collect personal information from their children and to obtain parental consent prior to collecting, using, or disclosing such information. Parents then have the option of prohibiting operators from disclosing their child's personal information to third parties. In addition, operators must allow parents the opportunity to review and make changes to any information provided by their children. Parents at any time may also require the operator to delete their children's information and prohibit the operator from collecting any more information from their children in the future. The proposed Rule also requires that operators establish procedures to protect the confidentiality, security, and integrity of the personal information collected from children.

Because the proposed Rule applies to the use or disclosure of personal information and not just its collection, it protects personal information collected from children prior to the effective date of the final Rule if an operator wishes to use such information in the future. Thus, for example, an operator that maintains a database of children's personal information must provide notice to the parent and obtain parental consent prior to using such information once the Rule is effective.

Finally, under the proposed Rule, industry groups or others may seek Commission approval for self-regulatory guidelines. Operators who participate in such approved programs may be subject to the review and disciplinary procedures provided in these guidelines in lieu of formal Commission investigation and law enforcement.

Section 312.1 describes the scope of the regulations under this Act. Section 312.2 contains the definitions of the terms used in the proposed Rule, such as ''operator'' and ''personal information.'' Section 312.3 sets out the general requirements that operators must follow when seeking to collect, use, and/or disclose personal information from children. Section 312.4 contains the requirements for providing notice on the website and to parents under the various requirements of the proposed Rule. Section 312.5 sets out the procedures by which operators can obtain consent from parents to the collection, use, and/or disclosure of personal information from children. Section 312.6 requires operators to allow parents to review, make changes to, or have deleted the personal information collected from their children. Section 312.7 prohibits operators from conditioning a child's participation in online activities on the provision of more personal information than is reasonably necessary to participate in those activities. Section 312.8 requires operators to establish reasonable procedures to maintain the confidentiality, security, and integrity of the information collected from children. Section 312.9 establishes that violations of the proposed Rule will be treated as a violation of a rule defining an unfair or deceptive act or practice under the FTC Act. Section 312.10 establishes procedures by which industry groups or other persons can request Commission approval for their self-regulatory guidelines. Sections 312.11 and 312.12 address Commission review of the proposed Rule and the proposed Rule's severability.

Each of the provisions is indented, followed by a brief discussion where needed. The full text of the proposed Rule appears in Section J of this Notice.

Section 312.1 Scope of Regulations in This Part

This Rule implements the Children's Online Privacy Protection Act of 1998, to be codified at 15 U.S.C. _____, et seq., which prohibits unfair and deceptive acts and practices in connection with the collection, use, and/or disclosure of personal information from and about children on the Internet.

Section 312.2 Definitions

Child means an individual under the age of 13.

Collects or collection means the direct or passive gathering of any personal information from a child by any means, including but not limited to:

(a) Any online request for personal information by the operator regardless of how that personal information is transmitted to the operator;

(b) Collection using a chat room, message board, or other public posting of such information on a website or online service; or

(c) Passive tracking or use of any identifying code linked to an individual, such as a cookie.

This term includes all online requests for personal information regardless whether the personal information is ultimately transmitted online or offline. Thus, it would include a situation where the website or online service directs the child to print out a form, respond in writing to the questions, and mail the form back to the website or online service.

Commission means the Federal Trade Commission.

Delete means to remove personal information such that it is not maintained in retrievable form and cannot be retrieved in the normal course of business.

Disclosure means, with respect to personal information:

(a) The release of personal information collected from a child in identifiable form by an operator for any purpose, except where an operator provides such information to a person who provides support for the internal operations of the website or online service and who does not disclose or use that information for any other purpose, where

(1) Release of personal information means the sharing, selling, renting, or any other means of providing personal information to any third party, and

(2) Support for the internal operations of the website or online service means those activities necessary to maintain the technical functioning of the website or online service, or to fulfill a request

of a child as permitted by §§ 312.5(c) (2) and (3); and

(b) Making personal information collected from a child by an operator publicly available in identifiable form, by any means, including by a public posting through the Internet, or through a personal home page posted on a website or online service; a pen-pal service; an electronic mail service; a message board; a chat room; or any other means that would enable a child to reveal personal information to others online.

Contractors who provide technical support or fulfillment services for a website or online service are considered to be providing support for the website or online service's internal operations. Technical support includes providing the server for the website, online service, chat, or e-mail services. Fulfillment services include supplying children with the items they request from the operator. This provision permits an operator to contract for technical and fulfillment operations that may involve the handling of personal information without triggering a disclosure in the notice.

The proposed Rule, however, requires operators, among other things, to maintain the confidentiality, security, and integrity of the personal information it collects from children. (*See* § 312.7.) Thus the operator is responsible for ensuring that any person with whom it contracts for these technical services does not disclose the personal information and complies with the information safeguards of the proposed Rule. As described in the discussion of § 312.7 below, such safeguards may include, for example, maintaining the data off the server, requiring a password to access the data, and limiting employee access to the data.

Federal agency means an agency, as that term is defined in section 551(1) of title 5, United States Code.

Internet means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected world-wide network of networks that employ the Transmission Control Protocol/Internet Protocol, or any predecessor or successor protocols to such protocol, to communicate information of all kinds by wire, radio, or other methods of transmission.

By including the phrase ''other methods of transmission,'' this definition ensures that the proposed Rule adequately addresses future technological developments such as wireless transmission and access to what is now referred to as the ''Internet.''

Online contact information means an e-mail address or any other substantially similar identifier that permits direct contact with a person online.

Operator means any person who operates a website located on the Internet or an online service and who collects or maintains personal information from or about the users of or visitors to such website or online service, or on whose behalf such information is collected or maintained, where such website or online service is operated for commercial purposes, including any person offering products or services for sale through that website or online service, involving commerce

(a) Among the several States or with 1 or more foreign nations;

(b) in any territory of the United States or in the District of Columbia, or between any such territory and

(1) Another such territory, or

(2) Any State or foreign nation; or

(c) Between the District of Columbia and any State, territory, or foreign nation. This definition does not include any nonprofit entity that would otherwise be exempt from coverage under section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

The term ''operator'' includes both a person who collects or maintains personal information directly from a visitor through a website or online service and a person who collects or maintains such information through another's website or online service. The statute places the regulatory obligations on the operator. In determining who is the operator for purposes of the proposed Rule, the Commission will consider such factors as who owns the information, who controls the information, who pays for the collection or maintenance of the information, the pre-existing contractual relationships surrounding the collection or maintenance of the information, and the role of the website or online service in collecting and/or maintaining the information.

Where the website or online service merely acts as the conduit through which the personal information collected flows to another person or to another's website or online service, and the website or online service does not have access to the information, then it is not an operator under the proposed Rule.[5] Where both the website or online service and another person have access to or control over the information collected, and are considered operators under the factors listed above, both parties will have joint responsibility to provide the protections required by the proposed Rule. In circumstances of joint responsibility, the parties may make arrangements between them to facilitate implementation of their responsibilities. For example, it may be more efficient for the website or online service to provide parental notice and obtain parental consent, since it has the direct relationship with its visitors. Nevertheless, each operator is responsible for ensuring that the obligations of the proposed Rule are fulfilled.

An operator may choose to release personal information it has collected to a ''third party.'' As defined below, a ''third party'' is ''any person who is neither an operator with respect to the collection of personal information on the website or online service, nor the person who provides support for the internal operations of the website or online service.'' In general, a third party does not collect, own, or control the personal information at the time it is collected. In determining whether an entity is an ''operator'' or ''third party,'' the entity's corporate relationship to another operator, such as whether it is an affiliate, is not a determinative factor. Rather, as described above, its status is determined by how the data is obtained and used.

Parent includes a legal guardian.

Person means any individual, partnership, corporation, trust, estate, cooperative, association, or other entity.

Personal information means individually identifiable information about an individual collected online, including:

(a) A first and last name;

(b) A home or other physical address including street name and name of a city or town;

(c) An e-mail address;

(d) A telephone number;

(e) A Social Security number;

(f) A persistent identifier, such as a customer number held in a cookie or a processor serial number, where such identifier is associated with personal identifying information; a screen name that reveals an individual's e-mail address; an instant messaging user identifier; or a combination of a last name with other information such that the combination permits physical or online contacting; or

(g) Information concerning the child or the parents of that child that the

[5] Similarly, where the website or online service hires a contractor to provide support for its ''internal operations,'' the contractor would not be deemed an operator if it merely acts as the conduit and uses the information only to the extent necessary to process the information for the operator.

operator collects online from the child and combines with an identifier described in this paragraph.

Section 1302(8)(F) of the Act authorizes the Commission to expand the definition of ''personal information'' to include other identifiers that permit physical or online contacting of a specific individual. The proposed definition, therefore, adds several identifiers to § 312.2(f) that were not enumerated in the Act:

(1) A persistent identifier, such as a cookie or a processor serial number, where it is associated with personal identifying information;

(2) A screen name that reveals an individual's e-mail address;

(3) An instant messaging user identifier;[6] or

(4) A combination of a last name with other information such that the combination permits physical or online contacting, *e.g.*, the name of the child's school, zip code, church, or athletic team.

Each of the above items are specified in the proposed Rule because they permit physical or online contacting of a specific individual.

Third party means any person who is neither an operator with respect to the collection of personal information on the website or online service, nor a person who provides support for the internal operations of the website or online service.

Obtaining verifiable consent means making any reasonable effort (taking into consideration available technology) to ensure that before personal information is collected from a child, a parent of the child:

(a) receives notice of the operator's personal information collection, use, and disclosure practices; and

(b) authorizes any collection, use, and/or disclosure of the personal information.

This definition is taken directly from the Act. Possible examples of reasonable efforts are found below in § 312.5(b), describing parental consent.

Website or online service directed to children means a commercial website or online service, or portion thereof, that is targeted to children. Provided, however, that a commercial website or online service, or a portion thereof, shall not be deemed directed to children solely because it refers or links to a commercial website or online service directed to children by using information location tools, including a directory, index, reference, pointer, or hypertext link. In determining whether a commercial website or online service, or a portion thereof, is targeted to children, the Commission will consider its subject matter, visual or audio content, age of models, language or other characteristics of the website or online service, as well as whether advertising promoting or appearing on the website or online service is directed to children. The Commission will also consider competent and reliable empirical evidence regarding audience composition; evidence regarding the intended audience; and whether a site uses animated characters and/or child-oriented activities and incentives.

The definition of ''directed to children'' permits the Commission to consider a number of different factors in determining whether a website or online service, or a portion thereof, is directed to children. The Commission may consider whether the website or online service, or portion thereof, is designated as a children's area; the site's subject matter, visual or audio content, age of models, language or other characteristics; and whether the site uses features designed to be attractive to children, such as games, puppets, or animated characters and child-oriented activities and incentives.

This approach is consistent with that taken in other media to define what is directed to children, including television, radio, and print advertising. It also provides the Commission flexibility as it seeks to enforce the proposed Rule in the new and developing online medium.

An operator of a website or online service with a ''portion'' directed to children will have duties under the proposed Rule for that portion. An operator of a general interest website or online service that is not directed to children, however, will have duties under the proposed Rule only if it knows that particular visitors are under the age of 13.

Section 312.3 Regulation of Unfair and Deceptive Acts and Practices in Connection with the Collection, Use, and/or Disclosure of Personal Information From and About Children on the Internet

General requirements. It shall be unlawful for any operator of a website or online service directed to children, or any operator that has actual knowledge that it is collecting personal information from a child, to collect personal information from a child in a manner that violates the regulations prescribed under this Rule. Generally, under this Rule, an operator must:

(a) Provide notice on the website or online service of what information it collects from children, how it uses such information, and its disclosure practices for such information (§ 312.4(b));

(b) Obtain verifiable parental consent for any collection, use, and/or disclosure of personal information from children (§ 312.5);

(c) Provide a reasonable means for a parent to review the personal information collected from a child and to refuse to permit its further use or maintenance (§ 312.6);

(d) Not condition a child's participation in a game, the offering of a prize, or another activity on the child disclosing more personal information than is reasonably necessary to participate in such activity (§ 312.7); and

(e) Establish and maintain reasonable procedures to protect the confidentiality, security, and integrity of personal information collected from children (§ 312.8).

Section 312.3 of the proposed Rule outlines the general requirements that an operator must implement in connection with any collection, use, and/or disclosure of personal information obtained from children. Failure to abide by these requirements constitutes an unfair and/or deceptive act or practice within the meaning of the FTC Act. Each of these general requirements is defined in more detail in specific paragraphs of the proposed Rule.

Section 312.4 Notice.

The proposed Rule requires operators to both post on the website or online service and send to parents notices of the operator's information collection practices and the intended actions with respect to the use and/or disclosure of information collected from children.[7] Section 312.4 specifies the information that must be included in such notices, and states how such notices must be posted on the website or online service or provided to parents.

Section 312.4(a) sets out the general principles of effective notice; section 312.4(b) sets out the requirements for the notice on the website or online service; and section 312.4(c) sets out the requirements for notices that are sent

[6] An ''instant messaging user identifier,'' permits users, including children, to conduct what is commonly known as ''ICQ'' or ''Instant Messaging.'' This service is basically a combination of e-mail and chat and is offered for free by a number of websites and online services. It permits an individual, upon registration, to send and receive communication on the Internet in real time. Users can also search instant messaging directories which may provide users' real names, e-mail addresses, cities, gender and age information.

[7] *See, e.g.*, sections 312.3(a) (requiring notice on the website), and 312.5 (setting out the requirements for notice to parents and for obtaining verifiable parental consent).

directly to parents under various other provisions of the proposed Rule.

(a) General Principles of Notice

All notices under §§ 312.3(a) and 312.5 must be clearly and understandably written, be complete, and must contain no unrelated, confusing, or contradictory materials.

The operator's notice will form the basis for a parent's decision whether to give the operator consent to collect, use and/or disclose personal information from his or her child. In order to provide truly informed consent, a parent must have a clear idea of what the operator wishes to do. Therefore, it is essential that such notices be prominent and easy to find (in the case of a notice posted on the website or online service), and be clearly and understandably written. It is also essential that such notices contain all relevant information, and contain no unrelated, confusing, or contradictory materials.

(b) Notice on the Website or Online Service

An operator must post a link to a notice of its information practices with regard to children on the home page of its website or online service and at each place on the website or online service where personal information is collected from children.

(1) *Placement of the notice.*

(i) The link to the notice must be clearly labeled as a notice of the website or online service's information practices with regard to children;

(ii) The link to the notice must be placed in a prominent place on the home page of the website or online service such that a typical visitor to the home page can see the link without having to scroll down; and

(iii) There must be a prominent link to the notice at each place on the website or online service where children directly provide, or are asked to provide, personal information such that a typical visitor to those places can see the link without having to scroll down.

Under section 312.3(a) of the proposed Rule, operators are required to provide notice on the website or online service of their practices with regard to the collection, use, and disclosure of information sought online from children.[8] Under section 312.4(b)(1), operators must post links to the notice on the website or online service's home page and at each place on the website or online service where personal information is collected from children. The link on the home page must be placed such that a typical visitor does not need to scroll down from the initial viewing screen. A small link at the foot of the page, for example, is not sufficient, because the risk is great that many people will not notice it and will therefore not have the opportunity to learn about the operator's policies. In addition, if the policy is included as part of a larger document, it is important that the required link take visitors directly to the part of the document that discusses the operator's information practices with regard to children.[9] Similarly, it is important to provide a link to the policy at each place on the website or online service where information is collected from children because (a) not all visitors to a website or online service enter it through the home page, and (b) a link at the point of information collection guarantees that the notice will be seen by a parent who is visiting the website or online service to learn about the operator's specific information practices. Being able to review an operator's policies in context can help parents understand why such information is being collected.

(2) *Content of the notice.*

Generally speaking, parents need to know (a) who is collecting information through a website or online service; (b) what kind of information is collected through the website or online service; (c) how information is collected through the website or online service; (d) how such information will be used, including whether it will be disclosed to third parties and for what general purposes; (e) what control parents can exercise over their children's information, the procedures for doing so, and the consequences of their refusal to provide information; and (f) what general measures the operator takes to ensure the confidentiality, integrity, and quality of the information collected. Section 312.4(b)(2) sets out in detail the information operators must include in their notices in order to satisfy the requirements of this section of the proposed Rule.

To be complete, the notice of the website or online service's information practices must state the following:

(i) The name, address, phone number, and e-mail address of all operators collecting personal information from children through the website or online service;

Section 312.4(b)(2)(i) of the proposed Rule requires all operators that are collecting personal information through the website or online service to state their name, address, phone number, and e-mail address. This information will enable parents to both identify and contact the operator should they want further information about the website or online service, or to request an opportunity to review information collected from their child pursuant to section 312.6 below.

(ii) The types of personal information collected from children and whether the personal information is collected directly or passively;

Section 312.4(b)(2)(ii) of the proposed Rule requires operators to list the *types* of personal information collected online, *e.g.*, name, address, hobbies, and investment information, and whether such information is collected directly or passively from children. While operators are not required to list each and every piece of information collected, the categories operators select should be descriptive enough that parents can make an informed decision about whether to consent to the operator's collection and/or use of the information. It is not necessary to list each item of information collected. A notice, however, that simply states ''We collect personal information from your kids'' does not provide enough information for parents.

(iii) How such personal information is or may be used by the operator, including but not limited to fulfillment of a requested transaction, recordkeeping, marketing back to the child, or making it publicly available through a chat room or by other means;

Section 312.4(b)(2)(iii) of the proposed Rule requires operators to list how the personal information will be used once it has been collected, including such uses as order fulfillment, recordkeeping, marketing back to the child, disclosure to third parties or making it publicly available through a chat room or by other means. As in section 312.4(b)(2)(ii) of the proposed Rule, the challenge for the operator will be to provide enough information for parents to make informed decisions without listing every specific or possible use of the information. For example, the statement that ''we use this information to provide information on toys to your child'' is probably just as informative as the statement ''we use this information to provide your child with information

[8] Often, such information practice policies are referred to as ''privacy policies.'' The Commission encourages operators to use informative names for their information practice policies. A link to an information practice policy that is labeled ''About Us'' or ''What We Do,'' for example, will probably not convey to visitors that the link will take them to a statement of the operator's information practices.

[9] Operators who use more than one set of practices on a website (*e.g.*, separate practices for children and adults) must be especially careful to label the different practices clearly, and to make sure that the notices are written clearly in order to avoid any possible confusion.

on beanie babies, dolls, action figures, puzzles, and stuffed animals.''

In addition, where the operator permits a child to engage in interactive activities that enable a child to publicly reveal his or her personal information, *e.g.*, a chat room, message board, e-mail service, instant message, or personal home page, the operator must clearly state that in its notice to the parent.

(iv) Whether personal information is disclosed to third parties, and if so, the types of business in which such third parties are engaged, and the general purposes for which such information is used; whether those third parties have agreed to maintain the confidentiality, security, and integrity of the personal information they obtain from the operator; and that the parent has the option to consent to the collection and use of their child's personal information without consenting to the disclosure of that information to third parties;

Section 312.4(b)(2)(iv) of the proposed Rule relates to the operator's practices with respect to third parties. It requires operators that disclose children's personal information to third parties to provide a brief statement of the types of business in which the third parties are engaged, *e.g.*, list brokering, advertising, magazine publishing, or retailing, and to state the general purposes for which it is disclosed to third parties. *See* section 312.2 regarding the definition of ''third party.'' It is important for parents to know not just that their child's information is being disclosed to third parties, but for what purposes. Simply telling parents that their child's personal information is (or may be) ''disclosed to third parties'' does not give parents enough information upon which to base their consent or refusal to consent to the operator's information practices.

Section 312.4(b)(2)(iv) also requires operators to state whether the third parties to whom they disclose personal information have agreed to maintain the confidentiality of that information. An operator's good information practices can be rendered useless if someone to whom the operator discloses personal information does not also protect the information. If their children's personal information will not be protected once it leaves the control of the operator, the operator must make that clear to parents.

Finally, section 312.4(b)(2)(iv) requires operators to tell parents that they have the option to consent to the collection and use of their child's personal information without consenting to the disclosure of that information to third parties.

(v) That the operator is prohibited from conditioning a child's participation in an activity on the child's disclosing more personal information than is reasonably necessary to participate in such activity; and

Section 312.4(b)(2)(v) provides notice to the parent that the operator is prohibited from requiring a child to disclose more personal information than is reasonably necessary to participate in an activity such as game or contest. This statement merely paraphrases the prohibition enumerated in section 312.7 of the proposed Rule. Providing this information in the notice enables the parent to evaluate the appropriateness of a request for personal information on a website or online service.

(vi) That the parent can review, make changes to, or have deleted the child's personal information and state the procedures for doing so.

Under section 312.4(b)(2)(vi) of the proposed Rule, the operator must state in the notice that parents have the right to review information provided by their child and make changes to and/or have the information deleted. In addition, the operator must describe how parents can do so.[10]

(c) Notice to a Parent

Under § 312.5, an operator must make reasonable efforts, taking into account available technology, to ensure that a parent of a child receives notice of an operator's practices with regard to the collection, use, and/or disclosure of the child's personal information, including any collection, use, and/or disclosure to which the parent has not previously consented.

This section of the proposed Rule requires operators to make reasonable efforts, taking into account available technology, to provide direct notice to a parent whose child wants to provide personal information or from whose child the operator wishes to collect personal information. This notice will form the basis for the parent's decision regarding the operator's request to collect information from or about the child. To that end, the notice must (a) give the parent comprehensive information about the operator's information practices and policies, including informing parents of changes requiring a new consent; (b) lay out the parent's options with regard to consent; (c) describe the procedures by which the parent can provide verifiable consent (*see* section 312.5 of the proposed Rule); and (d) describe the parent's right to review and make changes to information provided by the child and lay out the procedures for doing so (*see* section 312.6 of the proposed Rule). Section 312.4(c)(1) details the information that must be included in the notice to the parent.

Reasonable efforts to provide parents with notice under this section can include, but are not limited to, sending the notice by postal mail, sending the notice to the parent's e-mail address, or having the child print out a form to give to the parent.

An operator must also send the parent an updated notice and request for consent for any collection, use, or disclosure of his or her child's personal information not covered by a previous consent. A new notice and request for consent will be required, for example, if the operator wishes to use the information in a manner that was not included in the original notice, such as disclosing it to parties not covered by the original consent, including parties created by a merger or other corporate combination involving existing operators or third parties.

(1) Content of the notice to the parent.

(i) All notices must state the following:

(A) That the operator wishes to collect personal information from the child;

(B) The information set forth in paragraph 312.4(b) of this section.

(ii) In the case of a notice to obtain verifiable parental consent under § 312.5(a), the notice must also state that the parent's consent is required for the collection, use, and/or disclosure of such information, and the means by which the parent can provide verifiable consent to the collection of information.

The operator must tell the parent that the operator wishes to collect personal information from the child. Section 312.4(c)(1)(i) requires that all notices, whether pursuant to section 312.5(a) or 312.5(c)(3), contain the information set forth in section 312.4(b). Section 312.4(c)(1)(ii) applies to notice pursuant to section 312.5(a), which requires prior verifiable parental consent. In such cases, the operator must inform the parent that his or her consent is required for the collection, use, and/or disclosure of the child's personal information, and that no collection, use, or disclosure will take place absent the parent's affirmative consent. The operator must also tell the parent how to provide verifiable consent or refuse to consent to the operator's desired collection, use, and/or disclosure of the child's information. *See* section 312.5 of the proposed Rule for further detail on providing parental consent.

[10] *See* section 312.6 (Right of parent to review personal information provided by child.) for a more detailed discussion.

(iii) In the case of a notice under the exception in § 312.5(c)(3), the notice must also state the following:

(A) That the operator has collected the child's e-mail address or other online contact information to respond to the child's request for information and that the requested information will require more than one contact with the child;

(B) That the parent may refuse to permit further contact with the child and require the deletion of the e-mail address or other online contact information; and

(C) That if the parent fails to respond to the notice, the operator may use the information for the purpose(s) stated in the notice.

Under section 312.4(c)(1)(iii) of the proposed Rule, if the child has made a direct request of the operator that would require the operator to make repeated contact with the child (*see* section 312.5(c)(3) of the proposed Rule), the operator must tell the parent of the child's request, notify the parent that his or her child has provided the operator with an e-mail address so the operator can fulfill that request, and state that the parent may refuse to permit further contact with the child and require the operator to delete the child's online contact information. Because this type of contact with the child does not require a parent's affirmative consent, the operator must clearly notify the parent that, in this instance, if the parent fails to respond to the notice, the operator may use the information for the purpose(s) stated in the notice.

(iv) In the case of a notice under the exception in § 312.5(c)(4), the notice must also state the following:

(A) That the operator has collected the child's name and an e-mail address or other online contact information to protect the safety of the child participating on the website or online service;

(B) That the parent may refuse to permit the use of the information and require the deletion of the information; and

(C) That if the parent fails to respond to the notice, the operator may use the information for the purpose stated in the notice.

Section 312.4(c)(1)(iv) requires an operator to give a parent notice and an opportunity to refuse to permit the continued use of the information where the operator has collected the child's name and online contact information for purposes of providing for the safety of the child. (*See* discussion of the safety concerns in the discussion of § 312.5(c)(4).)

Section 312.5 Parental Consent

(a) General Requirements

(1) An operator is required to obtain verifiable parental consent before any collection, use, and/or disclosure of personal information collected from children, including any collection, use and/or disclosure to which the parent has not previously consented.

(2) An operator must give the parent the option to consent to the collection and use of the child's personal information without consenting to disclosure of his or her personal information to third parties.

As described in § 312.3(b), the general rule is that an operator is required to obtain verifiable parental consent ''before'' any collection, use, and/or disclosure of personal information from children under the age of 13. As noted above, this means that an operator must obtain verifiable parental consent prior to using or disclosing any information already in its possession as of the effective date of the proposed Rule. Moreover, where an operator changes its collection, use and/or disclosure practices from that provided in the notice, it must obtain verifiable parental consent to the new practice(s) before using the personal information. *See* discussion of Section 312.4(c), above. Section (a)(2) gives parents the right to consent to an operator's collection and use of their children's information without consenting to the disclosure of that information to third parties. This provision ensures that operators will not be able to condition a child's participation in any online activity on obtaining parental consent to disclosure to third parties.

(b) Mechanisms for Verifiable Parental Consent

An operator must make reasonable efforts to obtain verifiable parental consent, taking into consideration available technology. Any method to obtain verifiable parental consent must be reasonably calculated, in light of available technology, to ensure that the person providing consent is the child's parent.

Operators may develop any number of ways to implement this requirement. At this time, the Commission is not prepared to commit to any particular method or methods, but rather, invites comments on the feasibility, costs, and benefits of various methods of obtaining parental consent. Among other possibilities, an operator could provide a consent form to be signed by the parent and returned to the operator by postal mail or facsimile, require a parent to use a credit card in connection with a transaction, or have a parent call a toll-free telephone number. Another possibility could be an e-mail accompanied by a valid digital signature. The Commission is also considering whether there are other e-mail-based mechanisms that would satisfy the Act's requirements—*i.e.*, whether they could provide sufficient assurance that the person providing the consent is the child's parent. *See* questions _____ and _____, below.

One way to comply with this requirement would be for portal sites, online services that offer their own proprietary areas, or others to provide a parental consent service for their content partners. In addition, it may be acceptable for a business to provide notice and consent services for individual operators. Such services must, however, provide adequate notice to parents about the information practices of the participating partners to ensure that a parent's consent to the sharing of their child's personal information is informed and meaningful.

(c) *Exceptions to prior parental consent.*

Verifiable parental consent is required prior to any collection, use and/or disclosure of personal information from a child except as set forth in this paragraph. The exceptions to prior parental consent are as follows:

(1) Where the operator collects the name or online contact information of a parent or child to be used for the sole purpose of obtaining parental consent or providing notice under § 312.4. If the operator has not obtained parental consent after a reasonable time from the date of the information collection, the operator must delete such information from its records;

This exception permits an operator to collect the parent or child's name or e-mail address to provide notice and obtain parental consent. While section 1303(b)(2)(B) of the Act permits collection of a parent or child's online contact information, the Commission encourages operators to collect only the parent's e-mail address and the child's first name for purposes of this exception. (Collection of the child's first name should be adequate to inform the parent which child's information is being sought.) In many instances the child's e-mail address may be the same as the parent's. Nevertheless, since this exception is solely to enable the operator to provide parental notice and obtain parental consent, collection of the child's information would seem to be unnecessary.

(2) Where the operator collects online contact information from a child for the

sole purpose of responding directly on a one-time basis to a specific request from the child, and where such information is not used to recontact the child and is deleted by the operator from its records;

This exception is intended to permit operators to respond to specific requests from a child, such as to provide homework assistance or to answer questions posed by the child. A request must be specific in scope and should be initiated by the child. Under this exception, the operator responds to the child's request for information by sending an e-mail containing the answer or response, but does not retain the child's e-mail address for any further use. Operators should consider, however, whether frequently requested information cannot just as easily be posted on the website or online service, thus obviating the need for the collection of any online contact information in the first instance.

(3) Where the operator collects online contact information from a child to be used to respond directly more than once to a specific request from the child, and where such information is not used to recontact the child beyond the scope of that request. In such case, the operator must make reasonable efforts, taking into consideration available technology, to ensure that a parent receives notice and has the opportunity to request that the operator make no further use of the information, as described in § 312.4(c), immediately after the initial response and before making any additional response to the child. Mechanisms to provide such notice include, but are not limited to, sending the notice by postal mail or sending the notice to the parent's e-mail address, but do not include asking a child to print a notice form or sending an e-mail to the child;

This paragraph permits an operator to respond to a child's request for an online newsletter, for example, or to conduct a contest requiring later notification of the winner. Section 1303(b)(2)(C) of the Act does not specify whose online contact information may be collected, the parent or the child's; however, because the operator must already collect the parent's online contact information for purposes of providing the parent notice under this section, the Commission recommends that the operator collect the parent's e-mail address and offer the parent the option of substituting the child's e-mail address. Because under this paragraph a parent's silence after receiving notice constitutes consent to the operator's intended use, it is critical that the operator choose a method that ensures the parent receives the notice. Therefore, the proposed Rule includes examples of acceptable and unacceptable methods of providing notice under this paragraph.

(4) Where the operator collects a child's name and online contact information to the extent reasonably necessary to protect the safety of a child participant on the website or online service, where such information is

(i) Used only for the purpose of protecting the child's safety;

(ii) Not used to recontact the child or for any other purpose;

(iii) Not disclosed on the website or online service;

and the operator uses reasonable efforts to provide a parent notice as described in § 312.4(c); and

This exception is intended to permit an operator to collect limited personal information that is reasonably necessary to protect the safety of a child participating in such interactive activities as a chat room, message board, or e-mail service. For certain safety purposes, however, the Commission notes that the collection of the parent's rather than the child's online contact information may be sufficient. Indeed, parents are in the best position, for example, to intervene if a child is threatening another child while engaged in a chat room. The Commission, therefore, seeks additional guidance on this issue. See question 13 below.

(5) Where the operator collects a child's name and online contact information to the extent reasonably necessary

(i) To protect the security or integrity of its website or online service;

(ii) To take precautions against liability;

(iii) To respond to judicial process; or

(iv) To the extent permitted under other provisions of law, to provide information to law enforcement agencies or for an investigation on a matter related to public safety;

and such information is used only for such purpose and is not used to recontact the child for any other purpose.

This provision authorizes an operator to collect a child's name and online contact information without notice to the parent or parental consent for certain limited purposes. It is not intended to authorize collection of personal information on the basis of purely hypothetical concerns. It is contemplated that the information may be useful in identifying website hackers. Although not required by the Act, the Commission recommends that when an operator relies on this exception, the operator provide parents notice of the collection and use of such information as described in section 312.4(c) of the proposed Rule.

Certain exceptions specifically require that the personal information be deleted following the fulfillment of the purpose for which it was collected. (*See* §§ 1303(b)(2)(A) and (b)(2)(B) of the Act and paragraphs (c)(1) and (c)(2) of this section of the proposed Rule.) For those exceptions that do not require deletion, the Commission recommends that operators delete the information voluntarily. This will reduce the risk of unauthorized access, use, or disclosure of personal information that was collected without prior parental consent.

Section 312.6. Right of Parent to Review Personal Information Provided by Child.

(a) Upon request of a parent whose child has provided personal information to a website or online service, and upon proper identification of that parent, the operator of that website or online service is required to provide to that parent the following:

(1) A description of the specific types or categories of personal information collected from the child by the operator, such as name, address, telephone number, e-mail address, hobbies, and extracurricular activities;

(2) The opportunity at any time to refuse to permit the operator's further use or collection of personal information from that child, and to direct the operator to delete the child's personal information; and

(3) Notwithstanding any other provision of law, a means of reviewing and making changes to any personal information collected from the child. The means employed by the operator to carry out this provision must:

(i) Ensure that the requestor is a parent of that child, taking into account available technology; and

(ii) Not be unduly burdensome to the parent.

(b) Neither an operator nor the operator's agent shall be held liable under any Federal or State law for any disclosure made in good faith and following reasonable procedures in responding to a request for disclosure of personal information under this section.

This provision of the Rule describes how operators can comply with the Act's requirement that they allow parents to review, make changes to, or have deleted any information provided by their child. The Act allows a two-tiered approach to parental review. First, upon request of a properly-identified parent, the operator must tell the parent what types of information

have been collected by the child, for example, ''Your child has given us his name, address, e-mail address, and a list of his favorite computer games.'' Section 312.6(a)(1). Subsequently, if the parent wishes to review the specific information provided by his child, the operator must provide a means for doing so that ensures that the person requesting the information is the parent, but not unduly burdensome to the parent, under section 312.6(a)(3).[11] In addition, the parent may, at any time, direct the operator to delete any or all of the child's information in the operator's files, refuse to permit the operator to continue to use that information, or prohibit the operator from collecting any further information in the future. Section 312.6(a)(2).[12]

Because compliance with section 312.6(a)(3) of this Rule requires operators to release personal information collected from children, it is critical that operators use a system for checking identification that reasonably ensures that the person requesting the information is, in fact, a parent of that child.[13] The identification method chosen by the operator should not be so burdensome that parents effectively cannot exercise their rights under this provision, *i.e.*, requiring parents to come to its office headquarters to show proof of parentage.

A number of methods can be used to check identity that provide a degree of certainty without unduly burdening either the operator or the parent. For example, the operator may require a copy of the parent's driver's license showing that the parent and child live at the same address. In addition, an operator could devise a password system in conjunction with its procedure for obtaining verifiable parental consent that could serve as an aid in identification. By contrast, simply providing a toll-free telephone number for parents to call and request information would not be sufficient to ensure that a caller is actually the child's parent.[14] Operators who disclose the information to parents in good faith and follow reasonable procedures in responding to a request for disclosure will be exempt from liability under any Federal or State laws.

(c) Subject to the limitations set forth in § 312.7, an operator may terminate any service provided to a child whose parent has refused, under paragraph (a)(2) of this section, to permit the operator's further use or collection of personal information from his or her child or has directed the operator to delete the child's personal information.

Section 312.7 prohibits operators from conditioning a child's participation in a game, the offering of a prize, or another activity on the child disclosing more personal information than is reasonably necessary to participate in the activity. *See* infra. The corollary to that prohibition is that operators may terminate a child's access to or participation in those activities or services when a parent who has consented to the information collection subsequently requires the operator to delete the information that was necessary for the child to participate. For example, an operator requires children to provide an e-mail address to participate in a chat room so that the operator can contact the child if the child is misbehaving in the chat room. After giving consent, a parent changes her mind and requires the operator to delete her child's information. The operator may refuse to allow the child to participate in the chat room in the future. If, however, there are other activities or services on the operator's website that do not require that information, then the operator must allow the child to have access to those activities or services.

Section 312.7. Prohibition Against Conditioning a Child's Participation on Collection of Personal Information.

An operator is prohibited from conditioning a child's participation in a game, the offering of a prize, or another activity on the child's disclosing more personal information than is reasonably necessary to participate in such activity.

The purpose of this section is to encourage a child's access to activities, but to prevent operators from tying collection of personal information to such popular and persuasive incentives as prizes or games. The proposed rule authorizes operators to condition participation on the collection of only such personal information as is reasonably necessary to conduct an activity—for example, collection of an e-mail address for purposes of awarding a prize to a contest winner. The operator, however, must always obtain verifiable parental consent to the collection of any personal information from the child, even if it is reasonably necessary to participate in an activity, unless one of the exceptions to prior parental consent defined in section 312.5(c) of the proposed Rule applies.

Section 312.7 of the proposed Rule precludes, for example, an operator from requiring a child to provide personal information for the purpose of registering merely to access the website or online service if such personal information is not reasonably necessary to engage in its activities.

Section 312.8 Confidentiality, Security, and Integrity of Personal Information Collected From Children

The operator must establish and maintain reasonable procedures to protect the confidentiality, security, and integrity of personal information collected from children.

Operators must have adequate procedures for protecting personal information, including policies and standards to protect children's personal information from loss, misuse, unauthorized access, or disclosure. Such protections may include the following: designating an individual in the organization to be responsible for maintaining and monitoring the security of the information; requiring passwords to access the personal information; creating firewalls; utilizing encryption; implementing access control procedures in addition to passwords; implementing devices and procedures to protect the physical security of the data processing equipment; storing the personal information collected online on a secure server that is not accessible from the Internet; installing security cameras and intrusion-detection software to monitor who is accessing the personal information; and installing authentication software to determine whether a user is authorized to enter through a firewall. In addition, effective security implementation requires a clear statement of employee responsibilities and sanctions, as well as employee training to ensure that privacy and security policies are implemented effectively.

The Commission encourages operators to establish reasonable procedures for the destruction of personal information once it is no

[11] Operators are free to skip the first step (description of the types of information provided by the child) and simply allow parents to review the specific information provided by the child under section 312.6(a)(3).

[12] Section 312.6 is not intended to require operators to keep databases of personal information collected from children even after the consented-to uses have been discontinued—for example, because the parent may someday request it. If a parent asks to review his or her child's information after the operator has deleted it, the operator can reply that it has no information on that child.

[13] As a practical matter, it may be acceptable for an operator to use a less stringent identification requirement when giving out the types of information collected from the child under section 312.6(a)(1).

[14] There may be ways to utilize toll-free telephone numbers that would be sufficient to ensure that the requestor is a parent of the child. For example, a reasonable procedure might involve giving the parent the toll-free telephone number and a password unique to that parent after the operator receives the parent's verifiable consent.

longer necessary for the fulfillment of the purpose for which it was collected. Timely elimination of data is the ultimate protection against misuse or unauthorized disclosure.

Section 312.9 Enforcement

Subject to sections 1304 and 1306 of the Children's Online Privacy Protection Act of 1998, a violation of a regulation prescribed under section 1303 of this Act shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

Section 312.10 Safe Harbors

(a) In General

An operator will be deemed to be in compliance with the requirements of this Rule if that operator complies with self-regulatory guidelines, issued by representatives of the marketing or online industries, or by other persons, that, after notice and comment, are approved by the Commission.

As an incentive for industry self-regulation, and to ensure that the protections afforded children under this proposed Rule are implemented in a manner that takes into account industry-specific concerns and technological developments, this section of the proposed Rule provides that an operator's compliance with Commission-approved self-regulatory guidelines serves as a safe harbor in any enforcement action for violations of this Rule. To receive safe harbor treatment, an operator can comply with any Commission-approved guidelines that meet all the criteria set forth in section 312.10(b). The operator need not independently apply for approval, if in fact the operator is fully complying with guidelines already approved by the Commission, which are applicable to the operator's business. (*See* the discussion of section 312.10(b), below.)

In an enforcement action, the Commission has the burden of proving non-compliance with the proposed Rule's requirements. The standards enunciated in the proposed Rule thus remain the benchmark against which industry's conduct will ultimately be judged. Compliance with approved guidelines, however, will serve as a safe harbor in any enforcement action under the proposed rule. That is, if an operator can show full compliance with approved guidelines, the operator will be deemed in compliance with the proposed Rule. The Commission retains discretion to pursue enforcement under the Rule if approval of the guidelines was obtained based upon incomplete or inaccurate factual representations or if there was a substantial change in circumstances.

(b) *Criteria for Approval of Self-Regulatory Guidelines*

To be approved by the Commission, guidelines must include the following:

(1) A requirement that operators subject to the guidelines (''subject operators'') implement the protections afforded children under this Rule;

(2) An effective, mandatory mechanism for the independent assessment of subject operators' compliance with the guidelines. This requirement may be satisfied by:

(i) Periodic reviews of subject operators' information practices conducted on a random basis either by the industry group promulgating the guidelines or by an independent entity;

(ii) Periodic reviews of all subject operators' information practices, conducted either by the industry group promulgating the guidelines or by an independent entity; or

(iii) Seeding of subject operators' databases, if accompanied by either (i) or (ii); and

(3) Effective incentives for subject operators' compliance with the guidelines. This requirement may be satisfied by:

(i) Mandatory, public reporting of disciplinary action taken against subject operators by the industry group promulgating the guidelines;

(ii) Consumer redress;

(iii) Voluntary payments to the United States Treasury in connection with an industry-directed program for violators of the guidelines; or

(iv) Referral to the Commission of operators who engage in a pattern or practice of violating the guidelines.

The assessment mechanism required under paragraph (b)(2) of this section can be provided by an independent enforcement program, such as a seal program. In considering whether to initiate an investigation or to bring an enforcement action for violations of this Rule, and in considering appropriate remedies for such violations, the Commission will take into account whether an operator has been subject to self-regulatory guidelines approved under this section and whether the operator has taken remedial action pursuant to such guidelines, including but not limited to actions set forth in paragraphs (b)(3)(i) through (iii) of this section.

Section 312.10(b) of the proposed Rule sets out the criteria that self-regulatory guidelines must meet in order to be approved by the Commission. Under section 312.10(b)(1), guidelines must require implementation of the requirements of this Rule. Sections 312.10(b)(2)–(3), which require that guidelines include independent assessment mechanisms and incentives for compliance, are intended to permit maximum flexibility, consistent with the protections afforded children under the proposed Rule. For this reason, each sets out a mandatory performance standard and suggested means of meeting that standard. Promulgators of guidelines are thus free to use their particular expertise to craft guidelines that meet the performance standards while taking into account industry-specific concerns and technological developments.

Where guidelines are drafted to be industry-specific, they must define the nature of the businesses to which they apply. An operator can rely on a particular set of guidelines only if it meets the guidelines' definition of applicable businesses.

In making its determination as to whether to approve submitted guidelines, the Commission will review all elements of those guidelines, including assessment mechanisms, in light of the particular characteristics of the industry or sector that the guidelines are intended to govern.[15]

Section 312.10(b) clarifies that industry groups, or others, who create self-regulatory guidelines may contract with an independent entity, such as a seal program, to implement the assessment mechanism requirement. Under the performance standard enunciated in section 312.10(b)(2), assessment mechanisms must not be based solely on self-assessment by subject operators.

(c) Request for Commission Approval of Self-Regulatory Guidelines

(1) To obtain Commission approval of self-regulatory guidelines, industry groups or other persons must file a request for approval. A request shall be accompanied by the following:

(i) A copy of the full text of the guidelines for which approval is sought and any accompanying commentary;

(ii) A comparison of each provision of § 312.3 through § 312.9 with the corresponding provisions of the guidelines; and

(iii) A statement explaining:

(A) How the guidelines, including the applicable assessment mechanism, meet the requirements of this Rule; and

(B) How the assessment mechanism and compliance incentives required

[15] The Commission will also consider any possible anti-competitive misuse of self-regulatory guidelines.

under paragraphs (b)(2) and (3) of this section provide effective enforcement of the requirements of this Rule.

(2) The Commission shall act upon a request under this section within 180 days of the filing of such request and shall set forth its conclusions in writing.

Section 312.10(c) of the proposed Rule requires that persons requesting Commission approval of self-regulatory guidelines submit, in addition to the guidelines and any attendant commentary, documentation supporting the proposition that the guidelines meet the requirements of this Rule. The 180-day period for the Commission to review and approve or reject any request will not begin until all of the documents required under section 312.10(c) have been submitted. If a request is denied and resubmitted, the 180-day period will run from the date of the resubmission.

An original and six paper copies of the request and supporting materials should be submitted to the Secretary, Federal Trade Commission, Room 159, 600 Pennsylvania Avenue, NW, Washington, D.C. 20580. To enable prompt review and accessibility to the public, the request and supporting materials should also be submitted, if possible, in electronic form, on either one 51/4 or one 31/2 inch computer disk with a label stating the name of the person filing the request and the name and version of the word processing program used. (Programs based on DOS or Windows are preferred. Files from other operating systems should be submitted in ASCII text format.)

Following initial review of a request under this section, the Commission will publish a notice of the filing of the request both in the **Federal Register** and on its website at <www.ftc.gov>, and will make a copy of the request available for examination by interested persons during business hours at the Federal Trade Commission, Public Reference Room, Room 130, 600 Pennsylvania Avenue, NW, Washington, D.C. 200580. A period of time will be allowed for interested parties to submit written comments to the Commission regarding the request.

If the Commission determines that the guidelines submitted meet the requirements of the proposed Rule, the Commission will approve the guidelines and publish a notice of the approval both in the **Federal Register** and on its website at <www.ftc.gov>. The Commission will furnish a copy of the notice to the person who filed the request. The approval will become effective 45 days from its publication in the **Federal Register** and on the Commission's website.

If the Commission determines that it cannot approve the guidelines, the Commission will notify the persons who filed the request of the facts upon which its findings are based and will afford those persons a reasonable opportunity to resubmit their request. If, after reviewing the resubmitted request, the Commission finds that it still cannot make a favorable determination, the Commission will publish a notice of its determination both in the **Federal Register** and on its website at <www.ftc.gov>, and will furnish a copy of the notice to the persons who filed the request.

Under section 1304(c) of the Children's Online Privacy Protection Act, final action by the Commission on a request for approval of self-regulatory guidelines, or the Commission's failure to act within 180 days of the filing of such request, may be appealed to a district court of the United States of appropriate jurisdiction as provided for in section 706 of title 5, United States Code.[16]

(d) Records

Industry groups or other persons who seek safe harbor treatment by compliance with guidelines that have been approved under this Rule shall maintain and upon request make available to the Commission for inspection and copying

(1) Consumer complaints alleging violations of the guidelines by subject operators, for a period not less than three years following receipt of such complaints;

(2) Records of disciplinary actions taken against subject operators; and

(3) Results of the independent assessments of subject operators' compliance required under paragraph (b)(2) of this section.

(e) Revocation of Approval

The Commission reserves the right to revoke any approval granted under this section if at any time it determines that the approved self-regulatory guidelines and their implementation do not, in fact, meet the requirements of this Rule.

Before revoking any approval of self-regulatory guidelines, the Commission will notify the persons filing the request for approval, or their designees, of the facts or conduct that, in the Commission's opinion, warrant such revocation, and will afford those persons such opportunity as the Commission deems appropriate in the circumstances to demonstrate that the guidelines and their implementation comply with the proposed Rule.

If, after considering all of the facts, the Commission determines that the guidelines or their implementation do not comply with the proposed Rule, the Commission will publish a notice of its intention to revoke approval of the guidelines both in the **Federal Register** and on its website at <www.ftc.gov>. A period of time will be allowed for interested persons to submit written comments to the Commission regarding the intention to revoke approval.

If the Commission revokes its approval of the guidelines, it will publish notice of the revocation both in the **Federal Register** and on its website at <www.ftc.gov>, and a copy of such notice will be furnished to the persons who filed the request, or their designees. The revocation will become effective 45 days from its publication in the **Federal Register** and on the Commission's website.

Section 312.11 Rulemaking Review

No later than five years after the effective date of this Rule, the Commission shall initiate a rulemaking review proceeding to evaluate the implementation of this rule, including the effect of the implementation of this Rule on practices relating to the collection and disclosure of information relating to children, children's ability to obtain access to information of their choice online, and on the availability of websites directed to children; and report to Congress on the results of this review.

Section 312.12 Severability

The provisions of this Rule are separate and severable from one another. If any provision is stayed or determined to be invalid, it is the Commission's intention that the remaining provisions shall continue in effect.

Section C. Invitation to Comment

Before adopting this rule as final, the Commission will give consideration to any written comments submitted to the Secretary of the Commission on or before June 11, 1999. Comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552) and Commission regulations, on normal business days between the hours of 8:30 a.m. and 5 p.m. at the Public Reference Section, Room 130, Federal Trade Commission, 600 Pennsylvania Avenue NW., Washington, DC 20580. Comments will also be posted on the Commission website, <*www.ftc.gov*>.

[16] Section 1304(c), Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, Pub. L. 105–277, 112 Stat. 2681, _____, _____ U.S.C. _____, _____ (October 21, 1998).

Section D. Communications by Outside Parties to Commissioners or Their Advisors

Written communications and summaries or transcripts of oral communications respecting the merits of this proceeding from any outside party to any Commissioner or Commissioner's advisor will be placed on the public record. *See* 16 CFR 1.26(b)(5) (1998).

Section F. Regulatory Flexibility Act

The provision of the Regulatory Flexibility Act requiring an initial regulatory flexibility analysis (5 U.S.C. 603) does not apply because it is believed that the Rule will not have a significant economic impact on a substantial number of small entities (5 U.S.C. 605). This notice also serves as certification to the Small Business Administration of that determination.

The Rule's requirements are expressly mandated by the Children's Online Privacy Protection Act of 1998.[17] Thus, the economic impact of the Rule itself is not anticipated to be significant, since any additional costs of complying with the Rule, beyond those imposed by the statute or otherwise likely to be incurred in the ordinary course of business, are expected to be comparatively minimal. Where the Act permits, the regulations have been drafted so as to permit maximum flexibility in the way that affected firms achieve the goals of the Act. In any event, the costs borne by all firms, including small businesses, appear unavoidable under the terms of the Act.

Nonetheless, to ensure that no significant economic impact on a substantial number of small entities is overlooked, the Commission hereby requests public comment on the effect of the proposed Rule on the costs, profitability, and competitiveness of, and employment in, small entities. After considering such comments, if any, the Commission will determine whether preparation of a final regulatory flexibility analysis (pursuant to 5 U.S.C. 604) is required.

Section G. Paperwork Reduction Act

Pursuant to the Paperwork Reduction Act (PRA) (as amended 44 U.S.C. 3507(d)), the Commission has submitted the proposed Children's Online Privacy Protection Rule to the Office of Management and Budget for its review. The Children's Online Privacy Protection Act mandates specific disclosure requirements relating to the collection of personal information from children. Specifically, the Act requires that operators subject to this Act provide notice to parents.[18] Based upon survey data,[19] informal discussions with industry members, and public information, the Commission has estimated for purposes of the PRA the burden-hour on operators subject to this rule, both individually and as an industry, to provide notice to parents. To the extent that the proposed rule's notice requirements are expressly mandated by the Act, the Commission has adopted a performance standard suggested by the Act to provide flexibility in implementing the requirements.

Because the online marketplace is a very new industry, costs for providing privacy protection have not been gathered to date. Nevertheless, we have attempted to estimate costs associated with providing notice for purposes of the PRA. In particular, the Commission seeks comments on how to minimize the burden of the notice requirement through the use of appropriate automated, electronic, mechanical, or other technological mechanisms.

The estimate of the burden imposed by the notice requirement is divided into first year start-up costs and subsequent year costs. For purposes of providing notice, the estimated cost for 300 websites directed to children, at 60 hours per site (the estimated time needed to develop the privacy policy, post it on the website and design a mechanism to provide the notice, *e.g.*, an e-mail program), represents a total burden of 18,000 hours for the first year. Subsequent years would be much less, since the start-up costs, such as crafting a privacy policy and posting it online, are generally one-time costs. We estimate the burden-hour in subsequent years would be about 1800 hours to cover the cost of new children's sites coming into the marketplace and providing notice to parents.

Section H. Effective Date

The Children's Online Privacy Protection Act directs the Commission to ''promulgate'' regulations within one year of its enactment. An effective date for these rules will be announced by the Commission when it publishes these regulations in final form.

Section I. Questions on the Proposed Rule

The Commission is seeking comment on various aspects of the proposed Rule, and is particularly interested in receiving comment on the questions that follow. These questions are designed to assist the public and should not be construed as a limitation on the issues on which public comment may be submitted. Responses to these questions should cite the numbers and subsection of the questions being answered. For all comments submitted, please submit any relevant data, statistics, or any other evidence, upon which those comments are based.

General Question

1. Please provide comment on any or all of the provisions in the proposed Rule. For each provision commented on please describe (a) the impact of the provision(s) (including any benefits and costs), if any, and (b) what alternatives, if any, the Commission should consider, as well as the costs and benefits of those alternatives.

Definitions

2. Section 312.2 defines ''Internet.'' Is this definition sufficiently flexible to account for changes in technology? If not, how should it be revised?

3. Section 312.2 defines ''operator.''

(a) Is this definition sufficiently clear to provide notice as to who is covered by the Rule?

(b) What is the impact of defining the term in this way?

4. Section 312.2 defines ''personal information,'' in part, to include a persistent identifier, such as a customer number held in a cookie, or a processor serial number, where such identifier is associated with personal identifying information; an instant messaging user identifier; a screen name that reveals an individual's e-mail address; or a combination of a last name with other information such that the combination permits physical or online contacting. Are there additional identifiers that the Commission should consider adding to this list?

Notice

5. Section 312.4(b) lists an operator's obligations with respect to the online placement of the notice of its information practices.

(a) Are there other effective ways of placing notices that should be included in the proposed rule?

(b) How can operators make their links to privacy policies informative for parents and children?

6. Section 312.4(b)(2)(i) requires the notice on the website or online service

[17] Supra note 1.

[18] The sections of the proposed Rule that refer to notice are §§ 312.3(a), 312.4, 312.5(c), and 312.6(a). These sections implement §§ 1302(9), 1303 (b)(1)(A)(i), (b)(2)(B), (b)(2)(C)((i), and (b)(2)(D)(iii) of the Act.

[19] Federal Trade Commission, *Privacy Online: A Report to Congress*, June 1998.

to state the name, address, phone number, and e-mail address of all operators collecting personal information through the website. Where there are multiple operators collecting personal information through the website, are there other efficient means of providing information about the operators that the Commission should consider?

7. Section 312.4(b)(2)(iv) requires an operator to state whether the third parties to whom it discloses personal information have agreed to maintain the confidentiality, security, and integrity of that information. How much detail should an operator be required to disclose about third parties' information practices?

8. Section 312.4(b)(2)(vi) requires an operator's notice to state that the parent has the right to review personal information provided by his or her child and to make changes to and/or have that information deleted, and to describe how the parent can do so. Is this information needed in the notice on the website or online service, or should it be included only in the notice provided directly to the parent under section 312.4(c)?

9. Section 312.4(c) lists several methods an operator may employ to provide direct notice to a parent whose child wants to provide personal information or from whose child the operator wishes to collect personal information. Are there other, equally effective methods of providing notice to parents that the Commission should consider?

10. Section 312.4(c)(1) details the information that must be included in the notice to the parent.

(a) What, if any, of this information is unnecessary?

(b) What, if any, other information should be included in the notice to the parent?

11. Section 312.5 requires the operator to send a new notice and request for consent to parents in certain circumstances. The proposal covers instances where the operator wishes to use the information in a manner that was not included in the original notice, such as disclosing it to parties not covered by the original consent, including parties created by a merger or other corporate combination involving existing operators or third parties.

(a) Does this formulation sufficiently protect children's privacy given the high merger activity in this industry?

(b) Is this formulation more burdensome than necessary to protect those interests?

(c) Is there an alternative formulation that would sufficiently protect children's privacy without unnecessarily burdening operators?

Parental Consent

12. Section 312.5(a)(2) requires operators to give the parent the opportunity to consent to the collection and use of the child's personal information without consenting to the disclosure of that information to third parties. Should the rule also require that the parent be given the option to refuse to consent to different internal uses of the child's personal information by the operator?

13. The commentary on section 312.5(b) identifies a number of methods an operator might use to obtain verifiable parental consent.

(a) Are the methods listed in the commentary easy to implement?

(b) What are the costs and benefits of using the methods listed?

(c) Are there studies or other sources of data showing the feasibility, costs, and/or benefits of the methods listed?

(d) Are there existing methods, or methods in development, to adequately verify consent using an e-mail-based mechanism?

(e) What are the costs and benefits of obtaining consent using an e-mail-based mechanism?

(f) To what extent is digital signature technology in use now? Are there obstacles to the general commercial availability or use of digital signature technology?

(g) What, if any, other methods of obtaining consent should the Commission consider? Please describe how those methods work, their effectiveness, feasibility, costs and/or benefits, and, if still in development, when they will be available.

14. With respect to methods of obtaining verifiable parental consent, should the Commission allow greater flexibility in mechanisms used to obtain verifiable parental consent in cases where the operator does not disclose children's personal information to third parties or enables a child to make such information publicly available through, for example, a chat room or bulletin board?

15. Are there any studies or other sources of data regarding the ease or frequency with which children can fabricate parental consent using any of the methods discussed in the proposed Rule?

16. Would additional research regarding children's behavior in the online environment be useful in assessing the appropriateness of various parental consent mechanisms?

17. Section 312.5(c)(1) allows an exception to prior parental consent where an operator collects the name or online contact information of a parent or child to be used for the sole purpose of obtaining parental consent or providing notice under this rule. Under this exception, if an operator has not obtained parental consent after a ''reasonable time'' from the date of the information collection, the operator must delete the information from its records.

(a) What is a ''reasonable time'' for purposes of this requirement? On what is this estimate of a ''reasonable time'' based?

(b) Alternatively, should an operator be required to maintain a ''do-not-contact'' list so as to avoid sending multiple requests for consent to a parent who has previously refused to consent? What are the costs and benefits of such a ''do-not-contact'' list?

18. Section 1303(b)(2)(B) of the Children's Online Privacy Protection Act and Section 312.5(c)(1) of the proposed Rule allow an operator to collect the name or online contact information of a parent or child solely for the purpose of obtaining parental consent or providing notice. Are there circumstances that would necessitate collection of the child's online contact information rather than the parent's?

19. Section 312.5(c)(4) allows an exception to prior parental consent where an operator collects information from a child in order to protect the safety of a child participant on its site. What specific circumstances should trigger this exception?

20. Section 312.5(c)(5) allows an exception to prior parental consent where an operator collects information from a child for certain limited purposes. To what extent is a child's name or e-mail address necessary:

(a) To protect the security of the website;

(b) To aid in the judicial process; or

(c) To aid in law enforcement?

21. Section 1303(b)(2)(C)(ii) of the Children's Online Privacy Protection Act authorizes the Commission to allow other exceptions to prior parental consent in this rule ''in such circumstances as the Commission may determine are appropriate, taking into consideration the benefits to the child of access to information and services, and risks to the security and privacy of the child.'' What other circumstances might merit such an exception? What are the risks and benefits of creating such an exception?

Right of Parent to Review Personal Information Provided by Child

22. Section 312.6 gives a parent whose child has provided personal

information to a website the right, upon proper identification of that parent, to review the personal information provided by the child. The commentary on this section lists several methods an operator may employ to obtain proper identification of a parent.

(a) Are there any other methods of identification that the Commission should consider?

(b) In particular, are there other methods that could constitute proper identification in non-traditional family situations (e.g., where the child and parent do not live at the same address or where someone other than a parent is the legal guardian)?

(c) Are there any technological advances under development that may ease the process of obtaining proper identification of a parent?

Prohibition Against Conditioning a Child's Participation on Collection of Personal Information

23. Section 312.7 prohibits operators from conditioning a child's participation in a game, the offering of a prize, or another activity on the child's disclosing more personal information than is reasonably necessary to participate in such activity. What kinds of information do sites collect as a condition of allowing a child to participate in a game, contest, chat room, or other online activity?

Confidentiality, Security and Integrity of Personal Information Collected From Children

24. Section 312.8 requires operators to establish and maintain reasonable procedures to protect the confidentiality, security, and integrity of personal information collected from children.

(a) What practices are commonly used to maintain the safety and confidentiality of data collected online?

(b) What practices provide the strongest protection?

(c) How much does it cost to implement such practices?

Safe Harbor

25. Section 312.10(b)(2) requires that, in order to be approved by the Commission, self-regulatory guidelines include an effective, mandatory mechanism for the independent assessment of subject operators' compliance with the guidelines. Section 312.10(b)(2) lists several examples of such mechanisms. What other mechanisms exist that would provide similarly effective and independent compliance assessment?

26. Section 312.10(b)(3) requires that, in order to be approved by the Commission, self-regulatory guidelines include effective incentives for compliance with the guidelines. Section 312.10(b)(3) lists several examples of such incentives. What other incentives exist that would be similarly effective?

27. Section 1304(b)(1) of the Children's Online Privacy Protection Act requires the Commission to provide incentives for self-regulation by operators to implement the protections afforded children under the Act. The safe harbor provisions of section 312.10 of the proposed rule are one such incentive. What other incentives should the Commission consider?

Paperwork Reduction Act

28. The Commission solicits comments on the notice requirements of the proposed Rule to the extent that they constitute ''collections of information'' within the meaning of the Paperwork Reduction Act. The Commission requests comments that will enable it to:

(a) Evaluate whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agency's estimate of the burden of the proposed collections of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected; and

(d) Minimize the burden of the collections of information on those who must comply, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Section J. Proposed Rule

List of Subjects in 16 CFR Part 312

Children, Communications, Consumer protection, Electronic mail, E-mail, Internet, Online service, Privacy, Record retention, Safety, Science and technology, Trade practices, Website, Youth.

Accordingly, the Federal Trade Commission proposes to amend 16 CFR chapter I by adding a new Part 312 to read as follows:

PART 312—CHILDREN'S ONLINE PRIVACY PROTECTION RULE

Sec.

312.1 Scope of regulations in this part.
312.2 Definitions.
312.3 Regulation of unfair and deceptive acts and practices in connection with the collection, use, and/or disclosure of personal information from and about children on the Internet.
312.4 Notice.
312.5 Parental consent.
312.6 Right of parent to review personal information provided by a child.
312.7 Prohibition against conditioning a child's participation on collection of personal information.
312.8 Confidentiality, security, and integrity of personal information collected from children.
312.9 Enforcement.
312.10 Safe harbors.
311.11 Rulemaking review.
312.12 Severability.

Authority: Secs. 1301–1308, Pub. L. 105–277, 112 Stat. 2681.

§ 312.1 Scope of regulations in this part.

This part implements the Children's Online Privacy Protection Act of 1998, [to be codified at 15 U.S.C. _____, *et seq.*,] which prohibits unfair and deceptive acts and practices in connection with the collection, use, and/or disclosure of personal information from and about children on the Internet.

§ 312.2 Definitions.

Child means an individual under the age of 13.

Collects or collection means the direct or passive gathering of any personal information from a child by any means, including but not limited to:

(a) Any online request for personal information by the operator regardless of how that personal information is transmitted to the operator;

(b) Collection using a chat room, message board, or other public posting of such information on a website or online service; or

(c) Passive tracking or use of any identifying code linked to an individual, such as a cookie.

Commission means the Federal Trade Commission.

Delete means to remove personal information such that it is not maintained in retrievable form and cannot be retrieved in the normal course of business.

Disclosure means, with respect to personal information:

(a) The release of personal information collected from a child in identifiable form by an operator for any purpose, except where an operator provides such information to a person who provides support for the internal operations of the website or online service and who does not disclose or use that information for any other purpose, where:

(1) *Release of personal information* means the sharing, selling, renting, or

any other means of providing personal information to any third party, and

(2) *Support for the internal operations of the website or online service* means those activities necessary to maintain the technical functioning of the website or online service, or to fulfill a request of a child as permitted by § 312.5(c)(2) and (3); and

(b) Making personal information collected from a child by an operator publicly available in identifiable form, by any means, including by a public posting through the Internet, or through a personal home page posted on a website or online service; a pen pal service; an electronic mail service; a message board; a chat room; or any other means that would enable a child to reveal personal information to others online.

Federal agency means an agency, as that term is defined in Section 551(1) of title 5, United States Code.

Internet means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected world-wide network of networks that employ the Transmission Control Protocol/Internet Protocol, or any predecessor or successor protocols to such protocol, to communicate information of all kinds by wire, radio, or other methods of transmission.

Online contact information means an e-mail address or any other substantially similar identifier that permits direct contact with a person online.

Operator means any person who operates a website located on the Internet or an online service and who collects or maintains personal information from or about the users of or visitors to such website or online service, or on whose behalf such information is collected or maintained, where such website or online service is operated for commercial purposes, including any person offering products or services for sale through that website or online service, involving commerce:

(a) Among the several States or with 1 or more foreign nations;

(b) In any territory of the United States or in the District of Columbia, or between any such territory, and

(1) Another such territory, or

(2) Any State or foreign nation; or

(c) Between the District of Columbia and any State, territory, or foreign nation. This definition does not include any nonprofit entity that would otherwise be exempt from coverage under section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

Parent includes a legal guardian.

Person means any individual, partnership, corporation, trust, estate, cooperative, association, or other entity.

Personal information means individually identifiable information about an individual collected online, including:

(a) A first and last name;

(b) A home or other physical address including street name and name of a city or town;

(c) An e-mail address;

(d) A telephone number;

(e) A Social Security number;

(f) A persistent identifier, such as a customer number held in a cookie or a processor serial number, where such identifier is associated with personal identifying information; a screen name that reveals an individual's e-mail address; an instant messaging user identifier; or a combination of a last name with other information such that the combination permits physical or online contacting; or

(g) Information concerning the child or the parents of that child that the operator collects online from the child and combines with an identifier described in this definition.

Third party means any person who is neither an operator with respect to the collection of personal information on the website or online service, nor a person who provides support for the internal operations of the website or online service.

Obtaining *verifiable consent* means making any reasonable effort (taking into consideration available technology) to ensure that before personal information is collected from a child, a parent of the child:

(a) Receives notice of the operator's personal information collection, use, and disclosure practices; and

(b) Authorizes any collection, use, and/or disclosure of the personal information.

Website or online service directed to children means a commercial website or online service, or portion thereof, that is targeted to children. Provided, however, that a commercial website or online service, or a portion thereof, shall not be deemed directed to children solely because it refers or links to a commercial website or online service directed to children by using information location tools, including a directory, index, reference, pointer, or hypertext link. In determining whether a commercial website or online service, or a portion thereof, is targeted to children, the Commission will consider its subject matter, visual or audio content, age of models, language or other characteristics of the website or online service, as well as whether advertising promoting or appearing on the website or online service is directed to children. The Commission will also consider competent and reliable empirical evidence regarding audience composition; evidence regarding the intended audience; and whether a site uses animated characters and/or child-oriented activities and incentives.

§ 312.3 Regulation of unfair and deceptive acts and practices in connection with the collection, use, and/or disclosure of personal information from and about children on the Internet.

General requirements. It shall be unlawful for any operator of a website or online service directed to children, or any operator that has actual knowledge that it is collecting personal information from a child, to collect personal information from a child in a manner that violates the regulations prescribed under this part. Generally, under this part, an operator must:

(a) Provide notice on the website or online service of what information it collects from children, how it uses such information, and its disclosure practices for such information (§ 312.4(b));

(b) Obtain verifiable parental consent for any collection, use, and/or disclosure of personal information from children (§ 312.5);

(c) Provide a reasonable means for a parent to review the personal information collected from a child and to refuse to permit its further use or maintenance (§ 312.6);

(d) Not condition a child's participation in a game, the offering of a prize, or another activity on the child disclosing more personal information than is reasonably necessary to participate in such activity (§ 312.7); and

(e) Establish and maintain reasonable procedures to protect the confidentiality, security, and integrity of personal information collected from children (§ 312.8).

§ 312.4 Notice.

(a) *General principles of notice.* All notices under §§ 312.3(a) and 312.5 must be clearly and understandably written, be complete, and must contain no unrelated, confusing, or contradictory materials.

(b) *Notice on the website or online service.* An operator must post a link to a notice of its information practices with regard to children on the home page of its website or online service and at each place on the website or online service where personal information is collected from children.

(1) *Placement of the notice.*

(i) The link to the notice must be clearly labeled as a notice of the website

or online service's information practices with regard to children;

(ii) The link to the notice must be placed in a prominent place on the home page of the website or online service such that a typical visitor to the home page can see the link without having to scroll down; and

(iii) There must be a prominent link to the notice at each place on the website or online service where children directly provide, or are asked to provide, personal information such that a typical visitor to those places can see the link without having to scroll down.

(2) *Content of the notice.* To be complete, the notice of the website or online service's information practices must state the following:

(i) The name, address, phone number, and e-mail address of all operators collecting personal information from children through the website or online service;

(ii) The types of personal information collected from children and whether the personal information is collected directly or passively;

(iii) How such personal information is or may be used by the operator, including but not limited to fulfillment of a requested transaction, recordkeeping, marketing back to the child, or making it publicly available through a chat room or by other means;

(iv) Whether personal information is disclosed to third parties, and if so, the types of business in which such third parties are engaged, and the general purposes for which such information is used; whether those third parties have agreed to maintain the confidentiality, security, and integrity of the personal information they obtain from the operator; and that the parent has the option to consent to the collection and use of their child's personal information without consenting to the disclosure of that information to third parties;

(v) That the operator is prohibited from conditioning a child's participation in an activity on the child's disclosing more personal information than is reasonably necessary to participate in such activity; and

(vi) That the parent can review, make changes to, or have deleted the child's personal information and state the procedures for doing so.

(c) *Notice to a parent.* Under § 312.5, an operator must make reasonable efforts, taking into account available technology, to ensure that a parent of a child receives notice of an operator's practices with regard to the collection, use, and/or disclosure of the child's personal information, including any collection, use, and/or disclosure to which the parent has not previously consented.

(1) *Content of the notice to the parent.*

(i) All notices must state the following:

(A) That the operator wishes to collect personal information from the child;

(B) The information set forth in paragraph (b) of this section.

(ii) In the case of a notice to obtain verifiable parental consent under § 312.5(a), the notice must also state that the parent's consent is required for the collection, use, and/or disclosure of such information, and state the means by which the parent can provide verifiable consent to the collection of information.

(iii) In the case of a notice under the exception in § 312.5(c)(3), the notice must also state the following:

(A) That the operator has collected the child's e-mail address or other online contact information to respond to the child's request for information and that the requested information will require more than one contact with the child;

(B) That the parent may refuse to permit further contact with the child and require the deletion of the e-mail address or other online contact information; and

(C) That if the parent fails to respond to the notice, the operator may use the information for the purpose(s) stated in the notice.

(iv) In the case of a notice under the exception in § 312.5(c)(4), the notice must also state the following:

(A) That the operator has collected the child's name and e-mail address or other online contact information to protect the safety of the child participating on the website or online service;

(B) That the parent may refuse to permit the use of the information and require the deletion of the information; and

(C) That if the parent fails to respond to the notice, the operator may use the information for the purpose stated in the notice.

§ 312.5 Parental consent.

(a) *General requirements.* (1) An operator is required to obtain verifiable parental consent before any collection, use, and/or disclosure of personal information from children, including any collection, use, and/or disclosure to which the parent has not previously consented.

(2) An operator must give the parent the option to consent to the collection and use of the child's personal information without consenting to disclosure of his or her personal information to third parties.

(b) *Mechanisms for verifiable parental consent.* An operator must make reasonable efforts to obtain verifiable parental consent, taking into consideration available technology. Any method to obtain verifiable parental consent must be reasonably calculated, in light of available technology, to ensure that the person providing consent is the child's parent.

(c) *Exceptions to prior parental consent.* Verifiable parental consent is required prior to any collection, use and/or disclosure of personal information from a child except as set forth in this paragraph. The exceptions to prior parental consent are as follows:

(1) Where the operator collects the name or online contact information of a parent or child to be used for the sole purpose of obtaining parental consent or providing notice under § 312.4. If the operator has not obtained parental consent after a reasonable time from the date of the information collection, the operator must delete such information from its records;

(2) Where the operator collects online contact information from a child for the sole purpose of responding directly on a one-time basis to a specific request from the child, and where such information is not used to recontact the child and is deleted by the operator from its records;

(3) Where the operator collects online contact information from a child to be used to respond directly more than once to a specific request from the child, and where such information is not used for any other purpose. In such cases, the operator must make reasonable efforts, taking into consideration available technology, to ensure that a parent receives notice and has the opportunity to request that the operator make no further use of the information, as described in § 312.4(c), immediately after the initial response and before making any additional response to the child. Mechanisms to provide such notice include, but are not limited to, sending the notice by postal mail or sending the notice to the parent's e-mail address, but do not include asking a child to print a notice form or sending an e-mail to the child;

(4) Where the operator collects a child's name and online contact information to the extent reasonably necessary to protect the safety of a child participant on the website or online service, and the operator uses reasonable efforts to provide a parent notice as described in § 312.4(c), where such information is:

(i) Used for the sole purpose of protecting the child's safety;

(ii) Not used to recontact the child or for any other purpose;

(iii) Not disclosed on the website or online service;

(5) Where the operator collects a child's name and online contact information and such information is not used for any other purpose, to the extent reasonably necessary:

(i) To protect the security or integrity of its website or online service;

(ii) To take precautions against liability;

(iii) To respond to judicial process; or

(iv) To the extent permitted under other provisions of law, to provide information to law enforcement agencies or for an investigation on a matter related to public safety.

§ 312.6. Right of parent to review personal information provided by a child.

(a) Upon request of a parent whose child has provided personal information to a website or online service, and upon proper identification of that parent, the operator of that website or online service is required to provide to that parent the following:

(1) A description of the specific types or categories of personal information collected from the child by the operator, such as name, address, telephone number, e-mail address, hobbies, and extracurricular activities;

(2) The opportunity at any time to refuse to permit the operator's further use or collection of personal information from that child, and to direct the operator to delete the child's personal information; and

(3) Notwithstanding any other provision of law, a means of reviewing and making changes to any personal information collected from the child. The means employed by the operator to carry out this provision must:

(i) Ensure that the requestor is a parent of that child, taking into account available technology; and

(ii) Not be unduly burdensome to the parent.

(b) Neither an operator nor the operator's agent shall be held liable under any Federal or State law for any disclosure made in good faith and following reasonable procedures in responding to a request for disclosure of personal information under this section.

(c) Subject to the limitations set forth in § 312.7, an operator may terminate any service provided to a child whose parent has refused, under paragraph (a)(2) of this section, to permit the operator's further use or collection of personal information from his or her child or has directed the operator to delete the child's personal information.

§ 312.7 Prohibition against conditioning a child's participation on collection of personal information.

An operator is prohibited from conditioning a child's participation in a game, the offering of a prize, or another activity on the child's disclosing more personal information than is reasonably necessary to participate in such activity.

§ 312.8 Confidentiality, security, and integrity of personal information collected from children.

The operator must establish and maintain reasonable procedures to protect the confidentiality, security, and integrity of personal information collected from children.

§ 312.9 Enforcement.

Subject to sections 1304 and 1306 of the Children's Online Privacy Protection Act of 1998, a violation of a regulation prescribed under section 1303 of this Act shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

§ 312.10. Safe harbors.

(a) *In general.* An operator will be deemed to be in compliance with the requirements of this part if that operator complies with self-regulatory guidelines, issued by representatives of the marketing or online industries, or by other persons, that, after notice and comment, are approved by the Commission.

(b) *Criteria for approval of self-regulatory guidelines.* To be approved by the Commission, guidelines must include the following:

(1) A requirement that operators subject to the guidelines (''subject operators'') implement the protections afforded children under this part;

(2) An effective, mandatory mechanism for the independent assessment of subject operators' compliance with the guidelines. This requirement may be satisfied by:

(i) Periodic reviews of subject operators' information practices conducted on a random basis either by the industry group promulgating the guidelines or by an independent entity;

(ii) Periodic reviews of all subject operators' information practices, conducted either by the industry group promulgating the guidelines or by an independent entity; or

(iii) Seeding of subject operators' databases, if accompanied by either paragraphs (b)(2)(i) or (b)(2)(ii) of this section; and

(3) Effective incentives for subject operators' compliance with the guidelines. This requirement may be satisfied by:

(i) Mandatory, public reporting of disciplinary action taken against subject operators by the industry group promulgating the guidelines;

(ii) Consumer redress;

(iii) Voluntary payments to the United States Treasury in connection with an industry-directed program for violators of the guidelines; or

(iv) Referral to the Commission of operators who engage in a pattern or practice of violating the guidelines.

(c) *Implementation and effect.* The assessment mechanism required under paragraph (b)(2) of this section can be provided by an independent enforcement program, such as a seal program. In considering whether to initiate an investigation or to bring an enforcement action for violations of this part, and in considering appropriate remedies for such violations, the Commission will take into account whether an operator has been subject to self-regulatory guidelines approved under this section and whether the operator has taken remedial action pursuant to such guidelines, including but not limited to actions set forth in paragraphs (b)(3)(i) through (iii) of this section.

(d) *Request for Commission approval of self-regulatory guidelines.* (1) To obtain Commission approval of self-regulatory guidelines, industry groups or other persons must file a request for such approval. A request shall be accompanied by the following:

(i) A copy of the full text of the guidelines for which approval is sought and any accompanying commentary;

(ii) A comparison of each provision of §§ 312.3 through 312.9 with the corresponding provisions of the guidelines; and

(iii) A statement explaining:

(A) How the guidelines, including the applicable assessment mechanism, meet the requirements of this part; and

(B) How the assessment mechanism and compliance incentives required under paragraphs (b)(2) and (3) of this section provide effective enforcement of the requirements of this part.

(2) The Commission shall act upon a request under this section within 180 days of the filing of such request and shall set forth its conclusions in writing.

(e) *Records.* Industry groups or other persons who seek safe harbor treatment by compliance with guidelines that have been approved under this part shall maintain and upon request make available to the Commission for inspection and copying:

(1) Consumer complaints alleging violations of the guidelines by subject

operators, for a period not less than three years following receipt of such complaints;

(2) Records of disciplinary actions taken against subject operators; and

(3) Results of the independent assessments of subject operators' compliance required under paragraph (b)(2) of this section.

(f) *Revocation of approval.* The Commission reserves the right to revoke any approval granted under this section if at any time it determines that the approved self-regulatory guidelines and their implementation do not, in fact, meet the requirements of this part.

§ 312.11 Rulemaking review.

No later than five years after [the effective date of the final rule], this Rule, the Commission shall initiate a rulemaking review proceeding to evaluate the implementation of this part, including the effect of the implementation of this part on practices relating to the collection and disclosure of information relating to children, children's ability to obtain access to information of their choice online, and on the availability of websites directed to children; and report to Congress on the results of this review.

§ 312.12 Severability.

The provisions of this part are separate and severable from one another. If any provision is stayed or determined to be invalid, it is the Commission's intention that the remaining provisions shall continue in effect.

By direction of the Commission.

Donald S. Clark,

Secretary.

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Tuesday
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Part VI

Department of Labor

Employment and Training Administration

Consultation Paper on Awarding Incentive Grants and Applying Sanctions for Title I Programs Under Sections 503 and 136 of the Workforce Investment Act; Notice

DEPARTMENT OF LABOR

Employment and Training Administration

Consultation Paper on Awarding Incentive Grants and Applying Sanctions for Title I Programs Under Sections 503 and 136 of the Workforce Investment Act (WIA)

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: The purpose of this notice is to disseminate a consultation paper for interested parties on the awarding of Incentive Grants and application of Sanctions pertaining to the Performance Accountability Measurement System for Title I of WIA. This is the third of a series of consultation papers on the implementation of the Performance Accountability System under Title I of WIA. On March 24, 1999 two consultation papers were published in the **Federal Register**, the framework for Core Performance and Customer Satisfaction Measures and the framework for Negotiating State Adjusted Levels of Performance. Interested parties have 30 days to provide comments on this paper.

DATES: Comments must be received by May 27, 1999.

ADDRESSES: Send comments to Mr. Eric Johnson, Workforce Investment Implementation Taskforce Office, U.S. Department of Labor, 200 Constitution Avenue, NW, Room S–5513, Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Mr. Eric Johnson, Workforce Investment Implementation Taskforce Office, U.S. Department of Labor, 200 Constitution Avenue, NW, Room S5513, Washington, DC, Telephone: (202) 219–0316.(voice) (This is not a toll-free number), or 1–800 326–2577 (TDD). Information may also be found or comments provided, at the website—http://usworkforce.org.

SUPPLEMENTARY INFORMATION: The Workforce Investment Act , Pub. L. 105-220 (August 7, 1998) provides the framework for a reformed National workforce and employment system designed to meet the needs of the Nation's employers, job seekers and those who want to further their careers.

The Workforce Investment Act requires that a performance and accountability system be developed and implemented. The system must include certain core measures regarding performance and customer satisfaction. Adjusted levels of performance must be negotiated between the Governor and the Secretary of Labor for each core and customer satisfaction measure, and applicable incentives or sanctions applied.

The U.S. Department of Labor in establishing this performance accountability system and is interested in comments and suggestions concerning the process for awarding Incentive Grants and applying Sanctions. Some of the questions on which the Department of Labor is seeking input are the following:

- Whether a ''range'' vs. a single value should be used to differentiate between being eligible for an incentive award and application of sanctions;
- How the bottom of such a ''range'' should be determined (ie. a nationally determined percentage from the negotiated State Adjusted Level of Performance, different percentages based on specific factors, etc.);
- The proposed methodology for determining when a State should be considered eligible for an incentive grant;
- The factors to be used in determining the level of monetary sanctions; and
- The proposed methodology for calculating failure to meet the adjusted levels.

Please consider these issues as you review this consultation paper, and provide comments.

Signed at Washington, D.C., this 21st day of April 1999.

Raymond L. Bramucci,

Assistant Secretary of Labor, Employment and Training Administration.

Attachment

I. Incentives and Sanctions Under WIA

WIA contains performance accountability provisions intended to hold States accountable for the results obtained by their workforce programs and system. Performance accountability revolves around the planning, assisting, rewarding and sanctioning performance measured by agreed-upon levels for a set of core and customer satisfaction indicators.

WIA requires that the Secretary reach agreement with each State on the expected levels of performance for core indicators of performance. Section 136(b)(3)(A)(iv)(III) of WIA requires that the agreement between the Secretary and the State take into account the extent to which the levels for years 1, 2 and 3 of the 5 year strategic State plans (and subsequently years 4 and 5) promote continuous improvement and ensure optimal return on investment.

WIA section 503 provides that the Secretary shall award an incentive grant to each State that exceeds the State adjusted levels of performance for WIA Titles I and II and the Vocational and Applied Technology Education Act (Perkins Act). States that exceed the performance levels for WIA Titles I and II and the Perkins Act may apply for an incentive award for the purpose of carrying out an innovative program consistent with the requirements of any one or more of the programs within WIA Title I, WIA Title II, or the Perkins Act. The application must assure that the State legislature was consulted and that the Governor and the cognizant adult education and post-secondary vocational education agencies approved the application.

WIA section 136(g)(1)(B) provides that the Secretary may reduce the Title I grant by not more than 5 percent for a State's failure to meet adjusted performance levels under Title I for a second consecutive year or for failure to submit the annual performance progress report required under section 136(d).

State responsibilities for providing incentive grants to local areas are described under WIA section 134(a)(2)(B). Sanctions for local areas failing to meet local performance measures are discussed under section 136(h).

Some of the key issues for developing incentives and sanctions policy include:

(a) The nature of the WIA Title I state adjusted levels of performance;

(b) The definition or standard for exceeding the WIA Title I adjusted levels;

(c) The measures to be included for determining incentive awards;

(d) The criteria for qualifying for incentive grants;

(e) the amount of the incentive award;

(f) The definition or standard for failing to meet the adjusted levels;

(g) the criteria for receiving monetary sanctions;

(h) The amount of the monetary sanction; and

(i) sanctions for failing to submit annual performance progress reports.

A. The Nature of the WIA Title I State Adjusted Levels of Performance

WIA provides for establishment of state adjusted levels of performance which become the baseline performance levels for subsequent decisions related to incentives and sanctions. States that exceed the agreed-upon performance levels may receive incentive awards; and States that fail to meet the agreed upon levels may be sanctioned. A strict reading of the law might lead to the conclusion that the planned performance level is a single number or point, which is either exceeded or failed. If planned levels are driven high through negotiation, then fewer States will exceed the level and more states will fail it. If the planned levels are allowed to be low through negotiation, then just the opposite will occur and many States will be rewarded, some for quite low performance.

Stakeholders have suggested that incentives be awarded for high performance and that sanctions be reserved for truly low performance. These ideas suggest that a range of performance should be established so that only performance that exceeds the top of the range will receive incentive grants and only performance that falls below the bottom of the range will be subject to sanctions. States with performance within the range will neither qualify for incentives nor be subject to sanctions.

The state adjusted levels of performance constitute the top of the range and will be

arrived at through negotiation between the State and Department of Labor. As part of negotiation process, and in consideration of the factors described in WIA section 136(b)(3)(A)(iv), it is expected that the levels will assist the State to attain high levels of customer satisfaction, promote continuous improvement, and ensure optimal return on investment. The bottom of the range will be set initially by multiplying the State adjusted levels of performance by some appropriate percentage (e.g. 80 percent). This will be necessary in the initial years of WIA operation due to the lack of comparable performance data under WIA. However, establishment of the bottom of the range will be periodically reviewed as more comparable performance data under WIA becomes available and in the future the bottom of the range will be based on experience.

The use of a range acknowledges that performance can vary over time due to random events that cannot always be anticipated or necessarily prevented. The range could be expressed as a percentage or value; and it generally would not be the same for each measure, depending on the degree of variation of performance under each measure nationally. There are many possibilities for creating an appropriate ''range.'' Once national WIA performance data becomes available, the breadth of the range can be refined and calibrated to assure that the lower limit is set at a level that reasonably represents unacceptable performance.

B. The Definition or Standard for Exceeding the Title I Adjusted Levels of Performance

WIA section 503 provides that the Secretary must award a grant to each State that exceeds the State adjusted levels of performance for WIA Titles I and II and the Perkins Act. WIA Title I will operate with 15 core and 2 customer satisfaction performance indicators. The determination for whether the adjusted levels of performance were exceeded will be based on the State's cumulative achievement across all measures. This will be done by calculating the percent of the State adjusted level achieved for each measure; and then averaging the percentages achieved across all measures. When the cumulative average across all measures exceeds 100 percent, the State will be determined to have exceeded the adjusted indicators overall. There is no minimum number of measures that must be exceeded; however, both customer satisfaction measures must be exceeded and a State may not fall below the bottom of the ''range'' for any measure. See Table A for an example as to how the cumulative averaging would work.

C. The Measures to be Included for Considering Incentive Awards

In addition to the core indicators of performance, WIA Titles I and II and the Perkins Act each allows States to identify additional indicators of performance which are subsequently defined to be part of the State adjusted levels of performance. Section 503 directs the Secretary to award incentives to states exceeding the state adjusted levels of performance. In order to promote equity and uniformity for award of incentive funds, only the Federally required core and customer satisfaction indicators will be considered in the methodology for determining eligibility for incentive awards.

D. The criteria for qualifying for incentive grants

WIA section 503 provides that the Secretary must award a grant to each State that exceeds the State adjusted levels of performance for WIA Title I, the expected levels of performance for WIA Title II, and the levels of performance under the Perkins Act. Qualifying for award of an incentive grant is dependent upon exceeding levels of performance for all three programs. To arrive at the decision to award incentive funds, DOL and DoED will determine if performance was exceeded for its respective programs; however, DOL and DoED will cooperate towards the development and use of a similar methodology to define what it means to exceed planned performance levels. In order to receive an incentive grant, performance must exceed planned performance in each of the three program areas.

E. The Amount of the Incentive Award

WIA section 503 indicates that incentive grants will be awarded in an amount that is not less than $750,000 and not more than $3,000,000. The primary issues related to determining the amount of award concern the equity of the size of the award among the states and the incentive power of the award. WIA section 503(c)(2) requires a proportionate reduction in the minimum and maximum amounts when total available funds are insufficient. Based upon achieved performance levels for Titles I and II of WIA and the Perkins Act, the DOL and DoED will publish a list of States qualifying for incentive grants along with the maximum amount of the grant based upon available funds. The methodology for determining award amounts will be developed at a later time. Section 666.230 of the interim final regulations for WIA Title I provides factors that may be considered in the determination.

F. The Definition or Standard for Failing to Meet the Adjusted Levels

Section 136(g) addresses sanctions for State failure to meet State performance measures for the core indicators or the customer satisfaction indicators under Title I of WIA. The Act indicates that failure should be defined as failing to meet levels established for each separate program or for the customer satisfaction indicators.

Failure will be defined using a calculation methodology similar to that used for defining exceeding; that is, calculating across relevant indicators the cumulative average achieved of the lower limit of the range. This will be done by calculating the percentage achieved of the lower limit of the range established for each measure; and then calculating the average achieved across all measures. When the cumulative average across relevant program measures falls below 100 percent of the lower limit, the State will be determined to have failed to meet the adjusted levels of performance. See Table B for an example of how the calculation of failure would work.

Determinations of failure will be established separately for each program (adult, dislocated workers, and youth) and for the program overall considering customer satisfaction measures. States that fail for any program year to achieve an average of at least 100 percent of the lower limit of the range for the relevant indicators for any single program, or the overall program measured by customer satisfaction, may request and receive technical assistance for the Secretary.

G. The Criteria for Receiving Monetary Sanctions

Section 136(g)(1)(B) provides that the Secretary may reduce the grant by not more than 5 percent of the amount payable under a program should the State fail to meet adjusted performance levels for a program for a second consecutive year. The failure must occur for the same program area for two consecutive years; in other words, the State must achieve an average below 100 percent of the lower limit of the range for two consecutive years for either the adult measures, the dislocated worker measures, the youth measures, or the customer satisfaction measures. The sanction system will be totally objective and will automatically invoke monetary sanctions when a State fails to achieve the minimum average performance for the same program for a second consecutive year. The grant may also be reduced by up to 5 percent for failure to submit the annual performance progress report required under section 136(d).

Since data will not be available in sufficient time to actually determine that there was a failure for a second consecutive year, the monetary sanction will be invoked with respect to the funding allocation for the next full program year following the year in which data about ''the second consecutive year'' became available. This approach assures that funding is not affected after-the-fact.

H. The Amount of the Monetary Sanction

Section 136(g)(1)(B) provides that the Secretary may reduce the grant by not more than 5 percent of the amount that would be payable under the program; and the penalty shall be based on the degree of failure to meet State adjusted levels of performance. Using the average percent achieved across relevant indicators for each program, and for the overall program based on customer satisfaction, there will be a one percent monetary sanction for every three percent below 100 percent cumulative attainment of the lower limit of the ranges established. As an example, achievement between 97.0 and 99.99 percent of the lower limit would result in a one percent reduction; achievement between 94.0 and 96.99 percent would result in a two percent deduction, etc.

I. Sanctions for Failure To Submit Annual Performance Progress Reports

Section 136(g)(1)(B) provides that the Secretary may reduce the grant amount by up to five percent for failure by a State to submit the annual performance progress report to the Secretary. States that are more than 45 days late in submitting complete and sufficiently accurate reports will be sanctioned by one percent, plus an additional one percent for each addition 45-day period of lateness. Any state sanctioned for not submitting its

performance progress report within the specified time will not be eligible to apply for incentive funds.

INCENTIVES EXAMPLE STATE A

Measures	Adjusted level	Actual	Percent achieved	Lower limit*
Adult				
Entered Employment	74%	82%	110.8	59.2%
6-Month Retention	86%	89%	103.5	68.8%
6-Month Earnings Change	$4,000	$3,579	89.5	$3,200
Credential Attainment Rate	20%	19%	95.0	16.0%
Dislocated Workers				
Entered Employment	82%	89%	108.5	65.6%
6-Month Retention	88%	92%	104.5	70.4%
6-Month Earnings Change	$1,000	$910	91.0	$800
Credential Attainment Rate	20%	25%	125.0	16.0%
Youth 19–21				
Entered Employment	55%	67%	121.8	44.0%
6-Month Retention	60%	70%	116.7	48.0%
6-Month Earnings Change	$3,000	$3,557	118.6	$2,400
Credential Attainment Rate	35%	47%	134.3	28.0%
Youth 14–18				
Skill Attainment	67%	72%	107.5	53.6%
Diplomas or Equivalent Attainment	25%	27%	108.0	20.0%
Placement and Retention	65%	62%	95.4	52.0%
Customer Satisfaction				
Employer	87%	94%	108.0	69.6%
Participant	87%	92%	105.7	69.6%
Average Achieved Over All			108.5	

State A has exceeded the adjusted levels for WIA Title I: the overall average percent achieved is over 100%; actual performance didn't fall below the lower limit for any measure; and both customer satisfaction adjusted levels were met.

*In this example, the lower limit was calculated at 80% of Adjusted Level for all measures.

SANCTIONS EXAMPLE STATE B

Measures	Lower limit	Actual	Percent achieved
Adult			
Entered Employment	56%	75%	133.9
6-Month Retention	65%	80%	123.1
6-Month Earnings Change	$3,000	$2,579	86.0
Credential Attainment Rate	15%	14%	93.3
Adult Program Average			109.1
Dislocated Workers			
Entered Employment	62%	80%	129.0
6-Month Retention	66%	76%	115.2
6-Month Earnings Change	$750	$605	80.7
Credential Attainment Rate	15%	20%	133.3
DW Program Average			114.5
Youth 19–21			
Entered Employment	41%	39%	95.1
6-Month Retention	45%	46%	102.2
6-Month Earnings Change	$2,250	$1,998	88.8
Credential Attainment Rate	26%	24%	92.3
Youth 14–18			
Skill Attainment	50%	54%	108.0
Diplomas or Equivalent Attainment	19%	20%	105.3
Placement & Retention	49%	47%	95.9
Youth Program Average			98.2
Customer Satisfaction			
Employer	65%	77%	118.5
Participant	65%	81%	124.6

SANCTIONS EXAMPLE STATE B—Continued

Measures	Lower limit	Actual	Percent achieved
Customer Satisfaction Average			121.5

State B failed the Youth Program measures: 98.2% of lower limit achieved on average. If these youth measures depict failure in the second consecutive year, a monetary sanction equal to one percent would be applied to the youth allocation.

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federal register

Tuesday
April 27, 1999

Part VII

The President

Proclamation 7187—National Crime Victims' Rights Week, 1999

Federal Register
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Tuesday, April 27, 1999

Presidential Documents

Title 3—

The President

Proclamation 7187 of April 22, 1999

National Crime Victims' Rights Week, 1999

By the President of the United States of America

A Proclamation

Over the past year, in communities across our Nation, Americans have witnessed with shock and disbelief the painful consequences of hatred and brutality. The beating and murder of Matthew Shepard in Wyoming and the killing of Billy Jack Gaither in Alabama taught us how easily prejudice can erupt into violence. The murder of James Byrd in Texas reminded us in stark terms of the poisonous legacy of racism in America. While the victims of these crimes are known to us because of the particularly heinous nature of the acts that took their lives, there are thousands more Americans unknown to us who become victims of crime each day. Behind each of these tragic statistics is an individual whose rights have been violated, whose life has been taken or irrevocably changed, and whose family, friends, and community have been touched by the shadows of violence and fear.

Recognizing the widespread impact of crime on our Nation, my Administration has worked hard during the past 6 years to strengthen our criminal justice system, to reduce the incidence of crime, and to champion the rights of crime victims. Through such landmark legislation as the Violent Crime Control and Law Enforcement Act of 1994—which included the Violence Against Women Act, the Brady Bill, and the Community Notification Act—we have put thousands of new police officers into America's communities, given crime victims a greater voice in the criminal justice process, prevented more than a quarter million felons, fugitives, and stalkers from obtaining handguns, and protected women and children from violence and abuse in their homes and communities. With these and other measures, we have provided communities with needed assistance and have helped reduce the violent crime rate in the United States to its lowest level in nearly a quarter century.

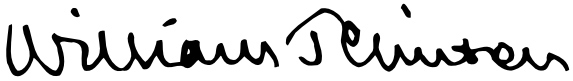
But we still have much to do if we are to prevent those crimes motivated by hatred. That is why I have urged the Congress to pass the Hate Crimes Prevention Act of 1999. This proposed legislation would strengthen existing Federal hate crimes law by covering crimes committed because of the victim's sexual orientation, gender, or disability, and by expanding the situations in which prosecutions can be brought for violent crimes perpetrated because of the victim's race, color, religion, or national origin.

As recent events have made clear, we must address intolerance early in life. We are reaching out to students in middle school—young people who are at an especially impressionable age—through a public-private partnership entitled ''Dealing with Our Differences.'' This partnership will develop a program to teach tolerance in the classroom, highlight positive ways in which adolescents are dealing with issues of diversity, and show the harmful impact intolerance causes in the daily lives of our youth. In an effort to understand better the problem of hate crimes and prejudice among young Americans, I have asked the Departments of Justice and Education to include in their annual report card on school safety a new section on hate crimes among our youth, whether they occur in school or elsewhere; and these departments will also collect and publish data regarding hate crimes and intolerance on college campuses.

During National Crime Victims' Rights Week, let us remember not only those who have suffered at the hands of criminals, but also those generous men and women who work each day to bring justice and healing to victims and their loved ones. Whether as victims' advocates, counselors, law enforcement personnel, prosecutors, or community volunteers, they reflect America's resolve to protect the rights of every citizen and to build a future where our differences no longer make us targets of hatred and intolerance. Let us also remember in our prayers the people of Littleton, Colorado. While it is still too early to determine the specific circumstances that led to this week's tragic events, it is never too soon to teach our children that violence and hatred are wrong and have no place in our schools or in our society.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim April 25 through May 1, 1999, as National Crime Victims' Rights Week. I urge all Americans to remember crime victims and their families by working to reduce violence, to assist those harmed by crime, and to make our homes and communities safer places in which to live and raise our families.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of April, in the year of our Lord nineteen hundred and ninety-nine, and of the Independence of the United States of America the two hundred and twenty-third.



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  - Ozone-depleting substances; substitutes list; correction; comments due by 5-3-99; published 3-25-99

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LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with ''P L U S'' (Public Laws Update Service) on 202–523–6641. This list is also available online at http://www.nara.gov/fedreg.

The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at http://www.access.gpo.gov/nara/index.html. Some laws may not yet be available.

H.R. 1376/P.L. 106–21

To extend the tax benefits available with respect to services performed in a combat zone to services performed in the Federal Republic of Yugoslavia (Serbia/Montenegro) and certain other areas, and for other purposes. (Apr. 19, 1999; 113 Stat. 34)

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